

Enforceable Spending Allocations in the Congressional Budget Process: 302(a)s and 302(b)s

January 18, 2023

Congressional Research Service

<https://crsreports.congress.gov>

R47388



R47388

January 18, 2023

Drew C. Aherne

Analyst on Congress and
the Legislative Process

Enforceable Spending Allocations in the Congressional Budget Process: 302(a)s and 302(b)s

The Congressional Budget Act of 1974 (the Budget Act) stipulates a system for enforcing the spending levels established in the budget resolution that focuses on the individual committees and subcommittees that make budgetary decisions.

The Budget Act requires that the total spending levels set forth in the budget resolution be allocated among all committees with jurisdiction over spending legislation. The Budget Act also requires that the Committees on Appropriations in the House and Senate subdivide their total allocations among their subcommittees. Once reported, these suballocations effectively establish separate enforceable levels for each of the 12 regular appropriations bills. These allocations are known as “302(a)” allocations and “302(b)” suballocations, respectively, based on the sections of the Budget Act that establish the requirements. These allocations and suballocations serve as the primary means of enforcement for spending levels in the congressional budget process.

The 302(a) and 302(b) levels are not self-enforcing. Members can enforce them by raising points of order during the consideration of budgetary legislation. The Budget Act establishes multiple points of order for enforcing 302(a) and 302(b) levels, including prohibitions on the consideration of budgetary measures in the absence of 302 allocations and the consideration of legislation that would cause spending to exceed the allocations. Budget Act points of order enforcing 302(a) and 302(b) levels can be waived in the House and Senate, and each chamber has different procedures for doing so.

Congress has historically allowed for adjustments to or revisions of budgetary aggregates and 302 allocations under certain, specified circumstances. For example, these levels are adjusted to accommodate spending designated as an emergency, effectively exempting it from budget enforcement. In some cases, Congress has also given authority to adjust budget aggregates and allocations to accommodate certain specified budgetary legislation through “reserve fund” provisions in budget resolutions. In the case of 302(b) suballocations, the Budget Act provides that the Appropriations Committees may revise their suballocations.

Contents

Introduction	1
The Budget Resolution, Spending Levels, and Committee Allocations	1
The Budget Resolution	1
302(a) Allocations and 302(b) Suballocations	2
302 Allocations in Relation to Direct and Discretionary Spending	5
302(a)s and 302(b)s in Years Without a Budget Resolution	7
Enforcement of 302(a)s and 302(b)s.....	7
Adjustments and Revisions	9

Figures

Figure 1. 302(a) Example	3
Figure 2. Appropriations Committee 302(a) Example	4
Figure 3. 302(b) Example.....	5
Figure 4. 302(a) Discretionary Adjustment Example	10
Figure 5. 302(b) Adjustment Example	10
Figure 6. Reserve Fund Example	11
Figure 7. Reserve Fund Adjustment Example	12

Tables

Table 1. Budget Act Points of Order Enforcing 302(a)s and 302(b)s.....	8
--	---

Contacts

Author Information.....	12
-------------------------	----

Introduction

The Congressional Budget Act of 1974 (the Budget Act) provides for the adoption of a concurrent resolution on the budget to serve as an agreement between the House and Senate on a budget plan for the upcoming fiscal year (and at least four fiscal years thereafter).¹ The budget resolution, among other things, allows Congress to establish a fiscal framework for the consideration of legislation affecting the federal budget. As a concurrent resolution, the budget resolution is not signed into law and does not make direct changes to spending and revenues. Furthermore, it represents a broad budget framework that does not allocate funds to specific programs or accounts. Instead, the Budget Act establishes various procedural and legislative mechanisms that allow Congress to enforce the budgetary levels adopted in the budget resolution. One such mechanism is the enforcement of spending levels on a committee-by-committee basis through allocations established in relation to the budget resolution.

The Budget Act requires that Congress allocate the aggregate spending levels set forth in the budget resolution among committees in the House and Senate with jurisdiction over spending legislation (commonly referred to as “302(a)” allocations). The Budget Act also requires the Appropriations Committees in the House and Senate to subdivide their 302(a) allocations among their subcommittees to create enforceable levels for each of the regular, annual appropriations bills (commonly referred to as “302(b)” suballocations).² These allocations and suballocations can be enforced through points of order raised by Members during the consideration of budgetary legislation on the House or Senate floor and serve as the primary means of enforcing spending levels in the congressional budget process.

