

consider any bill, joint resolution, amendment,⁵⁰⁷ motion,⁵⁰⁸ or conference report⁵⁰⁹ providing new budget authority⁵¹⁰ for such fiscal year, providing new entitlement authority⁵¹¹ effective during such fiscal year, or reducing revenues for such fiscal year,⁵¹² if —

§ 311(a)(1)(A)

(A)⁵¹³ the enactment of such bill or resolution as reported;⁵¹⁴

⁵⁰⁷ 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. supra* 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 outlay ceiling, and a bill is pending that would reduce outlays by less than the amount by which the current level exceeds the outlay ceiling, an amendment that would increase outlays at all (net of outlay reductions in the amendment) will cause outlays to exceed the outlay ceiling.

⁵⁰⁸ Section 13207(a) of the Budget Enforcement Act added the word "motion" here. *See infra* p. 723. For a discussion of the motivation for the addition, *see supra* note 235.

⁵⁰⁹ Section 13207(a)(1)(E)(i) of the Budget Enforcement Act struck the words "bill, resolution, or amendment" here and inserted "bill, joint resolution, amendment, motion, or conference report." *See infra* p. 723.

⁵¹⁰ Section 3(2) defines "budget authority." *See supra* pp. 11-13.

⁵¹¹ Section 3(9) (*see supra* p. 18) defines "entitlement authority" to mean that authority described in section 401(c)(2)(C) (*see infra* p. 252). For a discussion of language that ensures that authority will not constitute entitlement authority, *see infra* note 652.

⁵¹² Section 13207(a)(1)(E)(ii) of the Budget Enforcement Act struck the words "or any conference report on any such bill or resolution" here, but did not strike the comma at the end of that parenthetical. *See infra* p. 723.

⁵¹³ Section 13303(d)(1) of the Budget Enforcement Act redesignated what used to be section 311(a)(1) as section 311(a)(1)(A). *See infra* p. 758.

⁵¹⁴ By virtue of the words "as reported," a point of order will not lie under section 311(a)(1) against a deficit-neutral bill that has been amended by an amendment that reduces revenues below the revenue floor. 131 CONG. REC. S8806 (1985); Senate Precedent PRL19850626-001 (June 26, 1985) (LEGIS, Rules database) (inquiry of Sen. Chafee). In other words, no point of order will lie under section 311(a)(1) even though the bill as
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