



**Congressional
Research Service**

Informing the legislative debate since 1914

Setting Budgetary Levels: The House's FY2023 Deeming Resolution

July 11, 2022

Congressional Research Service

<https://crsreports.congress.gov>

R47175



Setting Budgetary Levels: The House’s FY2023 Deeming Resolution

R47175

July 11, 2022

Megan S. Lynch

Specialist on Congress and the Legislative Process

The Congressional Budget Act of 1974 directs Congress to adopt a budget resolution each spring, providing an agreement between the House and Senate on a budget plan for the upcoming fiscal year (and at least four additional years). The annual budget resolution includes certain spending and revenue levels that become enforceable through points of order once both chambers have adopted the resolution.

Congress does not always adopt a budget resolution, however, and this may complicate the development and consideration of budgetary legislation. Congress has, therefore, developed an alternative legislative tool, typically referred to as a “deeming resolution” because it is deemed to serve in place of an annual budget resolution for the purposes of establishing enforceable budgetary levels.

On June 8, 2022, the House of Representatives adopted H.Res. 1151, a deeming resolution for FY2023. H.Res. 1151 provided a committee spending allocation (302(a) allocation) to the House Appropriations Committee (\$1.603 trillion). It also directed the chair of the House Budget Committee to subsequently file a statement in the *Congressional Record* that includes committee spending allocations for all other committees, as well as aggregate spending and revenue levels. (Those levels were filed on June 21, 2022.) H.Res. 1151 specified that the levels filed in the *Congressional Record* be consistent with the “most recent baseline of the Congressional Budget Office,” meaning that the committee spending allocations (other than for the Appropriations Committee) and the aggregate spending and revenue levels have been set at the levels currently projected under current law.

In addition to providing enforceable budgetary levels within the House, H.Res. 1151 grants authority to the chair of the House Budget Committee to “adjust” the budgetary levels provided under the deeming resolution in the future under specified circumstances. In addition, the resolution states that provisions designated as “emergency” shall be effectively exempt from House budgetary rules and specifies that certain accounts may receive advance appropriations for FY2024 and FY2025.

Contents

Introduction	1
The FY2023 House Deeming Resolution.....	2
Budgetary Levels	2
Adjustments	4
Advance Appropriations.....	5

Tables

Table 1. Budget Aggregate Totals.....	2
Table 2. Allocation of Spending Authority to the House Committee on Appropriations	2
Table 3. Allocations of Spending Authority to House Committees Other Than Appropriations.....	3

Contacts

Author Information.....	7
-------------------------	---

Introduction

The Congressional Budget Act of 1974 (CBA) directs Congress to adopt a budget resolution each spring, providing an agreement between the House and Senate on a budget plan for the upcoming fiscal year (and at least four additional years).¹ The budget resolution does not become law; therefore, no money is spent or collected as a result of its adoption. Instead, the budget resolution includes certain spending and revenue levels that become enforceable through points of order once both chambers have adopted the resolution.² The budget resolution may also trigger the budget reconciliation process,³ which provides fast-track procedures in the Senate for certain mandatory spending, tax, and debt limit legislation.

While the CBA directs Congress to adopt a budget resolution each year, Congress does not always do so (either because the chambers do not develop a budget resolution or because the chambers are unable to reach agreement on a resolution). In the past 20 fiscal years (FY2003-FY2022), there were 11 for which Congress did not adopt a budget resolution.

When Congress does not adopt a budget resolution, the development and consideration of budgetary legislation for the upcoming fiscal year may become more complicated. For example, without a budget resolution, committees are not given a committee spending allocation reflecting a limit on spending within that committee's jurisdiction (i.e., a 302(a) allocation). Lacking such allocations, the House and Senate Appropriations Committees cannot make the required sub-allocations, which act as formal limits on individual appropriations bills. This may hinder the development and consideration of annual appropriations measures that fund discretionary spending programs.

