
CONCURRENT RESOLUTION ON THE BUDGET MUST BE ADOPTED BEFORE LEGISLATION PROVIDING NEW BUDGET AUTHORITY, NEW SPENDING AUTHORITY, NEW CREDIT AUTHORITY, OR CHANGES IN REVENUES OR THE PUBLIC DEBT LIMIT IS CONSIDERED

§ 303(a)

SEC. 303.²⁹² (a) IN GENERAL. — It shall not be in order²⁹³ in either the House of Representatives or the Senate to consider any bill,²⁹⁴ joint resolution, amendment,²⁹⁵ motion,²⁹⁶ or confer-



²⁹² Section 303 is codified as amended at 2 U.S.C. § 634 (1988 & Supp. IV 1992).

²⁹³ Although section 303 sets forth a prohibition, that prohibition is not self-enforcing, and requires a point of order from the floor for its enforcement. 130 CONG. REC. S7919 (1984); Senate Precedent PRL19840621-001 (June 21, 1984) (LEGIS, Rules database).

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

²⁹⁴ If a bill violates section 303, the point of order will lie notwithstanding that a complete substitute that would not violate section 303 is pending. 132 CONG. REC. S318-19 (1986); Senate Precedent PRL19860127-001 (Jan. 27, 1986) (LEGIS, Rules database) (inquiry of Sen. Metzenbaum; bill that would reduce revenues).

²⁹⁵ 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. *See* 132 CONG. REC. S7973-74, S8169, S8207-09 (June 19, 23 & 24, 1986); Senate Precedent PRL19860624-001 (June 24, 1986) (LEGIS, Rules database) (point of order by Sen. Packwood on amendment by Sen. Melcher that would reduce revenues in violation of section 303(a)).

²⁹⁶ 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.

ence report²⁹⁷ as reported²⁹⁸ to the House or Senate which provides —

- § 303(a)(1) (1) new budget authority²⁹⁹ for a fiscal year;
- § 303(a)(2) (2) an increase or decrease in revenues³⁰⁰ to become effective during a fiscal year;
- § 303(a)(3) (3) an increase or decrease in the public debt

²⁹⁷ Section 13207(a)(1)(C) of the Budget Enforcement Act struck "bill or resolution (or amendment thereto)" here and inserted "bill, joint resolution, amendment, motion, or conference report." See *infra* p. 723. Before enactment of the Budget Enforcement Act, by virtue of its application to "amendments," section 303 also applied to conference reports by precedent where amendments made in conference contain new matter not previously considered by the Senate. 124 CONG. REC. S9383-403 (1978); Senate Precedent PRL19780410-001 (Apr. 10, 1978) (LEGIS, Rules database); see also 131 CONG. REC. S6367-68 (1985); Senate Precedent PRL19850516-001 (May 16, 1985) (LEGIS, Rules database) (the Chair responded that a particular conference report would violate section 303(a)); 132 CONG. REC. S16,419-20, S16,611-13 (1986); Senate Precedent PRL19861016-002 (Oct. 16, 1986) (LEGIS, Rules database) (precedent headnote states that a point of order would lie against a conference report; point of order waived).

²⁹⁸ Cf. *infra* 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).

²⁹⁹ See, e.g., 133 CONG. REC. S5381-83 (1987) (point of order by Sen. Chiles on amendment by Sen. Boschwitz).

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

³⁰⁰ See, e.g., 132 CONG. REC. S8207-09 (1986); Senate Precedent PRL19860624-001 (June 24, 1986) (LEGIS, Rules database) (point of order by Sen. Packwood on amendment by Sen. Melcher that would reduce revenues); 132 CONG. REC. S318-19 (1986); Senate Precedent PRL19860127-001 (Jan. 27, 1986) (LEGIS, Rules database) (inquiry of Sen. Metzenbaum; bill that would reduce revenues); 131 CONG. REC. S8806-07 (1985); Senate Precedent PRL19850626-001 (June 26, 1985) (LEGIS, Rules database) (inquiry of Sen. Chafee; amendment that would reduce revenues); 131 CONG. REC. S6367-68 (1985); Senate Precedent PRL19850516-001 (May 16, 1985) (LEGIS, Rules database) (inquiry of Sen. Metzenbaum; conference report that would raise revenues).

