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The Congressional Budget Resolution: Frequently Asked Questions

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The Congressional Budget Resolution: Frequently Asked Questions

The Congressional Budget Act of 1974 (the Budget Act) provides for the adoption of a concurrent resolution on the budget by April 15 each year for the fiscal year beginning October 1. By writing a budget resolution, Congress helps guide federal spending and revenue policies for the year. It is also the only way to initiate reconciliation, a fast-track procedure for enacting those policies into law.

A budget resolution is structured as a concurrent resolution—an agreement between the House and Senate establishing various enforceable levels of spending and revenue. It is not submitted to the President for signature and therefore is not considered law.

The contents of a budget resolution are influenced in two ways: indirectly, by its form as a concurrent resolution (legislation that is not enacted into law), and directly, by provisions specified in the Budget Act—including recommended levels of spending, revenue, surpluses/deficits, and debt. The Budget Act also provides for the inclusion of optional items such as reconciliation directives to committees, reserve funds, scoring rules, and points of order. Spending levels that are presented in the legislative text of a budget resolution are allocated among broad functional categories, but allocations to committees are included in the supplemental documents that accompany the budget resolution.

In the Senate, a budget resolution enjoys certain privileges unavailable to other bills and resolutions: It is not required to lie over one day before it can be considered, the motion to proceed is not debatable, debate time on the resolution is limited, and cloture is not required to reach a vote on final passage. Consideration in the House is typically structured by a special rule reported from the House Rules Committee that sets the terms for debate and permits certain amendments to be offered from the floor.

For a budget resolution to have force and effect, the House and Senate must adopt identical language. Congress can reach agreement one of three ways: by conference committee, via an exchange of amendments, or by one chamber adopting the budget resolution of the other without any changes.

Although the Budget Act directs Congress to complete a budget resolution by April 15 for the fiscal year that begins October 1, consideration may be delayed beyond this date, or Congress may not adopt a budget resolution at all. When no budget resolution is adopted or agreement is delayed, lawmakers often use alternative means to establish the allocations and enforceable levels required under the Budget Act. Deeming resolutions and statutory spending limits are common substitutes, but neither initiates the reconciliation process under the Budget Act.

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1. What is the purpose of the congressional budget resolution?

Section 300 of the Congressional Budget Act (the Budget Act) provides that on or before April 15 of each year, “the Congress shall complete action on a concurrent resolution on the budget for the fiscal year that begins on October 1 of that year.”¹ Congress designed this task to harmonize anticipated policymaking decisions under an overarching fiscal plan and provided tools necessary to enforce that plan.

A budget resolution may also provide for the expedited consideration of certain legislation that makes changes in spending and revenue laws—a process called “reconciliation.” These fast-track procedures are accessible once a budget resolution that includes reconciliation directives to committees is adopted by the House and Senate.²

2. Is a budget resolution considered law?

A budget resolution is an agreement between the House and Senate that establishes recommended levels of spending and revenues for a minimum of five fiscal years.³ It is not presented to the President for signature and does not become law.

A budget resolution takes the form of a concurrent resolution (as opposed to a bill, simple resolution, or joint resolution) and is designated as either “H.Con.Res.” or “S.Con.Res.” depending on the chamber in which it originates (e.g., S.Con.Res. 14, a concurrent resolution on the budget for FY2022).

Adoption of a budget resolution is considered an exercise of the rulemaking authority of the House and Senate, and its provisions are considered the equivalent of a new rule in each chamber. Certain allocations contained in a budget resolution or its explanatory materials (provided in the committee print or published in the *Congressional Record*) are enforceable via points of order established in the Budget Act.⁴ If raised and sustained, these points of order can affect the content or consideration of the underlying legislation.

3. Are there requirements for the content of a budget resolution?

The contents of a budget resolution are constrained by its form as a concurrent resolution and by the required elements specified in the Budget Act. Because a budget resolution does not become law—as it is an agreement between the House and Senate—its legislative text cannot amend existing law or establish new law. A budget resolution can, however, amend provisions in other budget resolutions.⁵

¹ 2 U.S.C. §632(a).

² 2 U.S.C. §641. For more information see CRS Report R44058, *The Budget Reconciliation Process: Stages of Consideration*, by Megan S. Lynch and James V. Saturno.

³ The first year of a budget resolution is either the current fiscal year or the upcoming fiscal year that begins on October 1. The remaining years consist of at least four of the ensuing fiscal years following the first year (also referred to as the “outyears”).

⁴ For more information on budget-related points of order, see CRS Report R47413, *Points of Order in the Congressional Budget Process*, by James V. Saturno and Megan S. Lynch.

⁵ For example, Section 4001 of the FY2022 budget resolution (S.Con.Res. 11, 117th Congress) repealed a point of order previously established in the FY2018 budget resolution (H.Con.Res. 71, 115th Congress).

