

ence report,<sup>236</sup> providing —

§ 302(e)(1)

(1) new budget authority<sup>237</sup> for a fiscal year;

§ 302(e)(2)

(2) new spending authority as described in section 401(c)(2)<sup>238</sup> for a fiscal year;<sup>239</sup>



<sup>235</sup>(...continued)

subject to any points of order authorized in titles III and IV of the Budget Act.

135 CONG. REC. S5898 (daily ed. June 1, 1989).

Section 13207(a)(1)(A) of the Budget Enforcement Act makes the result sought in the unanimous consent request the norm: Points of order apply to motions that in and of themselves caused the deficit to increase.

Note, however, that application of the point of order to motions to table also creates a paradox: A motion to table a money-saving amendment could be subject to a point of order, where the Senate could simply vote down the amendment by a straight up-or-down vote and achieve the same result as the tabling motion by a majority vote. Even so, in the case of most points of order (those that do not contain the words "as reported," *cf. infra* note 514 (regarding the meaning of "as reported" in section 311(a))), a point of order would then lie against the bill or resolution after the Senate had defeated the amendment.

<sup>236</sup> Section 13207(a)(1)(A) of the Budget Enforcement Act struck the words "bill or resolution, or amendment thereto" at this point and inserted "bill, joint resolution, amendment, motion, or conference report." *See infra* p. 723.

<sup>237</sup> Section 3(2) defines "budget authority." *See supra* pp. 11-13.

<sup>238</sup> *See infra* pp. 251-254.

<sup>239</sup> *See, e.g.*, 132 CONG. REC. S10,693-94 (1986); Senate Precedent PRL19860807-003 (Aug. 7, 1986) (LEGIS, Rules database) (bill providing spending authority within the jurisdiction of the Committee on Armed Services subject to section 302(c)); 132 CONG. REC. S10,145-46 (1986); Senate Precedent PRL19860801-003 (Aug. 1, 1986) (LEGIS, Rules database) (amendment providing entitlement authority within the jurisdiction of the Committee on Agriculture, Nutrition, and Forestry subject to section 302(c)); 132 CONG. REC. S10,017 (1986); Senate Precedent PRL19860731-002 (July 31, 1986) (LEGIS, Rules database) (same).

Effective for fiscal year 1992 and after, section 13201(b)(3)(D) of the Budget Enforcement Act struck a reference here to "new credit authority for a fiscal year" (*see* (continued...))