change program under which employees of the Office may be assigned to private sector organizations, and employees of private sector organizations may be assigned to the Office, for 1-year periods to further the institutional interests of the Office or Congress, including for the purpose of providing training to officers and employees of the Office.

(b) Limitations and conditions

The Director of the Congressional Budget Office shall—

(1) limit the number of officers and employees who are assigned to private sector organizations at any one time to not more than 5;

(2) limit the number of employees from private sector organizations who are assigned to the Office at any one time to not more than 5;

(3) require that an employee of a private sector organization assigned to the Office may not have access to any trade secrets or to any other nonpublic information which is of commercial value to the private sector organization from which such employee is assigned; and

(4) approve employees to be detailed from the private sector without regard to political affiliation and solely on the basis of their fitness to perform their assigned duties.

(c) Treatment of private employees

An employee of a private sector organization assigned to the Office under the executive exchange program shall be considered to be an employee of the Office for purposes of—

(1) chapter 73 of title 5;

(2) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18;

(3) sections 1343, 1344, and 1349(b) of title 31;

(4) chapter 171 of title 28 (commonly referred to as the ''Federal Tort Claims Act'') and any other Federal tort liability statute;

(5) the Ethics in Government Act of 1978 (5 U.S.C. App.); and

(6) section 1043 of title 26.

(d) Effective date

This section shall apply to fiscal year 2008 and each fiscal year thereafter.

(Pub. L. 110–161, div. H, title I, §1201, Dec. 26, 2007, 121 Stat. 2238; Pub. L. 111–68, div. A, title I, §1201, Oct. 1, 2009, 123 Stat. 2032.)

REFERENCES IN TEXT

The Ethics in Government Act of 1978, referred to in subsec. (c)(5), is Pub. L. 95–521, Oct. 26, 1978, 92 Stat. 1824. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Pub. L. 95–521 in the Appendix to Title 5, Government Organization and Employees, and Tables.

CODIFICATION

Section was enacted as part of the Legislative Branch Appropriations Act, 2008, which is div. H of the Consolidated Appropriations Act, 2008, and not as part of title II of the Congressional Budget and Impoundment Control Act of 1974 which comprises this chapter.

Section was formerly set out as a note under section 611 of this title.

AMENDMENTS

2009—Subsec. (b)(1), (2). Pub. L. 111–68, §1201(1), substituted ''5'' for ''3''.

Subsecs. (d), (e). Pub. L. 111–68, §1201(2), (3), redesignated subsec. (e) as (d), substituted ''This'' for ''Subject to subsection (d), this'', and struck out former subsec. (d). Prior to amendment, text of subsec. (d) read as follows: ''No assignment under this section shall commence after the end of the 2-year period beginning on December 26, 2007.''

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§ 621. Congressional declaration of purpose

The Congress declares that it is essential—

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(2) to provide for the congressional determination each year of the appropriate level of Federal revenues and expenditures;

(3) to provide a system of impoundment control;

(4) to establish national budget priorities; and

(5) to provide for the furnishing of information by the executive branch in a manner that will assist the Congress in discharging its duties.

(Pub. L. 93–344, § 2, July 12, 1974, 88 Stat. 298.)

CODIFICATION

Section was formerly classified to section 1301 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.

EFFECTIVE DATE

Section 905 of Pub. L. 93–344 provided effective dates for Pub. L. 93–344 prior to repeal by Pub. L. 105–33, title X, § 10120(a), Aug. 5, 1997, 111 Stat. 696.

SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106–141, § 1, Dec. 7, 1999, 113 Stat. 1699, provided that: ''This Act [amending sections 658b and 658c of this title] may be cited as the 'State Flexibility Clarification Act'.''

SHORT TITLE OF 1981 AMENDMENT

Pub. L. 97–108, § 1, Dec. 23, 1981, 95 Stat. 1510, provided: ''That this Act [amending section 653 of this title and enacting provisions set out as notes under section 653 of this title] may be cited as the 'State and Local Government Cost Estimate Act of 1981'.''

SHORT TITLE

Pub. L. 93–344, § 1(a), July 12, 1974, 88 Stat. 297, as amended by Pub. L. 104–130, § 4(a), Apr. 9, 1996, 110 Stat. 1211, provided that: ''This Act [enacting chapters 17, 17A and 17B, and section 190a–3 of this title, and sections 11a, 11c, 11d, and 1020a of former Title 31, amending section 105 of Title 1, General Provisions, sections 190b and 190d of this title, and sections 11, 665, 701, 1020, and 1151, 1152, 1153, and 1154 of former Title 31, repealing sections 66 and 81 of this title, and sections 571 and 581c–1 of former Title 31, and enacting provisions set out as notes under sections 190a–1, 621, 632, and 682 of this title, section 105 of Title 1, General Provisions, and 1020 of former Title 31] may be cited as the 'Congressional Budget and Impoundment Control Act of 1974'. Titles I through IX may be cited as the 'Congressional Budget Act of 1974', and title X [enacting chapter 17B of this title] may be cited as the 'Impoundment Control Act of 1974'.''

[Amendment of section 1(a) of Pub. L. 93–344, set out above, by Pub. L. 104–130 was reversed pursuant to section 5 of Pub. L. 104–130, set out as an Effective and Termination Dates note under section 691 of this title.]

Pub. L. 93–344, title V, § 500, as added Pub. L. 101–508, title XIII, § 13201(a), Nov. 5, 1990, 104 Stat. 1388–609, provided that: ''This title [enacting subchapter III of this chapter] may be cited as the 'Federal Credit Reform Act of 1990'.''

FINANCIAL SAFETY AND SOUNDNESS OF GOVERNMENT-SPONSORED ENTERPRISES

Pub. L. 101–508, title XIII, § 13501, Nov. 5, 1990, 104 Stat. 1388–628, provided that:

''(a) DEFINITION.—For purposes of this section, the terms 'Government-sponsored enterprise' and 'GSE' mean the Farm Credit System (including the Farm Credit Banks, Banks for Cooperatives, and Federal Agricultural Mortgage Corporation), the Federal Home Loan Bank System, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, and the Student Loan Marketing Association.

''(b) TREASURY DEPARTMENT STUDY AND PROPOSED LEGISLATION.—

''(1) The Department of the Treasury shall prepare and submit to Congress no later than April 30, 1991, a study of GSEs and recommended legislation.

''(2) The study shall include an objective assessment of the financial soundness of GSEs, the adequacy of the existing regulatory structure for GSEs, the financial exposure of the Federal Government posed by GSEs, and the effects of GSE activities on Treasury borrowing.

''(c) CONGRESSIONAL BUDGET OFFICE STUDY.—

''(1) The Congressional Budget Office shall prepare and submit to Congress no later than April 30, 1991, a study of GSEs.

''(2) The study shall include an analysis of the financial risks each GSE assumes, how Congress may improve its understanding of those risks, the supervision and regulation of GSEs' risk management, the financial exposure of the Federal Government posed by GSEs, and the effects of GSE activities on Treasury borrowing. The study shall also include an analysis of alternative models for oversight of GSEs and of the costs and benefits of each alternative model to the Government and to the markets and beneficiaries served by GSEs.

''(d) ACCESS TO RELEVANT INFORMATION.—

''(1) For the studies required by this section, each GSE shall provide full and prompt access to the Secretary of the Treasury and the Director of the Congressional Budget Office to its books and records and other information requested by the Secretary of the Treasury or the Director of the Congressional Budget Office.

''(2) In preparing the studies required by this section, the Secretary of the Treasury and the Director of the Congressional Budget Office may request information from, or the assistance of, any Federal department or agency authorized by law to supervise the activities of a GSE.

''(e) CONFIDENTIALITY OF RELEVANT INFORMATION.—

''(1) The Secretary of the Treasury and the Director of the Congressional Budget Office shall determine and maintain the confidentiality of any book, record, or information made available by a GSE under this section in a manner consistent with the level of confidentiality established for the material by the GSE involved.

''(2) The Department of the Treasury shall be exempt from section 552 of title 5, United States Code, for any book, record, or information made available under subsection (d) and determined by the Secretary of the Treasury to be confidential under this subsection.

''(3) Any officer or employee of the Department of the Treasury shall be subject to the penalties set forth in section 1906 of title 18, United States Code, if—

''(A) by virtue of his or her employment or official position, he or she has possession of or access to any book, record, or information made available under and determined to be confidential under this section; and

''(B) he or she discloses the material in any manner other than—

''(i) to an officer or employee of the Department of the Treasury; or

''(ii) pursuant to the exception set forth in such section 1906.

''(4) The Congressional Budget Office shall be exempt from section 203 of the Congressional Budget Act of 1974 [2 U.S.C. 603] with respect to any book, record, or information made available under this subsection and determined by the Director to be confidential under paragraph (1).

''(f) REQUIREMENT TO REPORT LEGISLATION.—(1) The committees of jurisdiction in the House shall prepare and report to the House no later than September 15, 1991, legislation to ensure the financial soundness of GSEs and to minimize the possibility that a GSE might require future assistance from the Government.

''(2) It is the sense of the Senate that the committees of jurisdiction in the Senate shall prepare and report to the Senate no later than September 15, 1991, legislation to ensure the financial safety and soundness of GSEs and to minimize the possibility that a GSE might require future assistance from the Government.

''(f) [sic] PRESIDENT'S BUDGET.—The President's annual budget submission shall include an analysis of the financial condition of the GSEs and the financial exposure of the Government, if any, posed by GSEs.''

MULTIYEAR AUTHORIZATIONS AND 2-YEAR APPROPRIATIONS FOR SELECTED AGENCIES AND ACCOUNTS

Pub. L. 100–119, title II, § 201, Sept. 29, 1987, 101 Stat. 784, provided that: ''It is the sense of the Congress that the Congress should undertake an experiment with multiyear authorizations and 2-year appropriations for selected agencies and accounts. An evaluation of the efficacy and desirability of such experiment should be conducted at the end of the 2-year period. The appropriate committees are directed to develop a plan in consultation with the leadership of the House and Senate to implement this experiment.''

FINANCIAL MANAGEMENT REFORM

Pub. L. 100–119, title II, § 203, Sept. 29, 1987, 101 Stat. 784, provided that: ''It is the sense of the Congress that the Congress should undertake a coordinated effort to identify problems and develop specific recommendations to reform the financial management systems of the United States Government, including consideration of the use of generally accepted accounting principles.''

EXERCISE OF CONGRESSIONAL RULEMAKING POWER

Pub. L. 93–344, title IX, § 904, July 12, 1974, 88 Stat. 331, as amended by Pub. L. 99–177, title II, § 271(a), Dec. 12, 1985, 99 Stat. 1094; Pub. L. 101–508, title XIII, §§ 13112(a)(11), 13208(a), Nov. 5, 1990, 104 Stat. 1388–608, 1388–619; Pub. L. 104–130, § 4(c), Apr. 9, 1996, 110 Stat. 1212; Pub. L. 105–33, title X, § 10119, Aug. 5, 1997, 111 Stat. 695, provided that:

''(a) The provisions of this title and of titles I, III, IV, and V and the provisions of sections 701, 703, and 1017 [enacting this chapter (except subchapter IV) and sections 190a–3 and 688 of this title, amending the Rules of the House of Representatives and the Standing Rules of the Senate, and sections 190b and 190d of this title, and enacting provisions set out as notes under this section and sections 190a–1 and 632 of this title] are enacted by the Congress—

''(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

''(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

''(b) Any provision of title III or IV [enacting subchapters I and II of this chapter] may be waived or suspended in the Senate by a majority vote of the Members voting, a quorum being present, or by the unanimous consent of the Senate.

''(c) WAIVERS.—

''(1) PERMANENT.—Sections 305(b)(2), 305(c)(4), 306, 310(d)(2), 313, 904(c), and 904(d) of this Act [sections 636(b)(2), (c)(4), 637, 641(d)(2), and 644 of this title and subsecs. (c) and (d) of this note] may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

''(2) TEMPORARY.—Sections 301(i), 302(c), 302(f), 310(g), 311(a), 312(b), and 312(c) of this Act [sections 632(i), 633(c), (f), 641(g), 642(a), and 643(b), (c) of this title] and sections 258(a)(4)(C), 258A(b)(3)(C)(I) [(i)], 258B(f)(1), 258B(h)(1), 258(h)(3) [258B(h)(3)], 258C(a)(5), and 258C(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 [sections 907a(a)(4)(C), 907b(b)(3)(C)(i), 907c(f)(1), (h)(1), (3), and 907d(a)(5), (b)(1) of this title] may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

''(d) APPEALS.—

''(1) PROCEDURE.—Appeals in the Senate from the decisions of the Chair relating to any provision of title III or IV [enacting subchapters I and II of this chapter] or section 1017 [section 688 of this title] shall, except as otherwise provided therein, be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, concurrent resolution, reconciliation bill, or rescission bill, as the case may be.

''(2) PERMANENT.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under sections 305(b)(2), 305(c)(4), 306, 310(d)(2), 313, 904(c), and 904(d) of this Act [sections 636(b)(2), (c)(4), 637, 641(d)(2), 644 of this title and subsecs. (c) and (d) of this note].

''(3) TEMPORARY.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under sections 301(i), 302(c), 302(f), 310(g), 311(a), 312(b), and 312(c) of this Act and sections 258(a)(4)(C), 258A(b)(3)(C)(I) [(i)], 258B(f)(1), 258B(h)(1), 258(h)(3) [258B(h)(3)], 258C(a)(5), and 258C(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(e) EXPIRATION OF CERTAIN SUPERMAJORITY VOTING REQUIREMENTS.—Subsections (c)(2) and (d)(3) shall expire on September 30, 2002.''

[Amendment of section 904 of Pub. L. 93–344, set out above, by Pub. L. 104–130 was reversed pursuant to section 5 of Pub. L. 104–130, set out as an Effective and Termination Dates note under section 691 of this title.]

§ 622. Definitions

For purposes of this Act—

(1) The terms ''budget outlays'' and ''outlays'' mean, with respect to any fiscal year, expenditures and net lending of funds under budget authority during such year.

(2) BUDGET AUTHORITY AND NEW BUDGET AUTHORITY.—

(A) IN GENERAL.—The term ''budget authority'' means the authority provided by Federal law to incur financial obligations, as follows:

(i) provisions of law that make funds available for obligation and expenditure (other than borrowing authority), including the authority to obligate and expend the proceeds of offsetting receipts and collections;

(ii) borrowing authority, which means authority granted to a Federal entity to

borrow and obligate and expend the borrowed funds, including through the issuance of promissory notes or other monetary credits;

(iii) contract authority, which means the making of funds available for obligation but not for expenditure; and

(iv) offsetting receipts and collections as negative budget authority, and the reduction thereof as positive budget authority.

(B) LIMITATIONS ON BUDGET AUTHORITY.—With respect to the Federal Hospital Insurance Trust Fund, the Supplementary Medical Insurance Trust Fund, the Unemployment Trust Fund, and the railroad retirement account, any amount that is precluded from obligation in a fiscal year by a provision of law (such as a limitation or a benefit formula) shall not be budget authority in that year.

(C) NEW BUDGET AUTHORITY.—The term ''new budget authority'' means, with respect to a fiscal year—

(i) budget authority that first becomes available for obligation in that year, including budget authority that becomes available in that year s[1] a result of a reappropriation; or

(ii) a change in any account in the availability of unobligated balances of budget authority carried over from a prior year, resulting from a provision of law first effective in that year;

and includes a change in the estimated level of new budget authority provided in indefinite amounts by existing law.

(3) The term ''tax expenditures'' means those revenue losses attributable to provisions of the Federal tax laws which allow a special exclusion, exemption, or deduction from gross income or which provide a special credit, a preferential rate of tax, or a deferral of tax liability; and the term ''tax expenditures budget'' means an enumeration of such tax expenditures.

(4) The term ''concurrent resolution on the budget'' means—

(A) a concurrent resolution setting forth the congressional budget for the United States Government for a fiscal year as provided in section 632 of this title; and

(B) any other concurrent resolution revising the congressional budget for the United States Government for a fiscal year as described in section 635 of this title.

(5) The term ''appropriation Act'' means an Act referred to in section 105 of title 1.

(6) The term ''deficit'' means, with respect to a fiscal year, the amount by which outlays exceeds[2] receipts during that year.

(7) The term ''surplus'' means, with respect to a fiscal year, the amount by which receipts exceeds[2] outlays during that year.

(8) The term ''government-sponsored enterprise'' means a corporate entity created by a law of the United States that—

(A)(i) has a Federal charter authorized by law;

(ii) is privately owned, as evidenced by capital stock owned by private entities or individuals;

(iii) is under the direction of a board of directors, a majority of which is elected by private owners;

(iv) is a financial institution with power to—

(I) make loans or loan guarantees for limited purposes such as to provide credit for specific borrowers or one sector; and

(II) raise funds by borrowing (which does not carry the full faith and credit of the Federal Government) or to guarantee the debt of others in unlimited amounts; and

(B)(i) does not exercise powers that are reserved to the Government as sovereign (such as the power to tax or to regulate interstate commerce);

(ii) does not have the power to commit the Government financially (but it may be a recipient of a loan guarantee commitment made by the Government); and

(iii) has employees whose salaries and expenses are paid by the enterprise and are not Federal employees subject to title 5.

(9) The term ''entitlement authority'' means—

(A) the authority to make payments (including loans and grants), the budget authority for which is not provided for in advance by appropriation Acts, to any person or government if, under the provisions of the law containing that authority, the United States is obligated to make such payments to persons or governments who meet the requirements established by that law; and

(B) the food stamp program.

(10) The term ''credit authority'' means authority to incur direct loan obligations or to incur primary loan guarantee commitments.

(Pub. L. 93–344, § 3, July 12, 1974, 88 Stat. 299; Aug. 1, 1946, ch. 724, title I, § 302(c), as added Aug. 30, 1954, ch. 1073, § 1, as added Pub. L. 95–110, § 1, Sept. 20, 1977, 91 Stat. 884, renumbered title I, Pub. L. 102–486, title IX, § 902(a)(8), Oct. 24, 1992, 106 Stat. 2944; Pub. L. 99–177, title II, §§ 201(a), 232(b), Dec. 12, 1985, 99 Stat. 1039, 1062; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100–119, title I, § 106(a), Sept. 29, 1987, 101 Stat. 780; Pub. L. 100–203, title VIII, § 8003(c), Dec. 22, 1987, 101 Stat. 1330–282; Pub. L. 101–508, title XIII, §§ 13112(a)(2), 13201(b)(1), 13211(a), Nov. 5, 1990, 104 Stat. 1388–607, 1388–614, 1388–620; Pub. L. 105–33, title X, § 10101, Aug. 5, 1997, 111 Stat. 678.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended, known as the Congressional Budget and Impoundment Control Act of 1974, which enacted chapters 17, 17A and 17B, and section 190a–3 of this title and sections 11a, 11c, 11d, 1020a of former Title 31, Money and Finance, amended sections 11, 665, 701, 1020, 1151, 1152, 1153, and 1154 of former Title 31, section 105 of Title 1, General Provisions, sections 190b and 190d of this title, repealed sections 571 and 581c–1 of former Title 31, and sections 66 and 81 of this title, and enacted provisions set out as notes under

[1] So in original. Probably should be ''as''.

[2] So in original. Probably should be ''exceed''.

sections 190a–1, 621, 632, and 682 of this title, section 105 of Title 1, and section 1020 of former Title 31. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

CODIFICATION

Section was formerly classified to section 1302 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—Par. (9). Pub. L. 105–33 amended par. (9) generally. Prior to amendment, par. (9) read as follows: ''The term 'entitlement authority' means spending authority described by section 651(c)(2)(C) of this title.''

1990—Par. (2). Pub. L. 101–508, § 13211(a), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''The term 'budget authority' means authority provided by law to enter into obligations which will result in immediate or future outlays involving Government funds or to collect offsetting receipts., except that such term does not include authority to insure or guarantee the repayment of indebtedness incurred by another person or government. The term includes the cost for direct loan and loan guarantee programs, as those terms are defined by subchapter III of this chapter''.

Pub. L. 101–508, § 13201(b)(1), inserted at end: ''The term includes the cost for direct loan and loan guarantee programs, as those terms are defined by subchapter III of this chapter''.

Pars. (6) to (8). Pub. L. 101–508, § 13112(a)(2), added pars. (6) to (8) and struck out former par. (6) which defined ''deficit'' and contained provisions relating to calculation of the deficit, former par. (7) which defined ''maximum deficit amount'', and former par. (8) which defined ''off-budget Federal entity''.

1987—Par. (7)(C). Pub. L. 100–203, § 8003(c)(1), (2), redesignated subpar. (D) as (C). Former subpar. (C), which provided for maximum deficit amount of $108,000,000,000 for fiscal year beginning Oct. 1, 1987, was struck out.

Par. (7)(D) to (I). Pub. L. 100–203, § 8003(c)(2)–(7), redesignated subpars. (E) to (I) as (D) to (H), respectively. Former subpar. (D) redesignated (C).

Pub. L. 100–119 inserted subpars. (D) to (I) and struck out former subpars. (D) to (F) which read as follows:

''(D) with respect to the fiscal year beginning October 1, 1988, $72,000,000,000;

''(E) with respect to the fiscal year beginning October 1, 1989, $36,000,000,000; and

''(F) with respect to the fiscal year beginning October 1, 1990, zero.''

1986—Par. (6). 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.

1985—Par. (2). Pub. L. 99–177, § 201(a)(2), inserted reference to the collection of offsetting receipts, effective Apr. 15, 1986.

Par. (4). Pub. L. 99–177, § 232(b), struck out subpar. (B) relating to concurrent resolutions as provided in section 641 of this title, and redesignated subpar. (C) as (B).

Pars. (6) to (10). Pub. L. 99–177, § 201(a)(1), added pars. (6) to (10).

1977—Pub. L. 95–110 struck out designation ''(a)'' before ''For the purpose of this chapter'' and struck out subsec. (b) which provided that Members of the respective Houses of Congress who were members of the Joint Committee on Atomic Energy were to be treated as standing committees of their respective Houses of Congress.

CHANGE OF NAME

References to the food stamp program established under the Food and Nutrition Act of 2008 considered to refer to the supplemental nutrition assistance program established under that Act, see section 4002(c) of Pub. L. 110–246, set out as a note under section 2012 of Title 7, Agriculture.