limit³⁰¹ to become effective during a fiscal year;

§ 303(a)(4) (4) new entitlement authority³⁰² to become effective during a fiscal year;

§ 303(a)(5) (5)³⁰³ in the Senate only, new spending authority (as defined in section 401(c)(2)³⁰⁴) for a fiscal year; or

§ 303(a)(6) (6)³⁰⁵ in the Senate only, outlays,³⁰⁶

³⁰¹ The public debt limit is set at 31 U.S.C. § 3101 (Supp. III 1991), amended by the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, § 13411, 107 Stat. 312 (1993).

³⁰² Section 303(a) prohibits legislation that would create entitlement authority that would become effective before Congress has agreed to a budget resolution for the appropriate fiscal year, and such legislation would not fall within an exception un section 303(b). 129 CONG. REC. S9826, S9845, S9852 (1983); Senate Precedent PRL19830713-004 (July 13, 1983) (LEGIS, Rules database). In other words, an entitlement that begins in a year beyond the budget resolution violates section 303(a). 130 CONG. REC. S7070-71, S7102-12, S7175, S7181 (1984); Senate Precedent PRL19840613-002 (June 13, 1984) (LEGIS, Rules database); see also 132 CONG. REC. S16,419-20, S16,611-13 (1986); Senate Precedent PRL19861016-002 (Oct. 16, 1986) (LEGIS, Rules database) (precedent headnote states that a point of order would lie against a conference report if that conference report contained entitlements to become effective in years beyond the resolution; point of order waived).

Entitlements begin in the year payments are made, not when benefits vest. 130 CONG. REC. S7107 (1984); Senate Precedent PRL19840613-002 (June 13, 1984) (LEGIS, Rules database) (inquiry of Sen. Armstrong).

Section 3(9) (see *supra* p. 18) defines "entitlement authority" to mean that authority described in section 401(c)(2)(C) (see *infra* p. 252). For a discussion of language that ensures that authority will not constitute entitlement authority, see *infra* note 652.

³⁰³ Section 13205(a)(3) of the Budget Enforcement Act amended this paragraph to read as it does now. See *infra* p. 720. Section 13205(a)(1) of the Budget Enforcement Act repealed what used to be paragraph (5). See *infra* p. 720. Before enactment of the Budget Enforcement Act, paragraph (5) read as follows: "(5) new credit authority for a fiscal year." Effective for fiscal year 1992 and after, title V addresses credit (see *infra* pp. 273-298), and the provision of what was credit authority has become the provision of either budget authority or entitlement authority.

³⁰⁴ See *infra* pp. 251-254.

³⁰⁵ Section 13205(a)(3) of the Budget Enforcement Act added this paragraph. See *infra* p. 720.

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)³⁰⁷ has been agreed to³⁰⁸ pursuant

³⁰⁶(...continued)

³⁰⁶ Section 3(1) defines "outlays." See *supra* p. 11.

³⁰⁷ 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.

³⁰⁸ 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...)

²⁰⁰(...continued)

SEC. 2. This resolution shall cease to apply upon final adoption by the House and the Senate of a concurrent resolution on the budget for the applicable fiscal year or years.

H. Res. 231, 99th Cong., 1st Sess., 131 CONG. REC. H6171 (daily ed. July 24, 1985).

On June 17, 1987, the House Rules Committee reported to the House H. Res. 197, a similar resolution. H. Res. 197, 100th, 1st Sess., 134 CONG. REC. H5212, D837 (daily ed. June 17, 1987). The next day, however, the Rules Committee reported a rule (H. Res. 201) for the consideration of the conference report on the budget resolution for that year (H. Con. Res. 93) that also provided for laying H. Res. 197 on the table. See 134 CONG. REC. D847-48 (daily ed. June 18, 1987). The House passed that rule on June 23. See *id.* at H5398-407 (daily ed. June 24, 1987).

