
a fiscal year may be subject, as well, to modification or suspension under such order as an automatic spending increase.

§ 256(j)(6) (6) CERTAIN AUTHORITY NOT TO BE LIMITED. — Nothing in this joint resolution shall limit or reduce, in any way, any appropriation that provides the Commodity Credit Corporation with budget authority¹⁶⁰⁵ to cover the Corporation's net realized losses.

§ 256(k) (k)¹⁶⁰⁶ SPECIAL RULES FOR THE JOBS¹⁶⁰⁷ PORTION OF AFDC.¹⁶⁰⁸ —

§ 256(k)(1) (1) FULL AMOUNT OF SEQUESTRATION¹⁶⁰⁹ REQUIRED. — Any order issued by the President under section 254 shall accomplish the full amount of any required sequestration of the job opportunities and basic skills training program under section 402(a)(19), and part F of title VI, of the Social Security Act, in the manner specified in this subsection. Such an order may not reduce any Federal matching rate pursuant to section 403(l) of the Social Security Act.

§ 256(k)(2) (2) NEW ALLOTMENT FORMULA. —

¹⁶⁰⁵ Section 250(c)(1) (*see supra* p. 440) defines "budget authority" at least in part by reference to the definition of section 3(2) of the Congressional Budget Act. *See supra* pp. 11-13.

¹⁶⁰⁶ Section 13101(d)(2) of the Budget Enforcement Act added what is now subsection (k) (and, so as to put the subsections of section 255 in the order that they take would effect, moved what used to be subsection (k) to be what is now subsection (e)). *See infra* p. 704.

¹⁶⁰⁷ "JOBS" stands for the "Job Opportunities and Basic Skills" Training Program established at 42 U.S.C. §§ 681-687 (1988).

¹⁶⁰⁸ "AFDC" stands for "Aid to Families with Dependent Children." *See* 42 U.S.C. §§ 601-617 (1988 & Supp. III 1991).

¹⁶⁰⁹ Section 250(c)(2) defines "sequestration." *See supra* p. 440.

§ 256(k)(2)(A) (A) **GENERAL RULE.** — Notwithstanding section 403(k) of the Social Security Act, each State's percentage share of the amount available after sequestration¹⁶¹⁰ for direct spending¹⁶¹¹ pursuant to section 403(l) of such Act for the fiscal year to which the sequestration applies shall be equal to —

§ 256(k)(2)(A)(i) (i) the lesser of —

§ 256(k)(2)(A)(i)(I) (I) that percentage of the total amount paid to the States pursuant to such section 403(l) for the prior fiscal year that is represented by the amount paid to such State pursuant to such section 403(l) for the prior fiscal year; or

§ 256(k)(2)(A)(i)(II) (II) the amount that would have been allotted to such State pursuant to such section 403(k) had the sequestration¹⁶¹² not been in effect.

§ 256(k)(2)(B) (B) **REALLOTMENT OF AMOUNTS REMAINING UNALLOTTED AFTER APPLICATION OF GENERAL RULE.** — Any amount made available after sequestration¹⁶¹³ for direct spending¹⁶¹⁴ pursuant to section 403(l) of the Social Security Act for the fiscal year to which the sequestration applies that remains unallotted as a result of subparagraph (A) of this paragraph shall be allotted among the States in

¹⁶¹⁰ Section 250(c)(2) defines "sequestration." See *supra* p. 440.

¹⁶¹¹ Section 250(c)(8) defines "direct spending." See *supra* p. 444.

¹⁶¹² Section 250(c)(2) defines "sequestration." See *supra* p. 440.

¹⁶¹³ Section 250(c)(2) defines "sequestration." See *supra* p. 440.

¹⁶¹⁴ Section 250(c)(8) defines "direct spending." See *supra* p. 444.

proportion to the absolute difference between the amount allotted, respectively, to each State as a result of such subparagraph and the amount that would have been allotted to such State pursuant to section 403(k) of such Act had the sequestration not been in effect, except that a State may not be allotted an amount under this subparagraph that results in a total allotment to the State under this paragraph of more than the amount that would have been allotted to such State pursuant to such section 403(k) had the sequestration not been in effect.

