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Budget Resolution Enforcement

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Summary

The annual budget resolution sets forth Congress's budget plan for a period of at least five fiscal years. It includes total levels of new budget authority, outlays, revenues, the deficit, and the public debt for each of the fiscal years covered. While the budget resolution does not become law, the Congressional Budget Act of 1974 (Titles I-IX of P.L. 93-344, 2 U.S.C. 601-688), as amended, provides for the enforcement of its provisions as they are implemented in subsequent annual appropriations bills, revenue measures, and other budgetary legislation. For more information on the budget process, see the CRS Guides to Congressional Processes at http://www.crs.gov/products/guides/guidehome.shtml.

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Once a budget resolution is adopted, Congress may enforce its provisions, through points of order, at several levels: the total levels of spending and revenues, the level of resources allocated to committees, and the level of resources allocated to the appropriations subcommittees. Congress also may use reconciliation legislation to enforce the direct spending, revenue, and debt limit provisions of a budget resolution (see CRS Report 98-814, *Budget Reconciliation Legislation: Development and Consideration*, by Bill Heniff Jr.).

At the aggregate level, Section 311(a) of the Budget Act prohibits the House and Senate from considering any measure that would cause the spending or revenue totals for the first fiscal year, or the revenue totals for the full period, covered by the budget resolution to be breached. In the House, however, any measure that would not also cause the relevant committee allocation to be exceeded is exempt from this point of order by Section 311(c) of the Budget Act.

Although Congress sets budget priorities by allocating spending among each major functional category in a budget resolution, these amounts are not binding or enforceable in subsequent budgetary legislation. The functional category amounts instead are translated into allocations to the relevant House and Senate committees with jurisdiction over spending under Section 302(a) of the Budget Act. It is these committee spending allocations, commonly referred to as 302(a) allocations and published in the joint explanatory statement accompanying the conference report on a budget resolution, that are enforceable by a point of order on the floor of each chamber. Section 302(f) of the Budget Act prohibits the consideration of any measure, including any amendment, that would cause a committee's 302(a) allocations for the first fiscal year and for the full period covered by the budget resolution to be exceeded.

The chairs of the Budget Committees may make adjustments to the total levels set forth in a budget resolution, and the associated committee spending allocations, after the budget resolution has been agreed to by Congress, under the terms of certain provisions, such as a reserve fund, contained in the budget resolution.

Soon after the budget resolution is adopted by Congress, the House and Senate Appropriations Committees, under Section 302(b) of the Budget Act, subdivide their committee spending allocations among their subcommittees and formally report these subcommittee allocations to their respective chambers. The Appropriations Committees may revise the subcommittee allocations, commonly referred to as Section 302(b) allocations, during the appropriations process. Section 302(c) prohibits the consideration of any appropriations measure in the House or Senate before each respective committee has made the required subcommittee allocations. Once reported, the 302(b) allocations effectively represent spending ceilings on each of the regular appropriations acts. Section 302(f) of the Budget Act prohibits the consideration of an appropriations measure, or an amendment, that would cause a 302(b) allocation to be exceeded.

The Budget Act also provides for Senate enforcement of the Social Security levels set forth in a budget resolution. Section 311(a)(3) of the Budget Act prohibits from being considered in the Senate any measure that would cause a decrease in Social Security surpluses or an increase in

Social Security deficits relative to the levels included in the applicable budget resolution for the first fiscal year or for the full period covered by the budget resolution.

In each case, a point of order is the procedural mechanism for enforcing the provisions set forth in the budget resolution. Points of order, however, are not self-enforcing: a Member must raise a point of order to enforce the spending and revenue amounts included in a budget resolution. Budget enforcement points of order also may be waived. In the House, a point of order may be waived by unanimous consent, by suspension of the rules, or by a special rule reported by the Rules Committee and adopted by the full House. In the Senate, Budget Act points of order may be waived by unanimous consent or by motion as provided under Section 904 of the Budget Act. A motion to waive most Budget Act points of order requires an affirmative vote of three-fifths of all Senators duly chosen and sworn (60 votes if there are no vacancies). Congress may consider and pass legislation even if it violates the provisions of a budget resolution if no point of order is made or an applicable point of order is waived.

An integral part of enforcing the spending and revenue levels of a budget resolution is scorekeeping. Generally, scorekeeping is the process of measuring the budgetary impact of pending legislation and is used to determine whether or not such legislation violates budget resolution levels (see CRS Report 98-560, *Baselines and Scorekeeping in the Federal Budget Process*, by Bill Heniff Jr.). The House and Senate Budget Committees, acting with the assistance of the Congressional Budget Office and the Joint Committee on Taxation (for revenue measures), are responsible for scorekeeping in Congress. Section 312 of the Budget Act requires that the determination of budget resolution violations be based on estimates made by the Budget Committees.

Author Information

Bill Heniff Jr.
Analyst on the Congress and Legislative Process

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