On June 19, 1990, the House passed another resolution, H. Res. 413, to deem the House-passed budget resolution to govern the House. H. Res. 413 stated (in relevant part):

Sec. 3. (a) For purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended (Public Law 93-344, as amended by Public Law 99-177) as they apply to the Committee on Appropriations and consideration of general appropriation bills, amendments thereto or conference reports thereon, in the House of Representatives, the Congress shall be considered to have adopted H. Con. Res. 310, setting forth the congressional budget for the United States Government for the fiscal years 1991, 1992, 1993, 1994, and 1995, as adopted by the House on May 1, 1990. For purposes of this resolution, the allocations of spending and credit responsibility to the Committee on Appropriations printed in the star print of H. Rept. 101-455 shall be considered as allocations made pursuant to section 302(a) of the Congressional Budget Act of 1974, as amended.

(b) This section shall cease to apply upon final adoption by the House and the Senate of a concurrent resolution on the budget for fiscal year 1991.

H. Res. 413, 101st Cong., 2d Sess., 136 CONG. REC. H3733 (daily ed. June 19, 1990).

The Senate followed suit on July 12, 1990, as the Senate Budget Committee reported and the Senate passed by unanimous consent S. Res. 308, a simple resolution to give the Appropriations Committee its allocations. S. Res. 308 stated:

RESOLUTION

To provide budget allocations for fiscal year 1991 to the Senate Committee on Appropriations under section 302(a) of the Congressional Budget Act of 1974.

(continued...)

³⁰⁸(...continued)

Resolved, That (a) for purposes of section 302(a) of the Congressional Budget Act of 1974 the estimated allocation of the appropriate levels of budget totals for the Senate Committee on Appropriations shall be —

(1) \$690,606,000,000 in total budget outlays; and

(2) \$680,512,000,000 in total new budget authority,

until a concurrent resolution on the budget for fiscal year 1991 is agreed to by the Senate and House of Representatives pursuant to section 301 of Congressional Budget Act of 1974.

(b) Notwithstanding the provisions of subsection (a) and if the Bipartisan Executive-Congressional Economic Summit reaches an agreement on appropriate levels of budget totals different from those contained in subsection (a) and the Congress adopts such levels, the levels agreed to by the Bipartisan Executive-Congressional Economic Summit shall supersede the levels contained in subsection (a).

S. Res. 308, 101st Cong., 2d Sess., 136 CONG. REC. S9642-43 (daily ed. July 12, 1990).

In related legislation, the Spending Reduction Act of 1984, a reconciliation bill created in response to instructions in a budget resolution adopted during the previous calendar year, stated the sense of the House that in the absence of agreement on a budget resolution, the House would abide by the House-passed budget resolution (H. Con. Res. 280). Similar provisions stated the sense of the Senate regarding defense and non-defense ceilings for appropriations activity, but the Senate did not give these ceilings the status of an allocation to the Appropriations Committee under section 302(a). The Spending Reduction Act provides (in relevant part):

TITLE I — GENERAL PROVISIONS

SENSE OF SENATE STATEMENT

SEC. 2101. It is the sense of the Senate that ceilings on fiscal year 1985 appropriation bills shall not exceed, in the aggregate, \$139.8 billion for non-defense, discretionary accounts, and shall not exceed \$299 billion for defense accounts. Further, it is the sense of the Senate that the allocations of these sums, normally done through the section 302(b) process under the Congressional Budget and Impoundment Control Act of 1974, in the absence of a first concurrent budget resolution for fiscal year 1985 will be done by the Senate Appropriations Committee to guide its subcommittees in their separate deliberations on individual appropriation bills for fiscal year 1985.

SENSE OF HOUSE STATEMENT

(continued...)

to section 301.³⁰⁹

§ 303(b)(1) (b) EXCEPTIONS. — (1) In the House of Representatives,³¹⁰ subsection (a)³¹¹ does not apply to any bill or resolution —

§ 303(b)(1)(A) (A)³¹² providing new budget authority³¹³ which first becomes available in a fiscal year following the fiscal year to which the concurrent resolution applies; or

³⁰⁸(...continued)

SEC. 2102. (a) It is the Sense of the House that in fiscal year 1985, 1986, and 1987, Federal deficits can be reduced by \$182 billion as a result of the first concurrent resolution on the budget for fiscal year 1985 and the Deficit Reduction Act of 1984. Further, it is the sense of the House that these deficit reductions shall be divided among revenue increases, domestic spending reductions, and limits on the growth in military spending.

