
**DEEMING MEASURES FOR THE
CONCURRENT RESOLUTION ON THE BUDGET**

DEEMING RESOLUTIONS: A SUMMARY

The concurrent resolution on the budget for a fiscal year reflects an agreement between the House of Representatives and Senate on a budgetary plan for the upcoming fiscal year. When the House and Senate do not reach final agreement on this plan, it may be more difficult for Congress to reach agreement on subsequent budgetary legislation, both within each chamber and between the chambers.

In the absence of agreement on a concurrent resolution on the budget, Congress may employ alternative legislative tools to serve as a substitute for such a concurrent resolution. These substitutes are typically referred to as “deeming resolutions”, because they are deemed to serve in place of an annual budget resolution for the purposes of establishing enforceable budget levels and enforcement procedures for the upcoming fiscal year.

Since the establishment of concurrent resolutions on the budget in 1974, there have been nine years in which Congress did not come to agreement on a budget resolution. In each of those years, one or both chambers employed at least one deeming resolution to serve as a substitute for a budget resolution. At certain times, limited deeming resolutions have been adopted while budget resolutions were being finalized. This has occurred, for example, in 1986, 1991 and 2016.

While referred to as deeming resolutions, such mechanisms are not formally defined and have no specifically prescribed content. Instead, they simply denote the House and Senate, often separately, engaging legislative procedures to deal with enforcement issues on an ad hoc basis. The mechanisms can vary significantly in content and timing.

For purposes of this section, deeming resolutions that lasted only until the concurrent resolution on the budget was adopted are included. This occurred for fiscal years 1986 and 1991. Also deeming resolutions generally expire at the end of a Congress in the House of Representatives. They have been specifically extended, and sometimes changed, through the adoption of the House organizing resolution for a new Congress, usually numbered as “H. Res. 5”. These are also included.

Note: This summary largely replicates material included in a report from the Congressional Research Service. House Budget Counsel has made minor edits and additions.

A great deal of this section is derived from the full CRS report which includes extensive information on deeming resolutions: *Deeming Resolutions: Budget Enforcement in the Absence of a Budget Resolution*, Megan S. Lynch, Specialist on Congress and the Legislative Process, Congressional Research Service, December 3, 2015 (R44296). The report drew on a previous CRS

Report (RL31443): *The “Deeming Resolution”: A Budget Enforcement Tool*,
authored by former CRS Senior Specialist Robert Keith.

DEEMING MEASURES: CONCURRENT RESOLUTIONS ON THE BUDGET

A budget resolution “deemed” to be in force means a resolution that was not adopted by both Houses of Congress, but in one House has been treated as if had been passed by both Houses for enforcement purposes of the Congressional Budget Act. Two exceptions were for fiscal year 1999 and fiscal year 2011 when the deeming resolution adopted only had the effect, mainly, of providing the Appropriations Committee of the House with a section 302(a) allocation for enforcement purposes, but did not, in their entirety, have the nature of budget resolutions under the terms of section 301 of the Congressional Budget Act. The table below is intended to only provide a sense of how deeming resolutions have been adopted. Many intricacies of the process are not apparent. For example, for fiscal year 2014, Pub. L. 113-67 was the main deeming resolution in the House. Yet H. Con. Res. 25 and H. Res. 243 both were involved. The table gives general information related to such resolutions.

<u>Fiscal Year</u>	<u>Congress</u>	<u>House</u>	<u>Senate</u>
FY1986	99 th	H. Res. 649	None
FY1991	101 st	H. Res. 413	None
FY1999	105 th	H. Res. 477	S. Res. 209
FY1999	106 th	H. Res. 5	S. Res. 312
FY2003	107 th	H. Res. 428	None
FY2003	108 th	H. Res. 5	N/A
FY2005	108 th	H. Res. 428	P.L. 108-287
FY2005	109 th	H. Res. 5	N/A
FY2007	109 th	H. Res. 818	P.L. 109-234
FY2007	110 th	H. Res. 6	N/A
FY2011	110 th	H. Res. 1493	None
FY2011	111 th	H. Res. 5	N/A
FY2012	111 th	H. Res. 287	None
FY2013	112 th	H. Res. 614/643	P.L. 112-25
FY2013	113 th	H. Res. 5	P.L. 112-25
FY2014	113 th	P.L. 113-67	P.L. 113-67
FY2015	113 th	P.L. 113-67	P.L. 113-67
FY2015	114 th	H. Res. 5	N/A
FY2016	114 th	H. Res. 223	N/A
FY2017	114 th	N/A	P.L.114-74

FISCAL YEAR 1986: DEEMING RESOLUTION

Fiscal Year 1986: House Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Resolution</u>
H. Res. 213	99 th Congress	July 24, 1985	S. Con. Res. 32

Summary:

By July 24, a concurrent resolution on the budget for fiscal year 1986 had yet to be adopted, even though the statutory deadline was for May 15 of that year (the date then in force). This resolution deemed the House-passed resolution, H. Con. Res. 151 to be in force for purposes of the Budget Act so that legislation could move forward without requiring waivers, and was replaced when Congress adopted the conference report on S. Con. Res. 32, as the Concurrent Resolution on the Budget For Fiscal Year 1986 upon its adoption on August 1, 1985.

*Deeming Resolution Text:**H. Res. 231*

Resolved, That, for the purposes of the provisions of the Congressional Budget Act of 1974 (Public Law), as they in 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).

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.

From the Floor Debate on H. Res. 231:

Mr. Butler Derick. Mr. Speaker, yesterday, the Committee on Rules reported House Resolution 231, providing special budget procedures for the fiscal year 1986 congressional budget process. This is a matter of original jurisdiction for the Rules Committee. House Resolution 231 provides that the House-passed budget resolution for fiscal year 1986, House Concurrent Resolution 152,

will be considered to be adopted by the Congress for purposes of the Congressional Budget Act, as it applies to the House of Representatives. House Resolution 231 states that the allocation of spending totals among House committees printed in the Congressional Record of July 23, 1985, by Representative Gray, chairman of the Budget Committee, will be considered as the allocation required by section 302(a) of the Budget Act. Finally, Mr. Speaker, if the two Houses agree on a budget resolution for fiscal year 1986, the provisions of House Resolution 231 would cease to apply.

Fiscal Year 1986: No Senate Deeming Resolution

Summary:

Even though the House required a limited deeming resolution for fiscal year 1986, it applies to appropriations measures. The Senate determined similar action was not required for the consideration of budget-related legislation.

FISCAL YEAR 1991: DEEMING RESOLUTION

Fiscal Year 1991: House Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Resolution</u>
H. Res. 413	101 st Congress	June 19, 1990	H. Con. Res. 310

Summary:

By adopting H. Res. 413, the House deemed H. Con. Res. 310 to have force and effect in the form it passed the House on May 1, 1990, to be in force until the conference report on the budget was adopted (it was so adopted on October 9, 1990). It specifically deemed the allocations of “spending and credit responsibility” to the Committee on Appropriations to be in force. The deeming resolution itself was adopted on June 19, 1990.

*Deeming Resolution Text:**H. Res. 413*

Resolved, [...]

Sec. 3. (a) For purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended (P.L. 93-344, as amended by P.L. 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.

From the Floor Debate on H. Res. 231:

Mr. Butler Derick. Mr. Speaker, the third section of House Resolution 143 establishes certain procedures for the orderly and expeditious consideration of general appropriations bills for fiscal year 1991.

Section 3 simply provides that for purposes of sections 302 and 311

of the Congressional Budget Act as they apply to appropriations bills, Congress is deemed to have agreed to House Concurrent Resolution 310 as adopted by the House on May 1, 1990. The provisions of section 3 will apply to H.R. 5019 and to all other fiscal 1991 general appropriations bills pending final adoption of a budget resolution for the next fiscal year.

This language is necessary if the House is to move ahead with the normal appropriations process in an orderly way. My colleagues know that the Budget Act, as amended by Gramm-Rudman-Hollings, allows the Appropriations Committee to bring bills to the floor without any restriction whatsoever as to spending totals when Congress has not adopted a budget resolution by May 15.

Although the Senate adopted a budget resolution late last week, no budget resolution has yet been agreed to by both Houses so the appropriators are technically free to report bills using any numbers they wish.

Section 3 of this rule will impose discipline upon the Appropriations Committee by requiring them to conform the fiscal 1991 bills to the House-passed budget pending a conference with the Senate and the outcome of the budget summit, if there ever is one.

Section 3 allocates spending and credit authority to the Appropriations Committee according to the House-passed budget as published in the star print of House Report 101-455. The committee will divide the allocations among its subcommittees and report those subdivisions to the House for enforcement purposes.

Section 3 contains no reconciliation instructions, nor does it initiate debt-limit legislation under House rule 49. But it does expressly provide that once a budget resolution is finally agreed to, its terms will supersede this resolution and control the process from that point forward.

Mr. Speaker, this House has important budgetary responsibilities to fulfill for the coming fiscal year. Appropriations bills can and will move forward with or without this rule; the only issue is whether they will be considered under the discipline of the Budget Act. I urge all Members to support this rule and the bill it pertains to.

Mr. Speaker, I reserve the balance of my time.

Fiscal Year 1991: Senate Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Resolution</u>
S. Res. 308	101 st Congress	July 12, 1990	H. Con. Res. 310

Summary:

After the Senate Committee on the Budget reported S. Res. 308, the full Senate adopted it by unanimous consent on July 12, 1990. The resolution established budget allocations for the Committee on Appropriations of the Senate for fiscal year 1991, to be in effect until a concurrent resolution on the budget for

that year was adopted. This occurred when H. Con. Res. 310 passed Congress on October 9, 1990.

The resolution also provided that the budgetary levels of the Bipartisan Executive-Congressional Economic Summit would supersede its levels if they agreed to different amounts.

Deeming Resolution Text:

S. Res. 308

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.

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).

FISCAL YEAR 1999: DEEMING RESOLUTIONS

Fiscal Year 1999: First House Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Resolution</u>
H. Res. 477	105 th Congress	June 19, 1998	None

Summary:

The first House deeming resolution was section 2 of H. Res. 477, a special rule for the consideration of the Military Construction Appropriations Act for Fiscal Year 1999. Though a concurrent resolution on the budget (H. Con. Res. 284) had been passed the House and the Senate had appointed conferees on the measure, this concurrent resolution was not referred to in the deeming resolution. This deeming resolution only placed enforceable levels (the "302(a) allocation) for the House Appropriations Committee. Other aggregates and allocations were not addressed, so as an enforcement measure, this resolution only deemed a partial budget resolution to be in force.

*Resolution Text of H. Res. 477:**H. Res. 477*

SEC. 2. Pending the adoption by the Congress of a concurrent resolution on the budget for fiscal year 1999, the following allocations contemplated by section 302(a) of the Congressional Budget Act of 1974 shall be considered as made to the Committee on Appropriations:

- (1) New discretionary budget authority: \$531,961,000,000.
- (2) Discretionary outlays: \$562,277,000,000.
- (3) New mandatory budget authority: \$298,105,000,000.
- (4) Mandatory outlays: \$290,858,000,000.

From the Floor Debate on H. Res. 477:

Mr. Mario Diaz-Balart. Finally, because we are still without a budget resolution conference report, the rule provides that the allocations required by the Budget Act, section 302(a) of the Congressional Budget Act of 1974 that sets out the process requiring those numbers, shall be considered as made to the Committee on Appropriations. In other words, Mr. Speaker, we are using last year's budget resolution numbers, as adjusted for economic assumptions.

Fiscal Year 1999: Second House Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Resolution</u>
H. Res. 5	106 th Congress	January 6, 1999	None

Summary:

When the 105th Congress ended, so did all simple House Resolutions. Therefore the deeming resolution (H. Res. 477) giving force and effect to, and setting forth, the allocations to the Committee on Appropriations of the House as if adopted pursuant to the *Congressional Budget Act of 1974* lapsed as well.

At the beginning of the 106th Congress, a second deeming resolution was included in the organizing resolution for the new Congress, H. Res. 5. It did not deem the House-passed budget resolution (H. Con. Res 284) as having force and effect as has been done at other times when no agreement is reached on a budget resolution. Instead, this resolution authorized the Chairman of the Committee on the Budget of the House to put enforceable allocations into the Congressional Record which took the place of a full concurrent resolution on the budget.

Rep. John Kasich, Chairman of the Committee on the Budget, submitted "interim budget allocations and aggregates for fiscal years 199-2003" on February 25, 1999 and March 3, 1999.

*Resolution Text of H. Res. 5:**H. Res. 5*

SEC. 2 SEPARATE ORDERS.

