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The Bipartisan Budget Act of 2018 and an FY2019 Budget Resolution

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Summary

The Bipartisan Budget Act of 2018 (BBA 2018, P.L. 115-123), enacted February 9, 2018, amended the statutory discretionary spending limits for FY2018 and FY2019. BBA 2018 comprised several other components as well, one of which was related to a congressional budget resolution for FY2019. These BBA 2018 "budget resolution" provisions (which may be referred to as a "deemer" or a budget resolution substitute) provide the House and Senate with enforceable levels of spending and revenue for FY2019 in ways that a "traditional" budget resolution would. While it is not unusual for Congress to employ such budget resolution substitutes, these substitutes differ from a "traditional" budget resolution in several ways.

The idea of a "traditional" budget resolution means a budget resolution as defined by the Congressional Budget Act, which specifies the way that a budget resolution shall be developed and considered and what components it must include. Budget resolution substitutes, such as the one in the BBA 2018, are not developed or considered in the manner specified by the Congressional Budget Act, nor do they include all of the components required by the act. Further, traditional budget resolutions often reflect a budget plan that differs from current law, while substitutes such as the BBA 2018 provisions set budgetary levels that are a reflection of baseline levels of spending and revenue that would occur if existing law were left unchanged. Additionally, traditional budget resolutions often include provisions triggering the budget reconciliation process; substitute provisions do not.

These provisions, however, do not preclude Congress from acting on a traditional budget resolution for FY2019. This means that Congress still has the option to consider a budget resolution for FY2019 even if it differs from the levels and components included in the BBA 2018 budget resolution provisions.

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What Is a "Traditional" Budget Resolution?

The Congressional Budget Act of 1974 (hereinafter referred to as the Budget Act) establishes a requirement for Congress to adopt a budget resolution each year.[1] The budget resolution represents an agreement between the House and Senate on a budgetary plan for the upcoming fiscal year (and several out years). The budget resolution does not become law; therefore no money is spent or collected as a result of its adoption. Instead, the outline is designed to establish parameters within which Congress will consider subsequent budgetary legislation that will fulfill the budgetary plan.

Once the budget resolution has been agreed to by both chambers, certain levels contained in it are enforceable through points of order. This means that if subsequent legislation was being considered on the House or Senate floor that would violate certain levels established by the budget resolution, a Member could raise a point of order against the consideration of that legislation.[2] Generally, such points of order can be waived in the House by a simple majority of Members[3] and in the Senate by three-fifths of all Senators.[4]

The idea of a "traditional" budget resolution means a budget resolution as defined by the Budget Act,[5] which specifies the way that a budget resolution shall be developed and considered and what components it must include. Specifically, it states that House and Senate Budget Committees shall develop the budget resolution, and in doing this, the Committees must hold hearings and receive testimony from Members of Congress and "such appropriate representatives of Federal departments and agencies, the general public, and national organizations as the committee deems desirable." Further, it states that the budget committees will receive input from their congressional colleagues in at least two ways: (1) through "consultation" with committees during the preparation of the budget resolution (the act applies only to the House Budget Committee) and 2) through the review of "Views and Estimates," which are required to be submitted by committees to the Budget Committee and reflect information on the desired levels of spending and revenue within the relevant committee's jurisdiction. The act also specifies how the budget resolution shall be considered by the House and Senate. For example, the Budget Act specifies that the budget resolution be debated for up to 50 hours in the Senate, with amendments permitted, and not subject to filibuster.

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[1] Titles I-IX of P.L. 93-344, as amended; 2 U.S.C. 601-688.

[2] Points of order can be raised against bills, resolutions, amendments, or conference reports. If such a point of order is raised against legislation for violating levels in the budget resolution, the presiding officer makes a ruling on the point of order based on estimates provided by the relevant budget committee (Budget Act, §312). Points of order are not self-enforcing, meaning that if no Member raises a point of order, a chamber may consider and pass legislation that would violate levels established in the budget resolution. In addition, either chamber may waive the point of order.

[3] In the House, most measures are considered in one of two ways, both of which routinely waive points of order. First, a measure may be considered under terms specified in a resolution (referred to as a special rule) reported from the House Rules Committee. Such resolutions often include language waiving points of order against the underlying legislation as well as certain specified amendments. A special rule requires for adoption a simple majority of those voting, assuming a quorum is present. The second common way that measures are considered in the House is under the suspension of the rules procedure. When measures are considered under this procedure, such points of order are automatically waived. Measures considered under this procedure require for passage a two-thirds vote of those voting, assuming a quorum is present.

[4] In the Senate, such points of order can be waived with the support of three-fifths of Senators duly chosen and sworn. In such a situation, a Senator may make a motion to waive the point of order either after one has been raised or before it has been raised (in anticipation of the point of order). The waiver motion may apply to one or more points of order, as specified by the Senator making the motion.

[5] Specifically, Sections 301, 302, and 305.

Required Components of a Budget Resolution

The Budget Act requires that the budget resolution include the budgetary levels noted below either in the text of the budget resolution on in the accompanying report. It should be noted that while the Budget Act requires the inclusion of *all* of these levels, not *all* of these levels are enforceable by points of order. Some levels in the budget resolution are, therefore, included only for *informational* purposes. Provisions below that are enforceable are marked with an asterisk.

- total spending for the upcoming fiscal year and at least four out years*;
- total revenues for the upcoming fiscal year and at least four out years*;
- the amount, if any, by which the aggregate level of revenues should be increased or decreased by legislation for the upcoming fiscal year and at least four out years;
- the surplus/deficit for the upcoming fiscal year and at least four out years;
- new spending for each major functional category for the upcoming fiscal year and at least four out years;
- the public debt for the upcoming fiscal year and at least four out years;
- (in the Senate only) Social Security spending and revenue levels*; and
- amounts of spending allocated among committees*.[6]

Commonly Included Optional Components of a Budget Resolutions

It is common for the budget resolution to include other optional components such as those listed below.[7]

- **Provisions triggering the reconciliation process.** If Congress intends to use the reconciliation process, it must include reconciliation directives (also referred to as reconciliation instructions) in the budget resolution. These directives instruct individual committees to develop and report legislation that would change laws within their respective jurisdictions related to direct spending, revenue, or the debt limit. Such reconciliation legislation is then eligible to be considered under special expedited procedures in both the House and Senate.[8]
- **Procedural provisions.** A budget resolution typically includes procedural provisions such as House and Senate budgetary rules (enforced by points of

[6] The Budget Act provides that the House and Senate Appropriations Committees receive an allocation for only the upcoming fiscal year (referred to as the budget year), but the remaining House and Senate committees receive allocations for the entire period covered by the budget resolution. These committee spending allocations are required to be included in the joint explanatory statement accompanying the conference report on the budget resolution. The report accompanying the budget resolution is also required to include other components (Budget Act, §301(e)(2)). The Budget Act requires that the House and Senate Appropriations Committees subdivide their allocations by subcommittee and report these sub-allocations to their respective chambers. These are referred to as 302(b) sub-allocations.

