

E. Budgetary Enforcement in the Absence of a Budget Resolution

§ 17. “Deeming” Resolutions

As noted earlier, a budget resolution takes the form of a concurrent resolution and as such must be adopted in identical form by both Houses of Congress in order to be effective. Adoption of a concurrent resolution on the budget by one House alone is not sufficient to render any of its provisions binding on either House. Without a budget resolution in place, many points of order under the Congressional Budget Act remain unenforceable.

Nevertheless, there have been numerous occasions in which Congress has found itself unable to agree to a concurrent resolution on the budget. In such circumstances, the House has typically adopted a resolution “deeming” the House-adopted budget resolution to have been adopted by Congress for purposes of enforcing Congressional Budget Act provisions. These “deemers” are orders of the House and therefore trigger the application of Congressional Budget Act points of order to proceedings in the House, particularly during the appropriations process. However, as mere orders of the House, such “deeming” resolutions have no application to Senate procedures, and the Senate may not give cognizance to House actions ostensibly taken pursuant to the Congressional Budget Act (such as the passage of reconciliation legislation) where a concurrent resolution on the budget has not been agreed to by both bodies.⁽¹⁾

In 1985,⁽²⁾ and again in 1990,⁽³⁾ the House adopted temporary measures “deeming” a House-adopted concurrent resolution on the budget to have been adopted by Congress for purposes of enforcing certain Congressional Budget Act points of order in the House. Such measures ceased to be effective when Congress completed action on a budget for the relevant fiscal years. In both of these cases, Congress did eventually complete action on a concurrent resolution on a budget.

But in recent years, similar “deeming” resolutions have been adopted by the House in cases where Congress did not ultimately adopt a budget resolution. The first such resolution was adopted by the House in 1998,⁽⁴⁾ after the failure of both Houses of Congress to agree on a budget resolution for fiscal year 1999. Since then, there have been at least six additional

1. See § 21.6, *infra*.

2. See § 17.6, *infra*.

3. See § 18.3, *infra*.

4. See 144 CONG. REC. 12991, 105th Cong. 2d Sess., June 19, 1998 (H. Res. 477), and 145 CONG. REC. 76, 106th Cong. 1st Sess., Jan. 6, 1999 (H. Res. 5, sec. 2(a)).

“deemers” without a subsequent concurrent resolution. Such “deeming” language has usually been contained in a separate section of a special order of business resolution making in order consideration of another matter, such as an appropriation bill.

The scope of such “deemers” has varied over time. Such provisions may simply establish section 302(a) allocations for committees of the House for purposes of enforcing points of order under title III (or portions thereof) of the Congressional Budget Act.⁽⁵⁾ On other occasions, such provisions have “deemed” an entire House-adopted budget resolution (or conference report on a budget resolution) to have “full force and effect” as though adopted by Congress.⁽⁶⁾ Additionally, such provisions may provide (or alter) additional budgetary enforcement mechanisms, such as extending special budget rules provided by separate orders contained in an opening-day resolution adopting the rules of the House,⁽⁷⁾ carrying forward authorities from a previous budget resolution,⁽⁸⁾ or rendering inapplicable provisions of the former so-called “Gephardt rule” implementing debt ceiling increase procedures.⁽⁹⁾ In some instances, the authorities contained in such a “deemer” have been carried forward by a separate order contained in an opening-day resolution establishing the standing rules of the House.⁽¹⁰⁾

“Deeming” Resolutions in the Absence of a Budget Resolution

§ 17.1 The House has adopted a special order of business resolution reported from the Committee on Rules containing a separate section providing that, pending adoption of a concurrent resolution on the budget by Congress, the provisions of a House-adopted budget resolution (with certain modifications) shall have “force and effect” in the House as though adopted by Congress.

On Apr. 17, 2012,⁽¹⁾ the House adopted the following resolution:

5. 144 CONG. REC. 12991, 105th Cong. 2d Sess., June 19, 1998 (H. Res. 477). The House has also established *ad hoc* section 302 allocations to govern evaluations of certain Congressional Budget Act points of order during consideration of specific measures. See 142 CONG. REC. 13637, 104th Cong. 2d Sess., June 11, 1996 (H. Res. 451); and 142 CONG. REC. 14079, 104th Cong. 2d Sess., June 13, 1996 (H. Res. 453).
6. See §§ 17.1, 17.2, 17.4, 17.5, 17.6, 18.3, *infra*; and 152 CONG. REC. 8561, 109th Cong. 2d Sess., May 18, 2006 (H. Res. 818).
7. See § 17.2, *infra*.
8. See § 17.3, *infra*.
9. See §§ 17.3, 17.4, and 29, *infra*.
10. See § 17.5 and 149 CONG. REC. 10, 108th Cong. 1st Sess., Jan. 7, 2003 (H. Res. 5, sec. 3(a)(4)).
1. 158 CONG. REC. H1860 [Daily Ed.], 112th Cong. 2d Sess.

