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Budget Resolution Enforcement

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The annual budget resolution sets forth Congress's budget plan for a period of at least five fiscal years. It includes total levels of spending, revenues, and the debt limit for each of the fiscal years covered. While the budget resolution does not become law, the Congressional Budget Act (CBA) of 1974 (Titles I-IX of P.L. 93-344), 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 budget process, see [http://www.crs.gov/products/guides/guidehome.shtml].

Under Section 303(a) of the CBA, the House and Senate are prohibited from considering any budgetary legislation for the upcoming fiscal year before a budget resolution has been adopted. The House, however, may consider appropriations bills after May 15 if a budget resolution has not been adopted by that date. In addition, the House and Senate may waive this provision by a simple majority.

Once the budget resolution is adopted, Congress may enforce its provisions, through points of order, at several levels: the aggregate levels of spending and revenue, 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 and revenue provisions of a budget resolution.

At the aggregate level, Section 311(a) of the CBA prohibits the House or 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 CBA.

While 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 are allocated to the relevant House and Senate committees with jurisdiction over spending under Section 302(a) of the CBA, and are published in the joint explanatory statement accompanying the conference report on a budget resolution. Section 302(a) allocations of new budget authority and outlays may not exceed the total new budget authority and outlays set forth in the budget resolution. Committee allocations are enforceable by points of order on the floor of each chamber, under the provisions of Section 302(f) of the CBA. Any measure that would cause a committee's Section 302(a) allocation to be exceeded is prohibited from being considered in either chamber.

Under Section 302(b) of the CBA, the House and Senate Appropriations Committees subdivide their allocations among their 13 subcommittees. The Appropriations Committees have complete discretion in making these allocations and can revise them during the appropriations process. Section 302(c) prohibits any measure within the jurisdiction of the House or Senate Appropriations Committee from being considered in the House or Senate before the committee has made the required allocations. Once reported, the allocations are enforceable by points of order, under the Section 302(f) provisions. If an appropriations bill violates, or an amendment would cause an appropriations bill to violate, a subcommittee allocation, a point of order may be made that would prohibit the consideration of the measure or amendment.

Adjustments may be made to the aggregate levels set forth in a budget resolution, and the associated committee spending allocations, based on certain criteria, under Section 314 of the CBA. The Appropriations Committees may adjust their subcommittee allocations accordingly.

The CBA also provides for Senate enforcement of the Social Security levels set forth in a budget resolution. Section 311(a)(3) of the CBA 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. Congress may consider and enact legislation even if it were to violate the provisions of a budget resolution if no point of order is made. Also, budget enforcement points of order may be waived. In the House, a special rule reported by the Rules Committee and adopted by the House may be used to waive any point of order. In the Senate, these budgetary points of order may be waived by unanimous consent or by a vote of the Senate on a waiver motion as provided under Section 904 of the CBA. A motion to waive most Congressional Budget Act points of order requires a three-fifths vote of all Senators duly chosen and sworn (60 votes if there are no vacancies), although Section 303(a) may be waived by simple majority. This supermajority requirement was extended through September 30, 2008, by the FY2004 budget resolution (see Section 503 of H.Con.Res. 95).

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*). The House and Senate Budget Committees, acting with the assistance of the Congressional Budget Office, are responsible for scorekeeping in Congress. Section 312 of the CBA requires that the determination of budget resolution violations be based on estimates made by the Budget Committees.