[7] Some of these provisions are included in budget resolutions under the authority given to Congress by Section 301(b)(4) of the Budget Act, sometimes referred to as the "elastic clause." It states that Congress may "set forth such other matters, and require such other procedures, relating to the budget, as may be appropriate to carry out the purposes of" the Budget Act.

[8] For more information on the budget reconciliation process, see CRS Report R41186, *Reconciliation Directives: Components and Enforcement*, by Megan S. Lynch.

order) and direction on the budgetary treatment of certain activities (such as energy savings contracts).

- **Reserve funds and adjustments.** Congress frequently includes "reserve funds" and "adjustments" in the annual budget resolution. These provisions provide the chairs of the House or Senate Budget Committees with the authority to adjust the budgetary allocations, aggregates, and levels in the future if certain conditions are met. Generally, the goal of reserve funds or adjustment is to allow certain policies to be considered on the floor without triggering a point of order for violating levels in the budget resolution.
- **Policy statements.** The budget resolution sometimes includes policy provisions that typically apply only to the House. These statements express the underlying assumptions, preferences, or priorities of the budget resolution but are not binding.

What Did the Bipartisan Budget Act of 2018 Budget Resolution Provisions Include?

The Bipartisan Budget Act of 2018 (BBA 2018, P.L. 115-123), enacted February 9, 2018, amended the statutory discretionary spending limits for FY2018 and FY2019. BBA 2018 comprised several other components as well, one of which was related to a congressional budget resolution for FY2019.

The budget resolution provisions included in the BBA 2018 require the House and Senate Budget Committee chairs to each file a statement of budgetary levels, which would have effect in the respective chamber as if they had been included in a budget resolution.[9] These levels are required to be filed for publication in the *Congressional Record* between April 15, 2018, and May 15, 2018.[10]

The Budget Committee chairs are not given discretion to file any budgetary levels they wish. Instead, the BBA 2018 requires that (1) for discretionary spending, the filed levels be consistent with the statutory limits on discretionary spending (that were amended by the BBA 2018)[11] and (2) for mandatory spending and revenue levels, the filed levels be consistent with the most recent baseline of the Congressional Budget Office (CBO), which was released on April 9, 2018.[12] The baseline is a projection of federal spending and revenue that would occur *if existing law were left unchanged*.[13]

The BBA provisions also give the Budget Committee chairs the option of including in the filing some specified provisions of the FY2018 budget resolution (H.Con.Res. 71 [115th Congress]), which was agreed to by Congress in October 2017. The Senate-related section in the BBA 2018

[9] Sections 30103 (Senate) and 30104 (House).

[10] In the House-related provision, a specification is made that the requirement applies only if a traditional budget resolution has not been adopted by April 15, 2018.

[11] For FY2019, the statutory limit on defense discretionary spending is $647 billion, and the statutory limit on nondefense discretionary spending is $597 billion. For more information on the discretionary spending limits, see CRS Report R44874, *The Budget Control Act: Frequently Asked Questions*, by Grant A. Driessen and Megan S. Lynch.

[12] CBO, "The Budget and Economic Outlook: 2018 to 2028," April 9, 2018, https://www.cbo.gov/publication/53651.

[13] Rules exist for how CBO must calculate the baseline. Those rules are included in Section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (Title II of P.L. 99-177, 2 U.S.C. 900-922).

states that when the Senate Budget Committee chair files the required levels, the filing may also include for FY2019 the deficit-neutral reserve funds contained in the FY2018 budget resolution.[14] See **Appendix B** for a full listing of these provisions. Likewise, the House-related section in the BBA 2018 states that when the House Budget Committee chair files the required levels, the filing may also include for FY2019 specified provisions contained in the FY2018 budget resolution, which include adjustments as well as procedural provisions.[15] See **Appendix C** for a full listing of these provisions.

The existence of the BBA 2018 provisions, however, does not preclude Congress from acting on a traditional budget resolution for FY2019, so Congress still has the option to consider a budget resolution that differs from the levels and components included in the BBA 2018 budget resolution provisions. In fact, the BBA 2018 specifies that the budget resolution sections shall expire if a concurrent resolution on the budget for FY2019 is agreed to by both the Senate and the House.

Below, **Table 1** and **Table 2** compare the components of the budget resolution provisions included in the BBA 2018 with the common components of a traditional budget resolution. As described above, the Budget Act requires Congress to include certain components in a budget resolution while also giving Congress the option of including other types of material.[16] Again, not *all* of these levels are enforceable through points of order.

Table 1. Comparison of Common Budget Resolution Components with BBA 2018 Senate-Related Components

Common Components of Budget Resolutions	Required by the Budget Act	Enforceable Through Points of Order	Included in the Senate-Related BBA 2018 Provision
Levels of total spending for upcoming fiscal year and at least four out years	Yes	Yes	Yes
Levels of total revenues for upcoming fiscal year and at least four out years	Yes	Yes	Yes
Amount by which revenues levels should be increased or decreased for upcoming fiscal year and at least four out years	Yes	No	No
Spending for each major functional category for upcoming fiscal year and at least four out years	Yes	No	No
Level of deficits for upcoming fiscal year and at least four out years	Yes	No	No

[14] The law specifies that these reserve funds be updated by one year to reflect the current budget window. There are more than two dozen Senate-related deficit-neutral reserve funds included in H.Con.Res. 71 that pertain to subjects such as the farm bill, the Federal Aviation Administration, wildfire prevention and control, disaster relief, Medicare, and Medicaid.