PROVIDING FOR CONSIDERATION OF H.R. 4089, SPORTSMEN'S HERITAGE ACT OF 2012, AND FOR OTHER PURPOSES

Mr. [Robert] BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 614 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

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)).⁽²⁾

(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.

§ 17.2 The House has adopted a special order of business resolution reported from the Committee on Rules containing a separate section providing that, pending adoption of a concurrent resolution on the budget by Congress, the provisions of a House-adopted budget resolution shall have “force and effect” in the House as though adopted by Congress, and further providing that the allocations printed in the committee report accompanying the special order shall be considered to be the allocations required under section 302(a) of the Congressional Budget Act.

On June 1, 2011,⁽¹⁾ the House adopted the following resolution:

PROVIDING FOR CONSIDERATION OF H.R. 2017, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

Mr. [Thomas] REED [of New York]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 287 and ask for its immediate consideration.

2. *Parliamentarian's Note:* The House later adopted a resolution (H. Res. 643, providing for consideration of an appropriation bill) containing a separate section amending this section of H. Res. 614. The text of that amendment is as follows: “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.” Absent such language specifically designating those allocations as meeting the requirements of the Congressional Budget Act, enforcement of budgetary points of order based on those allocations would not be possible. For an example of a similar “deeming” resolution that arguably failed to properly designate proposed committee allocations for Budget Act enforcement purposes, see 152 CONG. REC. 8651, 109th Cong. 2d Sess., May 18, 2006 (H. Res. 818).

1. 157 CONG. REC. H3816–7 [Daily Ed.], 112th Cong. 1st Sess.

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The Clerk read the resolution, as follows:

H. RES. 287

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except for section 536. During consideration of the bill for amendment, the chair of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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.

§ 17.3 The House has adopted a special order of business resolution reported from the Committee on Rules “self-executing” the adoption of a budget enforcement resolution that, in the absence of a concurrent resolution on the budget, provided for budgetary enforcement mechanisms in the House (including binding section 302(a) allocations), carried forward certain authorities from the previous fiscal year’s concurrent resolution on the budget, and disabled the operation of the former so-called “Gephardt rule.”⁽¹⁾

1. See § 29, *infra*.

On July 1, 2010,⁽²⁾ the House adopted a special order of business (H. Res. 1500) that “self-executed” the passage of a unique budget enforcement resolution.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 4899,
SUPPLEMENTAL APPROPRIATIONS ACT, 2010

Mr. [James] MCGOVERN [of Massachusetts]. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1500 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1500

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker’s table the bill (H.R. 4899) making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment to the text with each of the five House amendments printed in the report of the Committee on Rules accompanying this resolution. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour and 30 minutes as follows: 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; then 30 minutes equally divided and controlled by Representative Lee of California or her designee and an opponent; and then 30 minutes equally divided and controlled by Representative McGovern of Massachusetts or his designee and an opponent. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question except that the question of adoption of the motion shall be divided among the five House amendments. The first portion of the divided question shall be considered as adopted. If the remaining portions of the divided question fail of adoption, then the House shall be considered to have rejected the motion and to have made no disposition of the Senate amendment to the text.

SEC. 2. Upon adoption of the motion specified in the first section of this resolution—

(a) the Clerk shall engross the action of the House under that section as a single amendment; and

(b) a motion that the House concur in the Senate amendment to the title shall be considered as adopted.

SEC. 3. The chair of the Committee on Appropriations may insert in the Congressional Record not later than July 3, 2010, such material as he may deem explanatory of the Senate amendments and the motion specified in the first section of this resolution.

SEC. 4. House Resolution 1493 is hereby adopted.

SEC. 5. Clause 10(a) of rule XXI is amended to read as follows:

“(a)(1) Except as provided in paragraphs (b) and (c), it shall not be in order to consider any bill, joint resolution, amendment, or conference report if the provisions of such measure affecting direct spending and revenues have the net effect of increasing the on-budget deficit or reducing the on-budget surplus for the period comprising either—

2. 156 CONG. REC. H5342–3, 5357–8 [Daily Ed.], 111th Cong. 2d Sess.

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“(A) the current year, the budget year, and the four years following that budget year;
or

“(B) the current year, the budget year, and the nine years following that budget year.

“(2) The effect of such measure on the deficit or surplus shall be determined on the basis of estimates made by the Committee on the Budget relative to baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and consistent with sections 3(4), 3(8), and 4(c) of the Statutory Pay-As-You-Go Act of 2010.

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

The SPEAKER pro tempore (Mr. [Anthony] WEINER [of New York]). The gentleman from Massachusetts is recognized for 1 hour. . . .

Mr. MCGOVERN. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, the rule provides for consideration of the Senate amendments to H.R. 4899 and makes in order a motion by the chair of the Appropriations Committee to concur in the Senate amendments with the five amendments printed in the Rules Committee report.

