



The "Deeming Resolution": A Budget Enforcement Tool

Megan Suzanne Lynch

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"Deeming resolution" is a term that refers to legislation deemed to serve as an annual budget resolution for purposes of establishing enforceable budget levels for a budget cycle. A deeming resolution is used when the House and Senate are late in reaching final agreement on a budget resolution or fail to reach agreement altogether.

The Congressional Budget Act of 1974 requires the annual adoption of a budget resolution establishing aggregate levels of revenues, spending, the debt limit, and the surplus or deficit, as well as allocations of spending. Enforcement of the budget resolution relies primarily upon points of order and reconciliation procedures. With regard to the enforcement of budget aggregates and committee spending allocations, the major points of order are found in Sections 311 and 302 of the act, respectively.

The term "deeming resolution" is not officially defined, nor is there any specific statute or rule authorizing such legislation. Instead, the use of a deeming resolution simply represents the House and Senate employing regular legislative procedures to deal with the issue on an ad hoc basis.

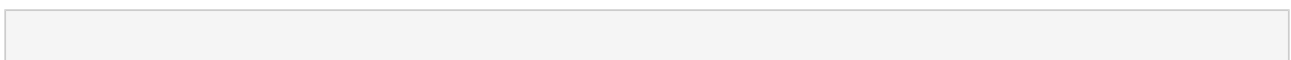
The form and content of a deeming resolution is not prescribed, so it may be shaped to meet the particular needs at hand. For example, the House and Senate have used simple resolutions as the legislative vehicle in the past, but a deeming resolution may be incorporated into a bill, such as an annual appropriations act, as a single provision. At a minimum, deeming resolutions provide new spending allocations to the Appropriations Committees, but they also may set new aggregate budget levels, provide revised spending allocations to other House and Senate committees, or provide for other related purposes.

For purposes of this report, a distinction is drawn between instances in which the budget resolution was adopted in a tardy manner and instances in which no budget resolution was adopted at all. For FY1999, the first of five years that the two chambers did not reach final agreement on a budget resolution, the Senate adopted two deeming resolutions (S.Res. 209 on April 2, 1998, and S.Res. 312 on October 21, 1998) and the House included deeming provisions in two resolutions dealing with other subjects as well (H.Res. 477, adopted on June 19, 1998, and H.Res. 5, adopted on January 6, 1999).

In the absence of a budget resolution for FY2003, the House on May 22, 2002, adopted a deeming provision in H.Res. 428, a special rule for H.R. 4775, a supplemental appropriations act. The Senate did not adopt a deeming resolution during the session. In a related action, the Senate extended certain expiring budget enforcement provisions by adopting S.Res. 304 on October 16, 2002.

For FY2005 and FY2007, the House and Senate again used deeming resolutions when they were unable to reach final agreement on the budget resolutions for those fiscal years. For FY2011, only the House agreed to a formal deeming resolution. The Senate chose instead to rely on informal limits on budgetary legislation. For FY2012, the House has agreed to H.Res. 287, a special rule deeming H.Con.Res. 34 as adopted, pending the adoption by the House and Senate of a budget resolution for FY2012.

This report will be updated as developments warrant.



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