[15] There are 19 such provisions referenced that include points of order against legislation that would increase long-term direct spending, a point of order against discretionary appropriations legislation that include more than a specified amount of changes to mandatory spending, requirements for CBO and the Joint Committee on Taxation, scoring rules related to federal reserve surpluses, guarantee fees of Fannie Mae and Freddie Mac, and a reserve fund for investment in national infrastructure.

[16] See footnote 7.

Common Components of Budget Resolutions	Required by the Budget Act	Enforceable Through Points of Order	Included in the Senate-Related BBA 2018 Provision
Levels of public debt for upcoming fiscal year and at least four out years	Yes	No	No
Levels of Social Security spending and revenue for upcoming fiscal year and at least four out years (Senate only)	Yes	Yes	Yes
Levels of spending for each committee (except the Appropriations Committee) for upcoming fiscal year and at least four out years	Yes	Yes	Yes
Levels of total spending for Appropriations Committee for upcoming fiscal year	Yes	Yes	Yes
Reconciliation directives	No	No	No
Procedural provisions	No	No	No
Reserve funds	No	No	Yes[a]

Source: Congressional Research Service.

Note:

a. BBA 2018 states that when the Senate Budget Committee chair files the required levels in the *Congressional Record*, the filing may also "include for fiscal year 2019 the deficit-neutral reserve funds contained in title III of H.Con.Res. 71 (115th Congress) updated by one fiscal year." See **Appendix B** for those reserve funds included in H.Con.Res. 71.

Table 2. Comparison of Common Budget Resolution Components with BBA 2018 House-Related Components

Common Components of Budget Resolutions	Required by the Budget Act	Enforceable Through Points of Order	Included in the House-Related BBA 2018 Provision
Levels of total spending for upcoming fiscal year and at least four out years	Yes	Yes	Yes
Levels of total revenues for upcoming fiscal year and at least four out years	Yes	Yes	Yes
Amount by which revenues levels should be increased or decreased for upcoming fiscal year and at least four out years	Yes	No	No
Spending for each major functional category for upcoming fiscal year and at least four out years	Yes	No	No
Level of deficits for upcoming fiscal year and at least four out years	Yes	No	No
Levels of public debt for upcoming fiscal year and at least four out years	Yes	No	No
Levels of spending for each committee (except the Appropriations Committee) for upcoming fiscal year and at least four out years	Yes	Yes	Yes

Common Components of Budget Resolutions	Required by the Budget Act	Enforceable Through Points of Order	Included in the House-Related BBA 2018 Provision
Levels of total spending for Appropriations Committee for upcoming fiscal year	Yes	Yes	Yes
Reconciliation directives to committees to trigger the budget reconciliation process	No	No	No
Procedural provisions	No	No	Yes[a]
Reserve funds	No	No	Yes[a]
Policy statements	No	No	No

Source: Congressional Research Service.

Note:

a. BBA 2018 states that that when the House Budget Committee chair files the required levels in the *Congressional Record*, the filing may also "include for fiscal year 2019, the matter contained" in some provisions of Title V of H.Con.Res. 71 (115th Congress). See **Appendix C** for those provisions included in H.Con.Res. 71.

Are the Budget Resolution Provisions Included in the BBA 2018 Uncommon?

In the absence of agreement on a budget resolution, Congress will often employ alternative legislative tools to serve as a substitute for a budget resolution. These substitutes are typically referred to as "deeming resolutions," because they are *deemed* to serve in place of a budget resolution for the purposes of establishing enforceable budget levels for the upcoming fiscal year. Such mechanisms are not formally defined and have no specifically prescribed content. Instead, they simply represent the House and Senate, sometimes separately, using some alternative legislative procedures to deal with enforcement issues. Deeming resolutions can vary significantly in content and timing.[17]

Congress has included budget resolution provisions like the ones in the BBA 2018 in prior legislation related to the statutory discretionary spending limits. In each case noted below, the levels required to be filed were baseline levels of spending and revenue that would occur if existing law were left unchanged.

- The Budget Control Act of 2011 (P.L. 112-25), which re-established statutory limits on discretionary spending, included a section requiring the Senate Budget Committee chair to file enforceable budgetary levels for FY2012 and for FY2013 in the absence of a traditional budget resolution in the Senate.[18]
- The Bipartisan Budget Act of 2013 (often referred to as the Murray-Ryan Agreement, P.L. 113-67), which increased discretionary spending limits for both defense and nondefense for FY2014 and FY2015, included sections designed to

[17] For more information on deeming resolutions, see CRS Report R44296, *Deeming Resolutions: Budget Enforcement in the Absence of a Budget Resolution*, by Megan S. Lynch.

[18] Section 106.

serve as substitutes for a traditional congressional budget resolution in both the House and Senate for each FY2014 and FY2015.[19]

- The Bipartisan Budget Act of 2015 (P.L. 114-74), which increased discretionary spending limits for both defense and nondefense for FY2016 and FY2017, included a section requiring the Senate Budget Committee chair to file enforceable budgetary levels for FY2017 in the absence of a traditional budget resolution in the Senate.[20]

[19] Section 111 provides for both the House and Senate for FY2014. Sections 115 and 116 provide separately for the House and Senate for FY2015, respectively.

[20] Section 102.

Appendix A. Relevant Text of the BBA 2018

Division C-Budgetary and Other Matters

Title I- Budget Enforcement

SEC. 30103. Authority for fiscal year 2019 budget resolution in the Senate.

(a) Fiscal year 2019.—For purposes of enforcing the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) after April 15, 2018, and enforcing budgetary points of order in prior concurrent resolutions on the budget, the allocations, aggregates, and levels provided for in subsection (b) shall apply in the Senate in the same manner as for a concurrent resolution on the budget for fiscal year 2019 with appropriate budgetary levels for fiscal years 2020 through 2028.