The rule waives all points of order against the motion except those arising under clause 10 of rule 21. . . .

Finally, the rule amends the time periods in clause 10 of rule XXI to align with the Statutory Pay-As-You-Go Act of 2010. . . .

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to section 4 of the resolution, House Resolution 1493 is hereby adopted.

The text of the resolution is as follows:

H. RES. 1493

Resolved,

(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;

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(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 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.

§ 17.4 The House has adopted a special order of business resolution reported from the Committee on Rules providing for consideration of a conference report on a concurrent resolution on the budget and containing a separate section providing that, upon adoption of said conference report by the House and until the adoption of said conference report by Congress, the provisions of the conference report (including the joint explanatory statement) shall have “force and effect” in the House and for purposes of title III of the Congressional Budget Act, said conference report shall be considered as adopted by Congress.⁽¹⁾

On May 19, 2004,⁽²⁾ the House adopted the following resolution:

Mr. [Doc] HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 649 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 649

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the concurrent resolution (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The conference report shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

1. An additional subsection of the resolution also disabled the operation of the former so-called “Gephardt rule.” See § 29, *infra*.

2. 150 CONG. REC. 10105, 108th Cong. 2d Sess.

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.

SEC. 3. The House being in possession of the official papers, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on H.R. 2660 shall be, and they are hereby, discharged to the end that H.R. 2660 and its accompanying papers, be, and they are hereby, laid on the table.

§ 17.5 The House has adopted a special order of business resolution reported from the Committee on Rules containing a separate section providing that, pending the adoption of a concurrent resolution on the budget, a House-adopted budget resolution shall have “force and effect” as though adopted by Congress and authorizing the chairman of the Committee on the Budget to submit section 302(a) allocations to the *Congressional Record* as though made pursuant to the Congressional Budget Act.

On May 22, 2002,⁽¹⁾ the House adopted the following resolution:

Mr. [Pete] SESSIONS [of Texas]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 428 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 428

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendments printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. All points of order against provisions in the bill, as amended, are waived except as follows: page 4, lines 18 through 23; page 57, line 6, through page 58, line 22; page 92, lines 3 through 5. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. During consideration of the

1. 148 CONG. REC. 8675, 8676, 107th Cong. 2d Sess.

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bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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).

§ 17.6 The House has adopted a resolution reported from the Committee on Rules providing that a House-adopted concurrent resolution on the budget shall be considered to have been adopted by Congress for purposes of the Congressional Budget Act, that allocations printed in the *Congressional Record* on a certain date shall be considered to be those required under section 302(a) of the Congressional Budget Act, and that such provisions shall cease to apply upon final adoption by Congress of a concurrent resolution on the budget.

On July 24, 1985,⁽¹⁾ the House adopted the following resolution:

Mr. [Butler] DERRICK [of South Carolina]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 231 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 231

Resolved, That for the purposes of the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), as they apply to the House of Representatives, the Congress shall be considered to have adopted H. Con. Res. 152, revising the congressional budget for the United States Government for the fiscal year 1985 and setting forth the congressional budget for the United States Government for the fiscal years 1986,

1. 131 CONG. REC. 20181, 99th Cong. 1st Sess.

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.

The SPEAKER pro tempore.⁽²⁾ The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

§ 18. Committee Allocations Pursuant to Section 302

As noted in Section 11, a key piece of the congressional budget framework is the allocation of specified amounts of budget authority to the committees of the House and the Senate. Such allocations form the basis for evaluating certain Congressional Budget Act points of order and are therefore crucial in keeping committees (and particularly subcommittees of the Committee on Appropriations) within their specified budgetary limits. When Congress fails to adopt a concurrent resolution on the budget, those limits are unenforceable.

However, the House has on many occasions adopted “deeming” resolutions that establish section 302(a) allocations in the absence of a final budget resolution. Such allocations may be established as part of a broader “deemer” providing that an entire House-adopted budget resolution be considered as having been adopted by Congress for Budget Act purposes,⁽¹⁾ or they may be established in a more limited context (to provide, for example, a binding allocation for a single committee or even a single measure).⁽²⁾ Section 302(a) allocations have also been established by separate order contained in an opening-day resolution adopting the standing rules of the House.⁽³⁾

In cases where Congress has adopted a concurrent resolution on the budget via amendments between the Houses rather than through a conference committee, neither a conference report nor a joint statement of managers is produced. Because the latter is the statutorily-prescribed location for the section 302(a) allocations,⁽⁴⁾ Congress must take additional steps to formally establish binding section 302(a) levels—often a unanimous-consent request

2. Kenneth Gray (IL).

1. See § 17, *supra*.

2. See § 18.3, *infra*.

3. See § 18.2, *infra*.

4. 2 USC § 633(a).