(a) BUDGET ENFORCEMENT.—(1) Pending the adoption by the Congress of a concurrent resolution on the budget for fiscal year 1999.—

(A) the chairman of the Committee on the Budget, when elected, shall publish in the Congressional Record budget totals contemplated by section 301 of the Congressional Budget Act of 1974 and allocations contemplated by section 302(a) of that Act for each of the fiscal years 1999 through 2003;

(B) those totals and levels shall be effective in the House as though established under a concurrent resolution on the budget and sections 301 and 302 of that Act; and

(C) the publication of those totals and levels shall be considered as the completion of Congressional action on a concurrent resolution on the budget for fiscal year 1999.

(2) Pending the adoption by the Congress of a concurrent resolution on the budget for fiscal year 2000, a provision in a bill or

joint resolution, or in an amendment thereto or a conference report thereon, that establishes prospectively for a Federal office or position a specified or minimum level of compensation to be funded by annual discretionary appropriations shall not be considered as providing new entitlement authority within the meaning of the Congressional Budget Act of 1974.

(3) In the case of a reported bill or joint resolution considered pursuant to a special order of business, a point of order under section 303 of the Congressional Budget Act of 1974 shall be determined on the basis of the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage, as the case may be.

From the Floor Debate on H. Res. 5:

Mr. Joseph Moakley. Section 2 of the resolution consists of "Separate Orders" which do not change any of the standing rules of the House. These are more or less housekeeping provisions which deem certain actions will waive the application of certain rules of the House. For example, because Congress failed to adopt a concurrent budget resolution for fiscal year 1999, the Congressional Budget Act is unenforceable, absent the establishment of budget allocations for committees in the House. Therefore, the resolution authorizes the chairman of the Committee on the Budget to publish allocations contemplated by a section 302(a) of the Congressional Budget Act in the Congressional Record.

Summary of H. Res. 5. (Sec. 2) Requires: (1) the chairman of the Committee on the Budget, when elected and pending the adoption by the Congress of a concurrent resolution on the budget for FY 1999, to publish in the Congressional Record budget totals and allocations contemplated by the Congressional Budget Act (the Act) for FY 1999 through 2003; (2) such totals and levels to be effective in the House as though established under a concurrent resolution on the budget and provisions of the Act; and (3) the published totals and levels to be considered as the completion of congressional action on a concurrent resolution on the budget for FY 1999.

Fiscal Year 1999: First Senate Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Resolution</u>
S. Res. 209	105th Congress	April 2, 1998	None

Summary:

S. Res. 209 provided for specified estimated allocations of budget outlays and new budget authority for the Senate Committee on Appropriations for the nondefense, defense,

violent crime reduction, and mandatory categories until a concurrent resolution on the budget for fiscal year 1999 is agreed to by the Senate and the House of Representatives. The resolution was agreed to on April 2, 1998. Senator Susan Collins asked for, and received by unanimous consent, the resolution to be agreed to without amendment. It was so agreed to by the Senate without debate.

Resolution Text for S. Res. 209:

S. Res. 209

Resolved, That for the 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—

For non-defense—

- (1) \$289,547,000,000 in total budget outlays, and
- (2) \$255,450,000,000 in total new budget authority;

for defense—

- (1) \$266,635,000,000 in total budget outlays, and
- (2) \$271,570,000,000 in total new budget authority;

for violent crime reduction—

- (1) \$4,953,000,000 in total budget outlays, and
- (2) \$5,800,000,000 in total new budget authority;

for mandatory—

- (1) \$291,731,000,000 in total budget outlays, and
- (2) \$299,159,000,000 in total new budget authority;

until a concurrent resolution on the budget for fiscal year 1999 is agreed to by the Senate and the House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974.

Fiscal Year 1999: Second Senate Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Resolution</u>
S. Res. 312	105th Congress	October 21, 1998	None

Summary:

S. Res. 312 provided Amends S. Res. 209 to establish budgetary levels for FY 1999 through 2003 for Federal revenues, new budget authority, total budget outlays, and revenues and outlays of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds.

The resolution authorized the Chairman of the Senate Budget Committee to file one set of revisions to the levels, amounts, and allocations provided by it and permitted revisions to reflect only legislation enacted in the 105th Congress and not assumed in the resolution. It directed the

chairman, upon making the revisions, to reduce any balances of direct spending and receipts for any fiscal year to zero. It required the resolution to:

- (1) Take effect on the earlier of the date the Congress adjourns sine die or the 105th Congress expires; and
- (2) Expire on the date a concurrent budget resolution for FY 1999 is agreed to.

It directed the chairman, upon its adoption, to file spending allocations for authorizing and appropriations committees pursuant to the *Congressional Budget Act of 1974*. The resolution was agreed to on October 21, 1998. Senator Pietro "Pete" Domenici asked for, and received, unanimous consent for the resolution to be agreed to without amendment. The Senate so agreed.

Resolution Text for S. Res. 312:

S. Res. 312

To amend Senate Resolution 209 in order to provide budget levels in the Senate for purposes of fiscal year 1999 and include the appropriate budgetary levels for fiscal years 2000, 2001, 2002, and 2003.

Resolved, That Senate Resolution 209, agreed to April 2, 1999 (105th Congress), is amended by striking all after the resolving clause and inserting the following:

SECTION 1. SENATE BUDGET LEVELS.

(a) IN GENERAL.—For the purpose of enforcing the Congressional Budget Act of 1974 and section 202 of House Concurrent Resolution 67 (104th Congress), the following levels, amounts, and allocations shall apply in the Senate in the same manner as a concurrent resolution on the budget for fiscal year 1999 and including the appropriate budgetary levels for fiscal years 2000, 2001, 2002, and 2003:

(1) FEDERAL REVENUES.—The recommended levels of Federal revenues are as follows:

Fiscal year 1999: \$1,358,919,000,000.

Fiscal year 2000: \$1,388,039,000,000.

Fiscal year 2001: \$1,424,774,000,000.

Fiscal year 2002: \$1,480,891,000,000.

Fiscal year 2003: \$1,534,362,000,000.

(2) NEW BUDGET AUTHORITY.—The appropriate levels of new budget authority are as follows:

Fiscal year 1999: \$1,417,136,000,000.

Fiscal year 2000: \$1,453,654,000,000.

Fiscal year 2001: \$1,489,637,000,000.

Fiscal year 2002: \$1,517,259,000,000.

Fiscal year 2003: \$1,577,949,000,000.

(3) BUDGET OUTLAYS.—The appropriate levels of total budget outlays are as follows:

Fiscal year 1999: \$1,402,185,000,000.

Fiscal year 2000: \$1,438,029,000,000.

Fiscal year 2001: \$1,473,660,000,000.
Fiscal year 2002: \$1,484,272,000,000.
Fiscal year 2003: \$1,548,914,000,000.

(4) SOCIAL SECURITY REVENUES.—The amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1999: \$441,749,000,000.

Fiscal year 2000: \$460,115,000,000.

Fiscal year 2001: \$477,722,000,000.

Fiscal year 2002: \$497,290,000,000.

Fiscal year 2003: \$518,752,000,000.

(5) SOCIAL SECURITY OUTLAYS.—The amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1999: \$321,261,000,000.

Fiscal year 2000: \$330,916,000,000.

Fiscal year 2001: \$344,041,000,000.

Fiscal year 2002: \$355,614,000,000.

Fiscal year 2003: \$368,890,000,000.

(b) REVISIONS.—

(1) IN GENERAL.—The Chairman of the Senate Committee on the Budget may file 1 set of revisions to the levels, amounts, and allocations provided by this resolution and those revisions shall only reflect legislation enacted in the 105th Congress and not assumed in this resolution.

(2) CONGRESSIONAL PAY-GO SCORECARD.—Upon making revisions pursuant to paragraph (1) and for the purpose of enforcing section 202 of House Concurrent Resolution 67 (104th Congress), the Chairman of the Senate Committee on the Budget shall reduce any balances of direct spending and receipts for any fiscal year to zero.

(c) EFFECTIVE DATE AND EXPIRATION.—This resolution shall—

(1) take effect on the date that the Congress adjourns sine die or the date the 105th Congress expires, whichever date is earlier; and

(2) expire on the effective date of a concurrent resolution on the budget for fiscal year 1999 agreed to pursuant to section 301 of the Congressional Budget Act of 1974.

SEC. 2. COMMITTEE ALLOCATIONS.

Upon the adoption of this resolution, the Chairman of the Committee on the Budget shall file allocations consistent with this resolution pursuant to section 302(a) of the Congressional Budget Act of 1974.

From the Senate Floor Debate on H. Res. 312:

Mr. Domenici. Mr. President, for the information of the Senate, this resolution on behalf of Senator Lautenberg and myself is the so-called deeming budget resolution. We have cleared this with our colleagues on both sides of the aisle.

Last year this Congress reached an historic agreement with the President. We enacted the Balanced Budget Act of 1997. I think those pundits who like to suggest that this Congress has not done anything seem to conveniently forget that the balanced budget agreement was done in this Congress.

Nevertheless, that agreement and the implementing legislation--the Budget Enforcement Act of 1997--put in place for 5 years spending limits on appropriated accounts and extended various other fiscal enforcement tools. I have often thought of this legislation as a first step in creating a biennial budgeting and appropriations process. We have operated in the second session of this Congress under those spending caps and applied the discipline of that act to help us secure the first balanced budget in decades.

The levels set forth in this Senate resolution reflect the bipartisan balanced budget agreement--updated for the most recent fiscal and economic information provided to us by the Congressional Budget Office and for legislation enacted since the last budget resolution was agreed to.

This is similar to the action which the Senate took on April 2 of this year when we passed S. Res. 209 which provided a section 302 allocation to the Committee on Appropriations in advance of completing action on a budget resolution.

What we have done today is simply provide committee spending allocations and establish overall aggregate levels of spending and revenues so that we can continue the fiscal discipline inherent in our budget rules--this means we will be able to enforce our section 302 and 311 points of order and our pay-as-you-go rule.

I feel this discipline has been critical to our ability to uphold the bipartisan balanced budget agreement and led us to a period of budget surpluses. Thus we should not let the fact that we were unable to complete conference prevent us from going forward with the budget rules which have served us so well in the past.

I am hopeful that early in the next Congress we might consummate the 2 year budgeting and appropriations process in statute along with other changes to the Budget Act necessitated by the changed environment of projected budget surpluses.

From the Senate Congressional Record (October 21, 1998):

Mr. Domenici. Mr. President, I ask unanimous consent that the allocations of budget authority and outlays under section 302 of the Budget Act for Senate authorizing committees be printed in the RECORD. The Senate appropriations already received its allocation on April 2 of this year when the Senate adopted S. Res. 209. There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Tables Omitted⁴⁵⁸]

⁴⁵⁸ Tables under the title "Senate Committee Budget Authority and Outlay Allocation Pursuant to Section 302 of the Congressional Budget Act; Budget Year Total 1999" were inserted into the Congressional Record; p. S12915; October 21, 1998.

FISCAL YEAR 2003: DEEMING RESOLUTIONS

Fiscal Year 2003: First House Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Resolution</u>
H. Res. 428	107th Congress	May 22, 2002	H. Con. Res. 353

Summary:

On March 15, 2002, the House adopted H. Res. 428, which deemed H. Con. Res. 353 to have force and effect as the Concurrent Resolution on the Budget for Fiscal Year 2003. It also provided for the consideration of a fiscal year 2002 supplemental appropriations act. It passed the House on May 22, 2002.

*Resolution Text of H. Res. 428:**H. Res. 428*

SEC. 2. (a) Pending the adoption of a concurrent resolution on the budget for fiscal year 2003, the provisions of House Concurrent Resolution 353, as adopted by the House, shall have force and effect in the House as though Congress has adopted such concurrent resolution.

(b) The chairman of the Committee on the Budget shall submit for printing in the Congressional Record—

(1) the allocations contemplated by section 302(a) of the Congressional Budget Act of 1974, which shall be considered to be such allocations under a concurrent resolution on the budget;

(2) “Accounts Identified for Advance Appropriations,” which shall be considered to be the programs, projects, activities, or accounts referred to section 301(b) of House Concurrent Resolution 353; and

(3) an estimated unified surplus, which shall be considered to be the estimated unified surplus set forth in the report of the Committee on the Budget accompanying House Concurrent Resolution 353 referred to in section 211 of such concurrent resolution.

(c) The allocation referred to in section 231(d) of House Concurrent Resolution 353 shall be considered to be the corresponding allocation among those submitted by the chairman of the Committee on the Budget under subsection (b)(1).

From the Floor Debate on H. Res. 477:

Mr. Peter A. Sessions. “On March 20 of this year, the House

passed its budget resolution, H. Con. Res. 353. However, the absence of a budget resolution conference report makes it necessary for us to consider language that would deem the House-passed budget resolution to be a conference report. In effect, this language would bind the House to the spending and revenue levels established in the budget resolution, and the corresponding 302(a) allocations, and any related rulemaking provisions.

“This language is necessary both to establish parameters on discretionary spending and to implement such mandatory initiatives accommodated in the budget resolution such as a prescription drug benefit under Medicare, concurrent receipt of military retirement and veterans disability benefits, and a new tax benefit for charitable giving.”