(b) Committee allocations, aggregates, and levels.—After April 15, 2018, but not later than May 15, 2018, the Chairman of the Committee on the Budget of the Senate shall file—

(1) for the Committee on Appropriations, committee allocations for fiscal year 2019 consistent with discretionary spending limits set forth in section 251(c)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by this Act, for the purposes of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633);

(2) for all committees other than the Committee on Appropriations, committee allocations for fiscal years 2019, 2019 through 2023, and 2019 through 2028 consistent with the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purposes of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633);

(3) aggregate spending levels for fiscal year 2019 in accordance with the allocations established under paragraphs (1) and (2), for the purpose of enforcing section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642);

(4) aggregate revenue levels for fiscal years 2019, 2019 through 2023, and 2019 through 2028 consistent with the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 311 of the Congressional Budget Act of 1974 (2 U.S.C. 642); and

(5) levels of Social Security revenues and outlays for fiscal years 2019, 2019 through 2023, and 2019 through 2028 consistent with the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing sections 302 and 311 of the Congressional Budget Act of 1974 (2 U.S.C. 633 and 642).

(c) Additional matter.—The filing referred to in subsection (b) may also include for fiscal year 2019 the deficit-neutral reserve funds contained in title III of H.Con.Res. 71 (115th Congress) updated by one fiscal year.

(d) Expiration.—This section shall expire if a concurrent resolution on the budget for fiscal year 2019 is agreed to by the Senate and the House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

SEC. 30104. Authority for fiscal year 2019 budget resolution in the House of Representatives.

(a) Fiscal year 2019.—If a concurrent resolution on the budget for fiscal year 2019 has not been adopted by April 15, 2018, for the purpose of enforcing the Congressional Budget Act of 1974, the allocations, aggregates, and levels provided for in subsection (b) shall apply in the House of Representatives after April 15, 2018, in the same manner as for a concurrent resolution on the budget for fiscal year 2019 with appropriate budgetary levels for fiscal year 2019 and for fiscal years 2020 through 2028.

(b) Committee Allocations, Aggregates, and Levels.—In the House of Representatives, the Chair of the Committee on the Budget shall submit a statement for publication in the Congressional Record after April 15, 2018, but not later than May 15, 2018, containing—

(1) for the Committee on Appropriations, committee allocations for fiscal year 2019 for discretionary budget authority at the total level set forth in section 251(c)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by this Act, and the outlays flowing therefrom, and committee allocations for fiscal year 2019 for current law mandatory budget authority and outlays, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;

(2) for all committees other than the Committee on Appropriations, committee allocations for fiscal year 2019 and for the period of fiscal years 2019 through 2028 at the levels included in the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974; and

(3) aggregate spending levels for fiscal year 2019 and aggregate revenue levels for fiscal year 2019 and for the period of fiscal years 2019 through 2028, at the levels included in the most recent baseline of the Congressional Budget Office, as adjusted for the budgetary effects of any provision of law enacted during the period beginning on the date such baseline is issued and ending on the date of submission of such statement, for the purpose of enforcing section 311 of the Congressional Budget Act of 1974.

(c) Additional Matter.—The statement referred to in subsection (b) may also include for fiscal year 2019, the matter contained in the provisions referred to in subsection (f)(1).

(d) Fiscal Year 2019 Allocation to the Committee on Appropriations.—If the statement referred to in subsection (b) is not filed by May 15, 2018, then the matter referred to in subsection (b)(1) shall be submitted by the Chair of the Committee on the Budget for publication in the Congressional Record on the next day that the House of Representatives is in session.

(e) Adjustments.—The chair of the Committee on the Budget of the House of Representatives may adjust the levels included in the statement referred to in subsection (b) to reflect the budgetary effects of any legislation enacted during the 115th Congress that reduces the deficit or as otherwise necessary.

(f) Application.—Upon submission of the statement referred to in subsection (b)—

(1) all references in sections 5101 through 5112, sections 5201 through 5205, section 5301, and section 5401 of House Concurrent Resolution 71 (115th Congress) to a fiscal year shall be considered for all purposes in the House to be references to the succeeding fiscal year; and

(2) all references in the provisions referred to in paragraph (1) to allocations, aggregates, or other appropriate levels in "this concurrent resolution", "the most recently agreed to concurrent resolution on the budget", or "this resolution" shall be considered for all purposes in the House to be references to the allocations, aggregates, or other appropriate levels contained in the statement referred to in subsection (b), as adjusted.

(g) Expiration.—Subsections (a) through (f) shall no longer apply if a concurrent resolution on the budget for fiscal year 2019 is agreed to by the Senate and House of Representatives.

Appendix B. Senate Provisions of H.Con.Res. 71 That May Be Included in Senate Filing

TITLE III—RESERVE FUNDS

SEC. 3001. DEFICIT-NEUTRAL RESERVE FUND TO PROTECT FLEXIBLE AND AFFORDABLE HEALTH CARE FOR ALL.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to repealing or replacing the Patient Protection and Affordable Care Act (P.L. 111-148; 124 Stat. 119) and the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152; 124 Stat. 1029), by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2018 through 2027.

SEC. 3004. DEFICIT-NEUTRAL RESERVE FUND FOR EXTENDING THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to an extension of the State Children's Health Insurance Program, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3005. DEFICIT-NEUTRAL RESERVE FUND TO STRENGTHEN AMERICAN FAMILIES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

(1) addressing the opioid and substance abuse crisis;

(2) protecting and assisting victims of domestic abuse;

(3) foster care, child care, marriage, and fatherhood programs;

(4) making it easier to save for retirement;

(5) reforming the American public housing system;

(6) the Community Development Block Grant Program; or

(7) extending expiring health care provisions,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3006. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE INNOVATIVE EDUCATIONAL AND NUTRITIONAL MODELS AND SYSTEMS FOR AMERICAN STUDENTS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

(1) amending the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

(2) ensuring State flexibility in education;

(3) enhancing outcomes with Federal workforce development, job training, and reemployment programs;

(4) the consolidation and streamlining of overlapping early learning and child care programs;

(5) educational programs for individuals with disabilities; or

(6) child nutrition programs,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3007. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE THE AMERICAN BANKING SYSTEM.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the American banking system by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3008. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE AMERICAN AGRICULTURE, ENERGY, TRANSPORTATION, AND INFRASTRUCTURE IMPROVEMENTS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

(1) the Farm Bill;

(2) American energy policies;

(3) the Nuclear Regulatory Commission;

(4) North American energy development;

(5) infrastructure, transportation, and water development;

(6) the Federal Aviation Administration;

(7) the National Flood Insurance Program;

(8) State mineral royalty revenues; or

(9) soda ash royalties,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3009. DEFICIT-NEUTRAL RESERVE FUND TO RESTORE AMERICAN MILITARY POWER.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

