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until the concurrent resolution on the budget for such fiscal year (or, in the Senate, a concurrent resolution on the budget covering such fiscal year)<sup>307</sup> has been agreed to<sup>308</sup> pursuant

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<sup>306</sup>(...continued)

<sup>306</sup> Section 3(1) defines "outlays." See *supra* p. 11.

<sup>307</sup> Section 13205(a)(4) of the Budget Enforcement Act added the parenthetical "(or, in the Senate, a concurrent resolution on the budget covering such fiscal year)." See *infra* p. 720. Thus, for Senate committees other than the Appropriations Committee (for which subsection (b)(2) provides an explicit exception), no point of order will lie if the spending provided begins in any one of the five years covered by the most recent budget resolution.

<sup>308</sup> On a number of occasions, the House and the Senate have passed simple resolutions providing that the Congress shall be deemed to have agreed to a budget resolution for the fiscal year. As a consequence of these resolutions, points of order would not lie under section 303, but would lie under sections 302 and 311.

On July 16, 1985, the House passed H. Res. 221, which waived points of order under section 303(a) against consideration of any appropriations bill. That resolution stated (in relevant part):

Sec. 2. All points of order for failure to comply with the provisions of section 303(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived against the consideration of any general appropriation bill making appropriations for fiscal year 1986 reported by the Committee on Appropriations before July 12, 1985.

H. Res. 221, 99th Cong., 1st Sess., 131 CONG. REC. H5666-75 (July 16, 1985).

Eight days later, the House passed H. Res. 231, which deemed the Congress to have adopted the House-passed budget resolution for purposes of applying points of order in the House. H. Res. 231 stated:

#### H. RES. 231

*Resolved*, That, for the purposes of the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), as they apply to the House of Representatives, the Congress shall be considered to have adopted H. Con. Res. 152, revising the congressional budget for the United States Government for the fiscal year 1985 and setting forth the congressional budget for the United States Government for the fiscal years 1986, 1987, and 1988, as adopted by the House on May 23, 1985. For the purposes of this resolution, the allocations of budget authority and new entitlement authority printed in the Congressional Record of July 23, 1985 by Representative Gray of Pennsylvania, shall be considered as allocations made pursuant to section 302(a) of the Congressional Budget Act of 1974 (Public Law 93-344).

(continued...)