Required elements pursuant to the Budget Act

As enumerated in Section 301 of the Budget Act, a concurrent resolution on the budget must include the following information for each year covered:⁶

- The total amount of new spending, both in terms of budget authority and outlays;⁷
- The total amount of federal revenues and the amount by which federal revenues would have to change based on anticipated legislation;
- The surplus or deficit;
- The total amount of new spending subdivided into broad categories (called “functions”);
- The level of public debt;⁸ and
- For purposes of Senate enforcement procedures, the outlays and revenues of the Social Security program.⁹

Years covered by a budget resolution

The first year covered by a budget resolution is either the current fiscal year or the upcoming fiscal year that begins October 1. The years covered by a budget resolution define the “budget window.” Originally, the required window was only the upcoming fiscal year, but Congress has since expanded that time frame to include at least five fiscal years. In some years, however, Congress has adopted budget resolutions spanning up to 10 years, including the past five budget resolutions (for fiscal years 2016, 2017, 2018, 2021 and 2022).¹⁰

Optional matter

Section 301(b) of the Budget Act also permits the inclusion of other matter, such as:

- **Reconciliation directives:** Instructions to one or more committees to make changes in laws within their jurisdictions to help achieve the spending and revenue outcomes reflected in the budget resolution. These directives include a fiscal target for each instructed committee (a specific change in spending, revenues, or the deficit) and a reporting date.¹¹

⁶ 2 U.S.C. §632. For more information about the content of a budget resolution, see CRS Report R47336, *Content and Consideration of the Budget Resolution: In Brief*, by Sarah B. Solomon.

⁷ The terms *budget authority* and *outlays* are defined in Section 3 of the Budget Act (2 U.S.C. §622).

⁸ This is a projected level of debt based on the deficits reported in the budget resolution. Any change in the debt limit (a numerical change in the limit or a suspension of the limit) would require separate, enacted legislation. For more information on the statutory debt limit, see CRS Report RS21519, *Legislative Procedures for Adjusting the Public Debt Limit: A Brief Overview*, by Bill Heniff Jr.

⁹ Pursuant to Section 13301 of the Budget Enforcement Act of 1990, the receipts and disbursements of the Social Security trust funds are “off budget”—they are excluded from the calculation of any deficit or surplus in a presidential budget submission or congressional budget resolution or for any purpose under the Balanced Budget and Emergency Deficit Control Act. They are recapitulated in a budget resolution, however, for purposes of enforcing points of order in Sections 310(g) and 313(b)(2)(F) of the Budget Act. For more information on the budgetary status of Social Security, see CRS In Focus IF11615, *The Social Security Trust Funds and the Budget*, by Barry F. Huston and Bill Heniff Jr.

¹⁰ For more information, see CRS Report RL30297, *Congressional Budget Resolutions: Historical Information*, by Bill Heniff Jr.

¹¹ The reporting date is not binding, but it does serve as an organization signal to committees. For more information (continued...)

- **Reserve funds:** Placeholders for future legislation for which the budgetary effects are not yet known. Reserve funds give the Budget Committee chair the authority to revise the committee allocations and other levels in the budget resolution to accommodate that legislation—preventing budget-related points of order against it—provided the legislation meets the criteria specified in the text of a reserve fund (e.g., subject matter and impact on the deficit). Most reserve funds stipulate that the associated legislation must be deficit neutral, on net, over the period defined by the budget window.¹²
- **Other matter relating to the budget:** The Budget Act’s “elastic clause”¹³ gives Congress broad authority to include additional matter in a budget resolution “as may be appropriate to carry out the purposes of this Act.”¹⁴ This clause has been used to include new or modified points of order, scoring rules, and directives to other committees to study or recommend budget matters.¹⁵

4. How is spending allocated in a budget resolution?

A budget resolution does not authorize any spending—that action falls under the jurisdiction of other committees in the House and Senate. However, it does establish a blueprint for how spending should be allocated for the years in the resolution’s budget window. The legislative text of a budget resolution allocates total budget authority and total outlays by budget function, which are broadly defined categories that represent the major purposes of the federal government (see **Figure 1**).¹⁶

Figure 1. Example of a Budget Function in a Budget Resolution

SEC. 1102. MAJOR FUNCTIONAL CATEGORIES.	
Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2022 through 2031 for each major functional category are:	
(1) National Defense (050):	
Fiscal year 2022:	
(A) New budget authority, \$765,704,000,000.	
(B) Outlays, \$763,985,000,000.	
Fiscal year 2023:	
(A) New budget authority, \$782,245,000,000.	
(B) Outlays, \$770,192,000,000.	
Fiscal year 2024:	
(A) New budget authority, \$799,520,000,000.	

Source: Concurrent resolution on the budget for FY2022 (S.Con.Res. 14, 117th Cong.).

about reconciliation directives, see CRS Report R41186, *Reconciliation Directives: Components and Enforcement*, by Megan S. Lynch.

¹² For more information on reserve funds, see CRS Report R47277, *Reserve Funds in the Congressional Budget Process: Frequently Asked Questions*, by Megan S. Lynch.