(b) It is the sense of the House that in the absence of agreement on a first concurrent resolution on the budget for fiscal year 1985 that the House will continue to abide by House Concurrent Resolution 280, as passed the House.

(c) It is the sense of the House that the Congress shall immediately adopt a conference report on the first concurrent resolution on the budget for fiscal year 1985 and that the Congress shall enforce the aggregate levels of revenue and spending provided in such resolution.

Pub. L. No. 98-369, §§ 2101-2102, 98 Stat. 494, 1057-58 (1984).

³⁰⁹ See *supra* pp. 50-87.

³¹⁰ Section 13205(b)(1) of the Budget Enforcement Act added the words "(1) In the House of Representatives." See *infra* p. 720. Thus, these exceptions no longer apply in the Senate.

³¹¹ See *supra* pp. 106-112.

³¹² Section 13205(b)(1) of the Budget Enforcement Act changed this number from "(1)" to "(A)" to conform to the addition of the words "(1) In the House of Representatives," above. See *infra* p. 720.

³¹³ Section 3(2) defines "budget authority." See *supra* pp. 11-13.

§ 303(b)(1)(B)

(B)³¹⁴ increasing or decreasing revenues which first become effective in a fiscal year following the fiscal year to which the concurrent resolution applies.³¹⁵

After May 15 of any calendar year, subsection (a)³¹⁶ does not apply in the House of Representatives to any general appropriation bill,³¹⁷ or amendment thereto, which provides new budget authority³¹⁸ for the fiscal year beginning in such calendar year.

§ 303(b)(2)

(2)³¹⁹ In the Senate, subsection (a)³²⁰ does not apply to any bill or resolution making advance appropriations for the fiscal year to which the concurrent resolution applies and the two succeeding fiscal years.

³¹⁴ Section 13205(b)(1) of the Budget Enforcement Act changed this number from "(2)" to "(B)" to conform to the addition of the words "(1) In the House of Representatives," above. See *infra* p. 720.

³¹⁵ Before the enactment of the Budget Enforcement Act, under a precedent of October 5, 1978, sometimes called "the Long precedent," section 303(a) applied in the Senate — with respect to revenues at least — only during the period from January 1 through the adoption of the budget resolution. See 124 CONG. REC. S17,238-44 (daily ed. Oct. 5, 1978). The precedent arose from the Senate's vote to overturn a ~~correct-filing~~ ruling of the Chair. Because section 13205(b)(1) of the Budget Enforcement Act added the words "(1) In the House of Representatives," (see *infra* p. 720) at the beginning of this paragraph, the exception provided by this subparagraph no longer applies in the Senate, and the Long precedent should have no continuing validity. For another precedent under this section as it used to apply in the Senate, see, e.g., 131 CONG. REC. S8806-07 (1985); Senate Precedent PRL19850626-001 (June 26, 1985) (LEGIS, Rules database) (inquiry of Sen. Chafee; amendment that would reduce revenues in the year for which the budget resolution in conference would provide).

³¹⁶ See *supra* pp. 106-112.

³¹⁷ Section 3(5) defines "appropriation Act" by reference to 1 U.S.C. § 105. See *supra* p. 16. For the text of 1 U.S.C. § 105 (1988), see *supra* note 36.

³¹⁸ Section 3(2) defines "budget authority." See *supra* pp. 11-13.

³¹⁹ Section 13205(b)(2) of the Budget Enforcement Act added this paragraph. See *infra* p. 720.

³²⁰ See *supra* pp. 106-112.