In the absence of agreement on a budget resolution, Congress has developed alternative legislative tools to serve as a substitute for a budget 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 budgetary levels.⁴ A deeming resolution may not be used to trigger the budget reconciliation process, but the adoption of a deeming resolution does not preclude Congress from subsequently agreeing to a budget resolution. The House has adopted a deeming resolution (in varying forms) in each of the 11 fiscal years for which Congress did not adopt a budget resolution between FY2003-FY2022.⁵

¹ Titles I-IX of P.L. 93-344, as amended; 2 U.S.C. §§601-688.

² For example, in the House, the CBA prohibits consideration of legislation that would cause new budget authority or outlays for the first fiscal year in the budget resolution to be exceeded (§§311(a)(2) and 311(a)(1)). It also prohibits consideration in the House and Senate of legislation that would cause revenues to fall below the levels set forth in the budget resolution for the first fiscal year or for the total of all fiscal years covered in the budget resolution (§§311(a)(1) and 311(a)(2)). Points of order are not self-enforcing, meaning that if no Member raises a point of order, a chamber may consider and pass legislation that would violate levels established in the budget resolution. In addition, either chamber may waive the point of order—in the House by a simple majority of Members and in the Senate by three-fifths of all Senators.

³ For more information on the budget reconciliation process, see CRS Report R44058, *The Budget Reconciliation Process: Stages of Consideration*, by Megan S. Lynch and James V. Saturno.

⁴ See CRS Report R44296, *Deeming Resolutions: Budget Enforcement in the Absence of a Budget Resolution*, by Megan S. Lynch.

⁵ *Ibid.*

The FY2023 House Deeming Resolution

On June 7, 2022, the House Rules Committee reported H.Res. 1153, which stated that upon adoption, a deeming resolution for FY2023, H.Res. 1151, would automatically be adopted. H.Res. 1153 was subsequently adopted on June 8, 2022, by a vote of 218-205. The limits provided under H.Res. 1151 are enforceable only in the House and have no procedural effect in the Senate (which has not yet acted on a deeming resolution). Adoption of H.Res. 1151 does not preclude Congress from subsequently agreeing to a budget resolution.

Budgetary Levels

H.Res. 1151, the House deeming resolution, provided a 302(a) allocation to the House Appropriations Committee (\$1.603 trillion). It also directed the chair of the House Budget Committee to subsequently include in the *Congressional Record* committee spending allocations for all other committees, as well as aggregate spending and revenue levels. H.Res. 1151 specified that the levels filed in the *Congressional Record* be consistent with the “most recent baseline of the Congressional Budget Office.” This means that the committee spending allocations (other than for the Appropriations Committee) and the aggregate spending and revenue levels have been set as the levels projected under current law, essentially stating that levels of mandatory spending and revenue should remain unchanged except to the extent that is already provided for under current law. Pursuant to H.Res. 1151, on June 21, 2022, such budgetary material was filed in the *Congressional Record* by the chair of the House Budget Committee, Representative John Yarmuth.⁶ Budgetary levels filed pursuant to H.Res. 1151 are shown below.

Table 1. Budget Aggregate Totals
On-Budget Amounts

Appropriate Level	2023	2023-2032
Budget Authority	\$4,528,253,000,000	n/a
Outlays	\$4,688,647,000,000	n/a
Revenues	\$3,753,670,000,000	\$42,984,390,000,000

Source: Rep. John Yarmuth, “Publication of Budgetary Material,” *Congressional Record*, daily edition, Vol. 168 (June 21, 2022), p. H5731-H5732.

Notes: Levels filed pursuant to H.Res. 1151. Levels may be adjusted in the future pursuant to H.Res. 1151.

Table 2. Allocation of Spending Authority to the House Committee on Appropriations

Appropriate Level	2023
Base Discretionary Budget Authority	\$1,602,901,000,000
Base Discretionary Outlays	\$1,756,809,000,000
Current Law Mandatory Budget Authority	\$1,496,383,000,000
Current Law Mandatory Outlays	\$1,485,023,000,000

⁶ Rep. John Yarmuth, “Publication of Budgetary Material,” *Congressional Record*, daily edition, Vol. 168 (June 21, 2022), p. H5731-H5732.