This report provides an overview of the use of 302(a) allocations and 302(b) suballocations as enforceable spending limits in the congressional budget process. First, it discusses 302 allocations in the context of the budget resolution and spending levels more generally, as well as the processes for making them both as established in the Budget Act and in recent practice. Next, it discusses the enforcement of 302(a)s and 302(b)s through points of order and the processes for waiving their application in the House and Senate. Lastly, it outlines the contexts within which Congress generally allows for revisions or adjustments to 302(a)s and 302(b)s.

The Budget Resolution, Spending Levels, and Committee Allocations

The Budget Resolution

The Budget Act provides for the adoption of a concurrent resolution on the budget to set forth budgetary parameters and coordinate budgetary decisions for the upcoming fiscal year.³ The Budget Act requires that the budget resolution include a number of budgetary levels for the upcoming fiscal year and at least the four ensuing fiscal years, including

- total new budget authority and outlays;

¹ Titles I-IX of P.L. 93-344, codified as amended at 2 U.S.C. §601-§661f.

² These allocations and suballocations are known as “302(a)” allocations and “302(b)” suballocations, respectively, based on the sections of the Budget Act that establish the requirements. Sections 302(a) and 302(b) of the Budget Act, codified as amended at 2 U.S.C. §633.

³ Section 301 of the Budget Act, codified as amended at 2 U.S.C. §632. For more on budget resolutions, see CRS Report R47336, *Content and Consideration of the Budget Resolution: In Brief*, by Sarah B. Solomon.

- total federal revenues and, if necessary, the amount by which the total is to be changed by legislative action;
- the surplus or deficit;
- new budget authority and outlays for each major functional category (based on the total levels set forth);
- the public debt; and
- outlays and revenues of the Social Security trust funds.⁴

As already noted, the Budget Act establishes procedural mechanisms that allow Congress to enforce the budgetary levels adopted in the budget resolution while considering legislation over the course of a fiscal year. One of the primary mechanisms for doing so is based on enforceable spending levels, allocated from the aggregate levels set forth in the budget resolution, to the individual committees that make spending decisions.

302(a) Allocations and 302(b) Suballocations

302(a) Allocations

Section 302(a) of the Budget Act requires that the total spending levels adopted in the budget resolution be allocated among each committee in the House and Senate with jurisdiction over spending legislation. These allocations are required to cover both the upcoming fiscal year and at least the four ensuing fiscal years for all committees other than the Committees on Appropriations. In practice, allocations to these committees generally cover the whole budget window included in the budget resolution, which has often been 10 fiscal years in recent budget resolutions. The Budget Act requires that allocations made to the House and Senate Committees on Appropriations cover only the upcoming fiscal year.

The Budget Act establishes that 302(a) allocations be included in the joint explanatory statement accompanying a House-Senate conference report on the budget resolution. Recent practice, however, has most often been for the budget resolution (or an alternative legislative measure) to include instructions for the chairs of the House and Senate Budget Committees to submit a statement containing 302(a) allocations for printing in the *Congressional Record*.⁵ The Budget Act does not specify an exact format for 302(a) allocations, and their presentation may vary between the House and Senate in some years. Despite any potential differences, all 302(a) allocations contain total budget authority and outlays for the required period for all House and Senate committees with jurisdiction over spending legislation. See **Figure 1** for an example of 302(a) allocations printed in the *Congressional Record*.

⁴ These amounts are set forth separately in the budget resolution for enforcement purposes in the Senate. The Social Security trust funds are considered off-budget and are not reflected in the aggregate spending and revenue amounts in the budget resolution.

⁵ In recent years, 302(a) allocations in the House have been printed in the *Congressional Record* under the heading “Publication of Budgetary Material.” In the Senate, they have been printed under various headings in recent years, including “Budget Committee Submissions,” “Fiscal Year 2018 Enforcement Filing,” “Enforcing Budgetary Levels for Fiscal Year 2020,” and “Budget Enforcement Levels for Fiscal Year 2021,” among others.