§ 256(l) (l)¹⁶¹⁵ EFFECTS OF SEQUESTRATION.¹⁶¹⁶ — The effects of sequestration shall be as follows:

§ 256(l)(1) (1) Budgetary resources¹⁶¹⁷ sequestered¹⁶¹⁸ from any account¹⁶¹⁹ other than a trust or special fund account shall be permanently cancelled.

§ 256(l)(2) (2) Except as otherwise provided, the same percentage sequestration¹⁶²⁰ shall apply to all programs, projects, and activities within a budget account¹⁶²¹ (with

¹⁶¹⁵ Section 13101(d)(2) of the Budget Enforcement Act added what is now subsection (l) and repealed what used to be subsection (l). *See infra* p. 704. Before the enactment of the Budget Enforcement Act, subsection (l) read as follows:

(l) TREATMENT OF OBLIGATED BALANCES. — Obligated balances shall not be subject to reduction under an order issued under section 252.

¹⁶¹⁶ Section 250(c)(2) defines "sequestration." *See supra* p. 440.

¹⁶¹⁷ Section 250(c)(6) defines "budgetary resources." *See supra* p. 443.

¹⁶¹⁸ Section 250(c)(2) defines "sequester." *See supra* p. 440.

¹⁶¹⁹ Section 250(c)(11) defines "account." *See supra* p. 445.

¹⁶²⁰ Section 250(c)(2) defines "sequestration." *See supra* p. 440.

¹⁶²¹ Section 250(c)(11) defines "account." *See supra* p. 445.

programs, projects, and activities as delineated in the appropriation Act or accompanying report for the relevant fiscal year covering that account, or for accounts not included in appropriation Acts, as delineated in the most recently submitted President's budget).

§ 256(f)(3)

(3) Administrative regulations or similar actions implementing a sequestration¹⁶²² shall be made within 120 days of the sequestration order. To the extent that formula allocations differ at different levels of budgetary resources¹⁶²³ within an account,¹⁶²⁴ program, project, or activity, the sequestration shall be interpreted as producing a lower total appropriation, with the remaining amount of the appropriation being obligated in a manner consistent with program allocation formulas in substantive law.

§ 256(f)(4)

(4) Except as otherwise provided, obligations in sequestered¹⁶²⁵ accounts¹⁶²⁶ shall be reduced only in the fiscal year in which a sequester occurs.

§ 256(f)(5)

(5) If an automatic spending increase is sequestered,¹⁶²⁷ the increase (in the applicable index) that was disregarded as a result of that sequestration¹⁶²⁸ shall not be taken into account¹⁶²⁹ in any subsequent fiscal year.

¹⁶²² Section 250(c)(2) defines "sequestration." See *supra* p. 440.

¹⁶²³ Section 250(c)(6) defines "budgetary resources." See *supra* p. 443.

¹⁶²⁴ Section 250(c)(11) defines "account." See *supra* p. 445.

¹⁶²⁵ Section 250(c)(2) defines "sequester." See *supra* p. 440.

¹⁶²⁶ Section 250(c)(11) defines "account." See *supra* p. 445.

¹⁶²⁷ Section 250(c)(2) defines "sequester." See *supra* p. 440.

¹⁶²⁸ Section 250(c)(2) defines "sequestration." See *supra* p. 440.

¹⁶²⁹ Section 250(c)(11) defines "account." See *supra* p. 445.

§ 256(f)(6)

(6) Except as otherwise provided, sequestration¹⁶³⁰ in trust and special fund accounts¹⁶³¹ for which obligations are indefinite shall be taken in a manner to ensure that obligations in the fiscal year of a sequestration are reduced, from the level that would actually have occurred, by the applicable sequestration percentage.

¹⁶³⁰ Section 250(c)(2) defines "sequestration." See *supra* p. 440.

¹⁶³¹ Section 250(c)(11) defines "account." See *supra* p. 445.