Source: Rep. John Yarmuth, “Publication of Budgetary Material,” *Congressional Record*, daily edition, Vol. 168 (June 21, 2022), p. H5731-H5732.

Notes: Levels filed pursuant to H.Res. 1151. Levels may be adjusted in the future, pursuant to H.Res. 1151.

Table 3. Allocations of Spending Authority to House Committees Other Than Appropriations

House Committee	Total: 2023	Total: 2023-2032
Agriculture	Budget Authority: \$12,292,000,000 Outlays: \$15,405,000,000	Budget Authority: \$1,103,566,000,000 Outlays: \$1,115,310,000,000
Armed Services	Budget Authority: \$206,134,000,000 Outlays: \$205,869,000,000	Budget Authority: \$1,632,601,000,000 Outlays: \$1,625,236,000,000
Education and Labor	Budget Authority: \$31,708,000,000 Outlays: \$85,991,000,000	Budget Authority: \$186,715,000,000 Outlays: \$270,707,000,000
Energy and Commerce	Budget Authority: \$681,746,000,000 Outlays: \$688,948,000,000	Budget Authority: \$9,416,220,000,000 Outlays: \$9,459,559,000,000
Financial Services	Budget Authority: \$20,545,000,000 Outlays: \$12,282,000,000	Budget Authority: \$235,635,000,000 Outlays: \$11,780,000,000
Foreign Affairs	Budget Authority: \$43,541,000,000 Outlays: \$43,113,000,000	Budget Authority: \$436,607,000,000 Outlays: \$436,433,000,000
Homeland Security	Budget Authority: \$2,438,000,000 Outlays: \$2,886,000,000	Budget Authority: \$27,304,000,000 Outlays: \$29,562,000,000
House Administration	Budget Authority: \$15,000,000 Outlays: \$-8,000,000	Budget Authority: \$119,000,000 Outlays: \$-73,000,000
Judiciary	Budget Authority: \$14,926,000,000 Outlays: \$16,250,000,000	Budget Authority: \$149,205,000,000 Outlays: \$150,914,000,000
Natural Resources	Budget Authority: \$10,081,000,000 Outlays: \$10,357,000,000	Budget Authority: \$85,787,000,000 Outlays: \$92,609,000,000
Oversight and Reform	Budget Authority: \$147,324,000,000 Outlays: \$158,086,000,000	Budget Authority: \$1,645,768,000,000 Outlays: \$1,643,623,000,000
Science, Space, and Technology	Budget Authority: \$160,000,000 Outlays: \$399,000,000	Budget Authority: \$1,591,000,000 Outlays: \$1,927,000,000
Small Business	Budget Authority:— Outlays: \$738,000,000	Budget Authority:— Outlays: \$875,000,000
Transportation and Infrastructure	Budget Authority: \$97,259,000,000 Outlays: \$24,703,000,000	Budget Authority: \$1,015,663,000,000 Outlays: \$221,848,000,000
Veterans' Affairs	Budget Authority: \$6,889,000,000 Outlays: \$7,000,000,000	Budget Authority: \$258,375,000,000 Outlays: \$258,415,000,000
Ways and Means	Budget Authority: \$1,355,643,000,000 Outlays: \$1,358,523,000,000	Budget Authority: \$19,185,077,000,000 Outlays: \$19,191,184,000,000

Source: Rep. John Yarmuth, “Publication of Budgetary Material,” *Congressional Record*, daily edition, Vol. 168 (June 21, 2022), p. H5731-H5732.

Notes: Levels filed pursuant to H.Res. 1151. Levels may be adjusted in the future pursuant to H.Res. 1151.