EFFECTIVE DATE OF 1990 AMENDMENT

Section 13211(b) of Pub. L. 101–508 provided that: ''The amendment made by subsection (a) [amending this section] shall be effective for fiscal year 1992 and subsequent fiscal years.''

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by sections 201(a)(1) and 232(b) of Pub. L. 99–177 effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985, and amendment by section 201(a)(2) of Pub. L. 99–177 effective Apr. 15, 1986, see section 275(a)(1), (2)(A) of Pub. L. 99–177, as amended, set out as an Effective and Termination Dates note under section 900 of this title.

§ 623. Continuing study of additional budget reform proposals

(a) The Committees on the Budget of the House of Representatives and the Senate shall study on a continuing basis proposals designed to improve and facilitate methods of congressional budgetmaking. The proposals to be studied shall include, but are not limited to, proposals for—

(1) improving the information base required for determining the effectiveness of new programs by such means as pilot testing, survey research, and other experimental and analytical techniques;

(2) improving analytical and systematic evaluation of the effectiveness of existing programs;

(3) establishing maximum and minimum time limitations for program authorization; and

(4) developing techniques of human resource accounting and other means of providing noneconomic as well as economic evaluation measures.

(b) The Committee on the Budget of each House shall, from time to time, report to its House the results of the study carried on by it under subsection (a) of this section, together with its recommendations.

(c) Nothing in this section shall preclude studies to improve the budgetary process by any other committee of the House of Representatives or the Senate or any joint committee of the Congress.

(Pub. L. 93–344, title VII, § 703, July 12, 1974, 88 Stat. 326.)

CODIFICATION

Section was formerly classified to section 1303 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.

SUBCHAPTER I—CONGRESSIONAL BUDGET PROCESS

§ 631. Timetable

The timetable with respect to the congressional budget process for any fiscal year is as follows:

On or before:	Action to be completed:
First Monday in February.	President submits his budget.

On or before:	Action to be completed:
February 15	Congressional Budget Office submits report to Budget Committees.
Not later than 6 weeks after President submits budget.	Committees submit views and estimates to Budget Committees.
April 1	Senate Budget Committee reports concurrent resolution on the budget.
April 15	Congress completes action on concurrent resolution on the budget.
May 15	Annual appropriation bills may be considered in the House.
June 10	House Appropriations Committee reports last annual appropriation bill.
June 15	Congress completes action on reconciliation legislation.
June 30	House completes action on annual appropriation bills.
October 1	Fiscal year begins.

(Pub. L. 93–344, title III, § 300, July 12, 1974, 88 Stat. 306; Pub. L. 99–177, title II, § 201(b), Dec. 12, 1985, 99 Stat. 1040; Pub. L. 101–508, title XIII, § 13112(a)(4), Nov. 5, 1990, 104 Stat. 1388–608; Pub. L. 105–33, title X, § 10104(a), Aug. 5, 1997, 111 Stat. 679.)

CODIFICATION

Section was formerly classified to section 1321 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 substituted ''Not later than 6 weeks after President submits budget'' for ''February 25''.

1990—Pub. L. 101–508 substituted ''First Monday in February'' for ''First Monday after January 3''.

1985—Pub. L. 99–177 amended section generally. Prior to the amendment the timetable was on or before: November 10—President submits current services budget; 15th day after Congress meets—President submits his budget; March 15—Committees and joint committees submit reports to Budget Committees; April 1—Congressional Budget Office submits reports to Budget Committees; April 15—Budget Committees report first concurrent resolution on the budget to their Houses; May 15—Committees report bills and resolutions authorizing new budget authority; May 15—Congress completes action on first concurrent resolution on the budget; 7th day after Labor Day—Congress completes action on bills and resolutions providing new budget authority and new spending authority; September 15—Congress completes action on second required concurrent resolution on the budget; September 25—Congress completes action on reconciliation bill or resolution, or both, implementing second required concurrent resolution; October 1—Fiscal year begins.

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, set out as an Effective and Termination Dates note under section 900 of this title.

EFFECTIVE DATE

Subchapter applicable with respect to the fiscal year beginning Oct. 1, 1976, and succeeding fiscal years, except as section 906 of Pub. L. 93–344, formerly set out as a note under section 632 of this title, makes provision for possible application of this section to the fiscal year beginning July 1, 1975, see section 905(c) of Pub. L. 93–344, formerly set out as an Effective Date note under section 621 of this title.

§ 632. Annual adoption of concurrent resolution on the budget

(a) Content of concurrent resolution on the budget

On or before April 15 of each year, the Congress shall complete action on a concurrent resolution on the budget for the fiscal year beginning on October 1 of such year. The concurrent resolution shall set forth appropriate levels for the fiscal year beginning on October 1 of such year and for at least each of the 4 ensuing fiscal years for the following—

(1) totals of new budget authority and outlays;

(2) total Federal revenues and the amount, if any, by which the aggregate level of Federal revenues should be increased or decreased by bills and resolutions to be reported by the appropriate committees;

(3) the surplus or deficit in the budget;

(4) new budget authority and outlays for each major functional category, based on allocations of the total levels set forth pursuant to paragraph (1);

(5) the public debt;

(6) For[1] purposes of Senate enforcement under this subchapter, outlays of the old-age, survivors, and disability insurance program established under title II of the Social Security Act [42 U.S.C. 401 et seq.] for the fiscal year of the resolution and for each of the 4 succeeding fiscal years; and

(7) For[1] purposes of Senate enforcement under this subchapter, revenues of the old-age, survivors, and disability insurance program established under title II of the Social Security Act (and the related provisions of the Internal Revenue Code of 1986 [26 U.S.C. 1 et seq.]) for the fiscal year of the resolution and for each of the 4 succeeding fiscal years.

The concurrent resolution shall not include the outlays and revenue totals of the old age,[2] survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this subchapter.

(b) Additional matters in concurrent resolution

The concurrent resolution on the budget may—

(1) set forth, if required by subsection (f) of this section, the calendar year in which, in the opinion of the Congress, the goals for reducing unemployment set forth in section 4(b) of the Employment Act of 1946 [15 U.S.C. 1022a(b)] should be achieved;

(2) include reconciliation directives described in section 641 of this title;

(3) require a procedure under which all or certain bills or resolutions providing new

[1] So in original. Probably should not be capitalized.

[2] So in original. Probably should be ''old-age,''.

budget authority or new entitlement authority for such fiscal year shall not be enrolled until the Congress has completed action on any reconciliation bill or reconciliation resolution or both required by such concurrent resolution to be reported in accordance with section 641(b) of this title;

(4) set forth such other matters, and require such other procedures, relating to the budget, as may be appropriate to carry out the purposes of this Act;

(5) include a heading entitled ''Debt Increase as Measure of Deficit'' in which the concurrent resolution shall set forth the amounts by which the debt subject to limit (in section 3101 of title 31) has increased or would increase in each of the relevant fiscal years;

(6) include a heading entitled ''Display of Federal Retirement Trust Fund Balances'' in which the concurrent resolution shall set forth the balances of the Federal retirement trust funds;

(7) set forth procedures in the Senate whereby committee allocations, aggregates, and other levels can be revised for legislation if that legislation would not increase the deficit, or would not increase the deficit when taken with other legislation enacted after the adoption of the resolution, for the first fiscal year or the total period of fiscal years covered by the resolution;

(8) set forth procedures to effectuate pay-as-you-go in the House of Representatives; and

(9) set forth direct loan obligation and primary loan guarantee commitment levels.

(c) Consideration of procedures or matters which have effect of changing any rule of House

If the Committee on the Budget of the House of Representatives reports any concurrent resolution on the budget which includes any procedure or matter which has the effect of changing any rule of the House of Representatives, such concurrent resolution shall then be referred to the Committee on Rules with instructions to report it within five calendar days (not counting any day on which the House is not in session). The Committee on Rules shall have jurisdiction to report any concurrent resolution referred to it under this paragraph with an amendment or amendments changing or striking out any such procedure or matter.

(d) Views and estimates of other committees

Within 6 weeks after the President submits a budget under section 1105(a) of title 31, or at such time as may be requested by the Committee on the Budget, each committee of the House of Representatives having legislative jurisdiction shall submit to the Committee on the Budget of the House and each committee of the Senate having legislative jurisdiction shall submit to the Committee on the Budget of the Senate its views and estimates (as determined by the committee making such submission) with respect to all matters set forth in subsections (a) and (b) of this section which relate to matters within the jurisdiction or functions of such committee. The Joint Economic Committee shall submit to the Committees on the Budget of both Houses its recommendations as to the fiscal policy appropriate to the goals of the Employment Act of 1946 [15 U.S.C. 1021 et seq.]. Any other committee of the House of Representatives or the Senate may submit to the Committee on the Budget of its House, and any joint committee of the Congress may submit to the Committees on the Budget of both Houses, its views and estimates with respect to all matters set forth in subsections (a) and (b) of this section which relate to matters within its jurisdiction or functions. Any Committee[3] of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House.

(e) Hearings and report

(1) In general

In developing the concurrent resolution on the budget referred to in subsection (a) of this section for each fiscal year, the Committee on the Budget of each House shall hold hearings and shall receive testimony from Members of Congress and such appropriate representatives of Federal departments and agencies, the general public, and national organizations as the committee deems desirable. Each of the recommendations as to short-term and medium-term goals set forth in the report submitted by the members of the Joint Economic Committee under subsection (d) of this section may be considered by the Committee on the Budget of each House as part of its consideration of such concurrent resolution, and its report may reflect its views thereon, including its views on how the estimates of revenues and levels of budget authority and outlays set forth in such concurrent resolution are designed to achieve any goals it is recommending.

(2) Required contents of report

The report accompanying the resolution shall include—

(A) a comparison of the levels of total new budget authority, total outlays, total revenues, and the surplus or deficit for each fiscal year set forth in the resolution with those requested in the budget submitted by the President;

(B) with respect to each major functional category, an estimate of total new budget authority and total outlays, with the estimates divided between discretionary and mandatory amounts;

(C) the economic assumptions that underlie each of the matters set forth in the resolution and any alternative economic assumptions and objectives the committee considered;

[3] So in original. Probably should not be capitalized.

(D) information, data, and comparisons indicating the manner in which, and the basis on which, the committee determined each of the matters set forth in the resolution;

(E) the estimated levels of tax expenditures (the tax expenditures budget) by major items and functional categories for the President's budget and in the resolution; and

(F) allocations described in section 633(a) of this title.

(3) Additional contents of report

The report accompanying the resolution may include—

(A) a statement of any significant changes in the proposed levels of Federal assistance to State and local governments;

(B) an allocation of the level of Federal revenues recommended in the resolution among the major sources of such revenues;

(C) information, data, and comparisons on the share of total Federal budget outlays and of gross domestic product devoted to investment in the budget submitted by the President and in the resolution;

(D) the assumed levels of budget authority and outlays for public buildings, with a division between amounts for construction and repair and for rental payments; and

(E) other matters, relating to the budget and to fiscal policy, that the committee deems appropriate.

(f) Achievement of goals for reducing unemployment

(1) If, pursuant to section 4(c) of the Employment Act of 1946 [15 U.S.C. 1022a(c)], the President recommends in the Economic Report that the goals for reducing unemployment set forth in section 4(b) of such Act [15 U.S.C. 1022a(b)] be achieved in a year after the close of the five-year period prescribed by such subsection, the concurrent resolution on the budget for the fiscal year beginning after the date on which such Economic Report is received by the Congress may set forth the year in which, in the opinion of the Congress, such goals can be achieved.

(2) After the Congress has expressed its opinion pursuant to paragraph (1) as to the year in which the goals for reducing unemployment set forth in section 4(b) of the Employment Act of 1946 [15 U.S.C. 1022a(b)] can be achieved, if, pursuant to section 4(e) of such Act [15 U.S.C. 1022a(e)], the President recommends in the Economic Report that such goals be achieved in a year which is different from the year in which the Congress has expressed its opinion that such goals should be achieved, either in its action pursuant to paragraph (1) or in its most recent action pursuant to this paragraph, the concurrent resolution on the budget for the fiscal year beginning after the date on which such Economic Report is received by the Congress may set forth the year in which, in the opinion of the Congress, such goals can be achieved.

(3) It shall be in order to amend the provision of such resolution setting forth such year only if the amendment thereto also proposes to alter the estimates, amounts, and levels (as described in subsection (a) of this section) set forth in such resolution in germane fashion in order to be consistent with the economic goals (as described in sections 3(a)(2) and 4(b) of the Employment Act of 1946 [15 U.S.C. 1022(a)(2), 1022a(b)]) which such amendment proposes can be achieved by the year specified in such amendment.

(g) Economic assumptions

(1) It shall not be in order in the Senate to consider any concurrent resolution on the budget for a fiscal year, or any amendment thereto, or any conference report thereon, that sets forth amounts and levels that are determined on the basis of more than one set of economic and technical assumptions.

(2) The joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall set forth the common economic assumptions upon which such joint statement and conference report are based, or upon which any amendment contained in the joint explanatory statement to be proposed by the conferees in the case of technical disagreement, is based.

(3) Subject to periodic reestimation based on changed economic conditions or technical estimates, determinations under titles III and IV of the Congressional Budget Act of 1974 [2 U.S.C. 631 et seq., 651 et seq.] shall be based upon such common economic and technical assumptions.

(h) Budget Committee's consultation with committees

The Committee on the Budget of the House of Representatives shall consult with the committees of its House having legislative jurisdiction during the preparation, consideration, and enforcement of the concurrent resolution on the budget with respect to all matters which relate to the jurisdiction or functions of such committees.

(i) Social security point of order

It shall not be in order in the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the excess of social security revenues over social security outlays in any of the fiscal years covered by the concurrent resolution. No 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 unless such provision changes the income tax treatment of social security benefits.

(Pub. L. 93–344, title III, § 301, July 12, 1974, 88 Stat. 306; Pub. L. 95–523, title III, §§ 303(a), 304, Oct. 27, 1978, 92 Stat. 1905, 1906; Pub. L. 99–177, title II, § 201(b), Dec. 12, 1985, 99 Stat. 1040; Pub. L. 100–119, title I, § 106(d), title II, § 208(a), Sept. 29, 1987, 101 Stat. 781, 786; Pub. L. 100–418, title V, § 5302, Aug. 23, 1988, 102 Stat. 1462; Pub. L. 101–508, title XIII, §§ 13112(a)(5), 13203, 13204, 13301(b), 13303(a), (b), Nov. 5, 1990, 104 Stat. 1388–608, 1388–615, 1388–616, 1388–623, 1388–625; Pub. L. 104–4, title I, § 102(2), Mar. 22, 1995, 109 Stat. 62; Pub. L. 105–33, title X, § 10105(a)–(f)(1), Aug. 5, 1997, 111 Stat. 679, 680.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Social Security Act is classified generally to

subchapter II (§401 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Internal Revenue Code of 1986, referred to in subsecs. (a) and (i), is classified generally to Title 26, Internal Revenue Code.

This Act, referred to in subsec. (b)(4), means Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended, known as the Congressional Budget and Impoundment Control Act of 1974, which enacted chapters 17, 17A and 17B, and section 190a–3 of this title and sections 11a, 11c, 11d, 1020a of former Title 31, Money and Finance, amended sections 11, 665, 701, 1020, 1151, 1152, 1153 and 1154 of former Title 31, section 105 of Title 1, General Provisions, sections 190b and 190d of this title, repealed sections 571 and 581c–1 of former Title 31 and sections 66 and 81 of this title, and enacted provisions set out as notes under sections 190a–1, 621, 632, and 682 of this title, section 105 of Title 1, and section 1020 of former Title 31. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

The Employment Act of 1946, referred to in subsec. (d), is act Feb. 20, 1946, ch. 33, 60 Stat. 23, as amended, which is classified generally to chapter 21 (§1021 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1021 of Title 15 and Tables.

The Congressional Budget Act of 1974, referred to in subsec. (g)(3), is titles I through IX of Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended. Titles III and IV of the Act are classified generally to this subchapter (§631 et seq.) and subchapter II (§651 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

CODIFICATION

Section was formerly classified to section 1322 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—Subsec. (a). Pub. L. 105–33, §10105(a), in introductory provisions, substituted ''and for at least each of the 4 ensuing fiscal years'' for '', and planning levels for each of the two ensuing fiscal years,''.

Subsec. (a)(1), (4). Pub. L. 105–33, §10105(b), substituted ''and outlays'' for '', budget outlays, direct loan obligations, and primary loan guarantee commitments''.

Subsec. (b)(7). Pub. L. 105–33, §10105(c)(1), added par. (7) and struck out former par. (7) which related to setting forth pay-as-you-go procedures for the Senate.

Subsec. (b)(9). Pub. L. 105–33, §10105(c)(2), (3), added par. (9).

Subsec. (d). Pub. L. 105–33, §10105(d), in first sentence, inserted ''or at such time as may be requested by the Committee on the Budget,'' after ''title 31,''.

Subsec. (e). Pub. L. 105–33, §10105(e), designated existing provisions as par. (1), inserted par. heading, added pars. (2) and (3), and struck out former last sentence consisting of pars. (1) to (9) which contained requirements for contents of report to accompany the concurrent resolution on the budget.

Subsec. (i). Pub. L. 105–33, §10105(f)(1), inserted heading and substituted ''(or amendment, motion, or conference report on the resolution)'' for ''as reported to the Senate''.

1995—Subsec. (d). Pub. L. 104–4 inserted at end ''Any Committee of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House.''

1990—Subsec. (a). Pub. L. 101–508, §13301(b), inserted at end: ''The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this subchapter.''

Subsec. (a)(6), (7). Pub. L. 101–508, §13303(a), added pars. (6) and (7).

Subsec. (b)(5), (6). Pub. L. 101–508, §13203, added pars. (5) and (6).

Subsec. (b)(7), (8). Pub. L. 101–508, §13204, added pars. (7) and (8).

Subsec. (d). Pub. L. 101–508, §13112(a)(5), substituted ''Within 6 weeks after the President submits a budget under section 1105(a) of title 31'' for ''On or before February 25 of each year''.

Subsec. (i). Pub. L. 101–508, §13303(b), amended subsec. (i) generally, substituting present provisions for former provisions relating to maximum deficit amounts.

1988—Subsec. (e)(10). Pub. L. 100–418 temporarily added par. (10). See Effective and Termination Dates of 1988 Amendment note below.

1987—Subsec. (g). Pub. L. 100–119, §208(a), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: ''The joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall set forth the common economic assumptions upon which such joint statement and conference report are based, or upon which any amendment contained in the joint explanatory statement to be proposed by the conferees in the case of technical disagreement is based.''

Subsec. (i)(2). Pub. L. 100–119, §106(d), designated existing provisions as subpar. (A) and added subpars. (B) and (C).

1985—Pub. L. 99–177 substituted ''Adoption of concurrent resolution on the budget'' for ''Adoption of first concurrent resolution'' in section catchline.

Subsec. (a). Pub. L. 99–177 amended subsec. (a) generally, substituting provisions relating to content of concurrent resolution on the budget, for provisions relating to action required to be completed by May 15 of each year.

Subsec. (b). Pub. L. 99–177 amended subsec. (b) generally, inserting provisions relating to achievement of goals for reducing unemployment and provisions relating to reconciliation directives described in section 641 of this title.

Subsec. (c). Pub. L. 99–177 amended subsec. (c) generally, substituting provisions relating to consideration of procedures or matters which have the effect of changing any rule of the House of Representatives, for provisions relating to submission on or before March 15 of each year of the views and estimates of other committees.

Subsec. (d). Pub. L. 99–177 amended subsec. (d) generally, substituting provisions relating to views and estimates of other committees, for provisions relating to hearings and report in developing the first concurrent resolution on the budget.

Subsec. (e). Pub. L. 99–177 amended subsec. (e) generally, substituting provisions relating to hearings and report in developing the concurrent resolution on the budget, for provisions relating to achievement of goals for reducing unemployment.

Subsecs. (f) to (i). Pub. L. 99–177, §§201(b), 275(b)(2)(B), in amending section generally, added subsecs. (f) to (i).

1978—Subsec. (a)(6), (7). Pub. L. 95–523, §304(a), added par. (6) and redesignated former par. (6) as (7).

Subsec. (d). Pub. L. 95–523, §303(a), which directed insertion in subsec. (c) provisions relating to consideration by the Committee on the Budget of each House respecting short-term and medium-term goals set forth

in the Joint Economic Committee report and the reflection of its views in its report and insertion of ''also'' after ''concurrent resolution shall'' was executed to subsec. (d) to reflect the probable intent of Congress.

Subsec. (e). Pub. L. 95–523, § 304(b), added subsec. (e).

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–4 effective Jan. 1, 1996, or on the date 90 days after appropriations are made available as authorized under section 1516 of this title, whichever is earlier, and applicable to legislation considered on and after such date, see section 110 of Pub. L. 104–4, set out as an Effective Date note under section 1511 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Section 13306 of Pub. L. 101–508 provided that: ''Sections 13301, 13302, and 13303 and any amendments made by such sections [amending this section and sections 633 and 642 of this title and enacting provisions set out as notes under this section] shall apply with respect to fiscal years beginning on or after October 1, 1990. Section 13304 [amending section 401 of Title 42, The Public Health and Welfare] shall be effective for annual reports of the Board of Trustees issued in or after calendar year 1991.''

EFFECTIVE AND TERMINATION DATES OF 1988 AMENDMENT

Amendment by Pub. L. 100–418 effective for fiscal years 1989, 1990, 1991, and 1992, see section 5303 of Pub. L. 100–418, set out as a note under section 1105 of Title 31, Money and Finance.

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, set out as an Effective and Termination Dates note under section 900 of this title.

EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS

Pub. L. 101–508, title XIII, § 13301(a), Nov. 5, 1990, 104 Stat. 1388–623, provided that: ''Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

''(1) the budget of the United States Government as submitted by the President,

''(2) the congressional budget, or

''(3) the Balanced Budget and Emergency Deficit Control Act of 1985 [see Short Title note set out under section 900 of this title].''

