

[111 STAT 687]

SEC. 10113. AMENDMENT TO SECTION 312.

(a) IN GENERAL.—Section 312 of the Congressional Budget Act of 1974 is amended to read as follows:

[2 USC 643.](#)

“DETERMINATIONS AND POINTS OF ORDER

“SEC. 312. (a) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this title and title IV, the levels of new budget authority, outlays, direct spending, new entitlement authority, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the House of Representatives or the Senate, as applicable.

“(b) DISCRETIONARY SPENDING POINT OF ORDER IN THE SENATE.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, it shall not be in order in the Senate to consider any bill or resolution (or amendment, motion, or conference report on that bill or resolution) that would exceed any of the discretionary spending limits in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(2) EXCEPTIONS.—This subsection shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

“(c) MAXIMUM DEFICIT AMOUNT POINT OF ORDER IN THE SENATE.—It shall not be in order in the Senate to consider any concurrent resolution on the budget for a fiscal year, or to consider any amendment to that concurrent resolution, or to consider a conference report on that concurrent resolution, if—

“(1) the level of total outlays for the first fiscal year set forth in that concurrent resolution or conference report exceeds; or

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“(2) the adoption of that amendment would result in a level of total outlays for that fiscal year that exceeds; the recommended level of Federal revenues for that fiscal year, by an amount that is greater than the maximum deficit amount, if any, specified in the Balanced Budget and Emergency Deficit Control Act of 1985 for that fiscal year.

“(d) TIMING OF POINTS OF ORDER IN THE SENATE.—A point of order under this Act may not be raised against a bill, resolution, amendment, motion, or conference report while an

amendment or motion, the adoption of which would remedy the violation of this Act, is pending before the Senate.

“(e) POINTS OF ORDER IN THE SENATE AGAINST AMENDMENTS BETWEEN THE HOUSES.—Each provision of this Act that establishes a point of order against an amendment also establishes a point of order in the Senate against an amendment between the Houses. If a point of order under this Act is raised in the Senate against an amendment between the Houses and the point of order is sustained, the effect shall be the same as if the Senate had disagreed to the amendment.

“(f) EFFECT OF A POINT OF ORDER IN THE SENATE.—In the Senate, if a point of order under this Act against a bill or resolution is sustained, the Presiding Officer shall then recommit the bill or resolution to the committee of appropriate jurisdiction for further consideration.”

[2 USC 644.](#)

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 313 of the Congressional Budget Act of 1974 is amended—

(A) by striking “(c) When” and inserting “(d) Conference Reports.—When”; and

(B) by striking subsection (e) and redesignating subsection (d) as subsection (e).

(2) TABLE OF CONTENTS.—The item relating to section 312 in the table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking “Effect of points” and inserting “Determinations and points”.

**EXPLANATORY STATEMENT OF MANAGERS
(H. CONF. REPT. 105-217)**

14. Amendments to section 312 of the Congressional Budget Act

HOUSE BILL (SECTION 11112)

The House bill makes stylistic changes to the heading and consolidates existing provisions regarding points of order and adds some new provisions.

Subsection (a) provides generic authority clarifying that the Committees on the Budget are responsible for providing estimates (or “scoring” information) to the House and Senate for the purposes of evaluating the applicability of Budget Act points of order. Redundant language is repealed throughout the Act and replaced with this one statement that applies to all points of order under titles III and IV.

Subsection (b) moves the existing section 601(b) point of order in the Senate for the enforcement of discretionary spending limits to subsection 312(b).

Subsection (c) moves the existing section 605(b) point of order in the Senate for the enforcement of the maximum deficit amount to subsection 312(c). This point of order will not be enforced because the House bill does not provide “maximum deficit amounts” in [the Balanced Budget and Emergency Deficit Control Act of 1985]. The House bill retains both the point of order and the sequester procedures (section 253 of [the Balanced Budget and Emergency Deficit Control Act of 1985]) in the event the Congress wants to return to deficit limits.

Subsection (d) adds new language which places into law the current practice in the Senate with respect to the timing of points of order.

Subsection (e) retains current law (first paragraph of section 312) with respect to amendments between the Houses.

Subsection (f) retains current law (section 312(b)) with respect to the effect of a point of order against a bill in the Senate.

It repeals the now redundant (by virtue of new 312(a)) language from current law.

SENATE AMENDMENT (SECTION 1610)

The Senate amendment is identical to the House Bill.

CONFERENCE AGREEMENT (SECTION 10113)

The Conference agreement reflects the House bill with technical changes.

[Joint Explanatory Statement on the Committee of Conference on the Balanced Budget Act of 1997; (Conference Report), Committee on the Budget, House of Representatives, 105th Congress, 1st Session, Washington D.C. 1997.]