Figure 1. 302(a) Example
Senate FY2022 Excerpt

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. 14) (\$ in billions)				ALLOCATION OF SPENDING AUTHORITY TO SENATE COMMITTEE OTHER THAN APPROPRIATIONS—Continued (Pursuant to Section 302 of the Congressional Budget Act of 1974 and S. Con. Res. 14) (\$ in billions)			
	2022	2022–2026	2026–2031		2022	2022–2026	2026–2031
Agriculture, Nutrition, and Forestry: Budget Authority	169.301	739.376	1,502.313	Outlays	14.326	39.006	63.219
Outlays	156.545	681.230	1,370.549	Finance: Budget Authority	2,929.972	15,675.717	37,803.344
Armed Services: Budget Authority	204.681	1,081.825	1,709.208	Outlays	3,025.410	15,761.012	37,875.037
Outlays	209.330	1,080.912	1,707.478	Foreign Relations: Budget Authority	46.608	221.288	440.253
Banking, Housing, and Urban Affairs: Budget Authority	22.106	123.886	245.422	Outlays	44.533	224.346	443.323
Outlays	16.131	59.645	65.228	Health, Education, Labor, and Pensions: Budget Authority	57.526	165.934	308.763
Commerce, Science, and Transportation: Budget Authority	18.161	91.223	183.890	Outlays	128.790	359.168	496.052
Outlays	32.945	95.536	165.865	Homeland Security and Governmental Af- fairs: Budget Authority	163.094	858.603	1,822.637
Energy and Natural Re- sources: Budget Authority	7.410	36.704	65.681	Outlays	162.131	867.724	1,839.039
Outlays	7.124	35.751	69.719	Indian Affairs: Budget Authority	0.563	2.438	4.498
Environment and Public Works: Budget Authority	48.743	243.930	492.473	Outlays	4.362	7.681	9.805
				Judiciary: Budget Authority	19.326	90.419	183.057
				Outlays	18.598	92.358	183.989

Source: *Congressional Record*, daily edition, vol. 167, no. 165 (September 23, 2021), pp. S6667–S6668.

Notes: For ease of readability, this figure does not show 302(a) allocations made to all Senate committees for FY2022. Congress enacted S.Con.Res. 14, the concurrent resolution on the budget for FY2022, on August 24, 2021. Section 4006 of S.Con.Res. 14, in part, instructed the chairs of the House and Senate Budget Committees to submit a statement for publication in the *Congressional Record* containing 302(a) allocations to committees for FY2022. On September 23, 2021, the chairman of the Senate Budget Committee submitted the above 302(a) allocations for printing in the *Congressional Record*.

302(b) Suballocations

Section 302(b) of the Budget Act requires that the House and Senate Appropriations Committees further divide their 302(a) allocation among their subcommittees. The House and Senate Appropriations Committees currently have 12 identical subcommittees, each responsible for developing one of the regular, annual appropriations bills.⁶ These 302(b) suballocations effectively establish separate enforceable levels for each of the regular appropriations bills. The House and Senate Appropriations Committees each meet as a full committee to adopt and report 302(b) suballocations, which contain the required total budget authority and outlays for the upcoming fiscal year for each subcommittee.⁷ **Figure 2** and **Figure 3** provide an example of a 302(a) allocation to the House Appropriations Committee as well as the associated 302(b)s to its subcommittees.

⁶ For more on the subcommittee structure of the House and Senate Appropriations Committees, see CRS Report RL31572, *Appropriations Subcommittee Structure: History of Changes from 1920 to 2021*, by James V. Saturno.

⁷ Senate 302(b) suballocations have also distinguished between security and non-security discretionary spending for informational purposes in recent fiscal years.

Figure 2. Appropriations Committee 302(a) Example
House FY2022

TABLE 1.—ALLOCATION OF SPENDING AUTHORITY TO THE HOUSE COMMITTEE ON APPROPRIATIONS (Unified amounts in millions of dollars)	
	2022
Base Discretionary Action:	
BA	1,506,027
OT	1,672,503
Current Law Mandatory:	
BA	1,356,059
OT	1,355,730

Source: *Congressional Record*, daily edition, vol. 167, no. 110 (June 24, 2021), p. H3130.

Notes: The House adopted H.Res. 467 on June 14, 2021. Section 1 of H.Res. 467, in part, directed the chairman of the House Budget Committee to submit a statement for publication in the *Congressional Record* containing the 302(a) allocation for the Committee on Appropriations for FY2022. On June 24, 2021, the chairman of the House Budget Committee submitted the above 302(a) allocation to the Appropriations Committee for printing in the *Congressional Record*.