PROTECTION OF OASDI TRUST FUNDS IN HOUSE OF REPRESENTATIVES

Section 13302 of Pub. L. 101–508 provided that:

''(a) IN GENERAL.—It shall not be in order in the House of Representatives to consider any bill or joint resolution, as reported, or any amendment thereto or conference report thereon, if, upon enactment—

''(1)(A) such legislation under consideration would provide for a net increase in OASDI benefits of at least 0.02 percent of the present value of future taxable payroll for the 75-year period utilized in the most recent annual report of the Board of Trustees provided pursuant to section 201(c)(2) of the Social Security Act [42 U.S.C. 401(c)(2)], and (B) such legislation under consideration does not provide at least a net increase, for such 75-year period, in OASDI taxes of the amount by which the net increase in such benefits exceeds 0.02 percent of the present value of future taxable payroll for such 75-year period,

''(2)(A) such legislation under consideration would provide for a net increase in OASDI benefits (for the 5-year estimating period for such legislation under consideration), (B) such net increase, together with the net increases in OASDI benefits resulting from previous legislation enacted during that fiscal year or any of the previous 4 fiscal years (as estimated at the time of enactment) which are attributable to those portions of the 5-year estimating periods for such previous legislation that fall within the 5-year estimating period for such legislation under consideration, exceeds $250,000,000, and (C) such legislation under consideration does not provide at least a net increase, for the 5-year estimating period for such legislation under consideration, in OASDI taxes which, together with net increases in OASDI taxes resulting from such previous legislation which are attributable to those portions of the 5-year estimating periods for such previous legislation that fall within the 5-year estimating period for such legislation under consideration, equals the amount by which the net increase derived under subparagraph (B) exceeds $250,000,000;

''(3)(A) such legislation under consideration would provide for a net decrease in OASDI taxes of at least 0.02 percent of the present value of future taxable payroll for the 75-year period utilized in the most recent annual report of the Board of Trustees provided pursuant to section 201(c)(2) of the Social Security Act, and (B) such legislation under consideration does not provide at least a net decrease, for such 75-year period, in OASDI benefits of the amount by which the net decrease in such taxes exceeds 0.02 percent of the present value of future taxable payroll for such 75-year period, or

''(4)(A) such legislation under consideration would provide for a net decrease in OASDI taxes (for the 5-year estimating period for such legislation under consideration), (B) such net decrease, together with the net decreases in OASDI taxes resulting from previous legislation enacted during that fiscal year or any of the previous 4 fiscal years (as estimated at the time of enactment) which are attributable to those portions of the 5-year estimating periods for such previous legislation that fall within the 5-year estimating period for such legislation under consideration, exceeds $250,000,000, and (C) such legislation under consideration does not provide at least a net decrease, for the 5-year estimating period for such legislation under consideration, in OASDI benefits which, together with net decreases in OASDI benefits resulting from such previous legislation which are attributable to those portions of the 5-year estimating periods for such previous legislation that fall within the 5-year estimating period for such legislation under consideration, equals the amount by which the net decrease derived under subparagraph (B) exceeds $250,000,000.

''(b) APPLICATION.—In applying paragraph (3) or (4) of subsection (a), any provision of any bill or joint resolution, as reported, or any amendment thereto, or conference report thereon, the effect of which is to provide for a net decrease for any period in taxes described in subsection (c)(2)(A) shall be disregarded if such bill, joint resolution, amendment, or conference report also includes a provision the effect of which is to provide for a net increase of at least an equivalent amount for such period in medicare taxes.

''(c) DEFINITIONS.—For purposes of this subsection:

''(1) The term 'OASDI benefits' means the benefits under the old-age, survivors, and disability insurance programs under title II of the Social Security Act [42 U.S.C. 401 et seq.].

''(2) The term 'OASDI taxes' means—

''(A) the taxes imposed under sections 1401(a), 3101(a), and 3111(a) of the Internal Revenue Code of 1986 [26 U.S.C. 1401(a), 3101(a), 3111(a)], and

''(B) the taxes imposed under chapter 1 of such Code [26 U.S.C. 1 et seq.] (to the extent attributable to section 86 of such Code [26 U.S.C. 86]).

''(3) The term 'medicare taxes' means the taxes imposed under sections 1401(b), 3101(b), and 3111(b) of the Internal Revenue Code of 1986.

''(4) The term 'previous legislation' shall not include legislation enacted before fiscal year 1991.

''(5) The term '5-year estimating period' means, with respect to any legislation, the fiscal year in which such legislation becomes or would become effective and the next 4 fiscal years.

''(6) No provision of any bill or resolution, or any amendment thereto or conference report thereon, involving a change in chapter 1 of the Internal Revenue Code of 1986 shall be treated as affecting the amount of OASDI taxes referred to in paragraph (2)(B) unless such provision changes the income tax treatment of OASDI benefits.''

BALANCED FEDERAL BUDGETS; CONGRESSIONAL BUDGET COMMITTEE REPORTS BY APRIL 15, 1979, 1980, AND 1981, OF BALANCED FISCAL YEAR BUDGETS FOR 1981 AND 1982

Pub. L. 96–5, § 5, Apr. 2, 1979, 93 Stat. 8, which provided that Congress shall balance the Federal budget, that the Budget Committees were to report, by April 15, 1979, a fiscal year budget for 1981 that would be in balance, and also a fiscal year budget for 1982 that would be in balance, and by April 15, 1980, a fiscal year budget for 1981 that would be in balance, and by April 15, 1981, a fiscal year budget for 1982 that would be in balance, and that the Budget Committees were to show the consequences of each budget on each budget function and on the economy, setting forth the effects on revenues, spending, employment, inflation, and national security, was repealed by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068.

APPLICATION OF CONGRESSIONAL BUDGET PROCESS TO FISCAL YEAR BEGINNING JULY 1, 1975

Section 906 of Pub. L. 93–344 provided for application of provisions of this subchapter and sections 602(f), 651, and 652 of this title with respect to the fiscal year beginning July 1, 1975, to the extent agreed to by the Committees on the Budget of the House of Representatives and the Senate, prior to repeal by Pub. L. 105–33, title X, § 10120(a), Aug. 5, 1997, 111 Stat. 696.

§ 633. Committee allocations

(a) Committee spending allocations

(1) Allocation among committees

The joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall include an allocation, consistent with the resolution recommended in the conference report, of the levels for the first fiscal year of the resolution, for at least each of the ensuing 4 fiscal years, and a total for that period of fiscal years (except in the case of the Committee on Appropriations only for the fiscal year of that resolution) of—

(A) total new budget authority; and

(B) total outlays;

among each committee of the House of Representatives or the Senate that has jurisdiction over legislation providing or creating such amounts.

(2) No double counting

In the House of Representatives, any item allocated to one committee may not be allocated to another committee.

(3) Further division of amounts

(A) In the Senate

In the Senate, the amount allocated to the Committee on Appropriations shall be further divided among the categories specified in section 900(c)(4) of this title and shall not exceed the limits for each category set forth in section 901(c) of this title.

(B) In the House

In the House of Representatives, the amounts allocated to each committee for each fiscal year, other than the Committee on Appropriations, shall be further divided between amounts provided or required by law on the date of filing of that conference report and amounts not so provided or required. The amounts allocated to the Committee on Appropriations shall be further divided—

(i) between discretionary and mandatory amounts or programs, as appropriate; and

(ii) consistent with the categories specified in section 900(c)(4) of this title.

(4) Amounts not allocated

In the House of Representatives or the Senate, if a committee receives no allocation of new budget authority or outlays, that committee shall be deemed to have received an allocation equal to zero for new budget authority or outlays.

(5) Adjusting allocation of discretionary spending in the House of Representatives

(A) If a concurrent resolution on the budget is not adopted by April 15, the chairman of the Committee on the Budget of the House of Representatives shall submit to the House, as soon as practicable, an allocation under paragraph (1) to the Committee on Appropriations consistent with the discretionary spending levels in the most recently agreed to concurrent resolution on the budget for the appropriate fiscal year covered by that resolution.

(B) As soon as practicable after an allocation under paragraph (1) is submitted under this section, the Committee on Appropriations shall make suballocations and report those suballocations to the House of Representatives.

(b) Suballocations by Appropriations Committees

As soon as practicable after a concurrent resolution on the budget is agreed to, the Committee on Appropriations of each House (after consulting with the Committee on Appropriations of the other House) shall suballocate each amount allocated to it for the budget year under subsection (a) of this section among its subcommittees. Each Committee on Appropriations shall promptly report to its House suballocations made or revised under this subsection. The Committee on Appropriations of the House of Representatives shall further divide among its subcommittees the divisions made under subsection (a)(3)(B) of this section and promptly report those divisions to the House.

(c) Point of order

After the Committee on Appropriations has received an allocation pursuant to subsection (a) of this section for a fiscal year, 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 within the jurisdiction of that committee providing

new budget authority for that fiscal year, until that committee makes the suballocations required by subsection (b) of this section.

(d) Subsequent concurrent resolutions

In the case of a concurrent resolution on the budget referred to in section 635 of this title, the allocations under subsection (a) of this section and the subdivisions under subsection (b) of this section shall be required only to the extent necessary to take into account revisions made in the most recently agreed to concurrent resolution on the budget.

(e) Alteration of allocations

At any time after a committee reports the allocations required to be made under subsection (b) of this section, such committee may report to its House an alteration of such allocations. Any alteration of such allocations must be consistent with any actions already taken by its House on legislation within the committee's jurisdiction.

(f) Legislation subject to point of order

(1) In the House of Representatives

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, or amendment providing new budget authority for any fiscal year, or any conference report on any such bill or joint resolution, if—

(A) the enactment of such bill or resolution as reported;

(B) the adoption and enactment of such amendment; or

(C) the enactment of such bill or resolution in the form recommended in such conference report,

would cause the applicable allocation of new budget authority made under subsection (a) or (b) of this section for the first fiscal year or the total of fiscal years to be exceeded.

(2) In the 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) in the case of any committee except the Committee on Appropriations, the applicable allocation of new budget authority or outlays under subsection (a) of this section for the first fiscal year or the total of fiscal years to be exceeded; or

(B) in the case of the Committee on Appropriations, the applicable suballocation of new budget authority or outlays under subsection (b) of this section to be exceeded.

(g) Pay-as-you-go exception in the House

(1) In general

(A) Subsection (f)(1) of this section and, after April 15, section 634(a) of this title shall not apply to any bill or joint resolution, as reported, amendment thereto, or conference report thereon if, for each fiscal year covered by the most recently agreed to concurrent resolution on the budget—

(i) the enactment of that bill or resolution as reported;

(ii) the adoption and enactment of that amendment; or

(iii) the enactment of that bill or resolution in the form recommended in that conference report,

would not increase the deficit, and, if the sum of any revenue increases provided in legislation already enacted during the current session (when added to revenue increases, if any, in excess of any outlay increase provided by the legislation proposed for consideration) is at least as great as the sum of the amount, if any, by which the aggregate level of Federal revenues should be increased as set forth in that concurrent resolution and the amount, if any, by which revenues are to be increased pursuant to pay-as-you-go procedures under section 632(b)(8) of this title, if included in that concurrent resolution.

(B) Section 642(a) of this title, as that section applies to revenues, shall not apply to any bill, joint resolution, amendment thereto, or conference report thereon if, for each fiscal year covered by the most recently agreed to concurrent resolution on the budget—

(i) the enactment of that bill or resolution as reported;

(ii) the adoption and enactment of that amendment; or

(iii) the enactment of that bill or resolution in the form recommended in that conference report,

would not increase the deficit, and, if the sum of any outlay reductions provided in legislation already enacted during the current session (when added to outlay reductions, if any, in excess of any revenue reduction provided by the legislation proposed for consideration) is at least as great as the sum of the amount, if any, by which the aggregate level of Federal outlays should be reduced as required by that concurrent resolution and the amount, if any, by which outlays are to be reduced pursuant to pay-as-you-go procedures under section 632(b)(8) of this title, if included in that concurrent resolution.

(2) Revised allocations

(A) As soon as practicable after Congress agrees to a bill or joint resolution that would have been subject to a point of order under subsection (f)(1) of this section but for the exception provided in paragraph (1)(A) or would have been subject to a point of order under section 642(a) of this title but for the exception provided in paragraph (1)(B), the chairman of the committee[1] on the Budget of the House of Representatives shall file with the House appropriately revised allocations under subsection (a) of this section and revised functional levels and budget aggregates to reflect that bill.

(B) Such revised allocations, functional levels, and budget aggregates shall be considered for the purposes of this Act as allocations, functional levels, and budget aggregates con-

[1] So in original. Probably should be capitalized.

tained in the most recently agreed to concurrent resolution on the budget.

(Pub. L. 93–344, title III, §302, July 12, 1974, 88 Stat. 308; Pub. L. 99–177, title II, §201(b), Dec. 12, 1985, 99 Stat. 1044; Pub. L. 101–508, title XIII, §§13112(a)(6), (7), 13201(b)(2), (3), 13207(a)(1)(A), (B), (2), 13303(c), Nov. 5, 1990, 104 Stat. 1388–608, 1388–614, 1388–617, 1388–618, 1388–625; Pub. L. 105–33, title X, §10106, Aug. 5, 1997, 111 Stat. 680.)

REFERENCES IN TEXT

This Act, referred to in subsec. (g)(2)(B), means Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended, known as the Congressional Budget and Impoundment Control Act of 1974, which enacted chapters 17, 17A, and 17B and section 190a–3 of this title and sections 11a, 11c, 11d, 1020a of former Title 31, Money and Finance, amended sections 11, 665, 701, 1020, 1151, 1152, 1153, and 1154 of former Title 31, section 105 of Title 1, General Provisions, and sections 190b and 190d of this title, repealed sections 571 and 581c–1 of former Title 31, and sections 66 and 81 of this title, and enacted provisions set out as notes under sections 190a–1, 621, 632, and 682 of this title, section 105 of Title 1, and section 1020 of former Title 31. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

CODIFICATION

Section was formerly classified to section 1323 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—Subsec. (a). Pub. L. 105–33, §10106(a), added subsec. (a) and struck out former subsec. (a) which required inclusion of certain allocations to committees of the House of Representatives and of the Senate in the joint explanatory statement accompanying a conference report on a concurrent resolution on the budget.

Subsec. (b). Pub. L. 105–33, §10106(a), added subsec. (b) and struck out former subsec. (b) which required committees of each House to subdivide among their subcommittees the allocations of budget outlays and new budget authority allocated to them in joint explanatory statement accompanying conference report on concurrent resolution on budget and required further subdivisions of such allocations by subcommittees.

Subsec. (c). Pub. L. 105–33, §10106(b), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: ''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, providing—

''(1) new budget authority for a fiscal year; or

''(2) new spending authority as described in section 651(c)(2) of this title for a fiscal year;

within the jurisdiction of any committee which has received an appropriate allocation of such authority pursuant to subsection (a) of this section for such fiscal year, unless and until such committee makes the allocation or subdivisions required by subsection (b) of this section, in connection with the most recently agreed to concurrent resolution on the budget for such fiscal year.''

Subsec. (f)(1). Pub. L. 105–33, §10106(c)(1), substituted ''providing new budget authority for any fiscal year'' for ''providing new budget authority for such fiscal year or new entitlement authority effective during such fiscal year'' in introductory provisions and ''applicable allocation of new budget authority made under subsection (a) or (b) of this section for the first fiscal year or the total of fiscal years to be exceeded.'' for ''appropriate allocation made pursuant to subsection (b) of this section for such fiscal year of new discretionary budget authority or new entitlement authority to be exceeded.'' in concluding provisions.

Subsec. (f)(2). Pub. L. 105–33, §10106(c)(2), reenacted heading without change and amended text generally. Prior to amendment, text provided that consideration in the Senate was not in order for certain bills, joint resolutions, amendments, motions, or conference reports that provided for budget outlays, new budget authority, or new spending authority in excess of certain allocations.

Subsec. (g). Pub. L. 105–33, §10106(d), amended heading and text of subsec. (g) generally. Prior to amendment, text read as follows: ''For purposes of this section, the levels of new budget authority, spending authority as described in section 651(c)(2) of this title, outlays, and new credit authority 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 the case may be.''

1990—Subsec. (a)(1). Pub. L. 101–508, §13201(b)(3)(A), substituted ''and total entitlement authority'' for ''total entitlement authority, and total credit authority'', ''or such entitlement authority'' for ''such entitlement authority, or such credit authority'', and ''and entitlement authority'' for ''entitlement authority, and credit authority''.

Subsec. (a)(2). Pub. L. 101–508, §13303(c)(1), inserted ''social security outlays for the fiscal year of the resolution and for each of the 4 succeeding fiscal years,'' after ''appropriate levels of''.

Pub. L. 101–508, §13201(b)(3)(B), substituted ''total budget outlays and total new budget authority'' for ''total budget outlays, total new budget authority and new credit authority''.

Pub. L. 101–508, §13112(a)(6), struck out ''the House of Representatives and'' after ''among each committee of''.

Subsec. (b)(1)(A). Pub. L. 101–508, §13201(b)(3)(C), substituted ''budget outlays and new budget authority'' for ''budget outlays, new budget authority, and new credit authority''.

Subsec. (c). Pub. L. 101–508, §13207(a)(1)(A), substituted ''bill, joint resolution, amendment, motion, or conference report'' for ''bill or resolution, or amendment thereto''.

Subsec. (c)(3). Pub. L. 101–508, §13201(b)(3)(D), struck out par. (3) which read as follows: ''new credit authority for a fiscal year;''.

Subsec. (f)(1). Pub. L. 101–508, §13207(a)(1)(B), inserted ''joint'' before ''resolution'' the second and third places appearing in introductory provisions.

Pub. L. 101–508, §13201(b)(3)(E), substituted ''year or new entitlement authority effective during such fiscal year,'' for ''year, new entitlement authority effective during such fiscal year, or new credit authority for such fiscal year,'' in introductory provisions and ''authority or new entitlement authority'' for ''authority, new entitlement authority, or new credit authority'' in closing provisions.

Subsec. (f)(2). Pub. L. 101–508, §13303(c)(3), inserted three sentences at end beginning with ''In applying this paragraph—''.

Pub. L. 101–508, §13303(c)(2), which directed the insertion of ''or provides for social security outlays in excess of the appropriate allocation of social security outlays under subsection (a) of this section for the fiscal year of the resolution or for the total of that year and the 4 succeeding fiscal years'' before the period, was executed by making the insertion before the period at end of first sentence, as the probable intent of Congress, in view of the applicability of the amendment. See Effective and Termination Dates of 1990 Amendment note below.

Pub. L. 101–508, §13207(a)(2), substituted ''outlays, new budget authority, or new spending authority (as defined in section 651(c)(2) of this title)'' for ''outlays or new budget authority''.

Pub. L. 101–508, §13207(a)(1)(B), substituted ''bill, joint resolution, amendment, motion, or conference report'' for ''bill or resolution (including a conference report thereon), or any amendment to a bill or resolution''.

Pub. L. 101–508, § 13201(b)(2), temporarily inserted ''or new credit authority'' after ''new budget authority''. See Effective and Termination Dates of 1990 Amendment note below.

Pub. L. 101–508, § 13112(a)(7), inserted ''(A)'' after ''in excess of'', substituted ''under subsection (a) of this section, or (B) the appropriate allocation (if any) of such outlays or authority reported under subsection (b) of this section'' for ''under subsection (b) of this section'', and inserted after first sentence ''Subparagraph (A) shall not apply to any bill, resolution, amendment, motion, or conference report that is within the jurisdiction of the Committee on Appropriations.''

1985—Pub. L. 99–177 substituted ''Committee allocations'' for ''Matters to be included in joint statement of managers; reports by committees'' in section catchline.

Subsec. (a). Pub. L. 99–177 amended subsec. (a) generally, providing for separate provisions relating to allocations of totals for the House of Representatives and for the Senate, with respect to the joint explanatory statement accompanying the conference report on a concurrent resolution on the budget.

Subsec. (b). Pub. L. 99–177 amended subsec. (b) generally, inserting applicability to new credit authority.

Subsec. (c). Pub. L. 99–177 amended subsec. (c) generally, substituting provisions relating to point of order for provisions relating to subsequent concurrent resolutions.

Subsecs. (d) to (g). Pub. L. 99–177, in amending section generally, added subsecs. (d) to (g).

EFFECTIVE AND TERMINATION DATES OF 1990 AMENDMENT

Pub. L. 101–508, title XIII, § 13201(b)(2), Nov. 5, 1990, 104 Stat. 1388–614, provided that the amendment made by section 13201(b)(2) is effective Jan. 1, 1991, for fiscal year 1991 only.

Pub. L. 101–508, title XIII, § 13201(b)(3), Nov. 5, 1990, 104 Stat. 1388–614, provided that the amendment made by section 13201(b)(3) is effective for fiscal years beginning after Sept. 30, 1991.

Amendment by section 13303(c) 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 an Effective Date of 1990 Amendment 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, except that such amendment, insofar as it relates to subsecs. (c), (f), and (g) of this section, to become effective Apr. 15, 1986, see section 275(a)(1), (2)(A) of Pub. L. 99–177, set out as an Effective and Termination Dates note under section 900 of this title.

§ 634. Concurrent resolution on the budget must be adopted before budget-related legislation is considered

(a) In general

Until the concurrent resolution on the budget for a fiscal year has been agreed to, it shall not be in order in the House of Representatives, with respect to the first fiscal year covered by that resolution, or the Senate, with respect to any fiscal year covered by that resolution, to consider any bill or joint resolution, amendment or motion thereto, or conference report thereon that—

(1) first provides new budget authority for that fiscal year;

(2) first provides an increase or decrease in revenues during that fiscal year;

(3) provides an increase or decrease in the public debt limit to become effective during that fiscal year;

(4) in the Senate only, first provides new entitlement authority for that fiscal year; or

(5) in the Senate only, first provides for an increase or decrease in outlays for that fiscal year.

(b) Exceptions in House

In the House of Representatives, subsection (a) of this section does not apply—

(1)(A) to any bill or joint resolution, as reported, providing advance discretionary new budget authority that first becomes available for the first or second fiscal year after the budget year; or

(B) to any bill or joint resolution, as reported, first increasing or decreasing revenues in a fiscal year following the fiscal year to which the concurrent resolution applies;

(2) after May 15, to any general appropriation bill or amendment thereto; or

(3) to any bill or joint resolution unless it is reported by a committee.

(c) Application to appropriation measures in Senate

(1) In general

Until the concurrent resolution on the budget for a fiscal year has been agreed to and an allocation has been made to the Committee on Appropriations of the Senate under section 633(a) of this title for that year, it shall not be in order in the Senate to consider any appropriation bill or joint resolution, amendment or motion thereto, or conference report thereon for that year or any subsequent year.

(2) Exception

Paragraph (1) does not apply to appropriations legislation making advance appropriations for the first or second fiscal year after the year the allocation referred to in that paragraph is made.