¹³ Section 301(b)(4).

¹⁴ 2 U.S.C. §632(b)(4).

¹⁵ As stated in U.S. Congress, House Budget Committee, *A Compendium of Laws and Rules of the Congressional Budget Process*, committee print, prepared by Paul Restuccia, 114th Cong., 1st sess., 2015, CP-1 (Washington: GPO, 2015), p. 57, footnote 33.

¹⁶ For more information on the functional categories in a budget resolution, see CRS Report 98-280, *Functional Categories of the Federal Budget*, by Bill Heniff Jr.

302(a) allocations and other subdivisions of spending

Section 302 of the Budget Act¹⁷ requires additional subdivisions (“allocations”) of budget authority and outlays that do not appear in the legislative text. Rather, these allocations are included in the joint explanatory statement in the conference report to a budget resolution.¹⁸ These allocations must be mathematically consistent with the spending levels in the budget resolution and include the following:

- **Allocations to committees.** Total budget authority and outlays in the budget resolution are subdivided among committees in the House and Senate that have jurisdiction over spending legislation (e.g., the authorizing committees and the Appropriations committees).¹⁹ These subdivisions are known colloquially as “302(a) allocations.”
- **Allocations of discretionary and mandatory (direct) spending.** Federal spending authority is categorized as either discretionary (controlled by the annual appropriations acts) or mandatory (all other spending). In the House, Section 302(a)(3) requires a joint explanatory statement to divide total budget authority and outlays in the budget resolution between these two categories.²⁰
- **Allocations of defense and nondefense discretionary spending.** The Fiscal Responsibility Act of 2023 (P.L. 118-5) established spending caps for two categories of discretionary spending for FY2024 and FY2025: “revised security” (defense) and “revised nonsecurity” (nondefense). Section 302(a)(3) of the Budget Act requires a budget resolution conference report to subdivide discretionary spending consistent with these caps.

If there is no conference report, a budget resolution will typically include language authorizing the chairs of the Budget Committees to submit an “enforcement filing” for the *Congressional Record* that contains the required subdivisions relevant to their respective chambers. **Figure 2** illustrates how these additional allocations are presented in a committee report or enforcement filing.

¹⁷ 2 U.S.C. §633.

¹⁸ Section 302 establishes content requirements for the “joint explanatory statement” or conference report that accompanies a conference agreement on the budget resolution. By practice, however, this information has also been included in the committee “print” that accompanies a budget resolution reported out by the Budget Committees of the House and Senate.

¹⁹ For example, the House and Senate Budget Committees do not receive allocations of budget authority or outlays because they do not have jurisdiction over any federal programs.

²⁰ In the House, Section 302(a)(3)(B) requires the conference report to further subdivide a budget resolution’s allocations of budget authority and outlays to authorizing committees into two categories: (1) amounts provided under current law (baseline) and (2) “post policy” amounts that reflect enactment of future legislation assumed in the underlying budget resolution.

Figure 2. Additional Allocations and Subdivisions of Spending

ALLOCATION OF SPENDING AUTHORITY TO SENATE COMMITTEE ON APPROPRIATIONS FOR FISCAL YEAR 2021 (Pursuant to Section 302 of the Congressional Budget Act of 1974 and S. Con. Res. 5) [\$ in billions]			
	Budget authority	Outlays	
Appropriations:			
Revised Security Category Discretionary Budget Authority ¹	740.606	n/a	
Revised Nonsecurity Category Discretionary Budget Authority ¹	849.900	n/a	
General Purpose Outlays ²		1,721.598	
Memo:			
Subtotal	1,590.506	1,721.598	
On-budget	1,584.605	1,715.677	
Off-budget	5.901	5.921	
Mandatory	1,175.792	1,155.439	

¹ The allocation reflects the discretionary spending limits as outlined in section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA), including eligible adjustments to those limits resulting from the enactment of the Consolidated Appropriations Act, 2021 (P.L. 116-260). The outlay figures included in this table reflect enactment of the Families First Coronavirus Response Act (P.L. 116-127), the Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136), the Paycheck Protection Program and Health Care Enhancement Act (P.L. 116-139), and the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159), which generated \$178.338 million in outlays from appropriations that were designated as emergencies pursuant to section 251(b)(2)(A)(i) of BBEDCA.