§ 303(o)

(c) WAIVER IN THE SENATE.³²¹ —

§ 303(o)(1)

(1) The committee of the Senate which reports any bill or resolution (or amendment thereto) to which subsection (a)³²² applies may at or after the time it reports such bill or resolution (or amendment), report a resolution³²³

³²¹ Note that the Senate may waive section 303(a) pursuant to section 904(b), *see infra* pp. 359-361, and that either the Senate or the House may pass a simple resolution that would waive section 303(a). *See supra* note 308.

Compare the parallel provisions for waiver in the Senate in section 402(c) as originally enacted in 1974 but repealed in 1985. *See infra* note 697.

³²² *See supra* pp. 106-112.

³²³ *See, e.g.*, S. Res. 82, 98th Cong., 1st Sess. 129 CONG. REC. S2191 (daily ed. Mar. 7, 1983) (Sen. Dole, for S. 690); S. Res. 91, 98th Cong., 1st Sess., 129 CONG. REC. S2944 (daily ed. Mar. 15, 1983) (Sen. Dole, for S. 1); S. Res. 388, 98th Cong., 2d Sess., 130 CONG. REC. S5687 (daily ed. May 14, 1984) (Sen. Andrews, for S. 1735); S. Res. 399, 98th Cong., 2d Sess., 130 CONG. REC. S6790 (daily ed. June 7, 1984) (Sen. Andrews, for S. 1967); S. Res. 409, 98th Cong., 2d Sess., 130 CONG. REC. S7390 (daily ed. June 15, 1984) (Sen. Packwood, for S. 2527); S. Res. 441, 98th Cong., 2d Sess., 130 CONG. REC. S11,271 (daily ed. Sept. 17, 1984) (Sen. Simpson, for S. 2736 as reported by the Senate Comm. on Veteran's Affairs); S. Res. 453, 98th Cong., 2d Sess., 130 CONG. REC. S11,979 (daily ed. Sept. 26, 1984) (Sen. Symms, for S. 3024); S. Res. 64, 99th Cong., 1st Sess., 131 CONG. REC. S1801 (daily ed. Feb. 5, 1985) (Sen. Symms, for S. 391); S. Res. 156, 99th Cong., 1st Sess., 131 CONG. REC. S10,867 (daily ed. May, 7 1985) (Sen. Goldwater, for S. 1029); S. Res. 162, 99th Cong., 1st Sess., 131 CONG. REC. S12,135 (daily ed. May 15, 1985) (Sen. Goldwater, for S. 1029); S. Res. 168, 99th Cong., 1st Sess., 131 CONG. REC. S12,135 (daily ed. May 16, 1985) (Sen. Goldwater, for S. 1160); S. Res. 192, 99th Cong., 1st Sess., 131 CONG. REC. S17,633 (daily ed. June 27, 1985) (Sen. Murkowski, for H.R. 752, as reported by the Senate Comm. on Veterans' Affairs); S. Res. 198, 99th Cong., 1st Sess., 131 CONG. REC. S18,016 (daily ed. July 8, 1985) (Sen. Murkowski, for S. 876 as reported by the Senate Comm. on Veterans' Affairs); S. Res. 208, 99th Cong., 1st Sess., 131 CONG. REC. S22,415 (daily ed. Aug. 1, 1985) (Sen. Abdnor, for S. 1567, the Water Resources Development Act of 1985); S. Res. 218, 99th Cong., 1st Sess., 131 CONG. REC. S23,229 (daily ed. Sept. 10, 1985) (Sen. Thurmond, for S. 1200 as reported by the Senate Comm. on the Judiciary); S. Res. 247, 99th Cong., 1st Sess., 131 CONG. REC. S29,748 (daily ed. Oct. 30, 1985) (Sen. Roth, for S. 1527 as reported by the Comm. on Governmental Affairs); S. Res. 410, 99th Cong., 2d Sess., 132 CONG. REC. S11,218 (daily ed. May 19, 1986) (Sen. Roth, for the conference report on H.R. 2672); S. Res. 416, 99th Cong., 2d Sess., 132 CONG. REC. S12,067 (daily ed. May 29, 1986) (Sen. Packwood, for H.R. 3838 and the Comm. on Finance amendment thereto); S. Res. 417, 99th Cong., 2d Sess., 132 CONG. REC. S6478 (daily ed. June 2, 1986) (Sen. Stafford, for S. 1965, the Higher Education Amendments of 1986); S. Res. 425, 99th Cong., 2d Sess., 132 CONG. REC. S13,128 (daily ed. June 10, 1986)

(continued...)

to the Senate

§ 303(c)(1)(A)

(A) providing for the waiver of subsection (a)³²⁴ with respect to such bill or resolution (or amendment), and

§ 303(c)(1)(B)

(B) stating the reasons why the waiver is necessary.