***Fiscal Year 2003: Second House
Deeming Resolution***

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Resolution</u>
H. Res. 5	108th Congress	January 7, 2003	H. Con. Res. 353

Summary:

When the 107th Congress ended, so did all simple House Resolutions, and therefore the deeming resolution (H. Res. 477) lapsed as well. Therefore, at the beginning of the 108th Congress, a second deeming resolution was included in the organizing resolution, H. Res. 5.

Deeming Resolution Text:

H. Res. 5

SEC. 3. SEPARATE ORDER.

(a) BUDGET MATTERS.—

[...]

(4)(A) During the One Hundred Eighth Congress, pending the adoption of a concurrent resolution on the budget for fiscal year 2003, the provisions of House Concurrent Resolution 353 of the One Hundred Seventh Congress, as adopted by the House, shall have force and effect in the House as though the One Hundred Eighth Congress has adopted such a concurrent resolution.

(B) The chairman of the Committee on the Budget (when elected) shall submit for printing in the Congressional Record--

(i) the allocations contemplated by section 302(a) of the Congressional Budget Act of 1974 to accompany the concurrent resolution described in subparagraph (A), which shall be considered to be such allocations under a concurrent resolution on the budget;

(ii) “Accounts Identified for Advance Appropriations”, which shall be considered to be the programs, projects, activities, or accounts referred to section 301(b) of House Concurrent

Resolution 353 of the One Hundred Seventh Congress, as adopted by the House; and

(iii) an estimated unified surplus, which shall be considered to be the estimated unified surplus set forth in the report of the Committee on the Budget accompanying House Concurrent Resolution 353 of the One Hundred Seventh Congress referred to in section 211 of such concurrent resolution.

(C) The allocation referred to in section 231(d) of House Concurrent Resolution 353 of the One Hundred Seventh Congress, as adopted by the House, shall be considered to be the corresponding allocation among those submitted by the chairman of the Committee on the Budget under subparagraph (B)(i).

From the Floor Debate on H. Res. 5:

Mr. David Dreier. From the summary included in the Congressional Record: “(a)(4) Continuation of budget ‘deeming’ resolution from the 2nd Session of the 107th Congress. This order establishes that the provisions of House Concurrent Resolution 353 as adopted by the House in the 107th Congress, shall have effect in the 108th Congress until such time as a conference report establishing a budget for the fiscal year 2004 is adopted.”

Fiscal Year 2003: No Senate Deeming Resolution

Summary:

Even though the House required a limited deeming resolution for fiscal year 2003, the Senate decided none was required for it consideration of budget-related legislation.

FISCAL YEAR 2005: DEEMING RESOLUTIONS

Fiscal Year 2005: First House Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Resolution</u>
H. Res. 649	108th Congress	May 19, 2004	S. Con. Res. 95

Summary:

A conference agreement on the budget for fiscal year 2005 had been reported by the conference committee, and it subsequently passed the House, but the Senate never achieved a majority to adopt it. As part of the special resolution (“the rule”) on the Concurrent Resolution on the Budget for Fiscal Year 2005 provided for the rules on floor consideration of that measure, but also included in its text language which deemed it to be in force pending its full adoption by Congress. This full adoption never came and so the text of the conference report, while binding in the House, was not in the Senate and so it was not formally a budget resolution.

The deeming resolution references the conference report for S. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2005, as adopted as a conference report by the House. It also makes clear that the deeming resolution was not be construed to engage rule XXVII (the former House rule known as the Gephardt rule that required the House clerk to engross and transmit public debt limit legislation to the Senate upon adoption of the budget resolution).

*Resolution Text of H. Res. 649:**H. Res. 649.*

SEC 2. (a) Upon adoption in the House of the conference report to accompany Senate Concurrent Resolution 95, and until a concurrent resolution on the budget for fiscal year 2005 has been adopted by the Congress—

(1) the provisions of the conference report and its joint explanatory statement shall have force and effect in the House; and

(2) for purposes of title III of the Congressional Budget Act of 1974, the conference report shall be considered adopted by the Congress.

(b) Nothing in this section may be construed to engage rule XXVII.

From the Floor Debate on H. Res. 649:

Mr. Richard N. “Doc” Hastings. Mr. Speaker, House Resolution 649 waives all points of order against the conference report to accompany S. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2005, and its consideration. The rule provides that the conference report shall be considered read and provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. Section 2 of the rule provides that upon adoption in the House of the conference report, and until a concurrent resolution on the budget for fiscal year 2005 has been adopted by Congress, the provisions of the conference report and its joint explanatory statement shall have force and effect in the House. The rule provides that for the purposes of title III of the Congressional Budget Act of 1974, the conference report shall be considered for the purposes of the House to have been adopted by the Congress. The rule provides that nothing in section 2 may be construed to engage rule XXVII.”

Fiscal Year 2005: Second House Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Resolution</u>
H. Res. 5	109th Congress	January 7, 2003	S. Con. Res. 95

Summary:

When the 108th Congress ended, so did all simple House Resolutions, and therefore the deeming resolution (H. Res. 477) lapsed as well). Therefore, at the beginning of the 108th Congress, a second deeming resolution was included in the organizing resolution, H. Res. 5.

*Resolution Text of H. Res. 5:**H. Res. 5*

SEC. 3. SEPARATE ORDERS.

(a) BUDGET MATTERS.—

[...]

(4)(A) During the One Hundred Ninth Congress, until a concurrent resolution on the budget for fiscal year 2005 is adopted by the Congress, the provisions of the conference report to accompany Senate Concurrent Resolution 95 of the One Hundred Eighth Congress shall have force and effect in the House as though the One Hundred Ninth Congress has adopted such conference report.

(B) The allocations of spending authority included in the conference report, as adjusted during the 108th Congress, shall be considered the allocations contemplated by section 302(a) of the Congressional Budget Act of 1974.

FISCAL YEAR 2007: DEEMING RESOLUTIONS

Fiscal Year 2007: First House Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Resolution</u>
H. Res. 818	109th Congress	May 18, 2006	H. Con. Res. 376

Summary:

When it became clear a conference report on a concurrent resolution on the budget for fiscal year 2007 would be agreed to, a resolution providing for budget enforcement in the House was adopted. The resolution, reported by the Committee on Rules, provided for the consideration of H.R. 5386, the Interior Appropriations Act, 2007. Its second section gave force and effect to H. Con. Res. 376, the House-passed Concurrent Resolution on the Budget for Fiscal Year 2007. It also made clear that the resolution did not engage the “Gephardt Rule”, which allowed for the automatic enrollment of a bill changing the statutory debt limit.

*Deeming Resolution Text:**H. Res. 818*

SEC. 2. (a) Upon adoption of House Concurrent Resolution 376, and until a concurrent resolution on the budget for fiscal year 2007 has been adopted by the Congress, the provisions of House Concurrent Resolution 376 and its accompanying report shall have force and effect in the House for all purposes of the Congressional Budget Act of 1974 as though adopted by the Congress.

(b) Nothing in this section may be construed to engage rule XXVII.

*Rules H. Rpt. 109-469: Summary of Deeming Resolution:**H. Rpt. 109-469*

Section 2 of the resolution provides that upon adoption of H. Con. Res. 376, and until a concurrent resolution on the budget for fiscal year 2007 has been adopted by the Congress, the provisions of H. Con. Res. 376 and its accompanying report shall have force and effect in the House for all purposes of the Congressional Budget Act of 1974 as though adopted by the Congress.

Finally the rule provides that nothing in section 2 of the resolution may be construed to engage rule XXVII (statutory limit on public debt).

Fiscal Year 2007: Second House Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Resolution</u>
H. Res. 6	110 th Congress	January 5, 2007	H. Con. Res. 376

Summary:

After the first deeming resolution expired at the end of the 108th Congress, the opening-day rules package included a deeming resolution. Section 511(a)(4) of H. Res. 6 included the necessary language to give force and effect to H. Con. Res. 376, which had previously been deemed to be in force by H. Res. 818, as the Concurrent Resolution on the Budget for Fiscal Year 2007.

*Deeming Resolution Text:**H. Res. 6*

SEC. 511. SEPARATE ORDER.

(a) BUDGET MATTERS.—

[...]

(4)(A) During the One Hundred Tenth Congress, pending the adoption of a concurrent resolution on the budget for fiscal year 2008, the provisions of House Concurrent Resolution 376 of the One Hundred Ninth Congress, as adopted by the House, shall have force and effect in the House as though the One Hundred Tenth Congress has adopted such a concurrent resolution.

(B) The chairman of the Committee on the Budget (when elected) shall submit for printing in the Congressional Record—

(i) the allocations contemplated by section 302(a) of the Congressional Budget Act of 1974 to accompany the concurrent resolution described in subparagraph (A), which shall be considered to be such allocations under a concurrent resolution on the budget; and

(ii) “Accounts Identified for Advance Appropriations”, which shall be considered to be the programs, projects, activities, or accounts referred to in section 401(b) of House Concurrent Resolution 376 of the One Hundred Ninth Congress, as adopted by the House.

Fiscal Year 2007: Senate Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Resolution</u>
H.R. 4939	109 th Congress	June 15, 2006	S. Con. Res. 83

Summary:

H.R. 4939 was enacted as Pub. L. 109-234 on June 15, 2006. This law was the *Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006*.

Section 7035 of that measure specifically established discretionary and mandatory spending limits for the Senate Committee on Appropriations for fiscal year 2007 in the resolution text. These were to be effective until a concurrent resolution on the budget for fiscal year 2007 could be agreed to Congress. An agreement was concluded, though, on a concurrent resolution on the budget.

The section made references to certain adjustments and limits in S. Con. Res. 83, the Concurrent Resolution on the Budget for Fiscal Year 2007 as passed by the Senate, related to emergency legislation. It also altered certain sections of the Concurrent Resolution on the Budget for Fiscal Year 2006 related to Senate discretionary spending limits and the unfunded mandates point of order. It also included an effective date.

*Deeming Resolution Text:**H.R. 4939*

SEC. 7035. 2007 DISCRETIONARY LIMITS.

(a) IN GENERAL.—For the purposes of section 302(a) of the Congressional Budget Act of 1974, the allocations of the appropriate levels of budget totals for the Committee on Appropriations of the Senate for fiscal year 2007 shall be—

- (1) \$872,778,000,000 in total new budget authority for general purposes discretionary; and
- (2) \$577,241,000,000 in total new budget authority for mandatory;

until a concurrent resolution on the budget for fiscal year 2007 is agreed to by the Senate and the House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974.

(b) ADJUSTMENTS AND LIMITS.—The limits and adjustments provided in section 402 of S. Con. Res. 83 (109th Congress), as passed the Senate, for fiscal year 2007 shall apply to subsection (a).

(c) APPLICATION.—The section 302(a) allocations in subsection (a) shall be deemed to be allocations set forth in the joint explanatory statement of managers accompanying the concurrent resolution on

the budget for fiscal year 2007, as though adopted by Congress, for all purposes under titles III and IV of the Congressional Budget Act of 1974. Section 302(a)(4) of the Congressional Budget Act of 1974 shall not apply to this section.

(d) EXCEPTIONS.—The following provisions of H. Con. Res. 95 (109th Congress) shall not apply in the Senate--

- (1) Section 404; and
- (2) until January 3, 2007, section 403(b)(2).

FISCAL YEAR 2011: DEEMING RESOLUTIONS

Fiscal Year 2011 First House Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Budget Resolution</u>
H. Res. 1493	111th Congress	July 1, 2010	None

Summary:

When agreement on a concurrent resolution on the budget for fiscal year 2011, the House adopted H. Res. 1493, a resolution solely for deeming purposes (referred to as a budget enforcement resolution) was adopted as part of H. Res. 1500, a resolution also providing for consideration of a Senate amendment to the *Supplemental Appropriations Act, Fiscal Year 2010*. The House resolution was adopted on July 1, 2010.

*Text of Deeming Resolution:**H. Res. 1493*

(a) BUDGET ENFORCEMENT.—For the purposes of budget enforcement:

(1) BUDGET ALLOCATIONS.—The following allocations shall be the allocations made pursuant to section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations and shall be enforceable under section 302(f)(1) of that Act:

(A) FISCAL YEAR 2010.—In addition to amounts allocated under the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13), the allocation for new discretionary budget authority to the Committee on Appropriations shall be increased up to \$538,000,000 for program integrity initiatives listed in section 422(a) of S. Con. Res. 13. The outlay allocation for fiscal year 2010 and fiscal year 2011 shall be adjusted accordingly.

(B) FISCAL YEAR 2011.—

(i) New discretionary budget authority, \$1,121,000,000,000.

(ii) Discretionary outlays, \$1,314,000,000,000.

(iii) New mandatory budget authority, \$765,584,000,000.

(iv) Mandatory outlays, \$755,502,000,000.