ALLOCATION OF SPENDING AUTHORITY TO SENATE COMMITTEE OTHER THAN APPROPRIATIONS (Pursuant to Section 302 of the Congressional Budget Act of 1974 and S. Con. Res. 5) [\$ in billions]			
	2021	2021-2025	2021-2030
Agriculture, Nutrition, and Forestry:			
Budget Authority	240.315	831.870	1,562.654
Outlays	202.027	733.208	1,388.412
Armed Services:			
Budget Authority	192.932	1,039.345	1,747.835
Outlays	192.833	1,038.410	1,746.471
Banking, Housing, and Urban Affairs:			
Budget Authority	-463.909	-378.485	-269.169
Outlays	-10.918	3.158	6.455
Commerce, Science, and Transportation:			
Budget Authority	345.609	417.066	507.766
Outlays	314.473	381.777	449.022
Energy and Natural Resources:			
Budget Authority	7.117	34.430	61.131
Outlays	5.013	27.109	58.801
Environment and Public Works:			
Budget Authority	68.678	264.412	510.612
Outlays	21.964	34.852	55.646
Finance:			
Budget Authority	2,993.294	14,655.178	34,329.717
Outlays	2,980.805	14,587.196	34,246.494
Foreign Relations:			
Budget Authority	51.566	229.018	447.704
Outlays	41.156	215.099	433.745
Health, Education, Labor, and Pensions:			
Budget Authority	17.289	132.371	268.697
Outlays	27.594	121.193	244.258
Homeland Security and Governmental Affairs:			
Budget Authority	155.755	816.524	1,737.240
Outlays	154.534	809.992	1,720.393
Indian Affairs:			
Budget Authority	0.873	2.868	5.004
Outlays	0.968	3.180	4.987
Judiciary:			
Budget Authority	20.244	92.364	181.210
Outlays	23.738	96.792	185.732
Rules and Administration:			
Budget Authority	0.042	0.228	0.474
Outlays	0.019	0.116	0.268
Intelligence:			
Budget Authority	0.514	2.570	5.140
Outlays	0.514	2.570	5.140
Veterans' Affairs:			
Budget Authority	135.958	726.288	1,581.379
Outlays	136.349	727.702	1,583.336
Small Business:			
Budget Authority	-144.559	-144.559	-144.559
Outlays	1.941	2.146	2.146
Unassigned to Committee:			
Budget Authority	662.249	-4,019.387	-11,161.327
Outlays	189.750	-4,045.408	-11,073.561

Includes entitlements funded in annual appropriation acts.

Source: Enforcement filing submitted by the chairman of the Senate Budget Committee pursuant to Section 4001 of S.Con.Res. 5, a concurrent resolution on the budget for FY2021. *Congressional Record*, daily edition, vol. 167, part 39 (2021), p. S987.

302(b) Allocations

The Budget Act directs the Appropriations Committees of the House and Senate, as soon as practicable after adoption of a budget resolution, to further subdivide their spending allocation among their 12 subcommittees. These allocations do not appear in the budget resolution or its supporting documents and are not under the control of the Budget Committees. These divisions are referred to as “302(b) allocations.”

The allocations required by Sections 302(a) and (b)—to authorizing committees and the Appropriations subcommittees—are enforceable via points of order.²¹ A point of order is not self-enforcing, however, and must be raised by a Member. A point of order can also be waived by unanimous consent, a special rule in the House, or a motion to waive in the Senate (the latter requiring the affirmative vote of three-fifths of all Senators).

5. What does it mean for a budget resolution to be “privileged”?

In the Senate, a budget resolution enjoys certain privileges unavailable to other bills and resolutions. Some are enumerated in the Budget Act, and some have been established by precedent. Specifically:

- A budget resolution reported by, or discharged from, the Budget Committee is not required to “lie over” one day before it can be considered on the floor—it may be considered on the same day it is reported out of committee.
- The motion to proceed to a budget resolution is not “debatable” (i.e., the Senate is not required to invoke cloture on the motion to proceed before it votes on the motion itself).
- Debate time on the resolution, including all amendments and motions thereto, is limited to no more than 50 hours (10 hours for a conference report). As a consequence, cloture is not required to reach a vote on adoption of a budget resolution.

6. What are the rules for considering a budget resolution on the floor?

The Budget Act prescribes the rules for considering a budget resolution on the floor in the House and Senate, but over time, practices specific to each chamber have emerged that also influence how a budget resolution is considered.

In the House

Procedures in the House are set forth in Section 305(a) of the Budget Act,²² but in practice most budget resolutions have been considered under the terms of special rules reported by the Rules Committee and adopted by the House. These rules often establish limits on general debate (in recent years ranging from two to six hours, equally divided between the chair and ranking minority member of the Budget Committee), identify any amendments that can be offered (typically, only complete substitutes), and set debate limits for their consideration (generally, 40 minutes per amendment, equally divided between the proponent and an opponent). These rules often include time for specific debate on economic goals and policies, known colloquially as the “Humphrey-Hawkins debate.”²³

²¹ For more information, see CRS Report R47388, *Enforceable Spending Allocations in the Congressional Budget Process: 302(a)s and 302(b)s*, by Drew C. Aherne.

²² 2 U.S.C. §636(a).

²³ So named after the Humphrey-Hawkins Full Employment Act of 1978 (P.L. 95-523), which amended the Budget Act to provide additional debate time (up to four hours) on the subject of “economic goals and policies.” While the earliest special rules provided the full four hours of debate, recent practice has been to provide one additional hour. For more information, see CRS Report R47336, *Content and Consideration of the Budget Resolution: In Brief*, by Sarah B. Solomon.