(Pub. L. 93–344, title III, § 303, July 12, 1974, 88 Stat. 309; Pub. L. 99–177, title II, § 201(b), Dec. 12, 1985, 99 Stat. 1046; Pub. L. 101–508, title XIII, §§ 13205, 13207(a)(1)(C), Nov. 5, 1990, 104 Stat. 1388–616, 1388–617; Pub. L. 105–33, title X, § 10107(a), Aug. 5, 1997, 111 Stat. 683.)

CODIFICATION

Section was formerly classified to section 1324 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, text provided that concurrent resolution on the budget must be adopted before legislation providing new budget authority, new spending authority, new credit authority, or changes in revenues or public debt limit could be considered.

1990—Subsec. (a). Pub. L. 101–508, § 13207(a)(1)(C), substituted ''bill, joint resolution, amendment, motion, or conference report'' for ''bill or resolution (or amendment thereto)''.

Pub. L. 101–508, § 13205(a)(4), inserted ''(or, in the Senate, a concurrent resolution on the budget covering such fiscal year)'' after ''fiscal year'' in closing provisions.

Subsec. (a)(5), (6). Pub. L. 101–508, § 13205(a)(1)–(3), added pars. (5) and (6) and struck out former par. (5) which read as follows: ''new credit authority for a fiscal year,''.

Subsec. (b). Pub. L. 101–508, § 13205(b), designated existing provisions as par. (1) and substituted ''In the House of Representatives, subsection (a)'' for ''Subsection (a)'', redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, and added par. (2).

1985—Pub. L. 99–177 inserted reference to new credit authority in section catchline.

Subsec. (a). Pub. L. 99–177 amended subsec. (a) generally, substituting provisions respecting new entitlement authority or new credit authority, for provisions respecting new spending authority.

Subsec. (b). Pub. L. 99–177 amended subsec. (b) generally, inserting provisions relating to applicability of subsec. (a) after May 15 of any calendar year.

Subsec. (c). Pub. L. 99–177 amended subsec. (c) generally, inserting references to amendments of bills or resolutions wherever appearing.

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, set out as an Effective and Termination Dates note under section 900 of this title.

§ 635. Permissible revisions of concurrent resolutions on the budget

At any time after the concurrent resolution on the budget for a fiscal year has been agreed to pursuant to section 632 of this title, and before the end of such fiscal year, the two Houses may adopt a concurrent resolution on the budget which revises or reaffirms the concurrent resolution on the budget for such fiscal year most recently agreed to.

(Pub. L. 93–344, title III, § 304, July 12, 1974, 88 Stat. 310; Pub. L. 99–177, title II, § 201(b), Dec. 12, 1985, 99 Stat. 1047; Pub. L. 100–119, title II, § 208(b), Sept. 29, 1987, 101 Stat. 786; Pub. L. 101–508, title XIII, § 13112(a)(8), Nov. 5, 1990, 104 Stat. 1388–608; Pub. L. 105–33, title X, § 10108, Aug. 5, 1997, 111 Stat. 684.)

CODIFICATION

Section was formerly classified to section 1325 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 designated subsec. (a) as entire section and struck out subsec. (a) heading ''In general'' and subsec. (b) heading and text. Prior to amendment, text of subsec. (b) read as follows: ''The provisions of section 632(g) of this title shall apply with respect to concurrent resolutions on the budget under this section (and amendments thereto and conference reports thereon) in the same way they apply to concurrent resolutions on the budget under such section 632(g) of this title (and amendments thereto and conference reports thereon).''

1990—Subsecs. (b), (c). Pub. L. 101–508 redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: ''The provisions of section 632(i) of this title shall apply with respect to concurrent resolutions on the budget under this section (and amendments thereto and conference reports thereon) in the same way they apply to concurrent resolutions on the budget under such section 632(i) of this title (and amendments thereto and conference reports thereon).''

1987—Subsec. (c). Pub. L. 100–119 added subsec. (c).

1985—Pub. L. 99–177, in amending section generally, inserted ''Permissible'' before ''revisions'' in section catchline, designated existing provisions as subsec. (a), struck out ''first'' after ''after the'', and added subsec. (b).

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, set out as an Effective and Termination Dates note under section 900 of this title.

§ 636. Provisions relating to consideration of concurrent resolutions on the budget

(a) Procedure in House after report of Committee; debate

(1) When a concurrent resolution on the budget has been reported by the Committee on the Budget of the House of Representatives and has been referred to the appropriate calendar of the House, it shall be in order on any day thereafter, subject to clause 2(*l*)(6) of rule XI[1] of the Rules of the House of Representatives, to move to proceed to the consideration of the concurrent resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) General debate on any concurrent resolution on the budget in the House of Representatives shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority parties, plus such additional hours of debate as are consumed pursuant to paragraph (3). A motion further to limit debate is not debatable. A motion to recommit the concurrent resolution is not in order, and it is not in order to move to reconsider the vote by which the concurrent resolution is agreed to or disagreed to.

(3) Following the presentation of opening statements on the concurrent resolution on the budget for a fiscal year by the chairman and ranking minority member of the Committee on the Budget of the House, there shall be a period of up to four hours for debate on economic goals and policies.

(4) Only if a concurrent resolution on the budget reported by the Committee on the Budget of the House sets forth the economic goals (as described in sections 1022(a)(2) and 1022a(b) of title 15) which the estimates, amounts, and levels (as described in section 632(a) of this title) set forth in such resolution are designed to achieve, shall it be in order to offer to such resolution an amendment relating to such goals, and such amendment shall be in order only if it also proposes to alter such estimates, amounts, and levels in germane fashion in order to be consistent with the goals proposed in such amendment.

(5) Consideration of any concurrent resolution on the budget by the House of Representatives shall be in the Committee of the Whole, and the resolution shall be considered for amendment under the five-minute rule in accordance with the applicable provisions of rule XXIII[1] of the Rules of the House of Representatives. After the Committee rises and reports the resolution back to the House, the previous question shall be considered as ordered on the resolution and any amendments thereto to final passage without intervening motion; except that it shall be in

[1] See References in Text note below.

order at any time prior to final passage (notwithstanding any other rule or provision of law) to adopt an amendment (or a series of amendments) changing any figure or figures in the resolution as so reported to the extent necessary to achieve mathematical consistency.

(6) Debate in the House of Representatives on the conference report on any concurrent resolution on the budget shall be limited to not more than 5 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(7) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any concurrent resolution on the budget shall be decided without debate.

(b) Procedure in Senate after report of Committee; debate; amendments

(1) Debate in the Senate on any concurrent resolution on the budget, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 50 hours, except that with respect to any concurrent resolution referred to in section 635(a)[1] of this title all such debate shall be limited to not more than 15 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(2) Debate in the Senate on any amendment to a concurrent resolution on the budget shall be limited to 2 hours, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution, and debate on any amendment to an amendment, debatable motion, or appeal shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution, except that in the event the manager of the concurrent resolution is in favor of any such amendment, motion, or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. No amendment that is not germane to the provisions of such concurrent resolution shall be received. Such leaders, or either of them, may, from the time under their control on the passage of the concurrent resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

(3) Following the presentation of opening statements on the concurrent resolution on the budget for a fiscal year by the chairman and ranking minority member of the Committee on the Budget of the Senate, there shall be a period of up to four hours for debate on economic goals and policies.

(4) Subject to the other limitations of this Act, only if a concurrent resolution on the budget reported by the Committee on the Budget of the Senate sets forth the economic goals (as described in sections 1022(a)(2) and 1022a(b) of title 15) which the estimates, amounts, and levels (as described in section 632(a) of this title) set forth in such resolution are designed to achieve, shall it be in order to offer to such resolution an amendment relating to such goals, and such amendment shall be in order only if it also proposes to alter such estimates, amounts, and levels in germane fashion in order to be consistent with the goals proposed in such amendment.

(5) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 3, not counting any day on which the Senate is not in session) is not in order. Debate on any such motion to recommit shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution.

(6) Notwithstanding any other rule, an amendment or series of amendments to a concurrent resolution on the budget proposed in the Senate shall always be in order if such amendment or series of amendments proposes to change any figure or figures then contained in such concurrent resolution so as to make such concurrent resolution mathematically consistent or so as to maintain such consistency.

(c) Action on conference reports in Senate

(1) A motion to proceed to the consideration of the conference report on any concurrent resolution on the budget (or a reconciliation bill or resolution) may be made even though a previous motion to the same effect has been disagreed to.

(2) During the consideration in the Senate of the conference report (or a message between Houses) on any concurrent resolution on the budget, and all amendments in disagreement, and all amendments thereto, and debatable motions and appeals in connection therewith, debate shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report (or a message between Houses) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report (or a message between Houses).

(3) Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to one-half hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or his designee.

(4) In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided

between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment that is not germane to the provisions of such amendments shall be received.

(d) Concurrent resolution must be consistent in Senate

It shall not be in order in the Senate to vote on the question of agreeing to—

(1) a concurrent resolution on the budget unless the figures then contained in such resolution are mathematically consistent; or

(2) a conference report on a concurrent resolution on the budget unless the figures contained in such resolution, as recommended in such conference report, are mathematically consistent.

(Pub. L. 93–344, title III, §305, July 12, 1974, 88 Stat. 310; Pub. L. 95–523, title III, §303(b), (c), Oct. 27, 1978, 92 Stat. 1905, 1906; Pub. L. 99–177, title II, §201(b), Dec. 12, 1985, 99 Stat. 1047; Pub. L. 100–119, title II, §209, Sept. 29, 1987, 101 Stat. 787; Pub. L. 100–203, title VIII, §8003(d), Dec. 22, 1987, 101 Stat. 1330–282; Pub. L. 101–508, title XIII, §§13209, 13210(1), Nov. 5, 1990, 104 Stat. 1388–619, 1388–620; Pub. L. 105–33, title X, §10109(a), Aug. 5, 1997, 111 Stat. 684.)

REFERENCES IN TEXT

The Rules of the House of Representatives for the One Hundred Sixth Congress were adopted and amended generally by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999. Provisions formerly appearing in clause 2(*l*)(6) of rule XI, referred to in subsec. (a)(1), are now contained in clause 4 of rule XIII. Provisions formerly appearing in rule XXIII, referred to in subsec. (a)(5), are now contained in rule XVIII.

Section 635(a) of this title, referred to in subsec. (b)(1), was redesignated section 635 of this title by Pub. L. 105–33, title X, §10108(1), Aug. 5, 1997, 111 Stat. 684.

This Act, referred to in subsec. (b)(4), means Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended, known as the Congressional Budget and Impoundment Control Act of 1974, which enacted chapters 17, 17A and 17B, and section 190a–3 of this title and sections 11a, 11c, 11d, 1020a of former Title 31, Money and Finance, amended sections 11, 665, 701, 1020, 1151, 1152, 1153, and 1154 of former Title 31, section 105 of Title 1, General Provisions, sections 190b and 190d of this title, repealed sections 571 and 581c–1 of former Title 31 and sections 66 and 81 of this title, and enacted provisions set out as notes under sections 190a–1, 621, 632, and 682 of this title, section 105 of Title 1, and section 1020 of former Title 31. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

CODIFICATION

Section was formerly classified to section 1326 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—Subsec. (a)(1). Pub. L. 105–33 amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''When the Committee on the Budget of the House of Representatives has reported any concurrent resolution on the budget, it is in order at any time after the fifth day (excluding Saturdays, Sundays, and legal holidays) following the day on which the report upon such resolution by the Committee on the Budget has been available to Members of the House and, if applicable, after the first day (excluding Saturdays, Sundays, and legal holidays) following the day on which a report upon such resolution by the Committee on Rules pursuant to section 632(c) of this title has been available to Members of the House (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the concurrent resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.''

1990—Subsec. (c)(1). Pub. L. 101–508, §13209(1), struck out at beginning ''The conference report on any concurrent resolution on the budget shall be in order in the Senate at any time after the third day (excluding Saturdays, Sundays, and legal holidays) following the day on which such conference report is reported and is available to Members of the Senate.'' and inserted ''on any concurrent resolution on the budget (or a reconciliation bill or resolution)'' after ''consideration of the conference report''.

Subsec. (c)(2). Pub. L. 101–508, §13209(2), inserted ''(or a message between Houses)'' after ''conference report'' wherever appearing.

Subsecs. (d), (e). Pub. L. 101–508, §13210(1), redesignated subsec. (e) as (d) and struck out former subsec. (d) which read as follows: ''If at the end of 7 days (excluding Saturdays, Sundays, and legal holidays) after the conferees of both Houses have been appointed to a committee of conference on a concurrent resolution on the budget, the conferees are unable to reach agreement with respect to all matters in disagreement between the two Houses, then the conferees shall submit to their respective Houses, on the first day thereafter on which their House is in session—

''(1) a conference report recommending those matters on which they have agreed and reporting in disagreement those matters on which they have not agreed; or

''(2) a conference report in disagreement, if the matter in disagreement is an amendment which strikes out the entire text of the concurrent resolution and inserts a substitute text.''

1987—Subsec. (c)(2). Pub. L. 100–203, §8003(d), inserted a comma after ''therewith''.

Pub. L. 100–119 inserted ''and all amendments in disagreement, and all amendments thereto, and debatable motions and appeals in connection therewith'' after ''budget,''.

1985—Subsec. (a). Pub. L. 99–177, in amending subsec. (a) generally, in par. (1) inserted provisions relating to applicability of report after first day and substituted ''fifth day'' for ''tenth day'', in par. (3) struck out ''first'' before ''concurrent'', in par. (5) substituted ''considered for'' for ''read for'', struck out par. (7) relating to motions to postpone, and redesignated par. (8) as (7).

Subsec. (b). Pub. L. 99–177, in amending subsec. (b) generally, in par. (1) substituted ''any concurrent'' for ''the second required concurrent'' and ''635(a)'' for ''641(a)'', in par. (3) struck out ''first'' before ''concurrent'', and in par. (4) inserted provisions relating to applicability of other limitations of this Act.

Subsecs. (c) to (e). Pub. L. 99–177, in amending section generally, reenacted subsecs. (c) to (e) without change.

1978—Subsec. (a). Pub. L. 95–523, §303(b), inserted in par. (2) '', plus such additional hours of debate as are consumed pursuant to paragraph (3)'' after ''and minority parties'', added pars. (3) and (4) and redesignated existing pars. (3) to (6) as (6) to (9), respectively. Existing pars. (3) to (6) were renumbered (5) to (8), respectively, as the probable intent of Congress, notwithstanding the language of section 303(b)(2) of Pub. L. 95–523 directing that existing pars. (3) to (6) be redesignated (6) to (9), respectively.

Subsec. (b). Pub. L. 95–523, §303(c), added pars. (3) and (4) and redesignated existing pars. (3) and (4) as (6) and (7), respectively. Existing pars. (3) and (4) were renumbered (5) and (6), respectively, as the probable intent of Congress, notwithstanding the language of section 303(c)(1) of Pub. L. 95–523 directing that existing pars. (3) and (4) be redesignated (6) and (7), respectively.

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, set out as an Effective and Termination Dates note under section 900 of this title.

§ 637. Legislation dealing with Congressional budget must be handled by Budget Committees

No bill, resolution, amendment, motion, or conference report, dealing with any matter which is within the jurisdiction of the Committee on the Budget of either House shall be considered in that House unless it is a bill or resolution which has been reported by the Committee on the Budget of that House (or from the consideration of which such committee has been discharged) or unless it is an amendment to such a bill or resolution.

(Pub. L. 93–344, title III, § 306, July 12, 1974, 88 Stat. 313; Pub. L. 99–177, title II, § 201(b), Dec. 12, 1985, 99 Stat. 1050; Pub. L. 101–508, title XIII, § 13207(a)(1)(D), Nov. 5, 1990, 104 Stat. 1388–617.)

CODIFICATION

Section was formerly classified to section 1327 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

1990—Pub. L. 101–508 substituted ''bill, resolution, amendment, motion, or conference report'' for ''bill or resolution, and no amendment to any bill or resolution''.

1985—Pub. L. 99–177 reenacted section without change.

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, set out as an Effective and Termination Dates note under section 900 of this title.

§ 638. House committee action on all appropriation bills to be completed by June 10

On or before June 10 of each year, the Committee on Appropriations of the House of Representatives shall report annual appropriation bills providing new budget authority under the jurisdiction of all of its subcommittees for the fiscal year which begins on October 1 of that year.

(Pub. L. 93–344, title III, § 307, July 12, 1974, 88 Stat. 313; Pub. L. 99–177, title II, § 201(b), Dec. 12, 1985, 99 Stat. 1051.)

CODIFICATION

Section was formerly classified to section 1328 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

1985—Pub. L. 99–177 substituted ''by June 10'' for ''before first appropriation bill is reported'' in section catchline, and amended section generally. Prior to amendment, section read as follows: ''Prior to reporting the first regular appropriation bill for each fiscal year, the Committee on Appropriations of the House of Representatives shall, to the extent practicable, complete subcommittee markup and full committee action on all regular appropriation bills for that year and submit to the House a summary report comparing the committee's recommendations with the appropriate levels of budget outlays and new budget authority as set forth in the most recently agreed to concurrent resolution on the budget for that year.''

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, set out as an Effective and Termination Dates note under section 900 of this title.

§ 639. Reports, summaries, and projections of Congressional budget actions

(a) Legislation providing new budget authority or providing increase or decrease in revenues or tax expenditures

(1) Whenever a committee of either House reports to its House a bill or joint resolution, or committee amendment thereto, providing new budget authority (other than continuing appropriations) or providing an increase or decrease in revenues or tax expenditures for a fiscal year (or fiscal years), the report accompanying that bill or joint resolution shall contain a statement, or the committee shall make available such a statement in the case of an approved committee amendment which is not reported to its House, prepared after consultation with the Director of the Congressional Budget Office—

(A) comparing the levels in such measure to the appropriate allocations in the reports submitted under section 633(b) of this title for the most recently agreed to concurrent resolution on the budget for such fiscal year (or fiscal years);

(B) containing a projection by the Congressional Budget Office of how such measure will affect the levels of such budget authority, budget outlays, revenues, or tax expenditures under existing law for such fiscal year (or fiscal years) and each of the four ensuing fiscal years, if timely submitted before such report is filed; and

(C) containing an estimate by the Congressional Budget Office of the level of new budget authority for assistance to State and local governments provided by such measure, if timely submitted before such report is filed.

(2) Whenever a conference report is filed in either House and such conference report or any amendment reported in disagreement or any amendment contained in the joint statement of managers to be proposed by the conferees in the case of technical disagreement on such bill or joint resolution provides new budget authority (other than continuing appropriations) or provides an increase or decrease in revenues for a fiscal year (or fiscal years), the statement of managers accompanying such conference report shall contain the information described in paragraph (1), if available on a timely basis. If such information is not available when the conference report is filed, the committee shall make such information available to Members as soon as practicable prior to the consideration of such conference report.

(3) CBO PAYGO estimates.—

(A) The Chairs of the Committees on the Budget of the House and Senate, as applicable,

shall request from the Director of the Congressional Budget Office an estimate of the budgetary effects of PAYGO legislation.

(B) Estimates shall be prepared using baseline estimates supplied by the Congressional Budget Office, consistent with section 907 of this title.

(C) The Director shall not count timing shifts, as that term is defined at section 932(8) of this title, in estimates of the budgetary effects of PAYGO Legislation.

(b) Up-to-date tabulations of Congressional budget action

(1) The Director of the Congressional Budget Office shall issue to the committees of the House of Representatives and the Senate reports on at least a monthly basis detailing and tabulating the progress of congressional action on bills and joint resolutions providing new budget authority or providing an increase or decrease in revenues or tax expenditures for each fiscal year covered by a concurrent resolution on the budget. Such reports shall include but are not limited to an up-to-date tabulation comparing the appropriate aggregate and functional levels (including outlays) included in the most recently adopted concurrent resolution on the budget with the levels provided in bills and joint resolutions reported by committees or adopted by either House or by the Congress, and with the levels provided by law for the fiscal year preceding the first fiscal year covered by the appropriate concurrent resolution.

(2) The Committee on the Budget of each House shall make available to Members of its House summary budget scorekeeping reports. Such reports—

(A) shall be made available on at least a monthly basis, but in any case frequently enough to provide Members of each House an accurate representation of the current status of congressional consideration of the budget;

(B) shall include, but are not limited to, summaries of tabulations provided under subsection (b)(1) of this section; and

(C) shall be based on information provided under subsection (b)(1) of this section without substantive revision.

The chairman of the Committee on the Budget of the House of Representatives shall submit such reports to the Speaker.

(c) Five-year projection of Congressional budget action

As soon as practicable after the beginning of each fiscal year, the Director of the Congressional Budget Office shall issue a report projecting for the period of 5 fiscal years beginning with such fiscal year—

(1) total new budget authority and total budget outlays for each fiscal year in such period;

(2) revenues to be received and the major sources thereof, and the surplus or deficit, if any, for each fiscal year in such period;

(3) tax expenditures for each fiscal year in such period; and

(4) entitlement authority for each fiscal year in such period.

(d) Scorekeeping guidelines

Estimates under this section shall be provided in accordance with the scorekeeping guidelines determined under section 902(d)(5) of this title.

(Pub. L. 93–344, title III, §308, July 12, 1974, 88 Stat. 313; Pub. L. 99–177, title II, §201(b), Dec. 12, 1985, 99 Stat. 1051; Pub. L. 101–508, title XIII, §13206, Nov. 5, 1990, 104 Stat. 1388–617; Pub. L. 105–33, title X, §10110, Aug. 5, 1997, 111 Stat. 685; Pub. L. 111–139, title I, §4(b), Feb. 12, 2010, 124 Stat. 11.)

CODIFICATION

Section was formerly classified to section 1329 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

2010—Subsec. (a). Pub. L. 111–139, §4(b)(1)(B), struck out ''Reports on'' before ''Legislation'' in heading.

Subsec. (a)(3). Pub. L. 111–139, §4(b)(1)(A), added par. (3).

Subsec. (d). Pub. L. 111–139, §4(b)(2), added subsec. (d).

1997—Subsec. (a). Pub. L. 105–33, §10110(1)(A), struck out '', new spending authority, or new credit authority,'' after ''new budget authority'' in heading.

Subsec. (a)(1). Pub. L. 105–33, §10110(4), in introductory provisions, substituted ''bill or joint resolution'' for ''bill or resolution'' in two places.