(2) DISCRETIONARY SPENDING ENFORCEMENT PROVISIONS.—The provisions of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13) shall remain in force and effect in the House, except that the references in section 424 (point of order against advance appropriations) to fiscal years 2010 and 2011 shall be references to fiscal years 2011 and 2012, respectively.

(b) ADDITIONAL ENFORCEMENT PROVISIONS.—For the purposes of the Congressional Budget Act of 1974 or the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13)—

(1) section 421 of S. Con. Res. 13 shall no longer apply to the consideration of bills, joint resolutions, amendments, or conference

reports;

(2) the chairman of the Committee on the Budget may exclude the effect of any “current policy adjustment” as provided in section 4(c) of the Statutory Pay-As-You-Go Act of 2010 from a determination of the budgetary effects of any provision in a bill, joint resolution, amendment, or conference report; and

(3) the terms “budget year”, “current year”, and “direct spending” have the meanings given those terms in section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985, except that the term “direct spending” shall include provisions in appropriation Acts that make outyear modifications to substantive law as described under section 3(4)(C) of the Statutory Pay-As-You-Go Act of 2010.

(c) SENSE OF THE HOUSE ON DEFICIT REDUCTION.—

(1) FINDINGS.—The House finds that—

(A) passage of the Statutory Pay-As-You-Go Act of 2010, passage of legislation to reform the defense acquisition system, and passage of health care reform legislation reducing the deficit represented valuable contributions to fiscal responsibility;

(B) strengthening the economy and creating jobs are critical to reducing the long-term deficit;

(C) fiscally responsible investments in education, including the retention of high-quality teachers in the classroom, help to lay the foundation for a stronger economy;

(D) the discretionary levels for 2011 included in this resolution represent a reduction below the President’s comparable budgetary request, and further contribute to fiscal discipline; and

(E) defending our country requires necessary investments and reforms to strengthen our military—including providing sufficient resources to aggressively pursue implementation of GAO recommendations to achieve efficiencies, and evaluating defense plans to ensure weapons systems that were developed to counter Cold War-era threats are not redundant and applicable to 21st century threats.

(2) SENSE OF THE HOUSE ON DEFICIT REDUCTION.—It is the sense of the House that--

(A) by 2015 the Federal budget should be in primary balance--meaning that outlays in the Federal budget shall equal receipts during a fiscal year, not counting outlays for debt service payments;

(B) the debt-to-GDP ratio should be stabilized at an acceptable level once the economy recovers;

(C) not later than September 15, 2010, the chairs of committees should submit for printing in the Congressional Record findings that identify changes in law that help achieve deficit reduction by reducing waste, fraud, abuse, and mismanagement, promoting efficiency and reform of government, and controlling spending within Government programs those committees may authorize;

(D) prior to the adjournment of the 111th Congress, any recommendations made by the National Commission on Fiscal Responsibility and Reform and approved by the Senate should be brought to a vote in the House of Representatives; and

(E) any deficit reduction achieved by the enactment of such legislation should be used for deficit reduction only and should not be available to offset the costs of future legislation.

(d) RESERVE FUND FOR DEFICIT REDUCTION.—Upon enactment of legislation containing recommendations in the final report of the

National Commission on Fiscal Responsibility and Reform, established by Executive Order No. 13531 on February 18, 2010, that decreases the deficit for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives, the chairman of the Committee on the Budget shall, for the purposes of the Statutory Pay-As-You-Go Act of 2010, exclude any net deficit reduction from his determination of the budgetary effects of such legislation, to ensure that the deficit reduction achieved by that legislation is used only for deficit reduction and is not available as an offset for any subsequent legislation.

(e) HOUSE RULE XXVIII.—Nothing in this resolution shall be construed to engage rule XXVIII of the Rules of the House of Representatives.

Fiscal Year 2011 Second House Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Budget Resolution</u>
H. Res. 5	112 th Congress	January 5, 2011	None

Summary:

The provisions of H. Res. 1493 expired at the end of the 111th Congress and H. Res. 5, the organizing resolution for the 112th Congress included text putting in place new provisions to act as deemed budget enforcement procedures. The budgetary requirements included orders on (1) emergencies; (2) contingency operations directly related to the global war on terrorism; (3) a deficit-neutral revenue reserve; (4) limitations on advance appropriations and long-term spending (with specified exemptions); (5) spending reduction amendments in appropriations bills; and (6) budget enforcement with respect to discretionary administrative expenses of the Social Security Administration and of the Postal Service.

Deeming Resolution Text:

H. Res. 5

(b) BUDGET ENFORCEMENT.—

(1) The chair of the Committee on the Budget (when elected) shall include in the Congressional Record budget aggregates and allocations contemplated by section 301 of the Congressional Budget Act of 1974 and allocations contemplated by section 302(a) of that Act for fiscal year 2011, and the period of fiscal years 2011 through 2015.

(2) The aggregates and allocations specified in subsection (1) shall be considered as contained in a concurrent resolution on the budget for fiscal year 2011 and the submission thereof into the Congressional Record shall be considered as the completion of congressional action on a concurrent resolution on the budget for fiscal year 2011.

(c) EMERGENCIES AND CONTINGENCIES.—

(1) EMERGENCIES.—Until adoption of a concurrent resolution on the budget for fiscal year 2012, if a bill or joint resolution is reported, or amendment thereto is offered or a conference report thereon is filed, that provides new budget authority and outlays or reduces revenue, and such provision is designated as an emergency pursuant to this section, the chair of the Committee on the Budget shall not count the budgetary effects of such provision for purposes of titles III and IV of the Congressional Budget Act of 1974 and the Rules of the House of Representatives.

(2) EXEMPTION OF CONTINGENCY OPERATIONS RELATED TO THE GLOBAL WAR ON TERRORISM.—For any bill or joint resolution, or amendment thereto or conference report thereon, that makes appropriations for fiscal year 2011 for contingency operations directly related to the global war on terrorism, then the new budget authority or outlays resulting therefrom shall not count for purposes of titles III or IV of the Congressional Budget Act of 1974.

(d) DEFICIT-NEUTRAL REVENUE RESERVE.—Until the adoption of a concurrent resolution on the budget for fiscal year 2012, if any bill reported by the Committee on Ways and Means, or amendment thereto or conference report thereon, decreases revenue, the chair of the Committee on the Budget may adjust the allocations, the revenue levels, and other aggregates referred to in subsection (b)(1), provided that such measure would not increase the deficit over the period of fiscal years 2011 through 2021.

(e) LIMITATION ON ADVANCE APPROPRIATIONS.—

(1) Except as provided by paragraph (2), any general appropriation bill or joint resolution continuing appropriations, or amendment thereto or conference report thereon, may not provide advance appropriations.

(2) Advance appropriations may be provided—

(A) for fiscal year 2012 for programs, projects, activities, or accounts identified in the Congressional Record under the heading 'Accounts Identified for Advance Appropriations' in an aggregate amount not to exceed \$28,852,000,000 in new budget authority, and for 2013, an aggregate amount not to exceed \$28,852,000,000 for accounts separately identified under the same heading; and

(B) for the Department of Veterans Affairs for the Medical Services, Medical Support and Compliance, and Medical Facilities accounts of the Veterans Health Administration.

(3) In this subsection, the term 'advance appropriation' means any new discretionary budget authority provided in a general appropriation bill or any new discretionary budget authority provided in a joint resolution making continuing appropriations for fiscal year 2011 that first becomes available for a fiscal year after fiscal 2011.

(f) COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.—

(1) IN GENERAL.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 4001 of the Omnibus Budget Reconciliation Act of 1989, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act

of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

(2) SPECIAL RULE.—For purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any off-budget discretionary amounts.

(g) LIMITATION ON LONG-TERM SPENDING.—

(1) It shall not be in order to consider a bill or joint resolution reported by a committee (other than the Committee on Appropriations), or an amendment thereto or a conference report thereon, if the provisions of such measure have the net effect of increasing mandatory spending in excess of \$5,000,000,000 for any period described in paragraph (2).

(2)(A) The applicable periods for purposes of this clause are any of the first four consecutive 10-fiscal-year periods beginning with the first fiscal year following the last fiscal year for which the applicable concurrent resolution on the budget sets forth appropriate budgetary levels.

(B) In this paragraph, the applicable concurrent resolution on the budget is the one most recently adopted before the date on which a committee first reported the bill or joint resolution described in paragraph (a).

(h) EXEMPTIONS.—

(1) Until the adoption of the concurrent resolution on the budget for fiscal year 2012, the chair of the Committee on the Budget may adjust an estimate under clause 4 of rule XXIX to—

(A) exempt the budgetary effects of measures extending the Economic Growth and Tax Relief Reconciliation Act of 2001;

(B) exempt the budgetary effects of measures extending the Jobs and Growth Tax Relief Reconciliation Act of 2003;

(C) exempt the budgetary effects of measures—

(i) repealing the Patient Protection and Affordable Care Act and title I and subtitle B of title II of the Health Care and Education Affordability Reconciliation Act of 2010;

(ii) reforming the Patient Protection and Affordable Care Act and the Health Care and Education Affordability Reconciliation Act of 2010; or

(iii) reforming the Patient Protection and Affordable Care Act and the Health Care and Education Affordability Reconciliation Act of 2010 and the payment rates and related parameters in accordance with section 1848 of the Social Security Act;

(D) exempt the budgetary effects of measures that adjust the Alternative Minimum Tax exemption amounts to prevent a larger number of taxpayers as compared with tax year 2008 from being subject to the Alternative Minimum Tax or of allowing the use of nonrefundable personal credits against the Alternative Minimum Tax, or both as applicable;

(E) exempt the budgetary effects of extending the estate, gift, and generation-skipping transfer tax provisions of title III of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010;

(F) exempt the budgetary effects of measures providing a 20 percent deduction in income to small businesses; and

(G) exempt the budgetary effects of measures

implementing trade agreements.

(2) A measure may only qualify for an exemption under subsection (h)(1)(C)(ii) or (iii) if it does not—

(A) increase the deficit over the period of fiscal years 2011 through 2021; or

(B) increase revenues over the period of fiscal years 2011 through 2021, other than by--

(i) repealing or modifying the individual mandate (codified as section 5000A of the Internal Revenue Code of 1986); or

(ii) modifying the subsidies to purchase health insurance (codified as section 36B of the Internal Revenue Code of 1986).

(i) DETERMINATIONS FOR PAYGO ACTS.—In determining the budgetary effects of any legislation for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010 (including the required designation in PAYGO Acts), the chair of the Committee on the Budget may make adjustments to take into account the exemptions and adjustments set forth in subsection (h).

From the House Floor Debate on H. Res. 5:

Mr. David Dreier. Madam Speaker, congratulations. It's very nice to see you in the chair. I would like to insert a section-by-section analysis of the resolution to appear at this point in the Record.

* * * * *

Budget Enforcement. Subsections (b)(1) and (2) require the chair of the Committee on the Budget to submit for printing in the Congressional Record budget aggregates and allocations contemplated by section 301 (Content of the Concurrent Resolution on the Budget) for 2011, and 2011 through 2015. Publication of these aggregates and allocations will be considered to be the adoption of a concurrent resolution on the budget for fiscal year 2011. This provision is intended to give the Chair of the Committee on the Budget authority to set aggregates and allocations to complete the unfinished fiscal year 2011 budget resolution cycle, taking into account the latest CBO baseline, including its 5-year projections.

Emergencies and Contingencies. Subparagraphs (c)(1) and (2) provide for exemptions for designated emergencies and the continuation of contingency operations related to the Global War on Terror.

Deficit-Neutral Revenue Reserve. Paragraph (d) allows the Budget Committee to make appropriate budget adjustments prior to the adoption of a budget resolution to account for the repeal or modification of the Patient Protection and Affordable Care Act and the Health Care and Education Affordability Reconciliation Act of 2010.

Limitation on Advanced Appropriations. Subparagraphs (e)(1) through (3) restrict the ability to provide advanced appropriations by establishing an aggregate spending ceiling.

Compliance with Section 13301 of the Budget Enforcement Act of 1990. Paragraph (f) provides temporary budget enforcement for matters related to certain off budget trust funds.

Limitation on Long-term Spending. Subparagraphs (g)(1) and (2) prohibit the consideration of measure which increase mandatory spending above \$5,000,000,000 for any 10 year window within a 40 year period.

Exemptions. Subparagraphs (h)(1) through (7) authorize the

Budget Committee Chair, prior to the adoption of a budget resolution, to exempt from estimates the budgetary effects of the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Jobs and Growth Tax Relief Reconciliation Act of 2003. It also exempts the budgetary effects of the repeal of the Patient Protection and Affordable Care Act and Education Affordability Reconciliation Act of 2010. The budgetary effects of AMT relief, estate tax, trade agreements and small business tax relief are also exempted. The exemption is limited to measures which do not increase the deficit or revenues over the ten-year budget window, except for increases in revenue which meet certain specific criteria.