In the Senate

Consideration of a budget resolution in the Senate is privileged and based on the procedures enumerated in Section 305(b)²⁴ of the Budget Act and Senate precedents. In addition, unanimous consent agreements are often used to modify and organize certain aspects of the floor process. Established parameters include the following:

- The motion to proceed to a budget resolution is not debatable (i.e., cloture is not required to end debate and reach a vote on adoption).
- Debate on a budget resolution and all amendments—as well as related motions and appeals—is limited to 50 hours, equally divided between the majority and minority.
- The number of amendments to a budget resolution is not restricted, but they must be germane.
- Debate time on any first-degree amendment is limited to no more than two hours, equally divided between the mover and the manager of the budget resolution. Debate on any second-degree amendment, debatable motion, or appeal is limited to one hour. Time spent in a quorum call during consideration of an amendment counts against this limit.
- All time spent in discussion on the floor during this period (on the resolution or on any amendment, motion, or appeal) counts toward the 50-hour debate limit. Time spent conducting votes does not.

In practice, the Senate often relies on a series of unanimous consent agreements to structure the consideration of amendments, including *which* amendments will be offered (to include amendment number, debate time, and vote threshold). These consent agreements may also yield time off the debate clock each day. Once all debate time has expired but before a vote on final passage, a Senate practice known as “vote-arama” typically ensues.

7. What is “vote-arama”?

Once all debate time on a budget resolution has expired, Senators can still offer additional amendments, as well as other motions and appeals, but they cannot debate them (except by unanimous consent). This feature of Senate procedure exists because Section 305(b) of the Budget Act limits “debate,” but not “consideration,” of a budget resolution.

Debate vs. consideration

In Senate rules, *debate* encompasses only the time allowed for discussion, whereas *consideration* includes debate time plus any time necessary to dispense with nondebateable actions such as motions, appeals, points of order, and votes. The Senate’s cloture rule (Rule XXII), once invoked, limits “consideration” of a matter to 30 hours, after which the Senate must dispose of any pending matter and then proceed to a final vote on the underlying measure. Because the Budget Act already limits debate on a budget resolution, cloture is not necessary to end debate, but neither the Budget Act nor Senate rules provide structure for the time period between the expiration of debate and a final vote on a budget resolution. *Vote-arama* is the colloquial term for the Senate’s method of structuring legislative activity during this “in between” period.

²⁴ 2 U.S.C. §636(b).

Structuring vote-arama

During a vote-arama, the Senate typically uses unanimous consent agreements to make tranches of amendments in order and to set the parameters for their consideration—usually two minutes to identify and briefly summarize the amendment, evenly divided between sides, followed by a vote. This frequently results in a series of extended, back-to-back (or “stacked”) votes. This process continues, usually without break, until the two sides mutually agree that no further amendments are to be considered.

Because there is no limit on the number of amendments that can be offered to a budget resolution, the volume of amendments considered during vote-arama can vary. Amendments can be disposed of via roll call vote, voice vote, or unanimous consent, or they can be offered and withdrawn (and no vote occurs). **Table 1** illustrates the number of amendments dispensed via roll call vote during recent vote-aramas on budget resolutions.

Table 1. Roll Call Votes During Budget Resolution Vote-aramas, FY2010-FY2024

Fiscal Year ^a	Budget Resolution	Roll Call Votes After Debate Time Expired ^b		
		Amendments Pending When Debate Time Expired	Amendments Offered After Debate Time Expired	Total
2010	S.Con.Res. 13	3	23	26
2014	S.Con.Res. 8	0	37	37
2016	S.Con.Res. 11	26	16	42
2017	S.Con.Res. 3	9	10	19
2018	H.Con.Res. 71	4	12	16
2021	S.Con.Res. 5	0	40	40
2022	S.Con.Res. 14	0	41	41

Sources: Information compiled from Congress.gov and the *Congressional Record*.

Notes:

- a. Budget resolutions were not adopted for FY2011-FY2015, FY2019-FY2020, and FY2023-FY2024. The Senate held a vote-arama during consideration of the FY014 budget resolution (S.Con.Res. 8, 113th Cong.), but after the House and Senate agreed to go to conference, no further action was taken.
- b. This table does not count amendments offered during vote-aramas that were dispensed with by voice vote or unanimous consent or amendments that were offered and then withdrawn.

8. How do the Senate and House address disagreements between their respective budget resolutions?

When the House and Senate adopt different versions of a budget resolution, they must resolve their differences to produce enforceable legislation. Agreement can be accomplished one of three ways: by conference committee, by an exchange of amendments, or by one chamber simply adopting the budget resolution passed by the other without any changes (see **Table 2**).²⁵

²⁵ For more information, see CRS Report 98-696, *Resolving Legislative Differences in Congress: Conference Committees and Amendments Between the Houses*, by Elizabeth Rybicki.