Pub. L. 105–33, §10110(1)(D), in introductory provisions, struck out '', new spending authority described in section 651(c)(2) of this title, or new credit authority,'' after ''continuing appropriations)''.

Subsec. (a)(1)(B). Pub. L. 105–33, §10110(1)(C), substituted ''revenues, or tax expenditures'' for ''spending authority, revenues, tax expenditures, direct loan obligations, or primary loan guarantee commitments''.

Pub. L. 105–33, §10110(1)(B), redesignated subpar. (C) as (B) and struck out former subpar. (B) which read as follows: ''including an identification of any new spending authority described in section 651(c)(2) of this title which is contained in such measure and a justification for the use of such financing method instead of annual appropriations;''.

Subsec. (a)(1)(C), (D). Pub. L. 105–33, §10110(1)(B), redesignated subpars. (C) and (D) as (B) and (C), respectively.

Subsec. (a)(2). Pub. L. 105–33, §10110(4), substituted ''bill or joint resolution'' for ''bill or resolution''.

Pub. L. 105–33, §10110(1)(D), struck out '', new spending authority described in section 651(c)(2) of this title, or new credit authority,'' after ''continuing appropriations)''.

Subsec. (b)(1). Pub. L. 105–33, §10110(4), substituted ''bills and joint resolutions'' for ''bills and resolutions'' in two places.

Pub. L. 105–33, §10110(2), struck out '', new spending authority described in section 651(c)(2) of this title, or new credit authority,'' after ''new budget authority''.

Subsec. (c)(3) to (5). Pub. L. 105–33, §10110(3), inserted ''and'' at end of par. (3), substituted a period for ''; and'' at end of par. (4), and struck out par. (5) which read as follows: ''credit authority for each fiscal year in such period.''

1990—Subsec. (a)(1). Pub. L. 101–508, §13206(a)(1), inserted ''(or fiscal years)'' after ''fiscal year'' in introductory provisions and in subpars. (A) and (C).

Subsec. (a)(2). Pub. L. 101–508, §13206(b), inserted ''(or fiscal years)'' after ''fiscal year''.

Subsec. (b)(1). Pub. L. 101–508, §13206(c), substituted ''for each fiscal year covered by a concurrent resolution on the budget'' for ''for a fiscal year'' in first sentence, and ''the first fiscal year covered by the appropriate concurrent resolution'' for ''such fiscal year'' in second sentence.

1985—Subsec. (a). Pub. L. 99–177, in amending subsec. (a) generally, designated existing provisions as par. (1),

substituted provisions relating to reports on legislation providing new budget authority, new spending authority, or new credit authority, or providing an increase or decrease in revenues or tax expenditures, for provisions relating to reports on legislation providing new budget authority or tax expenditures, and added par. (2).

Subsec. (b). Pub. L. 99–177, in amending subsec. (b) generally, designated existing provisions as par. (1), substituted provisions relating to issuance of reports on a monthly basis and contents of such reports, for provisions relating to issuance of reports on a periodic basis and contents of such reports, and added par. (2).

Subsec. (c). Pub. L. 99–177 amended subsec. (c) generally, adding pars. (4) and (5).

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, set out as an Effective and Termination Dates note under section 900 of this title.

§ 640. House approval of regular appropriation bills

It shall not be in order in the House of Representatives to consider any resolution providing for an adjournment period of more than three calendar days during the month of July until the House of Representatives has approved annual appropriation bills providing new budget authority under the jurisdiction of all the subcommittees of the Committee on Appropriations for the fiscal year beginning on October 1 of such year. For purposes of this section, the chairman of the Committee on Appropriations of the House of Representatives shall periodically advise the Speaker as to changes in jurisdiction among its various subcommittees.

(Pub. L. 93–344, title III, § 309, July 12, 1974, 88 Stat. 314; Pub. L. 99–177, title II, § 201(b), Dec. 12, 1985, 99 Stat. 1052.)

CODIFICATION

Section was formerly classified to section 1330 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

1985—Pub. L. 99–177 substituted ''House approval of regular appropriation bills'' for ''Completion of action on bills providing new budget authority and certain new spending authority'' in section catchline, and amended section generally. Prior to amendment, section read as follows: ''Except as otherwise provided pursuant to this subchapter, not later than the seventh day after Labor Day of each year, the Congress shall complete action on all bills and resolutions—

''(1) providing new budget authority for the fiscal year beginning on October 1 of such year, other than supplemental, deficiency, and continuing appropriation bills and resolutions, and other than the reconciliation bill for such year, if required to be reported under section 641(c) of this title; and

''(2) providing new spending authority described in section 651(c)(2)(C) of this title which is to become effective during such fiscal year.

Paragraph (1) shall not apply to any bill or resolution if legislation authorizing the enactment of new budget authority to be provided in such bill or resolution has not been timely enacted.''

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, set out as an Effective and Termination Dates note under section 900 of this title.

§ 641. Reconciliation

(a) Inclusion of reconciliation directives in concurrent resolutions on the budget

A concurrent resolution on the budget for any fiscal year, to the extent necessary to effectuate the provisions and requirements of such resolution, shall—

(1) specify the total amount by which—

(A) new budget authority for such fiscal year;

(B) budget authority initially provided for prior fiscal years;

(C) new entitlement authority which is to become effective during such fiscal year; and

(D) credit authority for such fiscal year,

contained in laws, bills, and resolutions within the jurisdiction of a committee, is to be changed and direct that committee to determine and recommend changes to accomplish a change of such total amount;

(2) specify the total amount by which revenues are to be changed and direct that the committees having jurisdiction to determine and recommend changes in the revenue laws, bills, and resolutions to accomplish a change of such total amount;

(3) specify the amounts by which the statutory limit on the public debt is to be changed and direct the committee having jurisdiction to recommend such change; or

(4) specify and direct any combination of the matters described in paragraphs (1), (2), and (3) (including a direction to achieve deficit reduction).

(b) Legislative procedure

If a concurrent resolution containing directives to one or more committees to determine and recommend changes in laws, bills, or resolutions is agreed to in accordance with subsection (a) of this section, and—

(1) only one committee of the House or the Senate is directed to determine and recommend changes, that committee shall promptly make such determination and recommendations and report to its House reconciliation legislation containing such recommendations; or

(2) more than one committee of the House or the Senate is directed to determine and recommend changes, each such committee so directed shall promptly make such determination and recommendations and submit such recommendations to the Committee on the Budget of its House, which, upon receiving all such recommendations, shall report to its House reconciliation legislation carrying out all such recommendations without any substantive revision.

For purposes of this subsection, a reconciliation resolution is a concurrent resolution directing the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be, to make specified changes in bills and resolutions which have not been enrolled.

(c) Compliance with reconciliation directions

(1) Any committee of the House of Representatives or the Senate that is directed, pursuant to

a concurrent resolution on the budget, to determine and recommend changes of the type described in paragraphs (1) and (2) of subsection (a) of this section with respect to laws within its jurisdiction, shall be deemed to have complied with such directions—

(A) if—

(i) the amount of the changes of the type described in paragraph (1) of such subsection recommended by such committee do not exceed or fall below the amount of the changes such committee was directed by such concurrent resolution to recommend under such paragraph by more than[1]

(I) in the Senate, 20 percent of the total of the amounts of the changes such committee was directed to make under paragraphs (1) and (2) of such subsection; or

(II) in the House of Representatives, 20 percent of the sum of the absolute value of the changes the committee was directed to make under paragraph (1) and the absolute value of the changes the committee was directed to make under paragraph (2); and

(ii) the amount of the changes of the type described in paragraph (2) of such subsection recommended by such committee do not exceed or fall below the amount of the changes such committee was directed by such concurrent resolution to recommend under that paragraph by more than[1]

(I) in the Senate, 20 percent of the total of the amounts of the changes such committee was directed to make under paragraphs (1) and (2) of such subsection; or

(II) in the House of Representatives, 20 percent of the sum of the absolute value of the changes the committee was directed to make under paragraph (1) and the absolute value of the changes the committee was directed to make under paragraph (2); and

(B) if the total amount of the changes recommended by such committee is not less than the total of the amounts of the changes such committee was directed to make under paragraphs (1) and (2) of such subsection.

(2)(A) Upon the reporting to the Committee on the Budget of the Senate of a recommendation that shall be deemed to have complied with such directions solely by virtue of this subsection, the chairman of that committee may file with the Senate appropriately revised allocations under section 633(a) of this title and revised functional levels and aggregates to carry out this subsection.

(B) Upon the submission to the Senate of a conference report recommending a reconciliation bill or resolution in which a committee shall be deemed to have complied with such directions solely by virtue of this subsection, the chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 633(a) of this title and revised functional levels and aggregates to carry out this subsection.

(C) Allocations, functional levels, and aggregates revised pursuant to this paragraph shall be considered to be allocations, functional levels, and aggregates contained in the concurrent resolution on the budget pursuant to section 632 of this title.

(D) Upon the filing of revised allocations pursuant to this paragraph, the reporting committee shall report revised allocations pursuant to section 633(b) of this title to carry out this subsection.

(d) Limitation on amendments to reconciliation bills and resolutions

(1) It shall not be in order in the House of Representatives to consider any amendment to a reconciliation bill or reconciliation resolution if such amendment would have the effect of increasing any specific budget outlays above the level of such outlays provided in the bill or resolution (for the fiscal years covered by the reconciliation instructions set forth in the most recently agreed to concurrent resolution on the budget), or would have the effect of reducing any specific Federal revenues below the level of such revenues provided in the bill or resolution (for such fiscal years), unless such amendment makes at least an equivalent reduction in other specific budget outlays, an equivalent increase in other specific Federal revenues, or an equivalent combination thereof (for such fiscal years), except that a motion to strike a provision providing new budget authority or new entitlement authority may be in order.

(2) It shall not be in order in the Senate to consider any amendment to a reconciliation bill or reconciliation resolution if such amendment would have the effect of decreasing any specific budget outlay reductions below the level of such outlay reductions provided (for the fiscal years covered) in the reconciliation instructions which relate to such bill or resolution set forth in a resolution providing for reconciliation, or would have the effect of reducing Federal revenue increases below the level of such revenue increases provided (for such fiscal years) in such instructions relating to such bill or resolution, unless such amendment makes a reduction in other specific budget outlays, an increase in other specific Federal revenues, or a combination thereof (for such fiscal years) at least equivalent to any increase in outlays or decrease in revenues provided by such amendment, except that a motion to strike a provision shall always be in order.

(3) Paragraphs (1) and (2) shall not apply if a declaration of war by the Congress is in effect.

(4) For purposes of this section, the levels of budget outlays and Federal 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 of the Senate, as the case may be.

(5) The Committee on Rules of the House of Representatives may make in order amendments to achieve changes specified by reconciliation directives contained in a concurrent resolution on the budget if a committee or committees of the House fail to submit recommended changes to its Committee on the Budget pursuant to its instruction.

(e) Procedure in Senate

(1) Except as provided in paragraph (2), the provisions of section 636 of this title for the con-

[1] So in original. Probably should be ''than—''.

sideration in the Senate of concurrent resolutions on the budget and conference reports thereon shall also apply to the consideration in the Senate of reconciliation bills reported under subsection (b) of this section and conference reports thereon.

(2) Debate in the Senate on any reconciliation bill reported under subsection (b) of this section, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours.

(f) Completion of reconciliation process

It shall not be in order in the House of Representatives to consider any resolution providing for an adjournment period of more than three calendar days during the month of July until the House of Representatives has completed action on the reconciliation legislation for the fiscal year beginning on October 1 of the calendar year to which the adjournment resolution pertains, if reconciliation legislation is required to be reported by the concurrent resolution on the budget for such fiscal year.

(g) Limitation on changes to Social Security Act

Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to consider any reconciliation bill or reconciliation resolution reported pursuant to a concurrent resolution on the budget agreed to under section 632 or 635 of this title, or a joint resolution pursuant to section 907d of this title, or any amendment thereto or conference report thereon, that contains recommendations with respect to the old-age, survivors, and disability insurance program established under title II of the Social Security Act [42 U.S.C. 401 et seq.].

(Pub. L. 93–344, title III, § 310, July 12, 1974, 88 Stat. 315; Pub. L. 99–177, title II, § 201(b), Dec. 12, 1985, 99 Stat. 1053; Pub. L. 101–508, title XIII, §§ 13112(a)(9), 13207(c), (d), 13210(2), Nov. 5, 1990, 104 Stat. 1388–608, 1388–618 to 1388–620; Pub. L. 105–33, title X, § 10111, Aug. 5, 1997, 111 Stat. 685.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (g), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Social Security Act is classified generally to subchapter II (§ 401 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

CODIFICATION

Section was formerly classified to section 1331 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—Subsec. (c)(1)(A)(i). Pub. L. 105–33, § 10111(1), substituted subcls. (I) and (II) for ''20 percent of the total of the amounts of the changes such committee was directed to make under paragraphs (1) and (2) of such subsection, and''.

Subsec. (c)(1)(A)(ii). Pub. L. 105–33, § 10111(2), substituted subcls. (I) and (II) for ''20 percent of the total of the amounts of the changes such committee was directed to make under paragraphs (1) and (2) of such subsection; and''.

1990—Subsec. (a)(4). Pub. L. 101–508, § 13207(d), inserted before period at end ''(including a direction to achieve deficit reduction)''.

Subsec. (c). Pub. L. 101–508, § 13207(c), designated existing provisions as par. (1), redesignated former par. (1) and subpars. (A) and (B) thereof as subpar. (A) and cls. (i) and (ii), respectively, redesignated former par. (2) as subpar. (B) of par. (1), and added par. (2).

Subsec. (f). Pub. L. 101–508, § 13210(2), struck out par. (1) heading ''In general'' and text which directed Congress to complete action on any reconciliation bill or reconciliation resolution reported under subsec. (b) of this section not later than June 15 of each year, and struck out the par. (2) designation and heading ''Point of order in the House of Representatives''.

Subsec. (g). Pub. L. 101–508, § 13112(a)(9), substituted ''joint resolution pursuant'' for ''resolution pursuant'' and ''section 907d of this title'' for ''section 904(b) of this title''.

1985—Pub. L. 99–177 substituted ''Reconciliation'' for ''Second required concurrent resolution and reconciliation process'' in section catchline.

Subsec. (a). Pub. L. 99–177 amended subsec. (a) generally, inserting provisions relating to new entitlement authority and credit authority, and deleting provision that any such concurrent resolution could be reported, and the report accompanying it could be filed, in either House notwithstanding that that House was not in session on the day on which such concurrent resolution is reported.

Subsec. (b). Pub. L. 99–177 amended subsec. (b) generally, substituting provisions relating to legislative procedure respecting concurrent resolutions with directives to committees to determine and recommend changes in laws, etc., for provisions relating to completion of action on concurrent resolutions.

Subsec. (c). Pub. L. 99–177 amended subsec. (c) generally, substituting provisions relating to compliance with reconciliation directives, for provisions relating to the reconciliation process.

Subsec. (d). Pub. L. 99–177 amended subsec. (d) generally, substituting provisions relating to limitations on amendments to reconciliation bills and resolutions, for provisions relating to completion of the reconciliation process.

Subsec. (e). Pub. L. 99–177 amended subsec. (e) generally, substituting references to subsec. (b) for references to subsec. (c) wherever appearing, and deleting references to reconciliation resolutions.

Subsec. (f). Pub. L. 99–177 amended subsec. (f) generally, inserting provision that Congress complete action on reconciliation bills or resolutions reported under subsec. (b) not later than June 15 of each year and revising provisions relating to adjournment periods of the House of Representatives with respect to completion of action on fiscal year reconciliation legislation.

Subsec. (g). Pub. L. 99–177, in amending section generally, added subsec. (g).

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, set out as an Effective and Termination Dates note under section 900 of this title.

§ 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) of this section, 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) of this section, 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) of this section, 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) of this section 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.)

REFERENCES IN TEXT

The Internal Revenue Code of 1986, referred to in subsec. (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).

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, set out as an Effective and Termination Dates note under section 900 of this title.

§ 643. Determinations and points of order

(a) Budget Committee determinations

For purposes of this subchapter and subchapter II of this chapter, 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 Presiding Officer shall then recommit the bill or resolution to the committee of appropriate jurisdiction for further consideration.

(Pub. L. 93–344, title III, § 312, as added Pub. L. 101–508, title XIII, § 13207(b)(1), Nov. 5, 1990, 104 Stat. 1388–618; amended Pub. L. 105–33, title X, § 10113(a), Aug. 5, 1997, 111 Stat. 687.)

REFERENCES IN TEXT

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (c), is title II of Pub. L. 99–177, Dec. 12, 1985, 99 Stat. 1038, as amended, 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.

This Act, referred to in subsecs. (d) to (f), means Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended, known as the Congressional Budget and Impoundment Control

Act of 1974, which enacted chapters 17, 17A, and 17B and section 190a–3 of this title and sections 11a, 11c, 11d, 1020a of former Title 31, Money and Finance, amended sections 11, 665, 701, 1020, 1151, 1152, 1153, and 1154 of former Title 31, section 105 of Title 1, General Provisions, and sections 190b and 190d of this title, repealed sections 571 and 581c–1 of former Title 31 and sections 66 and 81 of this title, and enacted provisions set out as notes under sections 190a–1, 621, 632, and 682 of this title, section 105 of Title 1, and section 1020 of former Title 31. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

AMENDMENTS

1997—Pub. L. 105–33 amended section catchline and text generally. Prior to amendment, section consisted of subsecs. (a) and (b) and provided that each provision of this Act that established point of order against an amendment also established point of order in Senate against an amendment between Houses and prescribed effect of sustaining point of order against an amendment or bill under this Act.

§ 644. Extraneous matter in reconciliation legislation

(a) In general

When the Senate is considering a reconciliation bill or a reconciliation resolution pursuant to section 641 of this title (whether that bill or resolution originated in the Senate or the House) or section 907d of this title, upon a point of order being made by any Senator against material extraneous to the instructions to a committee which is contained in any title or provision of the bill or resolution or offered as an amendment to the bill or resolution, and the point of order is sustained by the Chair, any part of said title or provision that contains material extraneous to the instructions to said Committee as defined in subsection (b) of this section shall be deemed stricken from the bill and may not be offered as an amendment from the floor.

(b) Extraneous provisions

(1)(A) Except as provided in paragraph (2), a provision of a reconciliation bill or reconciliation resolution considered pursuant to section 641 of this title shall be considered extraneous if such provision does not produce a change in outlays or revenues, including changes in outlays and revenues brought about by changes in the terms and conditions under which outlays are made or revenues are required to be collected (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); (B) any provision producing an increase in outlays or decrease in revenues shall be considered extraneous if the net effect of provisions reported by the committee reporting the title containing the provision is that the committee fails to achieve its reconciliation instructions; (C) a provision that is not in the jurisdiction of the committee with jurisdiction over said title or provision shall be considered extraneous; (D) a provision shall be considered extraneous if it produces changes in outlays or revenues which are merely incidental to the non-budgetary components of the provision; (E) a provision shall be considered to be extraneous if it increases, or would increase, net outlays, or if it decreases, or would decrease, revenues during a fiscal year after the fiscal years covered by such reconciliation bill or reconciliation resolution, and such increases or decreases are greater than outlay reductions or revenue increases resulting from other provisions in such title in such year; and (F) a provision shall be considered extraneous if it violates section 641(g) of this title.

(2) A Senate-originated provision shall not be considered extraneous under 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: (A) the provision mitigates direct effects clearly attributable to a provision changing outlays or revenues and both provisions together produce a net reduction in the deficit; (B) the provision will result in a substantial reduction in outlays or a substantial increase in revenues during fiscal years after the fiscal years covered by the reconciliation bill or reconciliation resolution; (C) a reduction of outlays or an increase in revenues is likely to occur as a result of the provision, in the event of new regulations authorized by the provision or likely to be proposed, court rulings on pending litigation, or relationships between economic indices and stipulated statutory triggers pertaining to the provision, other than the regulations, court rulings or relationships currently projected by the Congressional Budget Office for scorekeeping purposes; or (D) such provision will be likely to produce a significant reduction in outlays or increase in revenues but, due to insufficient data, such reduction or increase cannot be reliably estimated.

(3) A provision reported by a committee shall not be considered extraneous under paragraph (1)(C) if (A) the provision is an integral part of a provision or title, which if introduced as a bill or resolution would be referred to such committee, and the provision sets forth the procedure to carry out or implement the substantive provisions that were reported and which fall within the jurisdiction of such committee; or (B) the provision states an exception to, or a special application of, the general provision or title of which it is a part and such general provision or title if introduced as a bill or resolution would be referred to such committee.

(c) Extraneous materials

Upon the reporting or discharge of a reconciliation bill or resolution pursuant to section 641 of this title in the Senate, and again upon the submission of a conference report on such a reconciliation bill or resolution, the Committee on the Budget of the Senate shall submit for the record a list of material considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of this section to the instructions of a committee as provided in this section. The inclusion or exclusion of a provision shall not constitute a determination of extraneousness by the Presiding Officer of the Senate.

(d) Conference reports

When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a reconciliation bill or reconciliation resolution pursuant to section 641 of this title, upon—

(1) a point of order being made by any Senator against extraneous material meeting the definition of subsections (b)(1)(A), (b)(1)(B), (b)(1)(D), (b)(1)(E), or (b)(1)(F) of this section, and

(2) such point of order being sustained,

such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed, without intervening action or motion, 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 for two hours. 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.

(e) General point of order

Notwithstanding any other law or rule of the Senate, it shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those provisions (including provisions of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(Pub. L. 93–344, title III, § 313, formerly Pub. L. 99–272, title XX, § 20001, Apr. 7, 1986, 100 Stat. 390, as amended Pub. L. 99–509, title VII, § 7006, Oct. 21, 1986, 100 Stat. 1949; Pub. L. 100–119, title II, § 205(a), (b), Sept. 29, 1987, 101 Stat. 784; renumbered § 313 of Pub. L. 93–344 and amended Pub. L. 101–508, title XIII, § 13214(a)–(b)(4), Nov. 5, 1990, 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) of this section'' for ''subsection (d) of this section''.

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) of this section'' 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

(1) In general

After the reporting of a bill or joint resolution, 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 shall make the adjustments set forth in paragraph (2) for the amount of new budget authority in that measure (if that measure meets the requirements set forth in subsection (b) of this section) and the outlays flowing from that budget authority.

(2) Matters to be adjusted

The adjustments referred to in paragraph (1) are to be made to—

(A) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

(B) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 633(a) of this title; and

(C) the budgetary aggregates as set forth in the appropriate concurrent resolution on the budget.

