

Mr. WRIGHT. If the gentleman would yield, I am not sure that I have an outside number. I honestly do not know how many would be affected by this. I do know that there are bills in the Committee on Interstate and Foreign Commerce which are going to have to be hurriedly prepared and put together if we do not give them this extra 12 hours. Their staff has been burdened with a lot of activity with two conference committees, among other things, and it is largely at their request that we have sought this unanimous consent.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## § 15. Section 315

Section 315 of the Congressional Budget Act,<sup>(1)</sup> added by the Budget Enforcement Act of 1997,<sup>(2)</sup> provides that self-executed amendments or amendments made in order as original text by a special order are considered “as reported” for purposes of titles III and IV of the Budget Act. Special orders utilizing these types of amendments often do so for the purpose of “curing” parliamentary violations (under the Congressional Budget Act or otherwise) contained in the underlying legislation. Before the advent of section 315, such curative amendments would not have qualified under the Congressional Budget Act as having been “reported” from committee.<sup>(3)</sup> Thus, the legislation would still have required a waiver of Budget Act points of order despite the clear intention to remove any Budget Act violations via the curative amendment.

Relatedly, the House has also adopted free-standing orders to apply Budget Act points of order to such “self-executed” amendments or amendments made in order as original text for purposes of amendment. In the 106th through the 112th Congresses, the House adopted a separate order on opening day<sup>(4)</sup> to evaluate section 303(a) points of order against reported bills

1. 2 USC § 645a.

2. Pub. L. No. 105–33.

3. See also Rule XXI clause 8 (rendering title III of the Congressional Budget Act applicable to unreported measures). *House Rules and Manual* § 1068c (2011).

4. 157 CONG. REC. H9 [Daily Ed.], 112th Cong. 1st Sess., Jan. 5, 2011 (H. Res. 5, sec. 3(a)(2)); 155 CONG. REC. 9, 111th Cong. 1st Sess., Jan. 6, 2009 (H. Res. 5, sec. 3(a)(2)); 153 CONG. REC. 19, 110th Cong. 1st Sess., Jan. 4, 2007 (H. Res. 6, sec. 511(a)(2)); 151 CONG. REC. 44, 109th Cong. 1st Sess., Jan. 4, 2005 (H. Res. 5, sec. 3(a)(2)); 149 CONG. REC. 10, 108th Cong. 1st Sess., Jan. 7, 2003 (H. Res. 5, sec. 3(a)(2)); 147 CONG. REC. 24, 107th Cong. 1st Sess., Jan. 3, 2001 (H. Res. 5, sec. 3(b)(2)); 145 CONG. REC. 47, 106th Cong. 1st Sess., Jan. 6, 1999 (H. Res. 5, sec. 2(a)(3)). See § 9, *supra*.

or joint resolutions considered under a special order of business on the basis of either the text made in order as original text for purposes of amendment or the text on which the previous question is ordered directly to passage.

## **§ 16. Section 306**

Section 306 of the Congressional Budget Act<sup>(1)</sup> prevents the consideration of measures that contain matter within the jurisdiction of the Committee on the Budget<sup>(2)</sup> but that have not been reported by (or been discharged from) that committee.<sup>(3)</sup> The Budget Enforcement Act of 1990 standardized this section in its application to any bill, resolution, or amendment, motion or conference report.<sup>(4)</sup> The point of order is applicable in both the House and the Senate.<sup>(5)</sup> Pursuant to section 904(c) of the Congressional Budget Act,<sup>(6)</sup> a vote of three-fifths of Senators duly chosen and sworn is required to waive section 306 of the Budget Act.<sup>(7)</sup>

The House has adopted special orders of business resolutions reported from the Committee on Rules that explicitly waive the requirement of section 306.<sup>(8)</sup> Furthermore, a special order of business that makes in order the consideration of an unreported measure has the effect of discharging that measure from committee (regardless of whether or not the text of the special order uses the term “discharge”) and thus would meet the section 306 requirement that the measure be reported or discharged from committee.<sup>(9)</sup>

1. 2 USC § 637.
2. See § 7, *supra*.
3. Compare to Rule XXI clause 5(a), which provides a point of order against certain tax and tariff measures not reported by the committee with jurisdiction over such matters (Committee on Ways and Means). *House Rules and Manual* § 1066 (2011).
4. In the 107th through the 112th Congresses, the House adopted orders construing the term “resolution” as “joint resolution.” See 157 CONG. REC. H9 [Daily Ed.], 112th Cong. 1st Sess., Jan. 5, 2011 (H. Res. 5, sec. 3(a)(1)); 155 CONG. REC. 9, 111th Cong. 1st Sess., Jan. 6, 2009 (H. Res. 5, sec. 3(a)(1)); 153 CONG. REC. 19, 110th Cong. 1st Sess., Jan. 4, 2007 (H. Res. 6, sec. 511(a)(1)); 151 CONG. REC. 44, 109th Cong. 1st Sess., Jan. 4, 2005 (H. Res. 5, sec. 3(a)(1)); 149 CONG. REC. 10, 108th Cong. 1st Sess., Jan. 7, 2003 (H. Res. 5, sec. 3(a)(1)); and 147 CONG. REC. 21, 107th Cong. 1st Sess., Jan. 3, 2001 (H. Res. 5, sec. 3(b)).
5. For examples of section 306 points of order raised in the Senate, see, *e.g.*, 129 CONG. REC. 6574, 6575, 6589–91, 98th Cong. 1st Sess., Mar. 22, 1983; and 122 CONG. REC. 19089–97, 94th Cong. 2d Sess., June 18, 1976.
6. 2 USC § 621 note.
7. For an example of a successful waiver of section 306 in the Senate, see 140 CONG. REC. 24010, 24069, 24070, 103d Cong. 2d Sess., Aug. 25, 1994.
8. See 141 CONG. REC. 13911, 13912, 104th Cong. 1st Sess., May 23, 1995 (H. Res. 155).
9. See § 16.3, *infra*.