Figure 3. 302(b) Example
House FY2022

Subcommittee	Discretionary	Mandatory	Total
Agriculture:			
Budget authority	26,550	150,271	176,821
Outlays	26,000	137,918	163,918
Commerce, Justice, Science:			
Budget authority	81,315	326	81,641
Outlays	78,500	339	78,839
Defense:			
Budget authority	705,939	514	706,453
Outlays	699,803	514	700,317
Energy and Water:			
Budget authority	53,226		53,226
Outlays	52,500		52,500
Financial Services and General Government:			
Budget authority	28,540	22,616	51,156
Outlays	29,700	22,610	52,310
Homeland Security:			
Budget authority	52,811	1,964	54,775
Outlays	70,000	1,955	71,955
Interior, Environment:			
Budget authority	43,400	64	43,464
Outlays	41,000	65	41,065
Labor, Health and Human Services, Education:			
Budget authority	237,466	1,041,349	1,278,815
Outlays	329,500	1,042,082	1,371,582
Legislative Branch:			
All except Senate:			
Budget authority	4,803	127	4,930
Senate items:			
Budget authority	1,173	32	1,205
Total Legislative:			
Budget authority	5,976	158	6,134
Outlays	6,000	158	6,158
Military Construction, Veterans Affairs:			
Budget authority	124,500	138,638	263,138
Outlays	129,500	149,930	279,430
State, Foreign Operations:			
Budget authority	62,242	159	62,401
Outlays	58,000	159	58,159
Transportation, HUD:			
Budget authority	84,062		84,062
Outlays	152,000		152,000
Total:			
Budget authority	1,506,027	1,356,059	2,862,086
Outlays	1,672,503	1,355,730	3,028,233

Source: H.Rept. 117-78, p. 2.

Notes: The House Committee on Appropriations reported the 302(b) suballocations for its subcommittees associated with the 302(a) allocation in **Figure 2** on July 1, 2021. The budgetary totals made up from these 302(b) suballocations—including for discretionary budget authority and outlays, mandatory budget authority and outlays, and total budget authority and outlays—are identical to those established in the 302(a) allocation in **Figure 2**.

302 Allocations in Relation to Direct and Discretionary Spending

Congress distinguishes between two types of spending for budget enforcement purposes, direct (or mandatory) spending and discretionary spending.⁸ *Direct spending* is generally defined as any budget authority provided in a law other than an appropriations act.⁹ This type of spending commonly takes the form of a requirement for the government to make payments to eligible

⁸ For more on the types of spending in the federal budget, see CRS Report R44582, *Overview of Funding Mechanisms in the Federal Budget Process, and Selected Examples*, by Jessica Tollestrup.

⁹ Section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA, P.L. 99-351) defines *direct spending* as (a) budget authority provided by law other than appropriations acts, (b) entitlement authority, and (c) the Supplemental Nutrition Assistance Program.

recipients according to a formula that establishes criteria and benefits (known as an entitlement, such as Medicare). Direct spending makes up around two-thirds of federal spending and is controlled through authorizing statutes, which are within the jurisdiction of the legislative committees of Congress (such as the Senate Finance Committee and the House Energy and Commerce Committee). Although direct spending programs can be established in permanent laws that provide budget authority until they are revised or terminated, some programs sunset or expire, and to continue, they must be re-authorized or extended through newly enacted legislation (such as the Children's Health Insurance Program or the Temporary Assistance for Needy Families program).

Congress uses an existing-law baseline for informational and scoring purposes. The baseline is a projection of federal spending, revenues, and the deficit or surplus that are estimated to occur if current laws are maintained into the future, adjusted for various economic and technical assumptions. The baseline plays a role in determining the budgetary levels set forth in the budget resolution, including the associated 302(a) allocations. Since direct spending generally continues each year barring any changes to the laws that control it, the majority, if not all, of a legislative committee's 302(a) allocation may consist of spending already assumed to occur under the baseline. A legislative committee's 302(a) allocation signals how the budgetary levels adopted in the budget resolution fit Congress's legislative agenda with respect to issues within a committee's jurisdiction. For example, a 302(a) allocation above baseline levels may allow a committee to consider legislation that would increase direct spending under its jurisdiction (such as expanding or creating programs or activities within its jurisdiction).

Discretionary spending makes up roughly one-third of federal spending and is controlled through appropriations acts within the jurisdiction of the House and Senate Committees on Appropriations. The appropriations process occurs on an annual basis, with budget authority for discretionary spending typically determined for each fiscal year through the 12 regular appropriations bills.¹⁰ Congress sets the total enforceable limit for spending contained in the regular appropriations bills through the 302(a) allocations to the House and Senate Appropriations Committees. The Appropriations Committees are then required to set enforceable limits for each of the 12 regular appropriations bills "as soon as practicable" through 302(b) suballocations to their subcommittees.

