

exceeded.

§ 302(f)(2)

(2) IN THE SENATE. — At any time after the Congress has completed action on the concurrent resolution on the budget required to be reported under section 301(a)²⁵⁵ for a fiscal year, it shall not be in order²⁵⁶ in the Senate to consider any bill,²⁵⁷ joint resolution, amendment,²⁵⁸ mo-

²⁵⁴(...continued)

title V now addresses credit (*see infra* pp. 273-298), and the provision of credit authority has become the provision of either budget authority or entitlement authority.

²⁵⁵ *See supra* pp. 50-56.

²⁵⁶ *See, e.g.*, 132 CONG. REC. S14,716 (1986); Senate Precedent PRL19861002-003 (Oct. 2, 1986) (amendment causing allocation to Agriculture Subcommittee to be exceeded ruled out of order); 132 CONG. REC. S14,410 (1986); Senate Precedent PRL19861001-002 (Oct. 1, 1986) (amendment causing allocation to be exceeded ruled out of order).

Congressional Budget Act prohibitions are not self-enforcing, and require points of order from the floor for their enforcement. *Cf. infra* note 293 (regarding section 303(a)).

²⁵⁷ Because section 302(f) does not contain the words "as reported" here, points of order under section 302(f) will apply to bills and resolutions as amended by amendments against which points of order would lie under section 302(f). *Cf. infra* note 514 (regarding the meaning of "as reported" in section 311(a)(1)).

²⁵⁸ An amendment is subject to points of order under the Congressional Budget Act even if the Senate has specified by unanimous consent that the amendment is one of the amendments in order and the yeas and nays have been ordered. *Cf. infra* note 295 (regarding section 303).

The Senate Budget Committee estimates the costs of an amendment based on the assumption that Congress has already enacted the pending bill (to which the amendment has been offered) into law. Thus, when the current level exceeds the appropriate allocation, and a bill is pending that would reduce spending by less than the amount by which the current level exceeds the appropriate allocation, an amendment that would increase spending at all (net of spending reductions in the amendment) will cause spending to exceed the appropriate allocation. Note, however, that an amendment to a *rescission bill* to restore funding resulting from appropriations enacted in a previous year does not give rise to a point of order under section 302, as the amendment does not (in the words of section 302(f)) "provide[] for budget outlays, new budget authority, or new spending authority." *See* 125 CONG. REC. 4987 (1981) (inquiry of Sen. Johnston regarding an amendment by Sen. Kennedy); Senate Precedent PRL19790314-001 (Mar. 14, 1979) (LEGIS, Rules database); ALAN S. FRUMIN, RIDDICK'S SENATE PROCEDURE 630 (1992); *infra* note 1104.