Conference committee

The Budget Act provides for the consideration of a conference report in the House and Senate, including limits on debate time and restrictions on certain motions and amendments.

Section 305(a)(6) provides for consideration of a conference report in the House. In practice, the chamber uses a special rule, reported by the Rules Committee and agreed to by the House, to structure debate. Typically, such a rule limits debate to one hour, equally divided, and waives all points of order against the contents of the conference report and any that may lie against its consideration.²⁶

In the Senate, Section 305(c) of the Budget Act limits debate on a conference report to 10 hours, equally divided, and debate on any motions or appeals is limited to one hour. By precedent, this limit on debate also includes any motions to go to conference (Senate Rule XXVIII) as well as other motions that may be in order to offer. Consideration of a conference report may also be structured by a unanimous consent agreement.

Exchange of amendments (“amendments between the houses”)

Rather than requesting a conference, the House and Senate may choose to exchange amendments instead. For example, the Senate may take up a House-originated budget resolution (H.Con.Res. 1), replace some or all of the text with its own preferred language, and send it back to the House. The House could then take up the Senate-amended budget resolution (H.Con.Res. 1, as amended), amend it further, and send it back to the Senate. A similar exchange could occur with a Senate-originated budget resolution. The Senate’s 10-hour debate limit on the conference report to a budget resolution also applies to amendments between the houses.²⁷

Adopt the other chamber’s budget resolution

Upon receipt of budget resolution that originated in one chamber, the other may choose to adopt it without amendment. For example, on three occasions in recent years, the House has adopted the Senate-passed budget resolution without any changes.

Table 2. Method of Resolving Differences Between Houses, FY2010-FY2024

Fiscal Year ^a	Budget Resolution	Method of Resolving Differences
2010	S.Con.Res. 13	Conference committee
2016	S.Con.Res. 11	Conference committee
2017	S.Con.Res. 3	House adopted the Senate’s budget resolution without amendment
2018	H.Con.Res. 71	Exchange of amendments between houses
2021	S.Con.Res. 5	House adopted the Senate’s budget resolution without amendment
2022	S.Con.Res. 14	House adopted the Senate’s budget resolution without amendment

Source: Information compiled from Congress.gov.

Note:

²⁶ CRS Report R47336, *Content and Consideration of the Budget Resolution: In Brief*, by Sarah B. Solomon.

²⁷ At any time during an exchange of amendments, one chamber may request to go to conference.

- a. Budget resolutions were not adopted for FY2011-FY2015, FY2019-FY2020, and FY2023-FY2024. The House and Senate went to conference on the FY2014 budget resolution (S.Con.Res. 8, 113th Cong.), but no further action was taken.

9. At what point in a calendar year does Congress typically consider a budget resolution?

Timetable

Section 300 of the Budget Act contains target dates for certain steps in the budget and appropriations process. Among them is adoption of the congressional budget resolution by April 15.²⁸ However, action is frequently delayed beyond this date. Since the current timetable was adopted in 1985 (and was first effective during consideration of the FY1987 budget resolution),²⁹ Congress has completed action on the budget resolution on or before the target date four times: for FY1994, FY2000, FY2001, and FY2004.

For those years between FY1987 and FY2022 when Congress adopted budget resolutions (25 budget resolutions in all), action was completed an average of 68 days after the April 15 target date, ranging from April 1 (14 days *before* the target date) to February 5 the following year (295 days *after* the target date). In recent practice, the time between the target completion date and adoption of the budget resolution by Congress has increased to an average of 154 days (see **Table 3**).

According to a 2017 precedent, Congress may adopt a budget resolution even during the fiscal year for which the resolution first applies—up until the end of that fiscal year (September 30). In effect, this allows the budget process to “catch up” with the actions enumerated in the timeline.³⁰

Table 3. Delayed Adoption of Congressional Budget Resolutions, FY2010-FY2024

Fiscal Year ^a	Budget Resolution	Date Adopted ^b	Calendar Days After April 15 Target Deadline
2010	S.Con.Res. 13 (111 th Cong.)	April 29, 2009	14
2016	S.Con.Res. 11 (114 th Cong.)	May 5, 2015	20
2017	S.Con.Res. 3 (115 th Cong.)	January 13, 2017	273
2018	H.Con.Res. 71 (115 th Cong.)	October 26, 2017	194

²⁸ 2 U.S.C. §631.

²⁹ The Balanced Budget and Emergency Deficit Control Act of 1985 (P.L. 99-177) revised several aspects of the budget process, including a shift from two budget resolutions per fiscal year to one. Among other changes, it established April 15 as the target date for Congress to complete action on a budget resolution.

