

§ 401(b)(1)

(1) It shall not be in order⁶³¹ in either the House of Representatives or the Senate to consider any bill, joint resolution, amendment,⁶³² motion,⁶³³ or conference report, as reported⁶³⁴ to its House⁶³⁵ which provides new spending authority⁶³⁶ described in subsection (c)(2)(C)⁶³⁷ which is to become effective before the first day of the fiscal year which begins during the calendar year in which such bill or resolution is reported.

§ 401(b)(2)

(2) If any committee of the House of Representatives or the Senate reports any bill or resolution which provides new spending authority described in subsection

⁶³¹ Congressional Budget Act prohibitions are not self-enforcing, and require points of order from the floor for their enforcement. *Cf. supra* note 293 (regarding section 303(a)).

⁶³² 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).

⁶³³ Section 13207(a) of the Budget Enforcement Act added the word "motion" here. *See infra* p. 723. For a discussion of the motivation for the addition, see *supra* note 235.

⁶³⁴ *Cf. supra* note 514 (by virtue of the words "as reported," a point of order will not lie under section 311(a) against a deficit-neutral bill that has been amended by an amendment that reduces revenues below the revenue floor).

⁶³⁵ Section 13207(a)(1)(G)(i) of the Budget Enforcement Act struck the words "bill or resolution" here and inserted "bill, joint resolution, amendment, motion, or conference report, as reported to its House." *See infra* p. 724.

⁶³⁶ The Congressional Budget Act makes no exception for violations of negligible amounts. *Cf. supra* note 520 (regarding section 311(a)).

⁶³⁷ *See infra* pp. 252-253. Section 3(9) refers to section 401(c)(2)(C) to define the term "entitlement authority." *See supra* p. 18.

Section 13207(a)(1)(G)(ii) of the Budget Enforcement Act struck the parenthetical "(or any amendment which provides such new spending authority)" that used to appear here. *See infra* p. 724.