Adjustments

The deeming resolution also includes several procedural provisions known as “adjustments” that authorize the chair of the Budget Committee to “adjust” the budgetary levels provided under the deeming resolution in the future. This authority may be exercised only under circumstances specified in the provision and within any specified budgetary limits included in the provision. In many cases, an adjustment provision would allow increases in the spending levels provided under the resolution, thereby allowing the consideration of certain legislation without breaching these limits. The deeming resolution specifies that any adjustments shall apply while the legislation is being considered by the House, shall take effect upon the enactment of the legislation, and shall be published in the *Congressional Record* as soon as practicable.⁷ H.Res. 1151 grants adjustment authority to the chair of the House Budget Committee to revise the levels in the deeming resolution (as shown above) to reflect the following:

- Changes resulting from CBO’s “updates to its baseline for fiscal years 2023 through 2032;”⁸
- Enactment of legislation providing for “a change in concepts or definitions;”⁹
- Amounts provided in unspecified legislation, so long as such legislation would not increase the projected net deficit for either of FY2023-FY2027 or FY2023-FY2032;¹⁰
- Legislation providing appropriations for FY2023 that is designated as being for disaster relief, up to a prescribed amount;¹¹
- Legislation providing appropriations for FY2023 specified for wildfire suppression operations in the Wildland Fire Management accounts at the Department of Agriculture or the Department of the Interior in excess of \$1.395 billion but not to exceed \$2.55 billion;¹²

⁷ H.Res. 1151, §2.

⁸ H.Res. 1151, §1(c)(1).

⁹ H.Res. 1151, §1(c)(2). An example of a change in concepts and definitions might include a reclassification that shifts programs between the mandatory and the discretionary categories. Other such adjustments have included accounting changes made by the Federal Credit Reform Act of 1990 and changes in budgetary treatment and estimating methodologies. Office of Management and Budget, *Budget of the United States Government, FY1992*, Budget Enforcement Act Preview Report, February 4, 1991; Office of Management and Budget, *Budget of the United States Government, FY1993*, Budget Enforcement Act Preview Report, January 29, 1992.

¹⁰ H.Res. 1151, §1(c)(3).

¹¹ H.Res. 1151, Section 1(f) specifies that the adjustment amount for FY2023 “shall be the total of such appropriations for fiscal year 2023 designated as being for disaster relief, but not to exceed the total of—(A) the average over the previous 10 fiscal years (excluding the highest and lowest fiscal years) of the sum of the funding provided for disaster relief (as that term is defined on the date immediately before March 23, 2018); (B) 5 percent of the total appropriations provided in the previous 10 fiscal years, net of any rescissions of budget authority enacted in the same period, with respect to amounts provided for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and designated by the Congress as an emergency; and (C) the cumulative net total of the unused carryover for fiscal year 2018 and all subsequent fiscal years, where the unused carryover for each fiscal year is calculated as the sum of the amounts in subparagraphs (A) and (B) less the enacted appropriations for that fiscal year that have been designated as being for disaster relief.”

¹² H.Res. 1151, §1(g). While the provision itself does not reference \$1.395 billion, it states that the term *additional new budget authority* has the meaning “specified in subclause (I) ... of section 251(b)(2)(F)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(F)(ii)(I) and (II)),” which is “the amount provided for a fiscal year in an appropriation Act that is in excess of the average costs for wildfire suppression operations as reported in the budget of the President submitted under section 1105(a) of title 31 for fiscal year 2015 and are specified to pay

- Legislation providing appropriations for FY2023 specified for the health care fraud abuse control program at the Department of Health and Human Services in excess of \$323 million but not to exceed \$576 million;¹³
- Legislation providing appropriations for FY2023 specified for continuing disability reviews that is in excess of \$288 million but not to exceed \$1.511billion;¹⁴
- Legislation providing appropriations for FY2023 specified for reemployment services and eligibility assessments¹⁵ in excess of \$117 million but not to exceed \$258 million.¹⁶

In addition to these adjustments, the deeming resolution also specifies that spending or revenue provisions designated as “emergency” shall be effectively exempt from House budgetary rules. More specifically, the deeming resolution states that the budgetary effects of any provision that provides spending or reduces revenue and is designated as being an emergency requirement should not count toward the legislation’s budgetary effect for the purposes of enforcing the deeming resolution or any other budgetary rule in the House.¹⁷

