

Section 306 of the Congressional Budget Act⁽⁶⁾ does not apply to directed scorekeeping language included in a bill pursuant to Stat-Paygo. While such language does trigger the jurisdiction of the Committee on the Budget, Stat-Paygo provides a specific exception to section 306.⁽⁷⁾

§ 23. Statutory Pay-As-You-Go Act

§ 23.1 Under section 4(g)(2) of the Statutory Pay-As-You-Go Act of 2010⁽¹⁾ and under former Rule XXI clause 10(c)(3),⁽²⁾ the Speaker put the question of consideration with respect to a measure containing the relevant emergency designations pending its consideration.

On May 28, 2010,⁽³⁾ where a measure contained an emergency designation under section 4(g)(1) of the Statutory Pay-As-You-Go Act of 2010 and an emergency designation for purposes of pay-as-you-go principles under former Rule XXI clause 10(c), the Speaker put a unified question of consideration with respect thereto pending its consideration. The question of consideration required under section 4(g)(2) of the Statutory Pay-As-You-Go Act of 2010 applies to emergency designations contained in a House amendment to a Senate amendment.⁽⁴⁾

6. 2 USC § 637. See § 16, *supra*.

7. Pub. L. No. 111–139, sec. 4(a)(4). See § 16, *supra*. This principle is illustrated by a special order of business that provided a germaneness waiver for the directed scorekeeping language (because such language triggers the jurisdiction of the Committee on the Budget and would thus not be germane) but not a waiver of section 306 of the Congressional Budget Act (because such language is specifically excepted from section 306). See 156 CONG. REC. H3347–8, [Daily Ed.], 111th Cong. 2d Sess., May 12, 2010 (H. Res. 1344).

1. 2 USC § 933(g)(2).

2. Rule XXI clause 10 was modified in the 112th Congress. See *House Rules and Manual* §§ 1068f, 1068j (2011).

3. 156 CONG. REC. H4130 [Daily Ed.], 111th Cong. 2d Sess.

4. *Parliamentarian's Note*: Although former Rule XXI clause 10(c) specifically applies to designations within amendments between the Houses, section 4(g)(2) of the Statutory Pay-As-You-Go Act of 2010 is less clear. Under section 4(g), the question of consideration is required whenever a “PAYGO Act” includes an emergency designation. Under section 3(7) of that Act, however, a “PAYGO Act” is defined as a “bill or joint resolution.” The Parliamentarian decided that section 4(g) should be understood to apply to a designation contained in a PAYGO bill and a proposal to insert such a designation into a PAYGO bill. This interpretation is consistent with the order of the House of Apr. 15, 2010, that specifically disabled questions of consideration for a motion that the House concur in a Senate amendment containing an emergency designation under section 4(g) of the Act. See § 23.2, *infra*.

Ch. 41 § 23 DESCHLER-BROWN-JOHNSON-SULLIVAN PRECEDENTS

The SPEAKER pro tempore.⁽⁵⁾ The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Levin moves that the House concur in the Senate amendment to H.R. 4213 with the amendment printed in part A of House Report 111–497, as modified by the amendment printed in part B of House Report 111–497 and the further amendment in section 2 of House Resolution 1403.

The SPEAKER pro tempore. The House amendment to the Senate amendment to the bill H.R. 4213 contains:

an emergency designation for the purposes of pay-as-you-go principles under clause 10(c) of rule XXI; and

an emergency designation pursuant to section 4(g)(1) of the Statutory Pay-As-You-Go Act of 2010.

Accordingly, the Chair must put the question of consideration under clause 10(c)(3) of rule XXI and under section 47(g)(2) [sic] of the Statutory Pay-As-You-Go Act of 2010.

The question is, Will the House now consider the motion to concur in the Senate amendment with an amendment?

The question of consideration was decided in the affirmative.

§ 23.2 The House has agreed to a unanimous-consent request textually obviating the question of consideration required by Statutory Pay-As-You-Go Act of 2010⁽¹⁾ on a motion to concur in a Senate amendment to a House amendment.

On Apr. 15, 2010,⁽²⁾ the House agreed to a unanimous-consent request that specifically obviated the requirement to put the question of consideration on a bill with emergency designations.

MAKING IN ORDER CONSIDERATION OF SENATE AMENDMENT TO H.R. 4851,
CONTINUING EXTENSION ACT OF 2010

Mr. [Sander] LEVIN [of Michigan]. Mr. Speaker, I ask unanimous consent that it be in order at any time to take from the Speaker's table the bill (H.R. 4851) to provide a temporary extension of certain programs, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order or question of consideration, a motion offered by the chairman of the Committee on Ways and Means or his designee that the House concur in the Senate amendment; that the Senate amendment be considered as read; that the motion be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and that the previous question be considered as ordered on the motion to final adoption without intervening motion.

5. David Obey (WI).

1. 2 USC §§ 931–939.

2. 156 CONG. REC. H2615 [Daily Ed.], 111th Cong. 2d Sess.

Parliamentarian's Note: Because the Senate amendment contained an emergency designation for purposes of both Stat-Paygo as well as the former House PAYGO rule (former Rule XXI clause 10, *House Rules and Manual* §1068e (2009)), the order disabled the automatic question of consideration under both procedures.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

§ 23.3 The House suspended the rules and passed a bill that included a provision designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.⁽¹⁾

On Feb. 25, 2010,⁽²⁾ the following occurred:

TEMPORARY EXTENSION ACT OF 2010

Mr. [James] McDERMOTT [of Washington]. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4691) to provide a temporary extension of certain programs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Temporary Extension Act of 2010”. . . .

SEC. 11. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—This Act, with the exception of section 5, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act, with the exception of section 5, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

The SPEAKER pro tempore.⁽³⁾ Pursuant to the rule, the gentleman from Washington (Mr. McDERMOTT) and the gentleman from California (Mr. HERGER) each will control 20 minutes.

The Chair recognizes Mr. McDERMOTT.

1. 2 USC § 933(g).

Parliamentarian’s Note: Ordinarily an emergency designation of this type requires that the Speaker put the question of consideration on the measure. See 2 USC § 933(g)(2). But a motion to suspend the rules obviates that requirement.

2. 156 CONG. REC. H901, 903 [Daily Ed.], 111th Cong. 2d Sess.

3. Michael Capuano (MA).