



The Budget Resolution and the Senate's Automatic Discharge Process

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The [Congressional Budget Act of 1974](#) (the Budget Act) provides for the annual adoption of a concurrent resolution on the budget that establishes an agreement between the House and Senate on budgetary levels for the upcoming fiscal year (and at least four additional years). The budget resolution assists Congress in developing federal budget policy, and its adoption allows Congress to trigger the budget reconciliation process.

Consideration of the budget resolution is guided by the Budget Act and Senate rules and precedents. Section 300 of the Budget Act includes a timetable specifying dates by which Congress is to complete certain budgetary actions. Under this timetable, the Senate Budget Committee is directed to report a budget resolution (pertaining to the upcoming fiscal year beginning October 1) by April 1, and Congress is directed to complete action on a budget resolution by April 15.

Since 1983, the Senate has [interpreted](#) this timetable in a manner that affects how budget resolutions are referred to committee and placed on the Senate's Calendar of Business. If the Senate Budget Committee has not reported a budget resolution by April 1, it is automatically discharged from the consideration of any budget resolution that has been previously referred to it, as well as any budget resolution that is subsequently introduced. Once the committee has been discharged from the consideration of a budget resolution, it is placed on the Calendar.

For example, on March 29, 2012, a budget resolution for FY2013 (S.Con.Res. 37) was introduced and referred to the Senate Budget Committee. Once April 1, 2012, passed without the Senate Budget Committee reporting a budget resolution, the committee was automatically discharged from consideration of S.Con.Res. 37, and the resolution was placed on the Calendar of Business. Similarly, on April 26, 2012, another budget resolution for FY2013 (S.Con.Res. 42) was introduced. Because April 1 had already passed, the resolution was referred to the Senate Budget Committee, the committee was immediately discharged, and the resolution was placed on the Calendar.

A [memo](#) attributed to the Senate Parliamentarian and linked in a recent [press](#) report stated that the automatic discharge process is a "creation of the Office of the Parliamentarian" intended to "provide an incentive for committee compliance with the law and to provide a remedy when compliance with and through the mandatory processes of the [Budget Act] have not been met." Generally, initial Senate consideration of a budget resolution has been on a budget resolution reported by the Senate Budget

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Committee. In some years, however, initial Senate consideration has been on a budget resolution placed on the Calendar under the automatic discharge process. For example, budget resolutions considered and adopted by the Senate for FY1991, FY2002, FY2017, and FY2021 were placed on the Calendar under the automatic discharge procedure.

In the Senate, a budget resolution is privileged, meaning that the motion to proceed to its consideration is not debatable and the resolution does not have to lie over a day before being called up on the floor. Once a budget resolution has been placed on the Calendar of Business (either because the Senate Budget Committee has reported it or because the committee has been discharged from consideration), a Senator may make a non-debatable motion to proceed to its consideration. For example, on February 2, 2021, Senate Budget Committee Chair Sanders introduced S.Con.Res. 5, a budget resolution for FY2021 (the fiscal year already in progress). Under the Budget Act's timetable, the Senate Budget Committee would have been expected to report a FY2021 budget resolution by April 1, 2020. Because the Senate Budget Committee had not reported a budget resolution for FY2021, the Senate Budget Committee was immediately discharged from consideration of S.Con.Res. 5, and the resolution was placed on the Calendar. Later that day, Majority Leader Schumer offered a non-debatable motion to proceed to S.Con.Res. 5 that was then adopted by the Senate (50-49).

After the Senate has agreed to a motion to proceed to the consideration of a budget resolution, under Section 305(b)(1), debate—including all amendments and debatable motions and appeals—is limited to 50 hours, equally divided and controlled between the majority leader and the minority leader or their designees. Section 305(b)(2) further specifies that debate on any amendment to the budget resolution is limited to two hours, equally divided and controlled, and debate on any amendment to an amendment, debatable motion, or appeal is limited to one hour, equally divided and controlled. Under Section 305(b)(5), a motion to further limit debate is not debatable. Section 305(b)(2) also requires that all amendments offered to a budget resolution must be germane. After the 50 hours has elapsed, Senators may continue to offer amendments and make other motions or appeals but without further debate. This period is often referred to as a “vote-a-rama.”

[Section 304 of the Budget Act](#) provides that Congress may revise or reaffirm the budget resolution for the fiscal year most recently agreed to. The [memo](#) attributed to the Senate Parliamentarian referred to above stated that such a revised budget resolution would *not* be eligible for the automatic discharge process. A revised budget resolution is an optional procedure, and there is no comparable deadline established under Sections 300 or 304 of the Budget Act for it to be reported from committee. Accordingly, any revised budget resolution would have to be reported by the Budget Committee or discharged under regular Budget Committee and Senate rules, including those rules in force under the recent “powersharing” agreement. Because the Senate has not considered a revised budget resolution under Section 304 since the 1983 precedent that allows a non-debatable motion to proceed to be made to consider a budget resolution, it is not clear that the precedent would then be applicable. One additional difference for the consideration of a revised budget resolution is that Section 305(b)(1) limits debate to 15 hours.

Author Information

James V. Saturno
Specialist on Congress and the Legislative Process

Megan S. Lynch
Specialist on Congress and the Legislative Process

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