Determinations for PAYGO Acts. Paragraph (i) allows the Chairman of the Budget Committee to take into account the exemptions provided under paragraph (h) for the purpose of complying with Statutory PAYGO.

Fiscal Year 2011: No Senate Deeming Resolution

Summary:

Even though the House required a limited deeming resolution for fiscal year 2011, the Senate decided none was required for its consideration of budget-related legislation.

FISCAL YEAR 2012: DEEMING RESOLUTIONS

Fiscal Year 2012 House Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Budget Resolution</u>
H. Res. 287	112 th Congress	June 1, 2011	H. Con. Res. 34

Summary:

On June 1, 2011, the House adopted H. Res. 287. This was a resolution that provided for the consideration of the *Department of Homeland Security Appropriations Act, Fiscal Year 2012*. It also, though, gave force and effect in the House to H. Con. Res. 34, the House-passed the Concurrent Resolution on the Budget for Fiscal Year 2012. That concurrent resolution was adopted on April 15, 2011.

H. Res. 287, as the deeming resolution, provided for committee spending allocations, as required under section 301 and 302 of the *Congressional Budget Act of 1974*, and included in its committee report. The language giving force and effect to budget levels and procedures also extended section 3(c) of H. Res. 5, the deeming resolution for fiscal year 2011 and related to emergency spending for appropriations bills, through September 30, 2011.

*Deeming Resolution Text:**H. Res. 287*

SEC. 2. (a) Pending the adoption of a concurrent resolution on the budget for fiscal year 2012, the provisions of House Concurrent Resolution 34, as adopted by the House, shall have force and effect (with the modification specified in subsection (c)) in the House as though Congress has adopted such concurrent resolution. The allocations printed in the report of the Committee on Rules accompanying this resolution shall be considered for all purposes in the House to be the allocations under section 302(a) of the Congressional Budget Act of 1974 for the concurrent resolution on the budget for fiscal year 2012.

(b) The chair of the Committee on the Budget shall adjust the allocations referred to in subsection (a) to accommodate the enactment of general or continuing appropriation Acts for fiscal year 2011 after the adoption of House Concurrent Resolution 34 but before the adoption of this resolution.

(c) For provisions making appropriations for fiscal year 2011, section 3(c) of House Resolution 5 shall have force and effect through September 30, 2011.

*Summary from the Report on Deeming Provisions:**H. Rpt. 112-95*

The resolution further provides that H. Con. Res. 34, including the related 302(a) allocations printed in this report, shall have force and effect until a conference report on the concurrent resolution on the budget for fiscal year 2012 is adopted. The House adopted H. Con. Res. 34 on April 15, 2011, but the Senate has failed to pass a budget resolution. This language is necessary for the House to continue with its Constitutional responsibilities. Specifically:

Section 2(a) of the resolution provides that the House-passed budget resolution shall have force and effect until the adoption of a conference report on the budget resolution;

Section 2(b) of the resolution directs the Chairman of the House Budget Committee to update the budget resolution's discretionary outlay levels to reflect enactment of the FY 2011 full-year continuing resolution, which was enacted after the House passed the budget resolution; and

Section 2(c) of the resolution extends emergency designation authority for fiscal year 2011 appropriations bills.

Fiscal Year 2012 Senate Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Budget Resolution</u>
S. 365	112 th Congress	August 2, 2011	None

Summary:

Congress enacted S. 365 as the *Budget Control Act of 2011* (P.L. 112-25) on August 2, 2011. Section 106 of that Act required the Chairman of the Committee on the Budget of the Senate to publish enforceable budgetary levels in the Congressional Record for fiscal year 2012.

This public law also included text providing that Chairman the authority to publish additional enforcement levels and procedures for fiscal years 2012 and 2013.

Together these two elements allowed enforcement of procedures tantamount to concurrent resolutions on the budget for fiscal years 2012 and 2013. Certain text from Pub. L. 112-25 is repeated here for clarity and convenience, but in general the text displays applies to either fiscal year 2012 or 2013. In this section, provisions related to deeming language for fiscal year 2012 are shown.

*Deeming Resolution Text*⁴⁵⁹:*S. 365 (Public Law 112-25)*

SEC. 106. SENATE BUDGET ENFORCEMENT.

(a) IN GENERAL.—

(1) For the purpose of enforcing the Congressional Budget Act of 1974 through April 15, 2012, including section 300 of that Act, and enforcing budgetary points of order in prior concurrent resolutions on the budget, the allocations, aggregates, and levels set in subsection (b)(1) shall apply in the Senate in the same manner as for a concurrent resolution on the budget for fiscal year 2012 with appropriate budgetary levels for fiscal years 2011 and 2013 through 2021.

(2) [...]

(b) COMMITTEE ALLOCATIONS, AGGREGATES, AND LEVELS.—

(1) As soon as practicable after the date of enactment of this section, the Chairman of the Committee on the Budget shall file—

(A) for the Committee on Appropriations, committee allocations for fiscal years 2011 and 2012 consistent with the discretionary spending limits set forth in this Act for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;

(B) for all committees other than the Committee on Appropriations, committee allocations for fiscal years 2011, 2012, 2012 through 2016, and 2012 through 2021 consistent with the Congressional Budget Office's March 2011 baseline adjusted to account for the budgetary effects of this Act and legislation enacted prior to this Act but not included in the Congressional Budget Office's March 2011 baseline, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;

(C) aggregate spending levels for fiscal years 2011 and 2012 and aggregate revenue levels for fiscal years 2011, 2012, 2012 through 2016, 2012 through 2021 consistent with the Congressional Budget Office's March 2011 baseline adjusted to account for the budgetary effects of this Act and legislation enacted prior to this Act but not included in the Congressional Budget Office's March 2011 baseline, and the discretionary spending limits set forth in this Act for the purpose of enforcing section 311 of the Congressional Budget Act of 1974; and

(D) levels of Social Security revenues and outlays for fiscal years 2011, 2012, 2012 through 2016, and 2012 through 2021 consistent with the Congressional Budget Office's March 2011 baseline adjusted to account for the budgetary effects of this Act and legislation enacted prior to this Act but not included in the Congressional Budget Office's March 2011 baseline, for the purpose of enforcing sections 302 and 311 of the Congressional Budget Act of 1974.

(2) [...]

(c) SENATE PAY-AS-YOU-GO SCORECARD.—

⁴⁵⁹ This text repeats, in places, language found the succeeding section of this review of deeming resolutions. It is repeated here where necessary – the *Budget Control Act of 2011* acted as the deeming resolution for the Senate for both fiscal years 2012 and 2013. This text is the language specifically needed for giving force and effect levels and procedures for fiscal year 2012.

(1) Effective on the date of enactment of this section, for the purpose of enforcing section 201 of S. Con. Res. 21 (110th Congress), the Chairman of the Senate Committee on the Budget shall reduce any balances of direct spending and revenues for any fiscal year to 0 (zero).

(2) Not later than April 15, 2012, for the purpose of enforcing section 201 of S. Con. Res. 21 (110th Congress), the Chairman of the Senate Committee on the Budget shall reduce any balances of direct spending and revenues for any fiscal year to 0 (zero).

(3) Upon resetting the Senate paygo scorecard pursuant to paragraph (2), the Chairman shall publish a notification of such action in the Congressional Record.

(d) FURTHER ADJUSTMENTS.—

(1) The Chairman of the Committee on the Budget of the Senate may revise any allocations, aggregates, or levels set pursuant to this section to account for any subsequent adjustments to discretionary spending limits made pursuant to this Act.

(2) With respect to any allocations, aggregates, or levels set or adjustments made pursuant to this section, sections 412 through 414 of S. Con. Res. 13 (111th Congress) shall remain in effect.

(e) EXPIRATION.—

(1) Subsections (a)(1), (b)(1), and (c)(1) shall expire if a concurrent resolution on the budget for fiscal year 2012 is agreed to by the Senate and House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974.

(2) [...]

FISCAL YEAR 2013: DEEMING RESOLUTIONS

Fiscal Year 2013 First House Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Budget Resolution</u>
H. Res. 614	112 th Congress	April 16, 2012	H. Con. Res. 112

Summary:

H. Res. 614 is a resolution the House of Representatives adopted on April 16, 2012. This resolution gave force and effect to H. Con. Res. 112, the House-passed Concurrent Resolution on the Budget for Fiscal Year 2013, though it also made modifications. The House had adopted H. Con. Res. 112 on March 29, 2012, but it had become clear that a conference report on a concurrent resolution on the budget for fiscal year 2013 was not going to be agreed to pursuant to the regular legislative procedures.

The deeming resolution provisions in H. Res. 614 amended the reconciliation instructions of the House-passed budget resolution by decreasing the amount the Committee on Agriculture \$490 million was to reduce the deficit and increased the amount the Committee on Financial Services needed to reduce the deficit by \$490 million. Each of these changes was to occur for the period of fiscal years 2012 and 2013. The amounts of the deficit to be decreased in the period of fiscal years 2012 through 2022, and the period of fiscal years 2012 through 2022, remained unchanged.

*Deeming Resolution Text:**H. Res. 614*

SEC. 2. (a) Pending the adoption of a concurrent resolution on the budget for fiscal year 2013, the provisions of House Concurrent Resolution 112, as adopted by the House, shall have force and effect in the House as though Congress has adopted such concurrent resolution (with the modifications specified in subsection (b)).

(b) In section 201(b) of House Concurrent Resolution 112, as adopted by the House, the following amounts shall apply:

(1) \$7,710,000,000 (in lieu of \$8,200,000,000) for the period of fiscal years 2012 and 2013 with respect to the Committee on Agriculture; and

(2) \$3,490,000,000 (in lieu of \$3,000,000,000) for the period of fiscal years 2012 and 2013 with respect to the Committee on Financial Services.

From the Floor Debate on H. Res. 614:

Mr. Rob Bishop. From the Report (112-44) on H. Res. 614: Section 2(a) of the resolution provides that the House-passed budget resolution (H. Con. Res. 112) shall have force and effect until the adoption of a conference report on the budget resolution. Finally, Section 2(b) of the resolution provides that the reconciliation directives, provided in the House-passed budget resolution, to the Committee on Agriculture be decreased by \$490 million and the directives to the Committee on Financial Services be increased by \$490 million for the period of fiscal years 2012 and 2013.

Fiscal Year 2013 Second House Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Budget Resolution</u>
H. Res. 643	112 th Congress	May 8, 2012	H. Con. Res. 112

Summary:

H. Res. 643 amended H. Res. 614 that was the resolution previously giving force and effect to H. Con. Res. 112, with modifications, as the Concurrent Resolution on the Budget for Fiscal Year 2013. H. Res. 614 had referred specifically to the resolution text of H. Con. Res. 112, which includes the aggregate levels, enforcement provisions, and functional categories (which are for display purposes only). It did not make any reference to the allocation tables found in the report on the concurrent resolution as passed by the Committee on the Budget.

Though Counsel for the Committee on the Budget believed this did not cause H. Res. 614 to be deficient, the House Parliamentarians believed it should be clearly referenced. House Budget Counsel did not object. H. Res. 643 passed the House and had the effect of amending the previous deeming resolution by including a reference to the tables included in the report accompanying H. Con. Res. 112.

*Deeming Resolution Text:**H. Res. 643*

Sec. 2. House Resolution 614 is amended in section 2(a) by inserting “and the allocations of spending authority printed in Tables 11 and 12 of House Report 112-421 shall be considered for all purposes in the House to be the allocations under section 302(a) of the Congressional Budget Act of 1974” before the period.

Sec. 3. The requirement of clause 6(a) of rule XIII for a two-thirds

vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on May 10, 2012, providing for consideration or disposition of any measure reported by the Committee on the Budget relating to section 201 of House Concurrent Resolution 112.

Fiscal Year 2013 Senate Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Budget Resolution</u>
S. 365	112 th Congress	August 2, 2011	None ⁴⁶⁰

Summary:

Congress enacted S. 365 as the *Budget Control Act of 2011* (P.L. 112-25) on August 2, 2011. Section 106 of that Act required the Chairman of the Committee on the Budget of the Senate to publish enforceable budgetary levels in the Congressional Record for fiscal year 2012.

This public law also included text providing that Chairman the authority to publish additional enforcement levels and procedures for fiscal years 2012 and 2013.

Together these two elements allowed enforcement of procedures tantamount to concurrent resolutions on the budget for fiscal years 2012 and 2013. Certain text from Pub. L. 112-25 is repeated here for clarity and convenience, but in general the text displays applies to either fiscal year 2012 or 2013. In this section, provisions related to deeming language for fiscal year 2012 are shown.

*Deeming Resolution Text:*⁴⁶¹

S. 365 (Public Law 112-25)

SEC. 106. SENATE BUDGET ENFORCEMENT.
(a) IN GENERAL.—

⁴⁶⁰ In general, this deeming language was not based on a previously passed concurrent resolution on the budget. Section 106(d)(2) of S. 365 did, though, make reference to “sections 412 through 414 of S. Con. Res. 13 (111th Congress)”, which was a recently adopted concurrent resolution on the budget.