³⁰ In calendar year 2017, the first session of 115th Congress established new precedent when it adopted budget resolutions for FY2017 (S.Con.Res. 3, adopted on January 13, 2017) and subsequently for FY2018 (H.Con.Res. 71, adopted on October 26, 2017). Each budget resolution included reconciliation directives that resulted in the consideration of a reconciliation bill. The FY2017 budget resolution resulted in the American Health Care Act of 2017 (H.R. 1628, which did not pass the Senate), and the FY2018 budget resolution resulted in the reconciliation act known as the Tax Cuts and Jobs Act of 2017 (P.L. 115-97). This precedent allowed the first session of 117th Congress to adopt budget resolutions for FY2021 (S.Con.Res. 5, adopted on February 5, 2021), which included reconciliation directives that resulted in the American Rescue Plan Act (P.L. 117-2), and for FY2022 (S.Con.Res. 14, adopted August 24, 2021), which included reconciliation directives that resulted in the reconciliation act known as the Inflation Reduction Act of 2022 (P.L. 117-169).

Fiscal Year ^a	Budget Resolution	Date Adopted ^b	Calendar Days After April 15 Target Deadline
2021	S.Con.Res. 5 (117 th Cong.)	February 5, 2021	296
2022	S.Con.Res. 14 (117 th Cong.)	August 24, 2021	131
Average number of calendar days a budget resolution was adopted after the April 15 target deadline, FY2010-2024			154

Sources: Information compiled from Congress.gov and CRS data analysis.

Notes:

- a. Budget resolutions were not adopted for FY2011-FY2015, FY2019-FY2020, and FY2023-FY2024. The House and Senate went to conference on the FY2014 budget resolution (S.Con.Res. 8, 113th Cong.); no further action was taken.
- b. The date on which Congress completed action on the budget resolution for that fiscal year.

The Senate’s automatic discharge precedent

According to the timetable, the target date for Senate Budget Committee to report a budget resolution for the upcoming fiscal year (that begins October 1 of a calendar year) is April 1 of that calendar year. If the committee has not reported a budget resolution by this date, by precedent any budget resolution that has been *referred* to the Budget Committee (H.Con.Res or S.Con.Res.) would be automatically discharged and placed on the calendar in the Senate, and any subsequent budget resolution *introduced* after this date would be referred, automatically discharged, and placed on the calendar.

Once a budget resolution is on the Senate calendar—regardless of how it was placed—any Senator can make a nondebatable motion to proceed to it. If the motion to proceed is agreed to, the budget resolution would be before the Senate for consideration.

10. Does Congress adopt a budget resolution every year?

Congress does not always complete action on a budget resolution for a given fiscal year (see **Table 4**). The Constitution gives each chamber the authority to determine its own rules and procedures, and the adoption of a budget resolution is considered an exercise of that authority.³¹ This means Congress determines if and when to complete that process. For the years when no budget resolution is adopted, the House and Senate have used alternative methods for establishing the enforceable spending and revenue levels required by the Budget Act.

Table 4. Budget Resolutions Adopted by Congress, FY2010-FY2024

Fiscal Year	Budget Resolution ^a	Conference Report ^b	Date Adopted ^c
2010	S.Con.Res. 13	H.Rept. 111-89	04-29-2009
2011	[none]	-	-
2012	[none]	-	-
2013	[none]	-	-
2014	[none] ^d	-	-
2015	[none]	-	-

³¹ 2 U.S.C. §621 note.

Fiscal Year	Budget Resolution ^a	Conference Report ^b	Date Adopted ^c
2016	S.Con.Res. 11	H.Rept. 114-96	05-05-2015
2017	S.Con.Res. 3	[none]	01-13-2017
2018	H.Con.Res. 71	[none]	10-26-2017
2019	[none]	-	-
2020	[none]	-	-
2021	S.Con.Res. 5	[none]	02-05-2021
2022	S.Con.Res. 14	[none]	08-24-2021
2023	[none]	-	-
2024	[none]	-	-

Sources: CRS Report RL30297, *Congressional Budget Resolutions: Historical Information*, by Bill Heniff Jr. and information compiled from Congress.gov.

Notes:

- a. For years when no budget resolution was adopted, the House and Senate relied on alternative methods of establishing enforceable budget levels, such as the spending allocations necessary to initiate the annual appropriations process.
- b. Where no conference report is listed, the House and Senate did not resolve their differences through a conference committee. One chamber adopted the other’s concurrent resolution without amendment or adopted the other’s amendment(s) to its concurrent resolution (see **Table 2**).
- c. The date on which Congress completed action on the budget resolution for that fiscal year.
- d. The House and Senate went to conference on a budget resolution (S.Con.Res. 8, 113th Cong.); no further action was taken.

11. What happens if Congress does not adopt a budget resolution?

In the absence of a budget resolution, Congress has used alternative legislative tools, such as deeming resolutions and statutory spending caps, to establish the enforceable spending and revenue levels called for in the Budget Act.