(b) Amounts of adjustments

The adjustment referred to in subsection (a) of this section shall be—

(1) an amount provided and designated as an emergency requirement pursuant to section 901(b)(2)(A) or 902(e) of this title;

(2) an amount provided for continuing disability reviews subject to the limitations in section 901(b)(2)(C) of this title;

(3) for any fiscal year through 2002, an amount provided that is the dollar equivalent of the Special Drawing Rights with respect to—

(A) an increase in the United States quota as part of the International Monetary Fund Eleventh General Review of Quotas (United States Quota); or

(B) any increase in the maximum amount available to the Secretary of the Treasury pursuant to section 286e–2 of title 22, as amended from time to time (New Arrangements to Borrow);

(4) an amount provided not to exceed $1,884,000,000 for the period of fiscal years 1998 through 2000 for arrearages for international organizations, international peacekeeping, and multilateral development banks;

(5) an amount provided for an earned income tax credit compliance initiative but not to exceed—

(A) with respect to fiscal year 1998, $138,000,000 in new budget authority;

(B) with respect to fiscal year 1999, $143,000,000 in new budget authority;

(C) with respect to fiscal year 2000, $144,000,000 in new budget authority;

(D) with respect to fiscal year 2001, $145,000,000 in new budget authority; and

(E) with respect to fiscal year 2002, $146,000,000 in new budget authority; or

(6) in the case of an amount for adoption incentive payments (as defined in section 901(b)(2)(G) of this title) for fiscal year 1999, 2000, 2001, 2002, or 2003 for the Department of Health and Human Services, an amount not to exceed $20,000,000.

(c) Application of adjustments

The adjustments made pursuant to subsection (a) of this section 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.

(d) Reporting revised suballocations

Following any adjustment made under subsection (a) of this section, 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.

(e) Definitions for CDRs

As used in subsection (b)(2) of this section—

(1) the term ''continuing disability reviews'' shall have the same meaning as provided in section 901(b)(2)(C)(ii) of this title; and

(2) the term ''new budget authority'' shall have the same meaning as the term ''additional new budget authority'' and the term ''outlays'' shall have the same meaning as ''additional outlays'' in that section.

(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.)

AMENDMENTS

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 of this chapter 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.

(Pub. L. 93–344, title III, § 315, as added Pub. L. 105–33, title X, § 10115(a), Aug. 5, 1997, 111 Stat. 690.)

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(b) 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) of this section 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) of this section 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

(B) the outlays resulting therefrom consist exclusively of the proceeds of gifts or bequests made to the United States for a specific purpose.

(Pub. L. 93–344, title IV, § 401, July 12, 1974, 88 Stat. 317; Pub. L. 99–177, title II, § 211, Dec. 12, 1985, 99 Stat. 1056; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 101–508, title XIII, § 13207(a)(1)(F), (G), Nov. 5, 1990, 104 Stat. 1388–617, 1388–618; Pub. L. 105–33, title X, § 10116(a)(1)–(5), Aug. 5, 1997, 111 Stat. 690, 691.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (c)(1)(A), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as

amended, which is classified generally to chapter 7 (§ 301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Internal Revenue Code of 1986, referred to in subsec. (c)(1)(B), is classified generally to Title 26, Internal Revenue Code.

CODIFICATION

In subsec. (c)(2)(A), ''section 9101(2) of title 31'', ''section 9101(3) of title 31'', and ''chapter 91 of title 31'' were substituted for ''section 201 of the Government Corporation Control Act [31 U.S.C. 856]'', ''section 101 of such Act [31 U.S.C. 846]'', and ''that Act'', respectively, on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section was formerly classified to section 1351 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, § 10116(a)(1)(A), substituted ''Budget-related legislation not subject to appropriations'' for ''Bills providing new spending authority'' as section catchline.

Subsec. (a). Pub. L. 105–33, § 10116(a)(1)(B), added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows: ''It shall not be in order in either the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report, as reported to its House which provides new spending authority described in subsection (c)(2)(A) or (B) of this section, unless that bill, resolution, conference report, or amendment also provides that such new spending authority as described in subsection (c)(2)(A) or (B) of this section is to be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.''

Subsec. (b). Pub. L. 105–33, § 10116(a)(2)(A), inserted ''new'' before ''entitlement'' in heading.

Subsec. (b)(1). Pub. L. 105–33, § 10116(a)(2)(B), added par. (1) and struck out former par. (1) which read as follows: ''It shall not be in order in either the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report, as reported to its House, which provides new spending authority described in subsection (c)(2)(C) of this section which is to become effective before the first day of the fiscal year which begins during the calendar year in which such bill or resolution is reported.''

Subsec. (b)(2). Pub. L. 105–33, § 10116(a)(2)(C), substituted ''new entitlement authority'' for ''new spending authority described in subsection (c)(2)(C) of this section'' and ''of the Senate or may then be referred to the Committee on Appropriations of the House, as the case may be,'' for ''of that House''.

Subsec. (c). Pub. L. 105–33, § 10116(a)(5), redesignated subsec. (d) as (c).

Pub. L. 105–33, § 10116(a)(3), struck out subsec. (c) which defined terms ''new spending authority'' and ''spending authority''.

Subsec. (d). Pub. L. 105–33, § 10116(a)(5), redesignated subsec. (d) as (c).

Subsec. (d)(1). Pub. L. 105–33, § 10116(a)(4)(A), which directed substitution of ''new authority described in those subsections if outlays from that new authority will flow'' for ''new spending authority if the budget authority for outlays which result from such new spending authority is derived'', was executed by making the substitution for ''new spending authority if the budget authority for outlays which will result from such new spending authority is derived'' in introductory provisions to reflect the probable intent of Congress.

Subsec. (d)(2), (3). Pub. L. 105–33, § 10116(a)(4)(B), (C), redesignated par. (3) as (2), substituted ''new authority described in those subsections'' for ''new spending authority'' in introductory provisions, and struck out former par. (2) which read as follows: ''Subsections (a) and (b) of this section shall not apply to new spending authority which is an amendment to or extension of chapter 67 of title 31, or a continuation of the program of fiscal assistance to State and local governments provided by that chapter, to the extent so provided in the bill or resolution providing such authority.''

1990—Subsec. (a). Pub. L. 101–508, § 13207(a)(1)(F), substituted ''bill, joint resolution, amendment, motion, or conference report'' for ''bill, resolution, or conference report'' and struck out ''(or any amendment which provides such new spending authority)'' after ''subsection (c)(2)(A) or (B) of this section''.

Subsec. (b)(1). Pub. L. 101–508, § 13207(a)(1)(G), substituted ''bill, joint resolution, amendment, motion, or conference report, as reported to its House'' for ''bill or resolution'' and struck out ''(or any amendment which provides such new spending authority)'' after ''subsection (c)(2)(C) of this section''.

1986—Subsec. (d)(1)(B). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954''.

1985—Subsec. (a). Pub. L. 99–177 amended subsec. (a) generally, inserting provisions relating to applicability to conference reports.

Subsec. (b). Pub. L. 99–177, in amending section generally, reenacted subsec. (b) without change.

Subsec. (c). Pub. L. 99–177, in amending subsec. (c) generally, added pars. (2)(D) and (E).

Subsec. (d). Pub. L. 99–177, in amending subsec. (d) generally, reenacted pars. (1) and (2) without change, and inserted reference to December 12, 1985, in par. (3).

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, set out as an Effective and Termination Dates note under section 900 of this title.

EFFECTIVE DATE

Section 905(c) of Pub. L. 93–344 (formerly set out as a note under section 621 of this title) provided that except as provided in section 906 of Pub. L. 93–344 (formerly set out as a note under section 632 of this title) this section shall take effect on the first day of the second regular session of the Ninety-fourth Congress.

§ 652. Repealed. Pub. L. 105–33, title X, § 10116(b), Aug. 5, 1997, 111 Stat. 692

Section, Pub. L. 93–344, title IV, § 402, July 12, 1974, 88 Stat. 318; Pub. L. 99–177, title II, § 212, Dec. 12, 1985, 99 Stat. 1058; Pub. L. 101–508, title XIII, § 13207(a)(1)(H), Nov. 5, 1990, 104 Stat. 1388–618, related to legislation providing new credit authority.

§ 653. Analysis by Congressional Budget Office

The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill or resolution of a public character reported by any committee of the House of Representatives or the Senate (except the Committee on Appropriations of each House), and submit to such committee—

(1) an estimate of the costs which would be incurred in carrying out such bill or resolution in the fiscal year in which it is to become effective and in each of the 4 fiscal years following such fiscal year, together with the basis for each such estimate;

(2) a comparison of the estimates of costs described in paragraph (1) with any available estimates of costs made by such committee or by any Federal agency; and

(3) a description of each method for establishing a Federal financial commitment contained in such bill or resolution.

The estimates, comparison, and description so submitted shall be included in the report accompanying such bill or resolution if timely submitted to such committee before such report is filed.

(Pub. L. 93–344, title IV, § 402, formerly § 403, July 12, 1974, 88 Stat. 320; Pub. L. 97–108, § 2(a), Dec. 23, 1981, 95 Stat. 1510; Pub. L. 99–177, title II, § 213, Dec. 12, 1985, 99 Stat. 1059; Pub. L. 104–4, title I, § 104, Mar. 22, 1995, 109 Stat. 62; renumbered § 402, Pub. L. 105–33, title X, § 10116(c)(1), Aug. 5, 1997, 111 Stat. 692.)

CODIFICATION

Section was formerly classified to section 1353 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.

PRIOR PROVISIONS

A prior section 402 of Pub. L. 93–344 was classified to section 652 of this title prior to repeal by Pub. L. 105–33.

AMENDMENTS

1995—Subsec. (a). Pub. L. 104–4, § 104(2), struck out subsection designation.

Subsec. (a)(2). Pub. L. 104–4, § 104(1)(A), (C), redesignated par. (3) as (2) and struck out former par. (2), which read as follows: ''an estimate of the cost which would be incurred by State and local governments in carrying out or complying with any significant bill or resolution in the fiscal year in which it is to become effective and in each of the four fiscal years following such fiscal year, together with the basis for each such estimate;''.

Subsec. (a)(3). Pub. L. 104–4, § 104(1)(C), redesignated par. (4) as (3). Former par. (3) redesignated (2).

Pub. L. 104–4, § 104(1)(B), which directed the substitution of ''paragraph (1)'' for ''paragraphs (1) and (2)'', was executed by making the substitution for ''paragraph (1) and (2)'' to reflect the probable intent of Congress.

Subsec. (a)(4). Pub. L. 104–4, § 104(1)(C), redesignated par. (4) as (3).

Subsecs. (b), (c). Pub. L. 104–4, § 104(3), struck out subsecs. (b) and (c) which read as follows:

''(b) For purposes of subsection (a)(2) of this section, the term 'local government' has the same meaning as in section 6501 of title 31.

''(c) For purposes of subsection (a)(2) of this section, the term 'significant bill or resolution' is defined as any bill or resolution which in the judgment of the Director of the Congressional Budget Office is likely to result in an annual cost to State and local governments of $200,000,000 or more, or is likely to have exceptional fiscal consequences for a geographic region or a particular level of government.''

1985—Subsec. (a). Pub. L. 99–177 added par. (4) and substituted ''estimates, comparison, and description'' for ''estimates and comparison'' in last sentence.

1981—Subsec. (a). Pub. L. 97–108, § 2(a)(1)–(6), designated existing provisions as subsec. (a), added par. (2), redesignated former par. (2) as (3), in par. (3) as so redesignated, substituted ''estimates'' for ''estimate'' in two places, and substituted reference to pars. (1) and (2) for reference to par. (1), and in provision following par. (3) substituted ''estimates'' for ''estimate''.

Subsecs. (b) and (c). Pub. L. 97–108, § 2(a)(7), added subsecs. (b) and (c).

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–4 effective Jan. 1, 1996, or on the date 90 days after appropriations are made available as authorized under section 1516 of this title, whichever is earlier, and applicable to legislation considered on and after such date, see section 110 of Pub. L. 104–4, set out as an Effective Date note under section 1511 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, set out as an Effective and Termination Dates note under section 900 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 2(b) of Pub. L. 97–108 provided that: ''The amendments made by subsection (a) [amending this section] shall apply with respect to bills or resolutions reported by committees of the House of Representatives and the Senate after September 30, 1982.''

EFFECTIVE DATE

Amendment by Pub. L. 93–344 effective on day on which first Director of Congressional Budget Office is appointed under section 601(a) of this title, see section 905(b) of Pub. L. 93–344, formerly set out as an Effective Date note under section 621 of this title.

AUTHORIZATION OF APPROPRIATIONS

Section 3 of Pub. L. 97–108 provided that: ''There are authorized to be appropriated such sums as may be necessary to carry out this Act [amending this section and enacting provisions set out as notes under this section and section 621 of this title].''

EXPIRATION OF AUTHORIZATION

Section 4 of Pub. L. 97–108, which provided for expiration on Sept. 30, 1987, of authorization granted under Pub. L. 97–108, which amended this section and enacted provisions set out as notes under sections 621 and 653 of this title, was repealed by Pub. L. 100–119, title II, § 204, Sept. 29, 1987, 101 Stat. 784.

§ 654. Study by Government Accountability Office of forms of Federal financial commitment not reviewed annually by Congress

The Government Accountability Office shall study those provisions of law which provide mandatory spending and report to the Congress its recommendations for the appropriate form of financing for activities or programs financed by such provisions not later than eighteen months after December 12, 1985. Such report shall be revised from time to time.

(Pub. L. 93–344, title IV, § 404, formerly § 405, as added Pub. L. 99–177, title II, § 214, Dec. 12, 1985, 99 Stat. 1059; renumbered § 404 and amended Pub. L. 105–33, title X, § 10116(c)(1), (2), Aug. 5, 1997, 111 Stat. 692; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

PRIOR PROVISIONS

A prior section 404 of Pub. L. 93–344, which is not classified to the Code, was renumbered section 403 by Pub. L. 105–33, title X, § 10116(c)(1), Aug. 5, 1997, 111 Stat. 692.

AMENDMENTS

2004—Pub. L. 108–271 substituted ''Government Accountability Office'' for ''General Accounting Office'' in section catchline and text.

1997—Pub. L. 105–33, § 10116(c)(2), substituted ''mandatory spending'' for ''spending authority as described by section 651(c)(2) of this title and which provide permanent appropriations,''.

EFFECTIVE DATE

Section 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, set out as an Effective and Termination Dates note under section 900 of this title.

§ 655. Off-budget agencies, programs, and activities

(a) Notwithstanding any other provision of law, budget authority, credit authority, and estimates of outlays and receipts for activities of the Federal budget which are off-budget immediately prior to December 12, 1985, not including activities of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, shall be included in a budget submitted pursuant to section 1105 of title 31 and in a concurrent resolution on the budget reported pursuant to section 632 or section 635 of this title and shall be considered, for purposes of this Act, budget authority, outlays, and spending authority in accordance with definitions set forth in this Act.

(b) All receipts and disbursements of the Federal Financing Bank with respect to any obligations which are issued, sold, or guaranteed by a Federal agency shall be treated as a means of financing such agency for purposes of section 1105 of title 31 and for purposes of this Act.

(Pub. L. 93–344, title IV, § 405, formerly § 406, as added Pub. L. 99–177, title II, § 214, Dec. 12, 1985, 99 Stat. 1059; renumbered § 405, Pub. L. 105–33, title X, § 10116(c)(1), Aug. 5, 1997, 111 Stat. 692.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended, known as the Congressional Budget and Impoundment Control Act of 1974, which enacted chapters 17, 17A, and 17B, and section 190a–3 of this title and sections 11a, 11c, 11d, 1020a of former Title 31, Money and Finance, amended sections 11, 665, 701, 1020, 1151, 1152, 1153, and 1154 of former Title 31, section 105 of Title 1, General Provisions, sections 190b and 190d of this title, repealed sections 571 and 581c–1 of former Title 31, and sections 66 and 81 of this title, and enacted provisions set out as notes under sections 190a–1, 621, 632, and 682 of this title, section 105 of Title 1, and section 1020 of former Title 31. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

PRIOR PROVISIONS

A prior section 405 of Pub. L. 93–344 was renumbered section 404 and is classified to section 654 of this title.

EFFECTIVE DATE

Section 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, set out as an Effective and Termination Dates note under section 900 of this title.

§ 656. Member User Group

The Speaker of the House of Representatives, after consulting with the Minority Leader of the House, may appoint a Member User Group for the purpose of reviewing budgetary scorekeeping rules and practices of the House and advising the Speaker from time to time on the effect and impact of such rules and practices.

(Pub. L. 93–344, title IV, § 406, formerly § 407, as added Pub. L. 99–177, title II, § 214, Dec. 12, 1985, 99 Stat. 1060; renumbered § 406, Pub. L. 105–33, title X, § 10116(c)(1), Aug. 5, 1997, 111 Stat. 692.)

PRIOR PROVISIONS

A prior section 406 of Pub. L. 93–344 was renumbered section 405 and is classified to section 655 of this title.

EFFECTIVE DATE

Section 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, set out as an Effective and Termination Dates note under section 900 of this title.

PART B—FEDERAL MANDATES

§ 658. Definitions

For purposes of this part:

(1) Agency

The term ''agency'' has the same meaning as defined in section 551(1) of title 5, but does not include independent regulatory agencies.

(2) Amount

The term ''amount'', with respect to an authorization of appropriations for Federal financial assistance, means the amount of budget authority for any Federal grant assistance program or any Federal program providing loan guarantees or direct loans.

(3) Direct costs

The term ''direct costs''—

(A)(i) in the case of a Federal intergovernmental mandate, means the aggregate estimated amounts that all State, local, and tribal governments would be required to spend or would be prohibited from raising in revenues in order to comply with the Federal intergovernmental mandate; or

(ii) in the case of a provision referred to in paragraph (5)(A)(ii), means the amount of Federal financial assistance eliminated or reduced;

(B) in the case of a Federal private sector mandate, means the aggregate estimated amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate;

(C) shall be determined on the assumption that—

(i) State, local, and tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations; and

(ii) reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees; and

(D) shall not include—

(i) estimated amounts that the State, local, and tribal governments (in the case of a Federal intergovernmental mandate) or the private sector (in the case of a Federal private sector mandate) would spend—

(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that Federal mandate; or

(II) to comply with or carry out State, local, and tribal governmental programs, or private-sector business or other activities in effect at the time of the adop-

tion of the Federal mandate for the same activity as is affected by that mandate; or

(ii) expenditures to the extent that such expenditures will be offset by any direct savings to the State, local, and tribal governments, or by the private sector, as a result of—

(I) compliance with the Federal mandate; or

(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate.

(4) Direct savings

The term ''direct savings'', when used with respect to the result of compliance with the Federal mandate—

(A) in the case of a Federal intergovernmental mandate, means the aggregate estimated reduction in costs to any State, local, or tribal government as a result of compliance with the Federal intergovernmental mandate; and

(B) in the case of a Federal private sector mandate, means the aggregate estimated reduction in costs to the private sector as a result of compliance with the Federal private sector mandate.

(5) Federal intergovernmental mandate

The term ''Federal intergovernmental mandate'' means—

(A) any provision in legislation, statute, or regulation that—

(i) would impose an enforceable duty upon State, local, or tribal governments, except—

(I) a condition of Federal assistance; or

(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B));[1] or

(ii) would reduce or eliminate the amount of authorization of appropriations for—

(I) Federal financial assistance that would be provided to State, local, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

(II) the control of borders by the Federal Government; or reimbursement to State, local, or tribal governments for the net cost associated with illegal, deportable, and excludable aliens, including court-mandated expenses related to emergency health care, education or criminal justice; when such a reduction or elimination would result in increased net costs to State, local, or tribal governments in providing education or emergency health care to, or incarceration of, illegal aliens; except that this subclause shall not be in effect with respect to a State, local, or tribal government, to the extent that such government has not fully cooperated in the efforts of the Federal Government to locate, apprehend, and deport illegal aliens;

(B) any provision in legislation, statute, or regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority, if the provision—

(i)(I) would increase the stringency of conditions of assistance to State, local, or tribal governments under the program; or

(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to State, local, or tribal governments under the program; and

(ii) the State, local, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the legislation, statute, or regulation.

(6) Federal mandate

The term ''Federal mandate'' means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (5) and (7).

(7) Federal private sector mandate

The term ''Federal private sector mandate'' means any provision in legislation, statute, or regulation that—

(A) would impose an enforceable duty upon the private sector except—

(i) a condition of Federal assistance; or

(ii) a duty arising from participation in a voluntary Federal program; or

(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purposes of ensuring compliance with such duty.

(8) Local government

The term ''local government'' has the same meaning as defined in section 6501(6) of title 31.

(9) Private sector

The term ''private sector'' means all persons or entities in the United States, including individuals, partnerships, associations, corporations, and educational and nonprofit institutions, but shall not include State, local, or tribal governments.

(10) Regulation; rule

The term ''regulation'' or ''rule'' (except with respect to a rule of either House of the Congress) has the meaning of ''rule'' as defined in section 601(2) of title 5.

(11) Small government

The term ''small government'' means any small governmental jurisdictions defined in

[1] So in original. Second closing parenthesis probably should not appear.

section 601(5) of title 5 and any tribal government.

(12) State

The term ''State'' has the same meaning as defined in section 6501(9) of title 31.

(13) Tribal government

The term ''tribal government'' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

(Pub. L. 93–344, title IV, § 421, as added Pub. L. 104–4, title I, § 101(a)(2), Mar. 22, 1995, 109 Stat. 50.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (13), is Pub. L. 92–203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

EFFECTIVE DATE

Part effective Jan. 1, 1996, or on the date 90 days after appropriations are made available as authorized under section 1516 of this title, whichever is earlier, and applicable to legislation considered on and after such date, see section 110 of Pub. L. 104–4, set out as a note under section 1511 of this title.

§ 658a. Exclusions

This part shall not apply to any provision in a bill, joint resolution, amendment, motion, or conference report before Congress that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the Federal Government;

(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations;

(6) the President designates as emergency legislation and that the Congress so designates in statute; or

(7) relates to the old-age, survivors, and disability insurance program under title II of the Social Security Act [42 U.S.C. 401 et seq.] (including taxes imposed by sections 3101(a) and 3111(a) of title 26 (relating to old-age, survivors, and disability insurance)).