(1) improving military readiness, including deferred Facilities Sustainment Restoration and Modernization;

(2) military technological superiority;

(3) structural defense reforms; or

(4) strengthening cybersecurity efforts,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3010. DEFICIT-NEUTRAL RESERVE FUND FOR VETERANS AND SERVICE MEMBERS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to improving the delivery of benefits and services to veterans and service members by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3011. DEFICIT-NEUTRAL RESERVE FUND FOR PUBLIC LANDS AND THE ENVIRONMENT.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

(1) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) forest health and wildfire prevention and control;

(3) resources for wildland firefighting for the Forest Service and Department of Interior;

(4) the payments in lieu of taxes program; or

(5) the secure rural schools and community self-determination program,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3012. DEFICIT-NEUTRAL RESERVE FUND TO SECURE THE AMERICAN BORDER.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

(1) securing the border of the United States;

(2) ending human trafficking; or

(3) stopping the transportation of narcotics into the United States,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3013. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE ECONOMIC GROWTH, THE PRIVATE SECTOR, AND TO ENHANCE JOB CREATION.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to—

(1) reducing costs to businesses and individuals stemming from Federal regulations;

(2) increasing commerce and economic growth; or

(3) enhancing job creation,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3014. DEFICIT-NEUTRAL RESERVE FUND FOR LEGISLATION MODIFYING STATUTORY BUDGETARY CONTROLS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to modifying statutory budget controls, which may include adjustments to the discretionary spending limits and changes to the scope of sequestration as carried out by the Office of Management and Budget, such as for the Financial Accounting Standards Board, Public Company Accounting Oversight Board, Securities Investor Protection Corporation, and other similar entities, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2018 through 2027.

SEC. 3015. DEFICIT-NEUTRAL RESERVE FUND TO PREVENT THE TAXPAYER BAILOUT OF PENSION PLANS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to the prevention of taxpayer bailout of pension plans, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3016. DEFICIT-NEUTRAL RESERVE FUND RELATING TO IMPLEMENTING WORK REQUIREMENTS IN ALL MEANS-TESTED FEDERAL WELFARE PROGRAMS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to implementing work requirements in all means-tested Federal welfare programs by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3017. DEFICIT-NEUTRAL RESERVE FUND TO PROTECT MEDICARE AND REPEAL THE INDEPENDENT PAYMENT ADVISORY BOARD.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to protecting the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), which may include repealing the Independent Payment Advisory Board established under section 1899A of such Act (42 U.S.C. 1395kkk), by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3018. DEFICIT-NEUTRAL RESERVE FUND RELATING TO AFFORDABLE CHILD AND DEPENDENT CARE.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to making the cost of child and dependent care more affordable and useful for American families by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3019. DEFICIT-NEUTRAL RESERVE FUND RELATING TO WORKER TRAINING PROGRAMS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to worker training programs, such as training programs that target workers that need advanced skills to progress in their current profession or apprenticeship or certificate programs that provide retraining for a new industry, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3021. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROTECTING MEDICARE AND MEDICAID.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions,

amendments, amendments between the Houses, motions, or conference reports relating to protecting the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), which may include strengthening and improving Medicaid for the most vulnerable populations, and extending the life of the Federal Hospital Insurance Trust Fund by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3022. DEFICIT-NEUTRAL RESERVE FUND RELATING TO THE PROVISION OF TAX RELIEF FOR FAMILIES WITH CHILDREN.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to changes in Federal tax laws, which may include lowering taxes on families with children, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2018 through 2027.

SEC. 3023. DEFICIT-NEUTRAL RESERVE FUND RELATING TO THE PROVISION OF TAX RELIEF FOR SMALL BUSINESSES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to changes in Federal tax laws, which may include the provision of tax relief for small businesses, along with provisions to prevent upper-income taxpayers from sheltering income from taxation at the appropriate rate, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2018 through 2027.

SEC. 3024. DEFICIT-NEUTRAL RESERVE FUND RELATING TO TAX RELIEF FOR HARD-WORKING MIDDLE-CLASS AMERICANS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to changes in Federal tax laws, which may include reducing federal deductions, such as the state and local tax deduction which disproportionally favors high-income individuals, to ensure relief for middle-income taxpayers, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2027.

SEC. 3025. DEFICIT-NEUTRAL RESERVE FUND RELATING TO MAKING THE AMERICAN TAX SYSTEM SIMPLER AND FAIRER FOR ALL AMERICANS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to changes in Federal tax laws, which may include provisions to make the American tax system simpler and fairer for all Americans, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2018 through 2027.

SEC. 3026. DEFICIT-NEUTRAL RESERVE FUND RELATING TO TAX CUTS FOR WORKING AMERICAN FAMILIES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to increasing per-child Federal tax relief, which may include amending the child tax credit, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3027. DEFICIT-NEUTRAL RESERVE FUND RELATING TO THE PROVISION OF INCENTIVES FOR BUSINESSES TO INVEST IN AMERICA AND CREATE JOBS IN AMERICA.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to changes in Federal tax laws, which may include international tax provisions that provide or enhance incentives for businesses to invest in America, generate American jobs, retain American jobs, and return jobs to America, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3028. DEFICIT-NEUTRAL RESERVE FUND RELATING TO ELIMINATING TAX BREAKS FOR COMPANIES THAT SHIP JOBS TO FOREIGN COUNTRIES.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to eliminating tax breaks for companies that outsource jobs to foreign countries, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3029. DEFICIT-NEUTRAL RESERVE FUND RELATING TO PROVIDING FULL, PERMANENT, AND MANDATORY FUNDING FOR THE PAYMENT IN LIEU OF TAXES PROGRAM.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to providing full, permanent, and mandatory funding for the payment in lieu of taxes program by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

SEC. 3030. DEFICIT-NEUTRAL RESERVE FUND RELATING TO TAX REFORM WHICH MAINTAINS THE PROGRESSIVITY OF THE TAX SYSTEM.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to

changes in Federal tax laws, which may include tax reform proposals to ensure that the reformed tax code parallels the existing tax code with respect to relative burdens and does not shift the tax burden from high-income to lower- and middle-income taxpayers, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2018 through 2027.

