

rent resolution<sup>521</sup> except in the case that a declaration of war by the Congress is in effect.

§ 311(a)(2)(A) (2)(A)<sup>522</sup> After the Congress has completed action on a concurrent resolution on the budget, it shall not be in order in the Senate to consider any bill,<sup>523</sup> resolution, amendment,<sup>524</sup>

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<sup>521</sup> Section 13112(a)(10) of the Budget Enforcement Act struck the balance of what used to be section 311(a) from this point on and inserted "except in the case that a declaration of war by the Congress is in effect." See *infra* p. 709. The last clause of the material stricken by the Budget Enforcement Act contained an exception for wartime.

Before enactment of the Budget Enforcement Act, the balance of section 311(a) read as follows:

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 3(7); 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 251(a)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 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 301(i) or section 304(b), as the case may be, does not apply by reason of paragraph (2) of such subsection.

The Congressional Budget Act now addresses this material, sometimes called the "maximum deficit amount point of order" or "MDA point of order," in section 605(b). See *infra* p. 329.

<sup>522</sup> Section 13303(d)(2) of the Budget Enforcement Act added paragraph (2). See *infra* p. 758.

<sup>523</sup> Because section 311(a)(2)(A) does not contain the words "as reported" here, points of order under section 311(a)(2)(A) will apply to bills and resolutions as amended by amendments against which points of order would lie under section 311(a)(2)(A). Cf. *supra* note 514 (regarding the meaning of "as reported" in section 311(a)(1)).