(Pub. L. 93–344, title IV, § 422, as added Pub. L. 104–4, title I, § 101(a)(2), Mar. 22, 1995, 109 Stat. 53.)

REFERENCES IN TEXT

The Social Security Act, referred to in par. (7), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Act is classified generally to subchapter II (§ 401 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

§ 658b. Duties of Congressional committees

(a) In general

When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character that includes any Federal mandate, the report of the committee accompanying the bill or joint resolution shall contain the information required by subsections (c) and (d) of this section.

(b) Submission of bills to Director

When a committee of authorization of the Senate or the House of Representatives orders reported a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director of the Congressional Budget Office and shall identify to the Director any Federal mandates contained in the bill or resolution.

(c) Reports on Federal mandates

Each report described under subsection (a) of this section shall contain—

(1) an identification and description of any Federal mandates in the bill or joint resolution, including the direct costs to State, local, and tribal governments, and to the private sector, required to comply with the Federal mandates;

(2) a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment); and

(3) a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs or the modification or termination of the Federal mandate as provided under section 658d(a)(2) of this title would affect the competitive balance between State, local, or tribal governments and the private sector including a description of the actions, if any, taken by the committee to avoid any adverse impact on the private sector or the competitive balance between the public sector and the private sector.

(d) Intergovernmental mandates

If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required under subsection (a) of this section shall also contain—

(1)(A) a statement of the amount, if any, of increase or decrease in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of State, local, or tribal governments subject to the Federal intergovernmental mandates;

(B) a statement of whether the committee intends that the Federal intergovernmental

mandates be partly or entirely unfunded, and if so, the reasons for that intention; and

(C) if funded in whole or in part, a statement of whether and how the committee has created a mechanism to allocate the funding in a manner that is reasonably consistent with the expected direct costs among and between the respective levels of State, local, and tribal government;

(2) any existing sources of Federal assistance in addition to those identified in paragraph (1) that may assist State, local, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates; and

(3) if the bill or joint resolution would make the reduction specified in section 658(5)(B)(i)(II) of this title, a statement of how the committee specifically intends the States to implement the reduction and to what extent the legislation provides additional flexibility, if any, to offset the reduction.

(e) Preemption clarification and information

When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution is intended to preempt any State, local, or tribal law, and, if so, an explanation of the effect of such preemption.

(f) Publication of statement from Director

(1) In general

Upon receiving a statement from the Director under section 658c of this title, a committee of the Senate or the House of Representatives shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available at the time the report is printed.

(2) Other publication of statement of Director

If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the Senate or the House of Representatives before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

(Pub. L. 93–344, title IV, § 423, as added Pub. L. 104–4, title I, § 101(a)(2), Mar. 22, 1995, 109 Stat. 53; amended Pub. L. 106–141, § 2(a), Dec. 7, 1999, 113 Stat. 1699.)

AMENDMENTS

1999—Subsec. (d)(3). Pub. L. 106–141 added par. (3).

§ 658c. Duties of Director; statements on bills and joint resolutions other than appropriations bills and joint resolutions

(a) Federal intergovernmental mandates in reported bills and resolutions

For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

(1) Contents

If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

(2) Estimates

Estimates required under paragraph (1) shall include estimates (and brief explanations of the basis of the estimates) of—

(A) the total amount of direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution;

(B) if the bill or resolution contains an authorization of appropriations under section 658d(a)(2)(B) of this title, the amount of new budget authority for each fiscal year for a period not to exceed 10 years beyond the effective date necessary for the direct cost of the intergovernmental mandate; and

(C) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by State, local, or tribal governments for activities subject to the Federal intergovernmental mandates.

(3) Additional flexibility information

The Director shall include in the statement submitted under this subsection, in the case of legislation that makes changes as described in section 658(5)(B)(i)(II) of this title—

(A) if no additional flexibility is provided in the legislation, a description of whether and how the States can offset the reduction under existing law; or

(B) if additional flexibility is provided in the legislation, whether the resulting savings would offset the reductions in that program assuming the States fully implement that additional flexibility.

(4) Estimate not feasible

If the Director determines that it is not feasible to make a reasonable estimate that would be required under paragraphs (1) and (2), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement. If such determination is made by the Director, a point of order under this part shall lie only under section 658d(a)(1) of this title and as if the requirement of section 658d(a)(1) of this title had not been met.

(b) Federal private sector mandates in reported bills and joint resolutions

For each bill or joint resolution of a public character reported by any committee of author-

ization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

(1) Contents

If the Director estimates that the direct cost of all Federal private sector mandates in the bill or joint resolution will equal or exceed $100,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

(2) Estimates

Estimates required under paragraph (1) shall include estimates (and a brief explanation of the basis of the estimates) of—

(A) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

(B) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution usable by the private sector for the activities subject to the Federal private sector mandates.

(3) Estimate not feasible

If the Director determines that it is not feasible to make a reasonable estimate that would be required under paragraphs (1) and (2), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

(c) Legislation falling below direct costs thresholds

If the Director estimates that the direct costs of a Federal mandate will not equal or exceed the thresholds specified in subsections (a) and (b) of this section, the Director shall so state and shall briefly explain the basis of the estimate.

(d) Amended bills and joint resolutions; conference reports

If a bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the text of a bill or joint resolution from the other House) or is reported by a committee of conference in amended form, and the amended form contains a Federal mandate not previously considered by either House or which contains an increase in the direct cost of a previously considered Federal mandate, then the committee of conference shall ensure, to the greatest extent practicable, that the Director shall prepare a statement as provided in this subsection or a supplemental statement for the bill or joint resolution in that amended form.

(Pub. L. 93–344, title IV, § 424, as added Pub. L. 104–4, title I, § 101(a)(2), Mar. 22, 1995, 109 Stat. 55; amended Pub. L. 106–141, § 2(b), Dec. 7, 1999, 113 Stat. 1699.)

AMENDMENTS

1999—Subsec. (a)(3), (4). Pub. L. 106–141 added par. (3) and redesignated former par. (3) as (4).

§ 658d. Legislation subject to point of order

(a) In general

It shall not be in order in the Senate or the House of Representatives to consider—

(1) any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with section 658b(f) of this title before such consideration, except this paragraph shall not apply to any supplemental statement prepared by the Director under section 658c(d) of this title; and

(2) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in section 658c(a)(1) of this title to be exceeded, unless—

(A) the bill, joint resolution, amendment, motion, or conference report provides new budget authority or new entitlement authority in the House of Representatives or direct spending authority in the Senate for each fiscal year for such mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount equal to or exceeding the direct costs of such mandate; or

(B) the bill, joint resolution, amendment, motion, or conference report includes an authorization for appropriations in an amount equal to or exceeding the direct costs of such mandate, and—

(i) identifies a specific dollar amount of the direct costs of such mandate for each year up to 10 years during which such mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under subsection (e) of this section for each fiscal year;

(ii) identifies any appropriation bill that is expected to provide for Federal funding of the direct cost referred to under clause (i); and

(iii)(I) provides that for any fiscal year the responsible Federal agency shall determine whether there are insufficient appropriations for that fiscal year to provide for the direct costs under clause (i) of such mandate, and shall (no later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit either—

(aa) a statement that the agency has determined, based on a re-estimate of the direct costs of such mandate, after consultation with State, local, and tribal governments, that the amount appropriated is sufficient to pay for the direct costs of such mandate; or

(bb) legislative recommendations for either implementing a less costly mandate or making such mandate ineffective for the fiscal year;

(II) provides for expedited procedures for the consideration of the statement or legislative recommendations referred to in subclause (I) by Congress no later than 30 days after the statement or recommendations are submitted to Congress; and

(III) provides that such mandate shall—

(aa) in the case of a statement referred to in subclause (I)(aa), cease to be effective 60 days after the statement is submitted unless Congress has approved the agency's determination by joint resolution during the 60-day period;

(bb) cease to be effective 60 days after the date the legislative recommendations of the responsible Federal agency are submitted to Congress under subclause (I)(bb) unless Congress provides otherwise by law; or

(cc) in the case that such mandate that has not yet taken effect, continue not to be effective unless Congress provides otherwise by law.

(b) Rule of construction

The provisions of subsection (a)(2)(B)(iii) of this section shall not be construed to prohibit or otherwise restrict a State, local, or tribal government from voluntarily electing to remain subject to the original Federal intergovernmental mandate, complying with the programmatic or financial responsibilities of the original Federal intergovernmental mandate and providing the funding necessary consistent with the costs of Federal agency assistance, monitoring, and enforcement.

(c) Committee on Appropriations

(1) Application

The provisions of subsection (a) of this section—

(A) shall not apply to any bill or resolution reported by the Committee on Appropriations of the Senate or the House of Representatives; except

(B) shall apply to—

(i) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives;

(ii) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any amendment offered to a bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives;

(iii) any legislative provision increasing direct costs of a Federal intergovernmental mandate in a conference report accompanying a bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives; and

(iv) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any amendments in disagreement between the two Houses to any bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives.

(2) Certain provisions stricken in Senate

Upon a point of order being made by any Senator against any provision listed in paragraph (1)(B), and the point of order being sustained by the Chair, such specific provision shall be deemed stricken from the bill, resolution, amendment, amendment in disagreement, or conference report and may not be offered as an amendment from the floor.

(d) Determinations of applicability to pending legislation

For purposes of this section, in the Senate, the presiding officer of the Senate shall consult with the Committee on Governmental Affairs, to the extent practicable, on questions concerning the applicability of this part to a pending bill, joint resolution, amendment, motion, or conference report.

(e) Determinations of Federal mandate levels

For purposes of this section, in the Senate, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget.

(Pub. L. 93–344, title IV, § 425, as added Pub. L. 104–4, title I, § 101(a)(2), Mar. 22, 1995, 109 Stat. 56.)

CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

§ 658e. Provisions relating to House of Representatives

(a) Enforcement in House of Representatives

It shall not be in order in the House of Representatives to consider a rule or order that waives the application of section 658d of this title.

(b) Disposition of points of order

(1) Application to House of Representatives

This subsection shall apply only to the House of Representatives.

(2) Threshold burden

In order to be cognizable by the Chair, a point of order under section 658d of this title or subsection (a) of this section must specify the precise language on which it is premised.

(3) Question of consideration

As disposition of points of order under section 658d of this title or subsection (a) of this section, the Chair shall put the question of consideration with respect to the proposition that is the subject of the points of order.

(4) Debate and intervening motions

A question of consideration under this section shall be debatable for 10 minutes by each Member initiating a point of order and for 10

minutes by an opponent on each point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

(5) Effect on amendment in order as original text

The disposition of the question of consideration under this subsection with respect to a bill or joint resolution shall be considered also to determine the question of consideration under this subsection with respect to an amendment made in order as original text.

(Pub. L. 93–344, title IV, § 426, as added Pub. L. 104–4, title I, § 101(a)(2), Mar. 22, 1995, 109 Stat. 59.)

§ 658f. Requests to Congressional Budget Office from Senators

At the written request of a Senator, the Director shall, to the extent practicable, prepare an estimate of the direct costs of a Federal intergovernmental mandate contained in an amendment of such Senator.

(Pub. L. 93–344, title IV, § 427, as added Pub. L. 104–4, title I, § 101(a)(2), Mar. 22, 1995, 109 Stat. 59.)

§ 658g. Clarification of application

(a) In general

This part applies to any bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out any statute, or that otherwise amends any statute, only if enactment of the bill, joint resolution, amendment, motion, or conference report—

(1) would result in a net reduction in or elimination of authorization of appropriations for Federal financial assistance that would be provided to State, local, or tribal governments for use for the purpose of complying with any Federal intergovernmental mandate, or to the private sector for use to comply with any Federal private sector mandate, and would not eliminate or reduce duties established by the Federal mandate by a corresponding amount; or

(2) would result in a net increase in the aggregate amount of direct costs of Federal intergovernmental mandates or Federal private sector mandates other than as described in paragraph (1).

(b) Direct costs

(1) In general

For purposes of this part, the direct cost of the Federal mandates in a bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out a statute, or that otherwise amends any statute, means the net increase, resulting from enactment of the bill, joint resolution, amendment, motion, or conference report, in the amount described under paragraph (2)(A) over the amount described under paragraph (2)(B).

(2) Amounts

The amounts referred to under paragraph (1) are—

(A) the aggregate amount of direct costs of Federal mandates that would result under the statute if the bill, joint resolution, amendment, motion, or conference report is enacted; and

(B) the aggregate amount of direct costs of Federal mandates that would result under the statute if the bill, joint resolution, amendment, motion, or conference report were not enacted.

(3) Extension of authorization of appropriations

For purposes of this section, in the case of legislation to extend authorization of appropriations, the authorization level that would be provided by the extension shall be compared to the authorization level for the last year in which authorization of appropriations is already provided.

(Pub. L. 93–344, title IV, § 428, as added Pub. L. 104–4, title I, § 101(a)(2), Mar. 22, 1995, 109 Stat. 59.)

SUBCHAPTER III—CREDIT REFORM

§ 661. Purposes

The purposes of this subchapter are to—

(1) measure more accurately the costs of Federal credit programs;

(2) place the cost of credit programs on a budgetary basis equivalent to other Federal spending;

(3) encourage the delivery of benefits in the form most appropriate to the needs of beneficiaries; and

(4) improve the allocation of resources among credit programs and between credit and other spending programs.

(Pub. L. 93–344, title V, § 501, as added Pub. L. 101–508, title XIII, § 13201(a), Nov. 5, 1990, 104 Stat. 1388–610.)

PRIOR PROVISIONS

A prior section 661, Pub. L. 93–344, title VI, § 606, July 12, 1974, 88 Stat. 325, directed that Budget Committees of House and Senate study, on a continuing basis, any provisions of law which exempt agencies or programs from inclusion in the budget and make recommendations from time to time with regard to terminating or modifying such provisions, prior to repeal by Pub. L. 99–177, title II, §§ 223, 275(a)(1), Dec. 12, 1985, 99 Stat. 1060, 1100, effective Dec. 12, 1985, and applicable with respect to fiscal years beginning after Sept. 30, 1985.

A prior section 501 of Pub. L. 93–344, title V, July 12, 1974, 88 Stat. 321, was classified to section 1020 of former Title 31, prior to repeal and reenactment as section 1102 of Title 31, Money and Finance, by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068, the first section of which enacted Title 31.

SHORT TITLE

For short title of title V of Pub. L. 93–344, which enacted this subchapter, as the ''Federal Credit Reform Act of 1990'', see section 500 of Pub. L. 93–344, set out as a note under section 621 of this title.

§ 661a. Definitions

For purposes of this subchapter—

(1) The term ''direct loan'' means a disbursement of funds by the Government to a non-Federal borrower under a contract that requires the repayment of such funds with or without interest. The term includes the purchase of, or participation in, a loan made by another lender and financing arrangements that defer payment for more than 90 days, including the sale of a government[1] asset on credit terms. The term does not include the acquisition of a federally guaranteed loan in satisfaction of default claims or the price support loans of the Commodity Credit Corporation.

(2) The term ''direct loan obligation'' means a binding agreement by a Federal agency to make a direct loan when specified conditions are fulfilled by the borrower.

(3) The term ''loan guarantee'' means any guarantee, insurance, or other pledge with respect to the payment of all or a part of the principal or interest on any debt obligation of a non-Federal borrower to a non-Federal lender, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions.

(4) The term ''loan guarantee commitment'' means a binding agreement by a Federal agency to make a loan guarantee when specified conditions are fulfilled by the borrower, the lender, or any other party to the guarantee agreement.

(5)(A) The term ''cost'' means the estimated long-term cost to the Government of a direct loan or loan guarantee or modification thereof, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays.

(B) The cost of a direct loan shall be the net present value, at the time when the direct loan is disbursed, of the following estimated cash flows:

(i) loan disbursements;

(ii) repayments of principal; and

(iii) payments of interest and other payments by or to the Government over the life of the loan after adjusting for estimated defaults, prepayments, fees, penalties, and other recoveries;

including the effects of changes in loan terms resulting from the exercise by the borrower of an option included in the loan contract.

(C) The cost of a loan guarantee shall be the net present value, at the time when the guaranteed loan is disbursed, of the following estimated cash flows:

(i) payments by the Government to cover defaults and delinquencies, interest subsidies, or other payments; and

(ii) payments to the Government including origination and other fees, penalties and recoveries;

including the effects of changes in loan terms resulting from the exercise by the guaranteed lender of an option included in the loan guarantee contract, or by the borrower of an option included in the guaranteed loan contract.

(D) The cost of a modification is the difference between the current estimate of the net present value of the remaining cash flows under the terms of a direct loan or loan guarantee contract, and the current estimate of the net present value of the remaining cash flows under the terms of the contract, as modified.

(E) In estimating net present values, the discount rate shall be the average interest rate on marketable Treasury securities of similar maturity to the cash flows of the direct loan or loan guarantee for which the estimate is being made.

(F) When funds are obligated for a direct loan or loan guarantee, the estimated cost shall be based on the current assumptions, adjusted to incorporate the terms of the loan contract, for the fiscal year in which the funds are obligated.

(6) The term ''credit program account'' means the budget account into which an appropriation to cover the cost of a direct loan or loan guarantee program is made and from which such cost is disbursed to the financing account.

(7) The term ''financing account'' means the non-budget account or accounts associated with each credit program account which holds balances, receives the cost payment from the credit program account, and also includes all other cash flows to and from the Government resulting from direct loan obligations or loan guarantee commitments made on or after October 1, 1991.

(8) The term ''liquidating account'' means the budget account that includes all cash flows to and from the Government resulting from direct loan obligations or loan guarantee commitments made prior to October 1, 1991.

These accounts shall be shown in the budget on a cash basis.

(9) The term ''modification'' means any Government action that alters the estimated cost of an outstanding direct loan (or direct loan obligation) or an outstanding loan guarantee (or loan guarantee commitment) from the current estimate of cash flows. This includes the sale of loan assets, with or without recourse, and the purchase of guaranteed loans. This also includes any action resulting from new legislation, or from the exercise of administrative discretion under existing law, that directly or indirectly alters the estimated cost of outstanding direct loans (or direct loan obligations) or loan guarantees (or loan guarantee commitments) such as a change in collection procedures.

(10) The term ''current'' has the same meaning as in section 900(c)(9) of this title.

(11) The term ''Director'' means the Director of the Office of Management and Budget.

(Pub. L. 93–344, title V, § 502, as added Pub. L. 101–508, title XIII, § 13201(a), Nov. 5, 1990, 104 Stat. 1388–610; amended Pub. L. 105–33, title X, § 10117(a), Aug. 5, 1997, 111 Stat. 692.)

PRIOR PROVISIONS

A prior section 502 of Pub. L. 93–344, title V, July 12, 1974, 88 Stat. 321, was set out as a note under section

[1] So in original. Probably should be capitalized.

1020 of former Title 31, prior to repeal by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068.

AMENDMENTS

1997—Par. (1). Pub. L. 105–33, § 10117(a)(1), inserted ''and financing arrangements that defer payment for more than 90 days, including the sale of a government asset on credit terms'' after ''another lender''.

Par. (5)(A). Pub. L. 105–33, § 10117(a)(2), inserted ''or modification thereof'' after ''or loan guarantee''.

Par. (5)(B), (C). Pub. L. 105–33, § 10117(a)(3), added subpars. (B) and (C) and struck out former subpars. (B) and (C) which read as follows:

''(B) The cost of a direct loan shall be the net present value, at the time when the direct loan is disbursed, of the following cash flows:

''(i) loan disbursements;

''(ii) repayments of principal; and

''(iii) payments of interest and other payments by or to the Government over the life of the loan after adjusting for estimated defaults, prepayments, fees, penalties and other recoveries.

''(C) The cost of a loan guarantee shall be the net present value when a guaranteed loan is disbursed of the cash flow from—

''(i) estimated payments by the Government to cover defaults and delinquencies, interest subsidies, or other payments, and

''(ii) the estimated payments to the Government including origination and other fees, penalties and recoveries.''

Par. (5)(D). Pub. L. 105–33, § 10117(a)(4), amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: ''Any Government action that alters the estimated net present value of an outstanding direct loan or loan guarantee (except modifications within the terms of existing contracts or through other existing authorities) shall be counted as a change in the cost of that direct loan or loan guarantee. The calculation of such changes shall be based on the estimated present value of the direct loan or loan guarantee at the time of modification.''

Par. (5)(E). Pub. L. 105–33, § 10117(a)(5), inserted ''the cash flows of'' after ''similar maturity to''.

Par. (5)(F). Pub. L. 105–33, § 10117(a)(6), added subpar. (F).

Pars. (9) to (11). Pub. L. 105–33, § 10117(a)(7), added pars. (9) and (10) and redesignated former par. (9) as (11).

§ 661b. OMB and CBO analysis, coordination, and review

(a) In general

For the executive branch, the Director shall be responsible for coordinating the estimates required by this subchapter. The Director shall consult with the agencies that administer direct loan or loan guarantee programs.

(b) Delegation

The Director may delegate to agencies authority to make estimates of costs. The delegation of authority shall be based upon written guidelines, regulations, or criteria consistent with the definitions in this subchapter.

(c) Coordination with Congressional Budget Office

In developing estimation guidelines, regulations, or criteria to be used by Federal agencies, the Director shall consult with the Director of the Congressional Budget Office.

(d) Improving cost estimates

The Director and the Director of the Congressional Budget Office shall coordinate the development of more accurate data on historical performance of direct loan and loan guarantee programs. They shall annually review the performance of outstanding direct loans and loan guarantees to improve estimates of costs. The Office of Management and Budget and the Congressional Budget Office shall have access to all agency data that may facilitate the development and improvement of estimates of costs.

(e) Historical credit program costs

The Director shall review, to the extent possible, historical data and develop the best possible estimates of adjustments that would convert aggregate historical budget data to credit reform accounting.

(f) Administrative costs

The Director and the Director of the Congressional Budget Office shall each analyze and report to Congress on differences in long-term administrative costs for credit programs versus grant programs by January 31, 1992. Their reports shall recommend to Congress any changes, if necessary, in the treatment of administrative costs under credit reform accounting.

(Pub. L. 93–344, title V, § 503, as added Pub. L. 101–508, title XIII, § 13201(a), Nov. 5, 1990, 104 Stat. 1388–611.)

PRIOR PROVISIONS

A prior section 503 of Pub. L. 93–344, title V, July 12, 1974, 88 Stat. 321, was classified to section 701 of former Title 31, prior to repeal and reenactment in section 1552(a) of Title 31, Money and Finance, by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068, the first section of which enacted Title 31.