SEC. 3031. DEFICIT-NEUTRAL RESERVE FUND RELATING TO SIGNIFICANTLY IMPROVING THE BUDGET PROCESS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for one or more bills, joint resolutions, amendments, amendments between the Houses, motions, or conference reports relating to significantly improving the budget process by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2018 through 2022 or the period of the total of fiscal years 2018 through 2027.

Appendix C. House Provisions of H.Con.Res. 71 That May Be Included in House Filing

TITLE V—BUDGET PROCESS IN THE HOUSE OF REPRESENTATIVES

Subtitle A—Budget Enforcement

SEC. 5101. POINT OF ORDER AGAINST INCREASING LONG-TERM DIRECT SPENDING.

(a) Point of Order- It shall not be in order in the House of Representatives to consider any bill or joint resolution, or amendment thereto or conference report thereon, that would cause a net increase in direct spending in excess of $2,500,000,000 in any of the 4 consecutive 10-fiscal year periods described in subsection (b).

(b) Congressional Budget Office Analysis of Proposals- The Director of the Congressional Budget Office shall, to the extent practicable, prepare an estimate of whether a bill or joint resolution reported by a committee (other than the Committee on Appropriations), or amendment thereto or conference report thereon, would cause, relative to current law, a net increase in direct spending in the House of Representatives, in excess of $2,500,000,000 in any of the 4 consecutive 10-fiscal year periods beginning after the last fiscal year of this concurrent resolution.

(c) Limitation- In the House of Representatives, the provisions of this section shall not apply to any bills or joint resolutions, or amendments thereto or conference reports thereon, for which the chair of the Committee on the Budget has made adjustments to the allocations, aggregates, or other budgetary levels in this concurrent resolution.

(d) Determinations of Budget Levels- For purposes of this section, the levels of net increases in direct spending shall be determined on the basis of estimates provided by the chair of the Committee on the Budget of the House of Representatives.

(e) Sunset- This section shall have no force or effect after September 30, 2018.

SEC. 5102. ALLOCATION FOR OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR ON TERRORISM.

(a) Separate Allocation for Overseas Contingency Operations/Global War on Terrorism- In the House of Representatives, there shall be a separate allocation of new budget authority and outlays provided to the Committee on Appropriations for the purposes of Overseas Contingency Operations/Global War on Terrorism, which shall be deemed to be an allocation under section 302(a) of the Congressional Budget Act of 1974. Section 302(a)(3) of such Act shall not apply to such separate allocation.

(b) Section 302 Allocations- The separate allocation referred to in subsection (a) shall be the exclusive allocation for Overseas Contingency Operations/Global War on Terrorism under section 302(b) of the Congressional Budget Act of 1974. The Committee on Appropriations of the House of Representatives may provide suballocations of such separate allocation under such section 302(b).

(c) Application- For purposes of enforcing the separate allocation referred to in subsection (a) under section 302(f) of the Congressional Budget Act of 1974, the `first fiscal year' and the `total of fiscal years' shall be deemed to refer to fiscal year 2018. Section 302(c) of such Act shall not apply to such separate allocation.

(d) Designations- New budget authority or outlays shall only be counted toward the allocation referred to in subsection (a) if designated pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) Adjustments- For purposes of subsection (a) for fiscal year 2018, no adjustment shall be made under section 314(a) of the Congressional Budget Act of 1974 if any adjustment would be made under section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 5103. LIMITATION ON CHANGES IN CERTAIN MANDATORY PROGRAMS.

(a) Definition- In this section, the term `change in mandatory programs' means a provision that—

(1) would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) if the provision were included in legislation other than appropriation Acts; and

(2) results in a net decrease in budget authority in the budget year, but does not result in a net decrease in outlays over the total of the current year, the budget year, and all fiscal years covered under the most recently agreed to concurrent resolution on the budget.

(b) Point of Order in the House of Representatives-

(1) IN GENERAL- A provision in a bill or joint resolution making appropriations for a full fiscal year that proposes a change in mandatory programs that, if enacted, would cause the absolute value of the total budget authority of all such changes in mandatory programs enacted in relation to a full fiscal year to be more than the amount specified in paragraph (3), shall not be in order in the House of Representatives.

(2) AMENDMENTS AND CONFERENCE REPORTS- It shall not be in order in the House of Representatives to consider an amendment to, or a conference report on, a bill or joint resolution making appropriations for a full fiscal year if such amendment thereto or conference report thereon proposes a change in mandatory programs that, if enacted, would cause the absolute value of the total budget authority of all such changes in mandatory programs enacted in relation to a full fiscal year to be more than the amount specified in paragraph (3).

(3) AMOUNT- The amount specified in this paragraph is—

(A) for fiscal year 2018, $19,100,000,000;

(B) for fiscal year 2019, $17,000,000,000; and

(C) for fiscal year 2020, $15,000,000,000.

(c) Determination- For purposes of this section, budgetary levels shall be determined on the basis of estimates provided by the chair of the Committee on the Budget of the House of Representatives.

SEC. 5104. LIMITATION ON ADVANCE APPROPRIATIONS.

(a) In General- In the House of Representatives, except as provided for in subsection (b), any general appropriation bill or bill or joint resolution continuing appropriations, or amendment thereto or conference report thereon, may not provide advance appropriations.

(b) Exceptions- An advance appropriation may be provided for programs, projects, activities, or accounts identified in the report or the joint explanatory statement of managers, as applicable, accompanying this concurrent resolution under the following headings:

(1) GENERAL- `Accounts Identified for Advance Appropriations'.

(2) VETERANS- `Veterans Accounts Identified for Advance Appropriations'.

(c) Limitations- The aggregate level of advance appropriations shall not exceed the following:

(1) GENERAL- $28,852,000,000 in new budget authority for all programs identified pursuant to subsection (b)(1).

(2) VETERANS- $70,699,313,000 in new budget authority for programs in the Department of Veterans Affairs identified pursuant to subsection (b)(2).

(d) Definition- In this section, the term `advance appropriation' means any new discretionary budget authority provided in a general appropriation bill or joint resolution continuing appropriations for fiscal year 2018, or any amendment thereto or conference report thereon, that first becomes available for the first fiscal year following fiscal year 2018.

SEC. 5105. ESTIMATES OF DEBT SERVICE COSTS.