The resolution shall then be referred to the Committee on the Budget of the Senate. That committee shall report the resolution to the Senate within 10 days after the resolution is referred to it (not counting any day on which the Senate is not in session) beginning with the day following the day on which it is so referred, accompanied by that committee's recommendations and reasons for such recommendations with respect to the resolution. If the committee does not report the resolution within such 10-day period, it shall automatically be discharged from further consideration of the resolution and the resolution shall be placed on the calendar.

§ 303(c)(2)

(2) During the consideration of any such resolution,

³²³(...continued)

(Sen. Thurmond, for S. 2216, designating September 17, 1987, the bicentennial of the signing of the Constitution of the United States, as "Constitution Day"); S. Res. 459, 99th Cong., 2d Sess., 132 CONG. REC. S19,240 (daily ed. Aug. 5, 1986) (Sen. Symms, for S. 2405); S. Res. 477, 99th Cong., 2d Sess., 132 CONG. REC. S21,385 (daily ed. Aug 13, 1986) (Sen. Roth, for S. 2230 as reported by the Comm. on Governmental Affairs); S. Res. 83, 100th Cong., 1st Sess., 133 CONG. REC. S1200 (daily ed. Jan. 27, 1987), *id.* at S1671 (daily ed. Feb. 4, 1987) (Sen. Cranston, for S382, the Urban Mass Transportation Act of 1987; approved 84-16); S. Res. 85, 100th Cong., 1st Sess., 133 CONG. REC. S1200 (daily ed. Jan. 27, 1987), *id.* at S1452 (daily ed. Feb. 2, 1987) (Sen. Burdick, for S. 387, Federal Aid-Highway Act; approved 91-1); S. Res. 242, 100th Cong., 1st Sess., 133 CONG. REC. S9198 (daily ed. July 1, 1987), *id.* at S15,247 (daily ed. Oct. 28, 1987) (Sen. Hollings, for S. 1184, the Airport and Airway Capacity Expansion Act; approved 92-5).

³²⁴ See *supra* pp. 106-112.

debate shall be limited³²⁵ to one hour, to be equally divided between, and controlled by, the majority leader and minority leader or their designees, and the time on any debatable motion or appeal shall be limited³²⁶ to twenty minutes, to be equally divided between, and controlled by, the mover and the manager of the resolution. In the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of such resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal. No amendment to the resolution is in order.³²⁷



§ 303(c)(3)

(3) If, after the Committee on the Budget has reported (or been discharged from further consideration of) the resolution, the Senate agrees to the resolution, then subsection (a)³²⁸ shall not apply with respect to the bill or resolution (or amendment thereto) to which the resolution so agreed to applies.

³²⁵ Contrast the case under a motion to waive pursuant to section 904(b), where Senators may debate without a time limit. *See infra* note 960.

³²⁶ Contrast the cases for appeals generally under section 904(d) (*see infra* pp. 366-368), and for appeals during consideration of budget resolutions and reconciliation legislation under section 305(b)(2) (*see infra* pp. 124-136), where Senators may debate for one hour.

³²⁷ 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)).

Cf. 131 CONG. REC. S4503-04 (1985); Senate Precedent PRL19850422-002 (Apr. 22, 1985) (LEGIS, Rules database) (When the Senate suspends the rules and thereby calls up an amendment to a measure which the provisions of public law provide is unamendable (under Public Law 98-473, for military or paramilitary assistance to the contra forces in Nicaragua), the amendment need not be germane to the measure.).

³²⁸ *See supra* pp. 106-112.