⁴⁶¹ This text is repeats, in places, language found the preceding section of this review of deeming resolutions. It is repeated here where necessary – the *Budget Control Act of 2011* acted as the deeming resolution for the Senate for both fiscal years 2012 and 2013. This text is the language specifically needed for giving force and effect levels and procedures for fiscal year 2013.

- (1) [...]
- (2) For the purpose of enforcing the Congressional Budget Act of 1974 after April 15, 2012, including section 300 of that Act, and enforcing budgetary points of order in prior concurrent resolutions on the budget, the allocations, aggregates, and levels set in subsection (b)(2) shall apply in the Senate in the same manner as for a concurrent resolution on the budget for fiscal year 2013 with appropriate budgetary levels for fiscal years 2012 and 2014 through 2022.
- (b) COMMITTEE ALLOCATIONS, AGGREGATES, AND LEVELS.—
- (1) [...]
- (2) Not later than April 15, 2012, the Chairman of the Committee on the Budget shall file—
- (A) for the Committee on Appropriations, committee allocations for fiscal years 2012 and 2013 consistent with the discretionary spending limits set forth in this Act for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;
- (B) for all committees other than the Committee on Appropriations, committee allocations for fiscal years 2012, 2013, 2013 through 2017, and 2013 through 2022 consistent with the Congressional Budget Office's March 2012 baseline for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;
- (C) aggregate spending levels for fiscal years 2012 and 2013 and aggregate revenue levels for fiscal years 2012, 2013, 2013-2017, and 2013-2022 consistent with the Congressional Budget Office's March 2012 baseline and the discretionary spending limits set forth in this Act for the purpose of enforcing section 311 of the Congressional Budget Act of 1974; and
- (D) levels of Social Security revenues and outlays for fiscal years 2012 and 2013, 2013-2017, and 2013-2022 consistent with the Congressional Budget Office's March 2012 baseline budget for the purpose of enforcing sections 302 and 311 of the Congressional Budget Act of 1974.
- (c) SENATE PAY-AS-YOU-GO SCORECARD.—
- (1) Effective on the date of enactment of this section, for the purpose of enforcing section 201 of S. Con. Res. 21 (110th Congress), the Chairman of the Senate Committee on the Budget shall reduce any balances of direct spending and revenues for any fiscal year to 0 (zero).
- (2) Not later than April 15, 2012, for the purpose of enforcing section 201 of S. Con. Res. 21 (110th Congress), the Chairman of the Senate Committee on the Budget shall reduce any balances of direct spending and revenues for any fiscal year to 0 (zero).
- (3) Upon resetting the Senate paygo scorecard pursuant to paragraph (2), the Chairman shall publish a notification of such action in the Congressional Record.
- (d) FURTHER ADJUSTMENTS.—
- (1) The Chairman of the Committee on the Budget of the Senate may revise any allocations, aggregates, or levels set pursuant to this section to account for any subsequent adjustments to discretionary spending limits made pursuant to this Act.
- (2) With respect to any allocations, aggregates, or levels set or adjustments made pursuant to this section, sections 412 through 414 of S. Con. Res. 13 (111th Congress) shall remain in effect.
- (e) EXPIRATION.—
- (1) [...]
- (2) Subsections (a)(2), (b)(2), and (c)(2) shall expire if a

concurrent resolution on the budget for fiscal year 2013 is agreed to by the Senate and House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974.

FISCAL YEAR 2014: DEEMING RESOLUTIONS

Fiscal Year 2014 First House Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Budget Resolution</u>
H. Res. 243	113 th Congress	June 6, 2013	H. Con. Res. 25

Summary:

H. Res. 243 provided for the consideration of H.R. 2216, the *Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2014* and H.R. 2217, the *Department of Homeland Security Appropriations Act, 2014*. The resolution also included language giving force and effect to H. Con. Res. 25, the House-passed Concurrent Resolution on the Budget for Fiscal Year 2014.

*Deeming Resolution Text:**H. Res. 243*

SEC. 3. Pending the adoption of a concurrent resolution on the budget for fiscal year 2014, the provisions of House Concurrent Resolution 25, as adopted by the House, shall have force and effect in the House as though Congress has adopted such concurrent resolution, and the allocations of spending authority printed in Tables 11 and 12 of House Report 113-17 shall be considered for all purposes in the House to be the allocations under section 302(a) of the Congressional Budget Act of 1974.

*Summary of the Rules Report on the Deeming Provisions:**H. Rpt. 113-95, June 3, 2013*

The resolution provides for one hour of general debate on each bill equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of each bill. The resolution waives points of order against provisions in each bill for failure to comply with clause 2 of rule XXI, except for section 563 of H.R. 2217. The resolution provides that each bill shall be considered for amendment under the five-minute rule. The resolution provides that the Chair may accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The resolution provides one motion to recommit each bill with or without instructions. Section 3 of the resolution provides that pending the adoption of a concurrent resolution on the budget for fiscal year 2014, the provisions of House Concurrent Resolution 25, as adopted by the House, shall have force and effect in the House as though

Congress has adopted such concurrent resolution, and the allocations of spending authority printed in Tables 11 and 12 of House Report 113-17 shall be considered for all purposes in the House to be the allocations under section 302(a) of the Congressional Budget Act of 1974.

Fiscal Year 2014 Second House Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Budget Resolution</u>
H.J. Res. 59 ⁴⁶²	113 th Congress	December 26, 2013	H. Con. Res. 25

Summary:

The *Bipartisan Budget Act of 2013* (Pub. L. 113-69) included legislative language which provided for a concurrent resolution on the budget for fiscal year 2014 and, if necessary, another for fiscal year 2015. Section 111 and section 113, taken together with the publication of aggregates, allocations, and other budgetary levels in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, constituted the deeming language for fiscal year 2014. In the House, this was the first time deeming budget language had been used in statutory form – though it had been done before in the Senate.

Section 111(a) required the Chairman of the Committee on the Budget of the House to submit allocations, aggregates, and other budgetary levels to the Congressional Record to serve as the enforcement text for a budget resolution for fiscal year 2014. Subsection (b) of that section gave the periods of times and additional conditions as to the submitted levels. The amounts for authorizing committees were to reflect the 2013 baseline levels from the Congressional Budget Office, as adjusted for enacted legislation since the enactment of the bill.

Section 113 of the Act affirmed the applicability of H. Res. 243 in deeming H. Con. Res. 25 to have full force as a concurrent resolution on the budget for fiscal year 2014 – but only to the extent its provisions did not conflict or were inconsistent with the *Bipartisan Budget Act of 2013*. Chairman Paul D. Ryan placed the allocations, aggregates and other budget levels in the Congressional Record on April 29, 2014.

⁴⁶² *Bipartisan Budget Act of 2013*, Pub. L. 113-67, 127 Stat. 1165, December 26, 2014.

*Deeming Resolution Text:**H. J. Res. 59*

SEC. 111. FISCAL YEAR 2014 BUDGET RESOLUTION.

(a) FISCAL YEAR 2014.—For the purpose of enforcing the Congressional Budget Act of 1974 for fiscal year 2014, and enforcing, in the Senate, 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 same manner as for a concurrent resolution on the budget for fiscal year 2014 with appropriate budgetary levels for fiscal year 2014 and for fiscal years 2015 through 2023.

(b) COMMITTEE ALLOCATIONS, AGGREGATES, AND LEVELS.—The Chairmen of the Committee on the Budget of the House of Representatives and the Senate shall each submit a statement for publication in the Congressional Record as soon as practicable after the date of enactment of this Act that includes—

(1) for the Committee on Appropriations of that House, committee allocations for fiscal year 2014 consistent with the discretionary spending limits set forth in this Act for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;

(2) for all committees of that House other than the Committee on Appropriations, committee allocations for—

(A) fiscal year 2014;

(B) fiscal years 2014 through 2018 in the Senate only; and

(C) fiscal years 2014 through 2023;

consistent with the May 2013 baseline of the Congressional Budget Office adjusted to account for the budgetary effects of this Act and legislation enacted prior to this Act but not included in the May 2013 baseline of the Congressional Budget Office, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;

(3) aggregate spending levels for fiscal year 2014 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;

(4) aggregate revenue levels for—

(A) fiscal year 2014;

(B) fiscal years 2014 through 2018 in the Senate only; and

(C) fiscal years 2014 through 2023;

consistent with the May 2013 baseline of the Congressional Budget Office adjusted to account for the budgetary effects of this Act and legislation enacted prior to this Act but not included in the May 2013 baseline of the Congressional Budget Office, for the purpose of enforcing section 311 of the Congressional Budget Act of 1974; and

(5) in the Senate only, levels of Social Security revenues and outlays for fiscal year 2014 and for the periods of fiscal years 2014 through 2018 and 2014 through 2023 consistent with the May 2013 baseline of the Congressional Budget Office adjusted to account for the budgetary effects of this Act and legislation enacted prior to this Act but not included in the May 2013 baseline of the Congressional Budget Office, for the purpose of enforcing sections 302 and 311 of the Congressional Budget Act of 1974.

(c) FURTHER ADJUSTMENTS.—After the date of enactment of this Act, the Chairman of the Committee on the Budget of the House of Representatives may reduce the aggregates, allocations, and other budgetary levels included in the statement of the Chairman of the

Committee on the Budget of the House of Representatives referred to in subsection (b) to reflect the budgetary effects of any legislation enacted during the 113th Congress that reduces the deficit.

* * * * *

SEC. 113. RULE OF CONSTRUCTION IN THE HOUSE OF REPRESENTATIVES.

In the House of Representatives, for the remainder of the 113th Congress, the provisions of H. Con. Res. 25 (113th Congress), as deemed in force by H. Res. 243 (113th Congress), shall remain in force to the extent its budgetary levels are not superseded by this subtitle or by further action of the House of Representatives.

*Committee Print Setting Forth the Legislative History of the Bipartisan Budget Act of 2013 (House Committee on the Budget).*⁴⁶³

Sec. 111. Fiscal year 2014 budget resolution.

Subsection 111(a) establishes a congressional budget for fiscal year 2014. It does so by authorizing the Chairman of the Committee on the Budget, Representative Paul Ryan (WI), to submit for publication in the Congressional Record the relevant levels for enforcing the budget resolution as a conference report. These levels are included in this print, and may be found on page H1428 (113th Congress) of the Congressional Record.

Subsection 111(b) requires the Chairmen of the House and Senate Budget Committees to each submit for publication in the Congressional Record the allocations of budgetary resources for each congressional committee and aggregate spending and revenue levels.

These levels are enforceable for fiscal year 2014 as if included in a conference agreement on a budget resolution for that fiscal year. Consistent with the different requirements of the Congressional Budget Act of 1974 in the House and Senate, the Chairman of the Senate Committee on the Budget also published levels of revenues and outlays for Social Security. These levels may be found on page S361 (113th Congress) of the Congressional Record, as well as in Table 10 of this print.

The submissions made pursuant to this section are consistent with the discretionary spending limits established in this Act and the Congressional Budget Office's May 2013 baseline, adjusted for legislation enacted subsequent to the publication of that baseline and adjusted for the budgetary effects of this Act.

In addition, subsection 111(c) provides that in the House, the Chairman of the Budget Committee is authorized to reduce the aggregates, allocations, and other budgetary levels included in the statement required to be submitted pursuant to this section for the subsequent enactment of any additional deficit-reducing legislation during the 113th Congress.

Sec. 113. Rule of construction in the House of Representatives.

Section 113 provides that H. Con. Res. 25 (113th Congress), the budget resolution for fiscal year 2014 as placed in force by H. Res.

⁴⁶³ *Bipartisan Budget Act of 2013*, Public Law 113-6, Committee Print Serial No. CP-2; Committee on the Budget of the House of Representatives (2014).

243 (113th Congress), remains in force to the extent that its budgetary levels have not been superseded by this subtitle or further action of the House. Items that re-main in force include the recommended levels contained in Title III, the reserve funds in Title IV, the estimates of direct spending in Title V, the budget enforcement matters in Title VI, and the policy statements in title VII of that concurrent resolution. This matter will remain in force until the adoption of a subsequent concurrent resolution on the budget or the end of the 113th Congress, unless they are carried into the 114th Congress by an act of the House.

Fiscal Year 2014: Senate Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Budget Resolution</u>
H. J. Res. 59	113 th Congress	December 26, 2013	None

Summary:

The Senate largely followed the same form of deeming language as the House, though with significant differences consequent to the differences in rules and practices of the two Chambers. The Chairman of the Committee on the Budget of the Senate also was required to place in the Congressional Record aggregates, allocations and budgetary levels for enforcement purposes. In the Senate, additional language was included since it had not adopted a deeming resolution previous to the enactment of the *Bipartisan Budget Act of 2013*.