§ 661c. Budgetary treatment

(a) President's budget

Beginning with fiscal year 1992, the President's budget shall reflect the costs of direct loan and loan guarantee programs. The budget shall also include the planned level of new direct loan obligations or loan guarantee commitments associated with each appropriations request.

(b) Appropriations required

Notwithstanding any other provision of law, new direct loan obligations may be incurred and new loan guarantee commitments may be made for fiscal year 1992 and thereafter only to the extent that—

(1) new budget authority to cover their costs is provided in advance in an appropriations Act;

(2) a limitation on the use of funds otherwise available for the cost of a direct loan or loan guarantee program has been provided in advance in an appropriations Act; or

(3) authority is otherwise provided in appropriation Acts.

(c) Exemption for mandatory programs

Subsections (b) and (e) of this section shall not apply to a direct loan or loan guarantee program that—

(1) constitutes an entitlement (such as the guaranteed student loan program or the veterans' home loan guaranty program); or

(2) all existing credit programs of the Commodity Credit Corporation on November 5, 1990.

(d) Budget accounting

(1) The authority to incur new direct loan obligations, make new loan guarantee commitments, or modify outstanding direct loans (or direct loan obligations) or loan guarantees (or loan guarantee commitments) shall constitute new budget authority in an amount equal to the cost of the direct loan or loan guarantee in the fiscal year in which definite authority becomes available or indefinite authority is used. Such budget authority shall constitute an obligation of the credit program account to pay to the financing account.

(2) The outlays resulting from new budget authority for the cost of direct loans or loan guarantees described in paragraph (1) shall be paid from the credit program account into the financing account and recorded in the fiscal year in which the direct loan or the guaranteed loan is disbursed or its costs altered.

(3) All collections and payments of the financing accounts shall be a means of financing.

(e) Modifications

An outstanding direct loan (or direct loan obligation) or loan guarantee (or loan guarantee commitment) shall not be modified in a manner that increases its costs unless budget authority for the additional cost has been provided in advance in an appropriations Act.

(f) Reestimates

When the estimated cost for a group of direct loans or loan guarantees for a given credit program made in a single fiscal year is reestimated in a subsequent year, the difference between the reestimated cost and the previous cost estimate shall be displayed as a distinct and separately identified subaccount in the credit program account as a change in program costs and a change in net interest. There is hereby provided permanent indefinite authority for these reestimates.

(g) Administrative expenses

All funding for an agency's administration of a direct loan or loan guarantee program shall be displayed as distinct and separately identified subaccounts within the same budget account as the program's cost.

(Pub. L. 93–344, title V, § 504, as added Pub. L. 101–508, title XIII, § 13201(a), Nov. 5, 1990, 104 Stat. 1388–612; amended Pub. L. 105–33, title X, § 10117(b), Aug. 5, 1997, 111 Stat. 693.)

PRIOR PROVISIONS

A prior section 504 of Pub. L. 93–344, title V, July 12, 1974, 88 Stat. 322, was classified to section 1020a of former Title 31, prior to repeal by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068.

AMENDMENTS

1997—Subsec. (b)(1). Pub. L. 105–33, § 10117(b)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''appropriations of budget authority to cover their costs are made in advance;''.

Subsec. (b)(2). Pub. L. 105–33, § 10117(b)(2), substituted ''has been provided in advance in an appropriations Act'' for ''is enacted''.

Subsec. (c). Pub. L. 105–33, § 10117(b)(3), substituted ''Subsections (b) and (e)'' for ''Subsection (b)''.

Subsec. (d)(1). Pub. L. 105–33, § 10117(b)(4), substituted ''modify outstanding direct loans (or direct loan obligations) or loan guarantees (or loan guarantee commitments)'' for ''directly or indirectly alter the costs of outstanding direct loans and loan guarantees''.

Subsec. (e). Pub. L. 105–33, § 10117(b)(5), amended heading and text of subsec. (e) generally. Prior to amendment, text read as follows: ''A direct loan obligation or loan guarantee commitment shall not be modified in a manner that increases its cost unless budget authority for the additional cost is appropriated, or is available out of existing appropriations or from other budgetary resources.''

§ 661d. Authorizations

(a) Authorization of appropriations for costs

There are authorized to be appropriated to each Federal agency authorized to make direct loan obligations or loan guarantee commitments, such sums as may be necessary to pay the cost associated with such direct loan obligations or loan guarantee commitments.

(b) Authorization for financing accounts

In order to implement the accounting required by this subchapter, the President is authorized to establish such non-budgetary accounts as may be appropriate.

(c) Treasury transactions with financing accounts

The Secretary of the Treasury shall borrow from, receive from, lend to, or pay to the financing accounts such amounts as may be appropriate. The Secretary of the Treasury may prescribe forms and denominations, maturities, and terms and conditions for the transactions described above, except that the rate of interest charged by the Secretary on lending to financing accounts (including amounts treated as lending to financing accounts by the Federal Financing Bank (hereinafter in this subsection referred to as the ''Bank'') pursuant to section 655(b)[1] of this title) and the rate of interest paid to financing accounts on uninvested balances in financing accounts shall be the same as the rate determined pursuant to section 661a(5)(E) of this title. For guaranteed loans financed by the Bank and treated as direct loans by a Federal agency pursuant to section 655(b)[1] of this title, any fee or interest surcharge (the amount by which the interest rate charged exceeds the rate determined pursuant to section 661a(5)(E) of this title) that the Bank charges to a private borrower pursuant to section 2285(c) of title 12 shall be considered a cash flow to the Government for the purposes of determining the cost of the direct loan pursuant to section 661a(5) of this title. All such amounts shall be credited to the appropriate financing account. The Bank is authorized to require reimbursement from a Federal agency to cover the administrative expenses of the Bank that are attributable to the direct loans financed for that agency. All such payments by an agency shall be considered administrative expenses subject to section 661c(g) of this title. This subsection shall apply to transactions related to direct loan obligations or loan guarantee commitments made on or after October 1, 1991. The authorities described above shall not be construed to supersede or override the authority of the head of a Federal agency to administer and operate a direct loan or loan guar-

[1] See References in Text note below.

antee program. All of the transactions provided in this subsection shall be subject to the provisions of subchapter II of chapter 15 of title 31. Cash balances of the financing accounts in excess of current requirements shall be maintained in a form of uninvested funds and the Secretary of the Treasury shall pay interest on these funds.

(d) Authorization for liquidating accounts

(1) Amounts in liquidating accounts shall be available only for payments resulting from direct loan obligations or loan guarantee commitments made prior to October 1, 1991, for—

(A) interest payments and principal repayments to the Treasury or the Federal Financing Bank for amounts borrowed;

(B) disbursements of loans;

(C) default and other guarantee claim payments;

(D) interest supplement payments;

(E) payments for the costs of foreclosing, managing, and selling collateral that are capitalized or routinely deducted from the proceeds of sales;

(F) payments to financing accounts when required for modifications;

(G) administrative expenses, if—

(i) amounts credited to the liquidating account would have been available for administrative expenses under a provision of law in effect prior to October 1, 1991; and

(ii) no direct loan obligation or loan guarantee commitment has been made, or any modification of a direct loan or loan guarantee has been made, since September 30, 1991; or

(H) such other payments as are necessary for the liquidation of such direct loan obligations and loan guarantee commitments.

(2) Amounts credited to liquidating accounts in any year shall be available only for payments required in that year. Any unobligated balances in liquidating accounts at the end of a fiscal year shall be transferred to miscellaneous receipts as soon as practicable after the end of the fiscal year.

(3) If funds in liquidating accounts are insufficient to satisfy obligations and commitments of such accounts, there is hereby provided permanent, indefinite authority to make any payments required to be made on such obligations and commitments.

(e) Authorization of appropriations for implementation expenses

There are authorized to be appropriated to existing accounts such sums as may be necessary for salaries and expenses to carry out the responsibilities under this subchapter.

(f) Reinsurance

Nothing in this subchapter shall be construed as authorizing or requiring the purchase of insurance or reinsurance on a direct loan or loan guarantee from private insurers. If any such reinsurance for a direct loan or loan guarantee is authorized, the cost of such insurance and any recoveries to the Government shall be included in the calculation of the cost.

(g) Eligibility and assistance

Nothing in this subchapter shall be construed to change the authority or the responsibility of a Federal agency to determine the terms and conditions of eligibility for, or the amount of assistance provided by a direct loan or a loan guarantee.

(Pub. L. 93–344, title V, § 505, as added Pub. L. 101–508, title XIII, § 13201(a), Nov. 5, 1990, 104 Stat. 1388–613; amended Pub. L. 105–33, title X, § 10117(c), Aug. 5, 1997, 111 Stat. 694.)

REFERENCES IN TEXT

Section 655(b) of this title, referred to in subsec. (c), was in the original ''section 406(b)'' and was translated as reading ''section 405(b)'', meaning section 405(b) of Pub. L. 93–344, to reflect the probable intent of Congress because of context and because section 406 does not contain a subsec. (b).

PRIOR PROVISIONS

A prior section 505 of Pub. L. 93–344, title V, July 12, 1974, 88 Stat. 322, repealed sections 66 and 81 of this title.

AMENDMENTS

1997—Subsec. (c). Pub. L. 105–33, § 10117(c)(2), substituted ''supersede'' for ''supercede''.

Pub. L. 105–33, § 10117(c)(1), inserted before period at end of second sentence '', except that the rate of interest charged by the Secretary on lending to financing accounts (including amounts treated as lending to financing accounts by the Federal Financing Bank (hereinafter in this subsection referred to as the 'Bank') pursuant to section 655(b) of this title) and the rate of interest paid to financing accounts on uninvested balances in financing accounts shall be the same as the rate determined pursuant to section 661a(5)(E) of this title. For guaranteed loans financed by the Bank and treated as direct loans by a Federal agency pursuant to section 655(b) of this title, any fee or interest surcharge (the amount by which the interest rate charged exceeds the rate determined pursuant to section 661a(5)(E) of this title) that the Bank charges to a private borrower pursuant to section 2285(c) of title 12 shall be considered a cash flow to the Government for the purposes of determining the cost of the direct loan pursuant to section 661a(5) of this title. All such amounts shall be credited to the appropriate financing account. The Bank is authorized to require reimbursement from a Federal agency to cover the administrative expenses of the Bank that are attributable to the direct loans financed for that agency. All such payments by an agency shall be considered administrative expenses subject to section 661c(g) of this title. This subsection shall apply to transactions related to direct loan obligations or loan guarantee commitments made on or after October 1, 1991''.

Subsec. (d). Pub. L. 105–33, § 10117(c)(3), amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: ''If funds in liquidating accounts are insufficient to satisfy the obligations and commitments of said accounts, there is hereby provided permanent, indefinite authority to make any payments required to be made on such obligations and commitments.''

§ 661e. Treatment of deposit insurance and agencies and other insurance programs

(a) In general

This subchapter shall not apply to the credit or insurance activities of the Federal Deposit Insurance Corporation, National Credit Union Administration, Resolution Trust Corporation, Pension Benefit Guaranty Corporation, National Flood Insurance, National Insurance Development Fund, Crop Insurance, or Tennessee Valley Authority.

(b) Study

The Director and the Director of the Congressional Budget Office shall each study whether the accounting for Federal deposit insurance programs should be on a cash basis on the same basis as loan guarantees, or on a different basis. Each Director shall report findings and recommendations to the President and the Congress on or before May 31, 1991.

(c) Access to data

For the purposes of subsection (b) of this section, the Office of Management and Budget and the Congressional Budget Office shall have access to all agency data that may facilitate these studies.

(Pub. L. 93–344, title V, § 506, as added Pub. L. 101–508, title XIII, § 13201(a), Nov. 5, 1990, 104 Stat. 1388–614; amended Pub. L. 105–33, title X, § 10117(d), Aug. 5, 1997, 111 Stat. 695.)

PRIOR PROVISIONS

A prior section 506 of Pub. L. 93–344, title V, July 12, 1974, 88 Stat. 322, amended section 105 of Title 1, General Provisions, and enacted provisions set out as a note under section 105 of Title 1, prior to the general revision of title V of Pub. L. 93–344 by Pub. L. 101–508.

AMENDMENTS

1997—Pub. L. 105–33 struck out subsec. (a) designation and heading, redesignated pars. (1) to (3) of former subsec. (a) as subsecs. (a) to (c), respectively, inserted subsec. headings, and substituted ''subsection (b) of this section'' for ''paragraph (2)'' in subsec. (c).

§ 661f. Effect on other laws

(a) Effect on other laws

This subchapter shall supersede, modify, or repeal any provision of law enacted prior to November 5, 1990, to the extent such provision is inconsistent with this subchapter. Nothing in this subchapter shall be construed to establish a credit limitation on any Federal loan or loan guarantee program.

(b) Crediting of collections

Collections resulting from direct loans obligated or loan guarantees committed prior to October 1, 1991, shall be credited to the liquidating accounts of Federal agencies. Amounts so credited shall be available, to the same extent that they were available prior to November 5, 1990, to liquidate obligations arising from such direct loans obligated or loan guarantees committed prior to October 1, 1991, including repayment of any obligations held by the Secretary of the Treasury or the Federal Financing Bank. The unobligated balances of such accounts that are in excess of current needs shall be transferred to the general fund of the Treasury. Such transfers shall be made from time to time but, at least once each year.

(Pub. L. 93–344, title V, § 507, as added Pub. L. 101–508, title XIII, § 13201(a), Nov. 5, 1990, 104 Stat. 1388–614.)

SUBCHAPTER IV—BUDGET AGREEMENT ENFORCEMENT PROVISIONS

§§ 665 to 665e. Repealed. Pub. L. 105–33, title X, § 10118(a), Aug. 5, 1997, 111 Stat. 695

Section 665, Pub. L. 93–344, title VI, § 601, as added Pub. L. 101–508, title XIII, § 13111, Nov. 5, 1990, 104 Stat. 1388–602; amended Pub. L. 103–66, title XIV, § 14002(a), (b), Aug. 10, 1993, 107 Stat. 683, defined terms and provided for points of order in cases where measures would exceed discretionary spending limits.

A prior section 601 of Pub. L. 93–344, title VI, July 12, 1974, 88 Stat. 323, was classified to section 11 of former Title 31, prior to repeal and reenactment as sections 1105(a)(15), 1106(b), and 1108(d) of Title 31, Money and Finance, by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068, the first section of which enacted Title 31.

Section 665a, Pub. L. 93–344, title VI, § 602, as added Pub. L. 101–508, title XIII, § 13111, Nov. 5, 1990, 104 Stat. 1388–603; amended Pub. L. 103–322, title XXXI, § 310001(f)(1), Sept. 13, 1994, 108 Stat. 2103, related to committee allocations and enforcement.

A prior section 602 of Pub. L. 93–344, title VI, July 12, 1974, 88 Stat. 324, was classified to section 11 of former Title 31, prior to repeal and reenactment as section 1106(a) of Title 31, Money and Finance, by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068, the first section of which enacted Title 31.

Section 665b, Pub. L. 93–344, title VI, § 603, as added Pub. L. 101–508, title XIII, § 13111, Nov. 5, 1990, 104 Stat. 1388–605, related to consideration of legislation before adoption of budget resolution for that fiscal year.

A prior section 603 of Pub. L. 93–344, title VI, July 12, 1974, 88 Stat. 324, was classified to section 11 of former Title 31, prior to repeal and reenactment in section 1105(a)(1)–(14) of Title 31, Money and Finance, by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068, the first section of which enacted Title 31.

Section 665c, Pub. L. 93–344, title VI, § 604, as added Pub. L. 101–508, title XIII, § 13111, Nov. 5, 1990, 104 Stat. 1388–605, related to reconciliation directives regarding pay-as-you-go requirements.

A prior section 604 of Pub. L. 93–344, title VI, July 12, 1974, 88 Stat. 324, was classified to section 11 of former Title 31, prior to repeal and reenactment in section 1105(a)(1)–(14) of Title 31, Money and Finance, by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068, the first section of which enacted Title 31.

Section 665d, Pub. L. 93–344, title VI, § 605, as added Pub. L. 101–508, title XIII, § 13111, Nov. 5, 1990, 104 Stat. 1388–606, related to application of section 642 of this title and points of order in Senate for measures exceeding specified maximum deficit amount.

A prior section 605 of Pub. L. 93–344, title VI, July 12, 1974, 88 Stat. 325, was classified to section 11a of former Title 31, prior to repeal and reenactment in section 1109 of Title 31, Money and Finance, by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1068, the first section of which enacted Title 31.

Section 665e, Pub. L. 93–344, title VI, § 606, as added Pub. L. 101–508, title XIII, § 13111, Nov. 5, 1990, 104 Stat. 1388–606; amended Pub. L. 104–121, title I, § 103(c), Mar. 29, 1996, 110 Stat. 849; Pub. L. 104–193, title II, § 211(d)(5)(C), Aug. 22, 1996, 110 Stat. 2192, related to 5-year budget resolutions and requirement that budget resolutions conform to Balanced Budget and Emergency Deficit Control Act of 1985.

A prior section 606 of Pub. L. 93–344, title VI, July 12, 1974, 88 Stat. 325, was classified to section 661 of this title, prior to repeal by Pub. L. 99–177, title II, § 223, Dec. 12, 1985, 99 Stat. 1060.

EFFECTIVE DATE

Section 607 of title VI of Pub. L. 93–344, as added by Pub. L. 101–508, title XIII, § 13111, Nov. 5, 1990, 104 Stat. 1388–607, and amended by Pub. L. 103–66, title XIV, § 14002(c)(3)(B), Aug. 10, 1993, 107 Stat. 684, provided that title VI of Pub. L. 93–344, enacting this subchapter, was effective Nov. 5, 1990, and was applicable to fiscal years 1991 to 1998, prior to repeal by Pub. L. 105–33, title X, § 10118(a), Aug. 5, 1997, 111 Stat. 695.

CHAPTER 17B—IMPOUNDMENT CONTROL

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
681. Disclaimer.

SUBCHAPTER II—CONGRESSIONAL CONSIDERATION OF PROPOSED RESCISSIONS, RESERVATIONS, AND DEFERRALS OF BUDGET AUTHORITY

682. Definitions.
683. Rescission of budget authority.
684. Proposed deferrals of budget authority.
685. Transmission of messages; publication.
686. Reports by Comptroller General.
687. Suits by Comptroller General.
688. Procedure in House of Representatives and Senate.

SUBCHAPTER III—LINE ITEM VETO

691 to 692. Omitted.

SUBCHAPTER I—GENERAL PROVISIONS

§ 681. Disclaimer

Nothing contained in this Act, or in any amendments made by this Act, shall be construed as—

(1) asserting or conceding the constitutional powers or limitations of either the Congress or the President;

(2) ratifying or approving any impoundment heretofore or hereafter executed or approved by the President or any other Federal officer or employee, except insofar as pursuant to statutory authorization then in effect;

(3) affecting in any way the claims or defenses of any party to litigation concerning any impoundment; or

(4) superseding any provision of law which requires the obligation of budget authority or the making of outlays thereunder.

(Pub. L. 93–344, title X, §1001, July 12, 1974, 88 Stat. 332.)

REFERENCES IN TEXT

This Act, referred to in provision preceding par. (1), means Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended, known as the Congressional Budget and Impoundment Control Act of 1974, which enacted chapters 17, 17A, and 17B, and section 190a–3 of this title and sections 11a, 11c, 11d, 1020a of former Title 31, amended sections 11, 665, 701, 1020, 1151, 1152, 1153, and 1154 of former Title 31, section 105 of Title 1, General Provisions, sections 190b and 190d of this title, repealed sections 571 and 581c–1 of former Title 31 and sections 66 and 81 of this title, and enacted provisions set out as notes under sections 190a–1, 621, 632, and 682 of this title, section 105 of Title 1, and section 1020 of former Title 31. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

CODIFICATION

Section was formerly classified to section 1400 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.

EFFECTIVE DATE

Chapter effective July 12, 1974, see section 905(a) of Pub. L. 93–344, formerly set out as a note under section 621 of this title.

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104–130, §1, Apr. 9, 1996, 110 Stat. 1200, which provided that Pub. L. 104–130 (enacting former subchapter III (§691 et seq.) of this chapter and provisions set out as a note under section 691 of this title and amending provisions set out as notes under section 621 of this title) could be cited as the ''Line Item Veto Act'', was omitted pursuant to section 5 of Pub. L. 104–130, set out as an Effective and Termination Dates note under section 691 of this title.

SHORT TITLE

For short title of title X of Pub. L. 93–344, which enacted this chapter, as the ''Impoundment Control Act of 1974'', see section 1(a) of Pub. L. 93–344, as amended, set out as a note under section 621 of this title.

SUBCHAPTER II—CONGRESSIONAL CONSIDERATION OF PROPOSED RESCISSIONS, RESERVATIONS, AND DEFERRALS OF BUDGET AUTHORITY

§ 682. Definitions

For purposes of sections 682 to 688 of this title—

(1) ''deferral of budget authority'' includes—

(A) withholding or delaying the obligation or expenditure of budget authority (whether by establishing reserves or otherwise) provided for projects or activities; or

(B) any other type of Executive action or inaction which effectively precludes the obligation or expenditure of budget authority, including authority to obligate by contract in advance of appropriations as specifically authorized by law;

(2) ''Comptroller General'' means the Comptroller General of the United States;

(3) ''rescission bill'' means a bill or joint resolution which only rescinds, in whole or in part, budget authority proposed to be rescinded in a special message transmitted by the President under section 683 of this title, and upon which the Congress completes action before the end of the first period of 45 calendar days of continuous session of the Congress after the date on which the President's message is received by the Congress;

(4) ''impoundment resolution'' means a resolution of the House of Representatives or the Senate which only expresses its disapproval of a proposed deferral of budget authority set forth in a special message transmitted by the President under section 684 of this title; and

(5) continuity of a session of the Congress shall be considered as broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the 45-day period referred to in paragraph (3) of this section and in section 683 of this title, and the 25-day periods referred to in sections 687 and 688(b)(1) of this title. If a special message is transmitted under section 683 of this title during any Congress and the last session of such Congress adjourns sine die before the expiration of 45 calendar days of continuous session (or a special message is so transmitted after the last session of the Congress adjourns sine die), the message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the 45-day period referred to in paragraph (3) of this section and in section 683 of this title