The 302(b) suballocations serve as the primary enforcement mechanism for discretionary spending in the congressional budget process. Each appropriations subcommittee in the House and Senate receives a 302(b) suballocation, thus setting a top line limit for all discretionary spending under its jurisdiction. Each appropriations bill must then fund the agencies, programs, and activities under its jurisdiction at levels that, in total, do not exceed its subcommittee's 302(b) suballocation. Regular appropriations bills also provide budget authority to finance some direct spending programs (known as appropriated entitlements). Spending on appropriated entitlements is reflected in the amount allocated to the Appropriations Committees as well as their suballocations. The Budget Act requires that allocations be divided between direct and discretionary amounts (as seen in **Figure 2** and **Figure 3**), though only the overall level of each 302(b) suballocation is enforceable.

¹⁰ For more on the appropriations process, see CRS Report R47106, *The Appropriations Process: A Brief Overview*, by James V. Saturno and Megan S. Lynch.

302(a)s and 302(b)s in Years Without a Budget Resolution

Congress has not always adopted a concurrent resolution on the budget, including in 11 of the 20 fiscal years between FY2003 and FY2022. In these years, Congress has used alternative legislative measures to establish enforceable budget levels in accordance with the requirements set forth in the Budget Act. These measures are collectively referred to as “deeming resolutions” since they are deemed to serve in place of a budget resolution for the upcoming fiscal year.¹¹

There is no formal definition or required content for deeming resolutions, and they have historically varied in both form and function. Furthermore, the House and Senate have often adopted deeming resolutions separately and, as a result, may work with different budget aggregates for some part of the budget process. Despite variations, deeming resolutions all include language setting forth certain budgetary levels and holding that such levels are to be considered enforceable under the Budget Act as if they had been included in a budget resolution. This includes the authority to establish and enforce 302(a) allocations. In recent years, the chairs of the House and Senate Budget Committees have filed 302(a) allocations made in association with deeming resolutions for printing in the *Congressional Record*. The House and Senate Appropriations Committees generally follow the same practice for 302(b) suballocations under a deeming resolution as they would under a budget resolution.

Enforcement of 302(a)s and 302(b)s

Allocations made in association with the budget resolution are not self-enforcing. A Member must raise a point of order on the floor of the chamber during consideration of budgetary legislation before the presiding officer can rule on its application and, thus, for its enforcement.¹² Broadly, points of order are prohibitions against the consideration or content of certain legislation, amendments, or congressional action.¹³ Congress has created a number of points of order for the purposes of budget enforcement through the Budget Act and various budget resolutions. This includes points of order enforcing the budgetary levels set forth in the budget resolution, with 302(a) and 302(b) levels generally serving as the primary focus of enforcement.¹⁴

Budget Act points of order enforcing 302(a) and 302(b) levels may influence the timing of consideration and the budgetary effect of spending legislation either directly through their use on the floor or indirectly through the potential for their use. Budget Act points of order generally enforce 302(a) and 302(b) levels by creating certain prohibitions on the consideration of budgetary measures. This includes prohibitions on the consideration of certain budgetary measures before allocations are made, as well as prohibitions on the consideration of legislation or amendments that would cause spending levels to exceed the allocations. **Table 1** identifies points of order established by the Budget Act associated with the enforcement of 302(a)s and 302(b)s.

¹¹ For more on deeming resolutions, see CRS Report R44296, *Deeming Resolutions: Budget Enforcement in the Absence of a Budget Resolution*, by Megan S. Lynch.

¹² For more on points of order in the congressional budget process, see CRS Report 97-865, *Points of Order in the Congressional Budget Process*, by James V. Saturno.

¹³ For more on points of order in the House and Senate, see CRS Report 98-307, *Points of Order, Rulings, and Appeals in the House of Representatives*, by Valerie Heitshusen; and CRS Report 98-306, *Points of Order, Rulings, and Appeals in the Senate*, by Valerie Heitshusen.

¹⁴ For example, although Section 311(a)(1) of the Budget Act establishes a point of order for enforcing aggregate spending levels set forth in the budget resolution, Section 311(c) creates an exception in the House allowing aggregate levels to be exceeded so long as a committee’s 302(a) allocation has not been breached.