Deeming resolutions³²

So called because they are “deemed” to serve in place of a budget resolution, deeming resolutions (or “deemers”) have no statutorily or precedentially prescribed content, but they generally accomplish two objectives: (1) they authorize the Budget Committee chair in the House or Senate (acting on behalf of the chamber) to submit for printing in the *Congressional Record* some or all of the spending and revenue levels and allocations that would normally appear in a budget resolution, and (2) they stipulate that those parameters are to be treated as enforceable levels subject to the points of order established in the Budget Act (see **Figure 3**).

³² See CRS Report R44296, *Deeming Resolutions: Budget Enforcement in the Absence of a Budget Resolution*, by Megan S. Lynch.

Figure 3. Example of a Deeming Resolution in the Senate

SEC. 122. AUTHORITY FOR FISCAL YEAR 2025 BUDGET RESOLUTION IN THE SENATE.

(a) **FISCAL YEAR 2025.**—For the purpose of enforcing the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), after April 15, 2024, 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 2025 with appropriate budgetary levels for fiscal year 2025 and for fiscal years 2026 through 2034.

(b) **COMMITTEE ALLOCATIONS, AGGREGATES, AND LEVELS.**—After April 15, 2024, but not later than May 15, 2024, the Chairman of the Committee on the Budget of the Senate shall submit a statement for publication in the Congressional Record that includes—

- (1) for the Committee on Appropriations of the Senate, committee allocations for fiscal year 2025 consistent with the discretionary spending limits set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by this Act, and the outlays flowing therefrom, for the purpose of enforcing section 302 of the Congressional Budget Act of 1974 (2 U.S.C. 633);
- (2) for all committees other than the Committee on Appropriations, committee allocations for fiscal years 2025, 2025 through 2029, and 2025 through 2034 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 (2 U.S.C. 633);
- (3) aggregate spending levels for fiscal year 2025 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 (2 U.S.C. 642);
- (4) aggregate revenue levels for fiscal years 2025, 2025 through 2029, and 2025 through 2034 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 (2 U.S.C. 642);
- (5) levels of Social Security revenues and outlays for fiscal years 2025, 2025 through 2029, and 2025 through 2034 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 (2 U.S.C. 633, 642); and
- (6) a statement under the heading “Accounts Identified for Advance Appropriations” for the purpose of enforcing section 123 of this title.

(c) **ADDITIONAL MATTER.**—The statement referred to in subsection (b) may also include for fiscal year 2025 the deficit-neutral reserve fund in section 3003 of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, updated by 3 fiscal years.

(d) **EXPIRATION.**—This section shall expire if a concurrent resolution on the budget for fiscal year 2025 is agreed to by the Senate and the House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

Source: The Fiscal Responsibility Act of 2023 (P.L. 118-5).

Although a deeming resolution can serve as an alternative to a budget resolution for some purposes, it is not itself a budget resolution. Consequently, a deeming resolution does not prevent the consideration of a budget resolution that may develop later. Moreover, a deeming resolution does not include the committee directives that are necessary to initiate the reconciliation process under the Budget Act.

Statutory spending caps

In the past, Congress has used discretionary spending caps established in law (usually as an amendment to the Balanced Budget and Emergency Deficit Control Act) in developing appropriations legislation (see **Figure 4**).³³ These caps typically subdivide discretionary spending into defense and nondefense (or similar) categories and enforce these limits via sequester.³⁴ It is common for Congress to include deeming resolutions in this type of legislation, directing the House and Senate to treat the statutory caps as the equivalent of 302(a) allocations to the Appropriations Committees—effectively establishing a ceiling on total discretionary appropriations.

Figure 4. Example of Statutory Discretionary Spending Caps

TITLE I--DISCRETIONARY SPENDING LIMITS FOR DISCRETIONARY CATEGORY
SEC. 101. DISCRETIONARY SPENDING LIMITS.
(a) In General.--Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended--
(1) in paragraph (7)(B), by striking "and" at the end; and
(2) by inserting after paragraph (8) the following:
(9) for fiscal year 2024--
(A) for the revised security category, \$886,349,000,000 in new budget authority; and
(B) for the revised nonsecurity category, \$703,651,000,000 in new budget authority; and
(10) for fiscal year 2025--
(A) for the revised security category, \$895,212,000,000 in new budget authority; and
(B) for the revised nonsecurity category, \$710,688,000,000 in new budget authority;"

Source: The Fiscal Responsibility Act of 2023 (P.L. 118-5).

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³³ For FY2012-FY2021, statutory spending limits were set in the Budget Control Act of 2011 (P.L. 112-25) and periodically revised in subsequent legislation. For FY2024 and FY2025, statutory spending limits were established in the Fiscal Responsibility Act (P.L. 118-5). For more information, see CRS Insight IN12353, *Discretionary Spending: Setting a Topline Amount for FY2025 Appropriations*, by James V. Saturno and Megan S. Lynch.

³⁴ Broadly defined, a sequester is an across-the-board reduction in spending designed to bring affected categories of budget authority in line with the limits established in law. For more information, see CRS Report R42972, *Sequestration as a Budget Enforcement Process: Frequently Asked Questions*, by Megan S. Lynch.

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