

motion, or conference report that would cause the appropriate level of total new budget authority⁵²⁵ or total budget outlays or social security outlays⁵²⁶ set forth for the first fiscal year in the most recently agreed to concurrent resolution on the budget covering such fiscal year to be exceeded, or would cause revenues to be less than the appropriate level of total revenues⁵²⁷ (or social security revenues to be less than the appropriate level of social security revenues⁵²⁸) set forth for the first fiscal year covered by the resolution and for the period including the first fiscal year plus the following 4 fiscal years in such concurrent resolution.⁵²⁹

⁵²⁴(...continued)

⁵²⁴ An amendment is subject to points of order under the Congressional Budget Act even if the Senate has specified by unanimous consent that the amendment is one of the amendments in order and the yeas and nays have been ordered. *Cf. supra* note 295 (regarding section 303).

The Senate Budget Committee estimates the costs of an amendment based on the assumption that Congress has already enacted the pending bill (to which the amendment has been offered) into law. Thus, when the current level exceeds the outlay ceiling, and a bill is pending that would reduce outlays by less than the amount by which the current level exceeds the outlay ceiling, an amendment that would increase outlays at all (net of outlay reductions in the amendment) will cause outlays to exceed the outlay ceiling.

⁵²⁵ Section 3(2) defines "budget authority." *See supra* pp. 11-13.

⁵²⁶ Section 301(a)(6) implicitly defines the term "social security outlays" as "outlays of the old-age, survivors, and disability insurance program established under title II of the Social Security Act." *See supra* note 143.

⁵²⁷ For examples of legislation violating this section, see, e.g., 138 CONG. REC. S14,880-87, S14,890-91, S14,947 (daily ed. Sept. 24, 1992) (Bumpers motion to waive a Bentsen point of order against his amendment no. 3164 striking a 120 percent estimated tax safe harbor and permanently extending the limitation on the use of the preceding year's tax in computing estimated tax).

⁵²⁸ Section 301(a)(7) implicitly defines the term "social security revenues" as "revenues of the old-age, survivors, and disability insurance program established under title II of the Social Security Act (and the related provisions of the Internal Revenue Code of 1986)." *See supra* note 145.

⁵²⁹ In addition to the point of order applied by this section, section 12(c) of the budget resolution for fiscal year 1994 provides further enforcement:

(continued...)