

⁹⁰⁷(...continued)

(3) the enactment of such bill or resolution in the form recommended in such conference report,

would cause the appropriate level of total budget authority or total budget outlays set forth in the most recently agreed to concurrent resolution on the budget for such fiscal year to be exceeded, or would cause revenues to be less than the appropriate level of total revenues set forth in such concurrent resolution 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.

(emphasis added).

Section 13112(a)(10) of the Budget Enforcement Act struck the italicized portion of what used to be section 311(a) (as well as the clause that followed it). See *infra* p. 709. (Section 13112(a)(10) of the Budget Enforcement Act substituted another clause providing an exception for wartime. See *supra* pp. 178-192.)

Note that whereas section 311(a) appears on the list of points of order requiring 60 votes to waive, the Budget Enforcement Act neglected to add section 605(b) to the list. See *supra* pp. 361-363. Consequently, while violating the maximum deficit amount in this context used to require a supermajority, it no longer does.

Public Law 97-258 repealed the section 605 originally enacted in the Congressional Budget Act of 1974. See An Act to Revise, Codify, and Enact Without Substantive Change Certain General and Permanent Laws, Related to Money and Finance, as title 31, United States Code, "Money and Finance," Pub. L. No. 97-258, § 5(b), 96 Stat. 877, 1082 (1982). The original sections 601-605 and 607 were codified in sections 1105, 1106, and 1108-1110 of title 31. As originally enacted in 1974, section 605 read as follows:

BUDGET DATA BASED ON CONTINUATION OF EXISTING LEVEL OF SERVICES
(continued...)