Deeming Resolution Text (Senate Only):

H. J. Res. 59

SEC. 111. FISCAL YEAR 2014 BUDGET RESOLUTION.

(a) FISCAL YEAR 2014.—For the purpose of enforcing the Congressional Budget Act of 1974 for fiscal year 2014, and enforcing, in the Senate, 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 same manner as for a concurrent resolution on the budget for fiscal year 2014 with appropriate budgetary levels for fiscal year 2014 and for fiscal years 2015 through 2023.

* * * * *

[The Senate Budget Chairman shall submit for the record:]

(5) in the Senate only, levels of Social Security revenues and outlays for fiscal year 2014 and for the periods of fiscal years 2014 through 2018 and 2014 through 2023 consistent with the May 2013

baseline of the Congressional Budget Office adjusted to account for the budgetary effects of this Act and legislation enacted prior to this Act but not included in the May 2013 baseline of the Congressional Budget Office, for the purpose of enforcing sections 302 and 311 of the Congressional Budget Act of 1974.

SEC. 112. LIMITATION ON ADVANCE APPROPRIATIONS IN THE SENATE.

(a) POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS IN THE SENATE.—

(1) IN GENERAL.—

(A) POINT OF ORDER.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would provide an advance appropriation.

(B) DEFINITION.—In this subsection, the term ‘advance appropriation’ means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2014 that first becomes available for any fiscal year after 2014 or any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2015 that first becomes available for any fiscal year after 2015.

(2) EXCEPTIONS.—Advance appropriations may be provided—

(A) for fiscal years 2015 and 2016 for programs, projects, activities, or accounts identified in a statement submitted to the Congressional Record by the Chairman of the Committee on the Budget of the Senate under the heading ‘Accounts Identified for Advance Appropriations’ in an aggregate amount not to exceed \$28,852,000,000 in new budget authority in each fiscal year;

(B) for the Corporation for Public Broadcasting; and

(C) for the Department of Veterans Affairs for the Medical Services, Medical Support and Compliance, and Medical Facilities accounts of the Veterans Health Administration.

(3) SUPERMAJORITY WAIVER AND APPEAL.—

(A) WAIVER.—In the Senate, paragraph (1) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(4) FORM OF POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this subsection, and such point of order being sustained, such material contained in such conference report or amendment between the Houses shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this paragraph), no further

amendment shall be in order.

(6) INAPPLICABILITY.—In the Senate, section 402 of S. Con. Res. 13 (111th Congress) shall no longer apply.

(b) EXPIRATION.—Subsection (a) shall expire if a concurrent resolution on the budget for fiscal year 2015 is agreed to by the Senate and House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974.

*Committee Print Setting Forth the Legislative History of the Bipartisan Budget Act of 2013 (House Committee on the Budget).*⁴⁶⁴

Sec. 112. Limitation on advance appropriations in the Senate.

Section 112 provides that a vote of sixty votes would be required to waive a point of order in the Senate against appropriations in 2014 bills that would first become effective in any year after 2014, and against appropriations in 2015 bills that would first become effective in any year after 2015. It does not apply against appropriations for veterans' medical services, medical support and compliance, or medical facilities, or the Corporation for Public Broadcasting. Additionally, there is an exemption for each of 2015 and 2016 of up to \$28.852 billion for programs identified in the Congressional Record. Those programs are:

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION
APPROPRIATIONS ACT

Employment and Training Administration
Job Corps
Education for the Disadvantaged
School Improvement
Special Education
Career, Technical, and Adult Education

FINANCIAL SERVICES AND GENERAL GOVERNMENT

Payment to Postal Service

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT

Tenant-based Rental Assistance
Project-based Rental Assistance

Subsection 112(b) provides that the provisions of subsection (a) expire if a concurrent resolution on the budget for fiscal year 2015 is agreed to by the Senate and the House.

⁴⁶⁴ *Bipartisan Budget Act of 2013*, Public Law 113-6, Committee Print Serial No. CP-2; Committee on the Budget of the House of Representatives (2014).

FISCAL YEAR 2015: DEEMING RESOLUTIONS

Fiscal Year 2015: First House Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Resolution</u>
P.L. 113-67	113 th Congress	December 26, 2013	H. Con. Res. 25

Summary:

H. J. Res 59 was enacted as Pub. L. 113-67, the Bipartisan Budget Act of 2013. Section 115 of the Act required the chair of the House Budget Committee to file enforceable budgetary levels for fiscal year 2015 if Congress had not agreed to a budget resolution by April 15, 2014. The law was enacted on December 26, 2013.

The House had passed H. Con. Res. 96, the Concurrent Resolution on the Budget for Fiscal Year 2015 on April 11, 2014, but it ultimately was not the vehicle used as the deeming resolution for fiscal year 2015. Instead of this updated resolution, the older resolution specified in the Bipartisan Budget Act of 2013, H. Con. Res. 25, was used. The Leadership Members and staff decided on a different direction to pursue rather than the ones made by the same Leadership, and staff, and by the Committee on the Budget of the House of Representatives, that had culminated the mark up of H. Con. Res. 96 by the Committee on the Budget and the House of Representatives adopting it.

*Deeming Resolution Text:**Public Law 113-67*

SEC. 115. AUTHORITY FOR FISCAL YEAR 2015 BUDGET RESOLUTION IN THE HOUSE OF REPRESENTATIVES.

(a) FISCAL YEAR 2015.—If a concurrent resolution on the budget for fiscal year 2015 has not been adopted by April 15, 2014, 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, 2014, in the same manner as for a concurrent resolution on the budget for fiscal year 2015 with appropriate budgetary levels for fiscal year 2015 and for fiscal years 2016 through 2024.

(b) COMMITTEE ALLOCATIONS, AGGREGATES, AND LEVELS.—In the House of Representatives, the Chairman of the Committee on the Budget shall submit a statement for publication in the Congressional Record after April 15, 2014, but not later than May 15, 2014,

containing--

(1) for the Committee on Appropriations, committee allocations for fiscal year 2015 at the total level as set forth in section 251(c)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 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 2015 and for the period of fiscal years 2015 through 2024 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 2015 and aggregate revenue levels for fiscal year 2015 and for the period of fiscal years 2015 through 2024, 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 2015, the matter contained in title IV (reserve funds) and in sections 601, 603(a), 605(a), and 609 of H. Con. Res. 25 (113th Congress), as adopted by the House, updated by one fiscal year, including updated amounts for section 601.

(d) FISCAL YEAR 2015 ALLOCATION TO THE COMMITTEE ON APPROPRIATIONS.—If the statement referred to in subsection (b) is not filed by May 15, 2014, then the matter referred to in subsection (b)(1) shall be submitted by the Chairman 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 Chairman 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 113th Congress that reduces the deficit or as otherwise necessary.

(f) APPLICATION.—Subsections (a), (b), (c), (d), and (e) shall no longer apply if a concurrent resolution on the budget for fiscal year 2015 is agreed to by the Senate and House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974.

*Committee Print Setting Forth the Legislative History of the Bipartisan Budget Act of 2013 (House Committee on the Budget):*⁴⁶⁵

Sec. 115. Authority for fiscal year 2015 budget resolution in the House of Representatives.

Subsection 115(a) authorizes in the House a congressional budget for fiscal year 2015 in the event that a budget resolution conference report is not adopted.

⁴⁶⁵ *Bipartisan Budget Act of 2013*, Public Law 113-6, Committee Print Serial No. CP-2; Committee on the Budget of the House of Representatives (2014).

Subsection 115(b) provides that the chair of the House Committee on the Budget will submit after April 15 but no later than May 15, 2014 for publication in the Congressional Record allocations of budgetary resources for each congressional committee and aggregate spending and revenue levels that will be enforceable as if included in a conference agreement on a budget resolution.

Subsection 115(c) provides that the submission pursuant to subsection (b) may also include for fiscal year 2015, provisions for the matters contained in title IV (reserve funds) and in sections 603(a), 605(a), and 609 of H. Con. Res. 25 (113th Congress), as adopted by the House, updated to cover the new budget window, including updated amounts for section 601 (advance appropriations).

Subsection 115(d) provides for an allocation of budgetary resources to the Appropriations Committee no later than May 15, 2014 if the May 15 date required by the above subsection (b) has not been met.

Subsection 115(e) allows the Chairman of the House Budget Committee to reduce the aggregates, allocations, and other budgetary levels included in the statement required to be submitted under subsection (b) for the subsequent enactment of any additional, deficit-reducing legislation during the 113th Congress or as otherwise necessary.

Subsection 115(f) provides that the provisions of subsections (a), (b), (c), (d), and (e) shall no longer apply if a concurrent resolution on the budget for fiscal year 2015 is agreed to by the House and the Senate.

Fiscal Year 2015: Second House Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Resolution</u>
H. Res. 5	114 th Congress	January 6, 2015	H. Con. Res. 25

Summary:

H. Res. 5 included the usual companion deeming resolution after the previous resolution expired with the end of the 113th Congress. Though the text of the statutory deeming language in the Bipartisan Budget Act of 2013 allowed a fiscal year 2015 budget resolution to be applied to carry over into the 114th Congress through the resolving clause in H. Res. 5, as the organizing resolution carries over both the previous rules and concurrent resolutions, it also carries over laws that apply as far as they apply to House Rules.

The Committee on the Budget of the House decided that sufficient additions to that deeming language would merit a full deeming resolution to be included in the Separate Orders (section 3 of H. Res. 5) of the Organizing Resolution. A significant addition was the inclusion of a Reserve Fund for Highway Trust Fund legislation that was not included in the expired deeming resolution but considered an important

provision to have in force until the passage of the Concurrent Resolution on the Budget for Fiscal Year 2016 (see section 3(e)(1)(B) of H. Res. 5, 114th Congress).

The deeming resolution specifically included language to apply the terms “concurrent resolution” as they appear in H. Con. Res. 25, the concurrent resolution that was deemed to have force and effect. In one instance, the term “resolution” when it appeared in section 408 of that concurrent resolution, at the insistence of the Parliamentarians, was separately applied because it did not include the word “concurrent”. In order for the language to have proper force and effect, the term “resolution” in H. Con. Res. 25:

... shall be considered for all purposes in the House to be references to the allocations, aggregates, or other appropriate levels contained in the statement of the chair of the Committee on the Budget of the House of Representatives printed in the Congressional Record of April 29, 2014, as adjusted in the One Hundred Thirteenth Congress.

After discussions with the Parliamentarian, agreement was reached on certain matters: The allocations and other matter in a deeming resolution for budget process enforcement purposes that generally appear in the report accompanying a concurrent resolution on the budget deemed in force must be separately given force and effect. They are not considered deemed in force along with the accompanying concurrent resolution.

When deeming a resolution and in particular for a new Congress, language “pending the adoption of a concurrent resolution on the budget for fiscal year 2015” may be used for purposes of the fiscal year 2015 deeming resolution. The deeming resolution is limited until the formal adoption of a budget for that fiscal year, not the next fiscal year.

Deeming Resolution Text:

H. Res. 5

(e) BUDGET MATTERS.—

(1)(A) During the first session of the One Hundred Fourteenth Congress, pending the adoption of a concurrent resolution on the budget for fiscal year 2015—

(i) the provisions of titles III, IV, and VI of House Concurrent Resolution 25, One Hundred Thirteenth Congress, as adopted by the House, shall have force and effect in the House as though Congress has adopted such concurrent resolution;

(ii) the allocations, aggregates, and other appropriate levels as contained in the statement of the chair of the Committee on the Budget of the House of Representatives in the Congressional Record of April 29, 2014, as adjusted in the One Hundred Thirteenth Congress, shall be considered for all purposes in the House to be the allocations, aggregates, and other appropriate

levels under titles III and IV of the Congressional Budget Act of 1974;

(iii) all references in titles IV and VI of House Concurrent Resolution 25, One Hundred Thirteenth Congress, to a fiscal year shall be considered for all purposes in the House to be references to the succeeding fiscal year; and

(iv) all references in titles IV and VI of House Concurrent Resolution 25, One Hundred Thirteenth Congress, to allocations, aggregates, or other appropriate levels in “this concurrent resolution” (or, in the case of section 408 of such concurrent resolution, “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 of the chair of the Committee on the Budget of the House of Representatives printed in the Congressional Record of April 29, 2014, as adjusted in the One Hundred Thirteenth Congress.

(B) The chair of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels provided for in subparagraph (A)(ii) for any bill or joint resolution, or amendment thereto or conference report thereon, if such measure maintains the solvency of the Highway Trust Fund, but only if such measure would not increase the deficit over the period of fiscal years 2015 through 2025.

(C) The chair of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels provided for in subparagraph (A)(ii) to take into account the most recent baseline published by the Congressional Budget Office.