In the House of Representatives, the chair of the Committee on the Budget may direct the Congressional Budget Office to include, in any estimate prepared under section 402 of the Congressional Budget Act of 1974 with respect to any bill or joint resolution, an estimate of any change in debt service costs resulting from carrying out such bill or resolution. Any estimate of debt service costs provided under this section shall be advisory and shall not be used for purposes of enforcement of such Act, the Rules of the House of Representatives, or this concurrent resolution. This section shall not apply to authorizations of programs funded by discretionary spending or to appropriation bills or joint resolutions, but shall apply to changes in the authorization level of appropriated entitlements.

SEC. 5106. FAIR-VALUE CREDIT ESTIMATES.

(a) All Credit Programs- Whenever the Director of the Congressional Budget Office provides an estimate of any measure that establishes or modifies any program providing loans or loan guarantees, the Director shall also, to the extent practicable, provide a fair-value estimate of such loan or loan guarantee program if requested by the chair of the Committee on the Budget of the House of Representatives.

(b) Student Financial Assistance and Housing Programs- The Director of the Congressional Budget Office shall provide, to the extent practicable, a fair-value estimate as part of any estimate for any measure that establishes or modifies a loan or loan guarantee program for student financial assistance or housing (including residential mortgage).

(c) Baseline Estimates- The Congressional Budget Office shall include estimates, on a fair-value and credit reform basis, of loan and loan guarantee programs for student financial assistance, housing (including residential mortgage), and such other major loan and loan guarantee programs, as practicable, in its The Budget and Economic Outlook: 2018 to 2027.

(d) Enforcement in the House of Representatives- If the Director of the Congressional Budget Office provides an estimate pursuant to subsection (a) or (b), the chair of the Committee on the Budget of the House of Representatives may use such estimate to determine compliance with the Congressional Budget Act of 1974 and other budget enforcement requirements.

SEC. 5107. ESTIMATES OF MACROECONOMIC EFFECTS OF MAJOR LEGISLATION.

(a) CBO and JCT Estimates- During the 115th Congress, any estimate of major legislation considered in the House of Representatives provided by the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 or by the Joint Committee on Taxation to the Congressional Budget Office under section 201(f) of such Act shall, to the extent practicable, incorporate the budgetary effects of changes in economic output, employment, capital stock, and other macroeconomic variables resulting from such major legislation.

(b) Contents- Any estimate referred to in subsection (a) shall, to the extent practicable, include—

(1) a qualitative assessment of the budgetary effects (including macroeconomic variables described in subsection (a)) of the major legislation in the 20-fiscal year period beginning after the last fiscal year of the most recently agreed to concurrent resolution on the budget that sets forth budgetary levels required under section 301 of the Congressional Budget Act of 1974; and

(2) an identification of the critical assumptions and the source of data underlying that estimate.

(c) Definitions- In this section:

(1) MAJOR LEGISLATION- The term `major legislation' means a bill or joint resolution, or amendment thereto or conference report thereon—

(A) for which an estimate is required to be prepared pursuant to section 402 of the Congressional Budget Act of 1974 (2 U.S.C. 653) and that causes a gross budgetary effect (before incorporating macroeconomic effects and not including timing shifts) in a fiscal year in the period of years of the most recently agreed to concurrent resolution on the budget equal to or greater than 0.25 percent of the current projected gross domestic product of the United States for that fiscal year; or

(B) designated as such by—

(i) the chair of the Committee on the Budget of the House of Representatives for all direct spending legislation; or

(ii) the Member who is Chairman or Vice Chairman of the Joint Committee on Taxation for revenue legislation.

(2) BUDGETARY EFFECTS- The term `budgetary effects' means changes in revenues, direct spending outlays, and deficits.

(3) TIMING SHIFTS- The term `timing shifts' means—

(A) provisions that cause a delay of the date on which outlays flowing from direct spending would otherwise occur from one fiscal year to the next fiscal year; or

(B) provisions that cause an acceleration of the date on which revenues would otherwise occur from one fiscal year to the prior fiscal year.

SEC. 5108. ADJUSTMENTS FOR IMPROVED CONTROL OF BUDGETARY RESOURCES.

(a) Adjustments of Discretionary and Direct Spending Levels- In the House of Representatives, if a committee (other than the Committee on Appropriations) reports a bill or joint resolution, or an amendment thereto is offered or conference report thereon is submitted, providing for a decrease in direct spending (budget authority and outlays flowing therefrom) for any fiscal year and also provides for an authorization of appropriations for the same purpose, upon the enactment of such measure, the chair of the Committee on the Budget may decrease the allocation to the applicable authorizing committee that reports such measure and increase the allocation of discretionary spending (budget authority and outlays flowing therefrom) to the Committee on Appropriations for fiscal year 2018 by an amount equal to the new budget authority (and outlays flowing therefrom) provided for in a bill or joint resolution making appropriations for the same purpose.

(b) Determinations- In the House of Representatives, for purposes of enforcing this concurrent resolution, the allocations and aggregate levels of new budget authority, outlays, direct spending, revenues, deficits, and surpluses for fiscal year 2018 and the total

of fiscal years 2018 through 2027 shall be determined on the basis of estimates made by the chair of the Committee on the Budget and such chair may adjust the applicable levels in this concurrent resolution.

SEC. 5109. SCORING RULE FOR ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) In General- The Director of the Congressional Budget Office shall estimate provisions of any bill or joint resolution, or amendment thereto or conference report thereon, that provides the authority to enter into or modify any covered energy savings contract on a net present value basis (NPV).

(b) NPV Calculations- The net present value of any covered energy savings contract shall be calculated as follows:

(1) The discount rate shall reflect market risk.

(2) The cash flows shall include, whether classified as mandatory or discretionary, payments to contractors under the terms of their contracts, payments to contractors for other services, and direct savings in energy and energy-related costs.

(3) The stream of payments shall cover the period covered by the contracts but not to exceed 25 years.

(c) Definition- As used in this section, the term `covered energy savings contract' means—

(1) an energy savings performance contract authorized under section 801 of the National Energy Conservation Policy Act; or

(2) a utility energy service contract, as described in the Office of Management and Budget Memorandum on Federal Use of Energy Savings Performance Contracting, dated July 25, 1998 (M-98-13), and the Office of Management and Budget Memorandum on the Federal Use of Energy Saving Performance Contracts and Utility Energy Service Contracts, dated September 28, 2015 (M-12-21), or any successor to either memorandum.