Advance Appropriations

Budget resolutions typically include provisions that prohibit or limit advance appropriations. Similarly, this deeming resolution specifies that advance appropriations are prohibited but with certain exceptions (consistent with current budgeting practices). *Advance appropriations* are generally defined as any new discretionary budget authority that will not be available for obligation until a subsequent fiscal year.¹⁸

for the costs of wildfire suppression operations in an amount not to exceed the amount specified for that fiscal year in clause (i).” This is the combination of \$1,011,060 for the Forest Service and \$383,657 for the Department of the Interior for a total of \$1,394,717,000. See U.S. Department of Agriculture, Forest Service, *Fiscal Year 2015 Budget Justification*, March 2014, Table I, p. 259; and U.S. Department of the Interior, Wildland Fire Management, *Budget Justifications and Performance Information FY2015*, p. 33.

¹³ H.Res. 1151, §1(h).

¹⁴ H.Res. 1151, §1(i). Specifically, the provision states that the adjustment applies to funding for “continuing disability reviews under titles II and XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.), for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act, for the cost of co-operative disability investigation units, and for the cost associated with the prosecution of fraud in the programs and operations of the Social Security Administration by Special Assistant United States Attorneys, then the adjustment shall be the additional new budget authority specified in such measure for such expenses for fiscal year 2023, but shall not exceed \$1,511,000,000.” The provision specifies that the term *continuing disability reviews* “means continuing disability reviews under sections 221(i) and 1614(a)(4) of the Social Security Act (42 U.S.C. 421(i), 1382c(a)(4)), including work-related continuing disability reviews to determine whether earnings derived from services demonstrate an individual’s ability to engage in substantial gainful activity;” the term *redetermination* “means redetermination of eligibility under sections 1611(c)(1) and 1614(a)(3)(H) of the Social Security Act (42 U.S.C. 1382(c)(1), 1382c(a)(3)(H));” and the term *additional new budget authority* “means the amount provided for FY2023, in excess of \$288,000,000, in a bill, joint resolution, amendment, or conference report and specified to pay for the costs of continuing disability reviews, redeterminations, co-operative disability investigation units, and fraud prosecutions under the heading ‘Limitation on Administrative Expenses’ for the Social Security Administration.”

¹⁵ The provision specifies that such funding is provided through “grants to States under section 306 of the Social Security Act (42 U.S.C. 506) for claimants of regular compensation, as defined in such section, including those who are profiled as most likely to exhaust their benefits.”

¹⁶ H.Res. 1151, §1(j).

¹⁷ H.Res. 1151, §1(e).

¹⁸ H.Res. 1151, §3. For more information on advance appropriations, see CRS Report R43482, *Advance*

Appropriations, Forward Funding, and Advance Funding: Concepts, Practice, and Budget Process Considerations, by Jessica Tollestrup and Kate P. McClanahan.

The deeming resolution provides exceptions to the prohibition on advance appropriations for FY2024 for four accounts within the Military Construction, Veterans Affairs, and Related Agencies appropriations bill: Veterans Medical Services, Veterans Medical Support and Compliance, Veterans Medical Facilities, and Veterans Medical Community Care. In addition, the deeming resolution includes exceptions to the prohibition on advance appropriations for FY2024 for other accounts not to exceed \$28.852 billion. Five of these accounts are in the Labor, Health and Human Services, and Education, and Related Agencies (LHHS) appropriations bill (Employment and Training Administration; Education for the Disadvantaged; School Improvement Programs; Career, Technical, and Adult Education; and Special Education), and two are in the Transportation, Housing and Urban Development Appropriations bill (Tenant-based Rental Assistance and Project-based Rental Assistance). Lastly, the deeming resolution provides an exception to the prohibition on advance appropriations for FY2025 for the Corporation for Public Broadcasting within the LHHS appropriations bill.

Author Information

Megan S. Lynch
Specialist on Congress and the Legislative Process

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.