From the Floor Debate on H. Res. 5:

Mr. Kevin McCarthy. From the summary placed in the Congressional Record:

“*Budget Matters.* Subsection (e)(1) provides that titles III, IV, and VI, of House Concurrent Resolution 25 (113th Congress), as well as the allocations, aggregates, and appropriate levels contained in the chair of the Committee on the Budget’s statement submitted in the Congressional Record on April 29, 2014, as adjusted, will continue to have force and effect until a budget resolution for fiscal year 2015 is adopted. This subsection also provides that the chair of the Committee on the Budget may revise allocations, aggregates, and appropriate levels for measures maintaining the Highway Trust Fund, provided such a measure does not increase the deficit over the 11-year window and revise allocations, aggregates, and appropriate levels to take into account updated CBO baselines.”

Fiscal Year 2015: Third House Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Resolution</u>
H. Res. 557	113 th Congress	April 29, 2014	H. Con. Res. 25

Summary:

H. Res. 557 provided for the consideration of the *Military*

Construction and Veterans Appropriations Act, Fiscal Year 2015 and the *Legislative Branch Appropriations, Fiscal Year 2015*. It also gave force and effect to the two 302(b) suballocations reported by the Committee on Appropriations of the House of Representatives on April 29, 2014.

These suballocations, though reported for purposes of section 302(b) of the *Congressional Budget Act of 1974*, were interim and not valid since they were not part of a full set of 302(b) suballocations which equaled a validly adopted allocation included in an adopted concurrent resolution the budget for fiscal year 2015. By adopting H. Res. 557, these suballocations were given force and effect as if they were valid suballocations.

Deeming Resolution Text:

H. Res. 557

SEC. 3. Pending the adoption of a concurrent resolution on the budget for fiscal year 2015, the amounts provided for current law mandatory budget authority and outlays contained in the statement of the Chair of the Committee on the Budget of the House of Representatives in the Congressional Record dated April 29, 2014, shall be considered for all purposes in the House to be allocations to the Committee on Appropriations under section 302 (a) of the Congressional Budget Act of 1974.

SEC. 4. During consideration of H.R. 4486 and H.R. 4487 pursuant to this resolution, the suballocations printed in House Report 113-425 shall be considered for all purposes in the House to be suballocations under section 302 (b) of the Congressional Budget Act of 1974.

Fiscal Year 2015: Senate Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Resolution</u>
P.L. 113-67	113 th Congress	December 26, 2013	None

Summary:

The *Bipartisan Budget Act of 2013* was originally introduced as H. J. Res 59, an appropriation act, but ultimately became the vehicle for the enactment of a broader bill with both budget process amendments and decreases in direct spending. Pub. L. 113-67, the *Bipartisan Budget Act of 2013*, included language for the Senate deeming a budget resolution in force for fiscal year 2014 and providing the authority to the

same for fiscal year 2015. The law was enacted on December 26, 2013 and the law hence gave force and effect to enforceable budget levels and process for fiscal year 2014. In addition, section 116 of the Act required the Chair of the Senate Budget Committee to file enforceable budgetary levels for fiscal year 2015 if Congress had not agreed to a budget resolution for that fiscal year by April 15, 2014.

The Senate had adopted S. Con. Res. 8 as the Concurrent Resolution on the Budget for Fiscal Year 2014 and a conference was convened on the measure with the House. Through negotiations between the House and Senate Chairs of the respective Committees on the Budget, Rep. Paul Ryan and Senator Patty Murray, it resulted in the content of H. J. Res. 59. Even though this was the case, S. Con. Res. 8 was not referred to in section 116 of that joint resolution and did not play a specified role in the deeming text for fiscal year 2015 in the Senate.

Deeming Resolution Text:

Public Law 113-67

SEC. 116. AUTHORITY FOR FISCAL YEAR 2015 BUDGET RESOLUTION
IN THE SENATE.

(a) FISCAL YEAR 2015.—For the purpose of enforcing the Congressional Budget Act of 1974, after April 15, 2014, 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 2015 with appropriate budgetary levels for fiscal years 2014 and 2016 through 2024.

(b) COMMITTEE ALLOCATIONS, AGGREGATES, AND LEVELS.—After April 15, 2014, but not later than May 15, 2014, the Chairman of the Committee on the Budget of the Senate shall file—

(1) for the Committee on Appropriations, committee allocations for fiscal years 2014 and 2015 consistent with the discretionary spending limits set forth in this Act 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 years 2014, 2015, 2015 through 2019, and 2015 through 2024 consistent with the most recent baseline of the Congressional Budget Office for the purpose of enforcing section 302 of the Congressional Budget Act of 1974;

(3) aggregate spending levels for fiscal years 2014 and 2015 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;

(4) aggregate revenue levels for fiscal years 2014, 2015, 2015 through 2019, and 2015 through 2024 consistent with the most recent baseline of the Congressional Budget Office for the purpose of enforcing section 311 of the Congressional Budget Act of 1974; and

(5) levels of Social Security revenues and outlays for fiscal years 2014, 2015, 2015 through 2019, and 2015 through 2024 consistent with the most recent baseline of the Congressional Budget Office for the purpose of enforcing sections 302 and 311 of the Congressional Budget Act of 1974.

(c) ADDITIONAL MATTER.—The filing referred to in subsection (b) may also include, for fiscal year 2015, the reserve funds included in section 114(c) and (d) of this Act, updated by one fiscal year.

(d) SUPERSEDING PREVIOUS STATEMENT.—In the Senate, the filing referred to in subsection (b) shall supersede the statement referred to in section 111(b) of this Act.

(e) EXPIRATION.—This section shall expire if a concurrent resolution on the budget for fiscal year 2015 is agreed to by the Senate and House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974.

*Committee Print Setting Forth the Legislative History of the Bipartisan Budget Act of 2013 (House Committee on the Budget).*⁴⁶⁶

Sec. 116. Authority for fiscal year 2015 budget resolution in the Senate.

Subsection 116(a) authorizes in the Senate a congressional budget for fiscal year 2015.

Subsection 116(b) provides that the chair of the Senate Committee on the Budget will submit after April 15 and no later than May 15, 2014 for publication in the Congressional Record allocations of budgetary resources for each congressional committee, aggregate spending and revenue levels, and levels of revenues and outlays for Social Security that will be enforceable as if included in a conference agreement on a budget resolution.

Subsection 116(c) provides that the submission pursuant to subsection (b) may also include reserve funds for fiscal year 2015 that are the same as those included in section 114(c) and (d) updated to cover the new budget window.

Subsection 116(d) provides that the filing referred to in subsection (b) for fiscal year 2014 will supersede the statement referred to in section 111(b).

Subsection 116(e) provides that this section will expire if a concurrent resolution on the budget for fiscal year 2015 is agreed to by the Senate and the House.

⁴⁶⁶ *Bipartisan Budget Act of 2013*, Public Law 113-6, Committee Print Serial No. CP-2; Committee on the Budget, House of Representatives (2014).

FISCAL YEAR 2016: DEEMING RESOLUTION

Fiscal Year 2016: House Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Resolution</u>
H. Res. 223	114 th Congress	April 30, 2015	H. Con. Res. 27

Summary:

After the House had adopted H. Con. Res. 27 and the Senate had adopted S. Con. Res. 11, no conference report on a budget resolution had been agreed to when H. Res. 557 was passed which deemed H. Con. Res. 27 to be in force, and the full 302(b) suballocations reported by the Committee on Appropriations of the House to have force and effect. This provided enforceable 302(b) suballocations for the Military Construction Appropriations Act for Fiscal Year 2016 (H.R. 2029) and the Energy and Water Appropriations Act for Fiscal Year 2016 (H.R. 2028).

Subsection (b) of H. Res. 223 indicated the suballocations printed in the report accompanying it. The amounts were the same as those reported by the House Appropriations Committee on April 24, 2015. The Committee on Rules refused the request by the Committee on the Budget to have the actual allocations in the report on H. Con. Res. 27, the House-passed budget resolution, to be specifically deemed in force.

*Text of Deeming Resolution:**H. Res. 223*

SEC. 3. During consideration of H.R. 2028 and H.R. 2029 pursuant to this resolution—

(a) the provisions of House Concurrent Resolution 27, as adopted by the House, shall have force and effect in the House as though Congress has adopted such concurrent resolution; and

(b) the allocations printed in the report of the Committee on Rules accompanying this resolution shall be considered for all purposes in the House to be allocations under section 302(a) of the Congressional Budget Act of 1974.

*Summary from Rules Committee Report (H. Rpt. 114-94):**H. Rpt. 114-94*

Section 3 of the resolution provides that during consideration of H.R. 2028 and H.R. 2029, the provisions of House Concurrent Resolution 27, as adopted by the House, shall have force and effect in the House as though Congress has adopted such concurrent resolution; and the allocations printed in this report shall be considered for all purposes in the House to be allocations under section 302(a) of the Congressional Budget Act of 1974.

From the Floor Debate on H. Res. 223:

Mr. Rob Woodall. The funding levels of the total bill, that is not for debate today. That is set in the funding allocations. We call them 302(a) allocations, Mr. Speaker. That is my responsibility on the Committee on the Budget and others who serve on the Committee on the Budget. As you know, Mr. Speaker, we are this close—oh, golly, we are this close—to having conferenced the first balanced budget for the United States of America in over 10 years--in over 10 years. The House and the Senate are about to agree on funding levels for this Nation. It is embarrassing that we don't do it every year, but it is wonderful that we have an opportunity to do it this year, and we will.

Ordinarily, Mr. Speaker, we would have done that first. And candidly, as a member of the House Committee on the Budget, a Member who proudly supported the budget that passed here on the floor of the House, I thought that conference report was going to be ready on Monday of this week. It is not. It is not. So this rule also deems those levels that the House has already passed, those levels that we absolutely expect to be the levels of funding in that conference report, to be the levels of funding for this Energy and Water Development and Related Agencies Appropriations bill, for this Military Construction, Veterans Affairs, and Related Agencies Appropriations bill, as is appropriate.

Fiscal Year 2016: No Senate Deeming Resolution*Summary:*

Even though the House required a limited deeming resolution for two fiscal year 2016 appropriations measures, the Senate decided none was required for it consideration of budget-related legislation or appropriation measures.

FISCAL YEAR 2017: DEEMING RESOLUTION

Fiscal Year 2017: Senate Deeming Resolution

<u>Deemer</u>	<u>Congress</u>	<u>Adopted</u>	<u>Budget Resolution</u>
H.R. 1315	114 th Congress	November 2, 2015	S. Con. Res. 11

Summary:

For the Senate only, section 102 of the Bipartisan Budget Act of 2015 included a deeming resolution that would give S. Con. Res. 11, under certain conditions, cause and effect as the Concurrent Resolution on the Budget for Fiscal Year 2017. The Act, introduced in the House as H.R. 1315, became Pub. L. 114-74 on November 2, 2015. The bill's primary effect was to increase discretionary spending by allowing the spending limits in section 251(c) of *Balanced Budget and Emergency Deficit Control Act of 1985* to rise by a combined \$80 billion in fiscal years 2016 and 2017. It also included some decreases in direct spending over a ten-fiscal year period.

The deeming text applied only in the Senate for fiscal year 2017, and the corresponding budget window. Though it was primarily derived from S. Con. Res. 11, it also allowed the Chairman of the Senate Budget Committee to insert into the Congressional Record between April 15 and May 15, 2016 levels to be enforced as updated aggregates, allocations, and other budgetary levels.

Deeming Resolution Text:

*From Section 102 of the Bipartisan Budget Act of 2015
(Pub. L. 114-74)*

SEC. 102. AUTHORITY FOR FISCAL YEAR 2017 BUDGET RESOLUTION IN THE SENATE.

(a) FISCAL YEAR 2017.—For the purpose of enforcing the Congressional Budget Act of 1974, after April 15, 2016, 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 2017 with appropriate budgetary levels for fiscal years 2018 through 2026.

(b) COMMITTEE ALLOCATIONS, AGGREGATES, AND LEVELS.—After April 15, 2016, but not later than May 15, 2016, the Chairman of the Committee on the Budget of the Senate shall file—

(1) for the Committee on Appropriations, committee allocations for fiscal year 2017 consistent with discretionary spending limits set forth in section 251(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by this Act, 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 years 2017, 2017 through 2021, and 2017 through 2026 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 302 of the Congressional Budget Act of 1974;

(3) aggregate spending levels for fiscal year 2017 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;

(4) aggregate revenue levels for fiscal years 2017, 2017 through 2021, and 2017 through 2026 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; and

(5) levels of Social Security revenues and outlays for fiscal years 2017, 2017 through 2021, and 2017 through 2026 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.

(c) ADDITIONAL MATTER.—The filing referred to in subsection (b) may also include for fiscal year 2017 the matter contained in subtitles A and B of title IV of S. Con. Res. 11 (114th Congress) updated by 1 fiscal year.

(d) EXPIRATION.—This section shall expire if a concurrent resolution on the budget for fiscal year 2017 is agreed to by the Senate and the House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974.