(d) Enforcement in the House of Representatives- In the House of Representatives, if any net present value of any covered energy savings contract calculated under subsection (b) results in a net savings, then the budgetary effects of such contract shall not be counted for purposes of titles III and IV of the Congressional Budget Act of 1974, this concurrent resolution, or clause 10 of rule XXI of the Rules of the House of Representatives.

(e) Classification of Spending- For purposes of budget enforcement, the estimated net present value of the budget authority provided by the measure, and outlays flowing therefrom, shall be classified as direct spending.

(f) Sense of the House of Representatives- It is the sense of the House of Representatives that—

(1) the Director of the Office of Management and Budget, in consultation with the Director of the Congressional Budget Office, should separately identify the cash flows under subsection (b)(2) and include such information in the President's annual budget submission under section 1105(a) of title 31, United States Code; and

(2) the scoring method used in this section should not be used to score any contracts other than covered energy savings contracts.

SEC. 5110. LIMITATION ON TRANSFERS FROM THE GENERAL FUND OF THE TREASURY TO THE HIGHWAY TRUST FUND.

In the House of Representatives, for purposes of the Congressional Budget Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and the rules or orders of the House of Representatives, a bill or joint resolution, or an amendment thereto or conference report thereon, that transfers funds from the general fund of the Treasury to the

Highway Trust Fund shall be counted as new budget authority and outlays equal to the amount of the transfer in the fiscal year the transfer occurs.

SEC. 5111. PROHIBITION ON USE OF FEDERAL RESERVE SURPLUSES AS AN OFFSET.

In the House of Representatives, any provision of a bill or joint resolution, or amendment thereto or conference report thereon, that transfers any portion of the net surplus of the Federal Reserve System to the general fund of the Treasury shall not be counted for purposes of enforcing the Congressional Budget Act of 1974, this concurrent resolution, or clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 5112. PROHIBITION ON USE OF GUARANTEE FEES AS AN OFFSET.

In the House of Representatives, any provision of a bill or joint resolution, or amendment thereto or conference report thereon, that increases, or extends the increase of, any guarantee fees of the Federal National Mortgage Association (Fannie Mae) or the Federal Home Loan Mortgage Corporation (Freddie Mac) shall not be counted for purposes of enforcing the Congressional Budget Act of 1974, this concurrent resolution, or clause 10 of rule XXI of the Rules of the House of Representatives.

Subtitle B—Other Provisions

SEC. 5201. BUDGETARY TREATMENT OF ADMINISTRATIVE EXPENSES.

(a) In General- In the House of Representatives, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the report or the joint explanatory statement, as applicable, accompanying this concurrent resolution shall include in its allocation to the Committee on Appropriations under section 302(a) of the Congressional Budget Act of 1974 amounts for the discretionary administrative expenses of the Social Security Administration and the United States Postal Service.

(b) Special Rule- In the House of Representatives, for purposes of enforcing section 302(f) of the Congressional Budget Act of 1974, estimates of the levels of total new budget authority and total outlays provided by a measure shall include any discretionary amounts described in subsection (a).

SEC. 5202. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) Application- In the House of Representatives, any adjustments of the allocations, aggregates, and other budgetary levels made pursuant to this concurrent resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) Effect of Changed Allocations and Aggregates- Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this concurrent resolution.

(c) Budget Committee Determinations- For purposes of this concurrent resolution, the budgetary levels for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the chair of the Committee on the Budget of the House of Representatives.

(d) Aggregates, Allocations and Application- In the House of Representatives, for purposes of this concurrent resolution and budget enforcement, the consideration of any bill or joint resolution, or amendment thereto or conference report thereon, for which the chair of the

Committee on the Budget makes adjustments or revisions in the allocations, aggregates, and other budgetary levels of this concurrent resolution shall not be subject to the points of order set forth in clause 10 of rule XXI of the Rules of the House of Representatives or section 5101 of this concurrent resolution.

(e) Other Adjustments- The chair of the Committee on the Budget of the House of Representatives may adjust other appropriate levels in this concurrent resolution depending on congressional action on pending reconciliation legislation.

SEC. 5203. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

In the House of Representatives, the chair of the Committee on the Budget may adjust the appropriate aggregates, allocations, and other budgetary levels in this concurrent resolution for any change in budgetary concepts and definitions consistent with section 251(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 5204. ADJUSTMENT FOR CHANGES IN THE BASELINE.

In the House of Representatives, the chair of the Committee on the Budget may adjust the allocations, aggregates, reconciliation targets, and other appropriate budgetary levels in this concurrent resolution to reflect changes resulting from the Congressional Budget Office's update to its baseline for fiscal years 2018 through 2027.

SEC. 5205. APPLICATION OF RULE REGARDING LIMITS ON DISCRETIONARY SPENDING.

Section 314(f) of the Congressional Budget Act of 1974 shall not apply in the House of Representatives to any bill, joint resolution, or amendment that provides new budget authority for a fiscal year or to any conference report on any such bill or resolution if—

(1) the enactment of that bill or resolution;

(2) the adoption and enactment of that amendment; or

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

would not cause the 302(a) allocation to the Committee on Appropriations for fiscal year 2018 to be exceeded.

Subtitle C—Adjustment Authority

SEC. 5301. ADJUSTMENT AUTHORITY FOR AMENDMENTS TO STATUTORY CAPS.

During the 115th Congress, if a measure becomes law that amends the discretionary spending limits established under section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)), such as a measure increasing the limit for the revised security category for fiscal year 2018 to be $640,000,000,000, the chair of the Committee on the Budget of the House of Representatives may adjust the allocation called for under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) to the appropriate committee or committees of the House of Representatives, and may adjust all other budgetary aggregates, allocations, levels, and limits contained in this resolution, as necessary, consistent with such measure.

Subtitle D—Reserve Funds

SEC. 5401. RESERVE FUND FOR INVESTMENTS IN NATIONAL INFRASTRUCTURE.

In the House of Representatives, the chair of the Committee on the Budget may adjust the allocations, aggregates, and other appropriate levels in this concurrent resolution for any

bill or joint resolution, or amendment thereto or conference report thereon, that invests in national infrastructure to the extent that such measure is deficit neutral for the total of fiscal years 2018 through 2027.

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