Table 1. Budget Act Points of Order Enforcing 302(a)s and 302(b)s

Section	Description	Senate Waiver Vote Threshold
302(c)	In the House and Senate, prohibits the consideration of any measure within the jurisdiction of the Appropriations Committees that provides new budget authority for a fiscal year until the committees have made 302(b) suballocations to their subcommittees (after the committees receive their 302(a) allocations).	Three-fifths
302(f)(1)	In the House, once a budget resolution has been adopted, prohibits consideration of legislation providing new budget authority for any fiscal year that would cause the allocation of new budget authority made in the applicable 302(a)s or 302(b)s for the first fiscal year or for the total of all fiscal years included in the budget resolution to be exceeded.	n/a
302(f)(2)(a)	In the Senate, once a budget resolution has been adopted, prohibits consideration of legislation from any committee other than the Appropriations Committee that would cause the allocation of new budget authority or outlays made in the applicable 302(a) allocation for the first fiscal year or for the total of all fiscal years included in the budget resolution to be exceeded.	Three-fifths
302(f)(2)(b)	In the Senate, once a budget resolution has been adopted, prohibits consideration of legislation from the Appropriations Committee that would cause the allocation of new budget authority made in the applicable 302(b) suballocation to be exceeded.	Three-fifths
303(c)	In the Senate, prohibits consideration of any appropriations measure until a budget resolution for that fiscal year has been adopted and a 302(a) allocation to the Appropriations Committee has been made.	Simple majority

Source: The Congressional Budget Act of 1974, Titles I-IX of P.L. 93-344, codified as amended at 2 U.S.C. §§601-688.

The House and Senate each have procedures for waiving Budget Act points of order. The Budget Act sets forth procedures for waiving points of order under the act in the Senate.¹⁵ Under these procedures, a Senator may make a motion to waive the application of a point of order either before it can be raised or after one has been raised, but must do so before the presiding officer rules on the merits of an already-raised point of order. The Budget Act also establishes vote thresholds by which points of order under the act may be waived in the Senate. As indicated in **Table 1**, most points of order related to the enforcement of 302(a) and 302(b) levels can be waived by a vote of at least three-fifths of all Senators duly chosen and sworn (60 votes if there are no vacancies). The three-fifths requirement for these points of order is temporary and currently set to expire on September 30, 2025.¹⁶ Furthermore, a Budget Act point of order may

¹⁵ Section 904 of the Budget Act.

¹⁶ The three-fifths requirement for waiving Budget Act points of order was originally established in Section 271 of BBEDCA (Title II of P.L. 99-177). The waiver procedure for Budget Act points of order was then amended by Section 10119 of the Balanced Budget Act of 1997 (P.L. 105-33), including a provision setting an expiration date for the three-fifths requirement of September 30, 2002. The three-fifths requirement—except for the point of order in Section 302(f)(2)(b)—was then extended through April 15, 2003, by Section 2 of S.Res. 304 (107th Congress). The requirement, including the point of order in Section 302(f)(2)(b), was further extended through September 30, 2008, by Section 503 of H.Con.Res. 95 (108th Congress); through September 30, 2010, by Section 403 of H.Con.Res. 95 (109th Congress).

not be raised against a measure while an amendment that would remedy the violation is pending before the Senate.¹⁷

The mechanism most commonly used by the House to waive Budget Act points of order is through the adoption of special rules providing for the consideration of relevant bills. Special rules require adoption through the affirmative vote of a majority of the House. Other means, such as suspension of the rules or unanimous consent, may also be used to waive points of order. Waivers in the House may be granted for a bill, specified provisions in a bill, or an amendment. The House may grant a waiver for one or more specific points of order in a special rule, or it can include a “blanket waiver” that would apply to all points of order that might otherwise be raised against a bill, provision, or amendment.

Adjustments and Revisions

Historically, Congress has generally allowed for adjustments to the budget aggregates and allocations associated with the budget resolution to accommodate certain spending.

The most commonly used adjustments to 302(a)s and 302(b)s are those related to certain discretionary spending. The authority to adjust allocations to accommodate certain discretionary spending originated in the Balanced Budget and Emergency Deficit Control Act of 1985.¹⁸ More recently, however, this authority has most often been established in provisions adopted through budget resolutions. These authorities allow relevant budgetary levels to be adjusted upward during consideration of a measure containing certain, specified discretionary spending, effectively exempting certain types of spending from budget enforcement. Some common examples of such spending include that which Congress has designated to be for an emergency, disaster relief, or overseas contingency operations. Congress has historically permitted adjustments for discretionary spending related to other specified purposes as well, such as certain program integrity activities.¹⁹ Congress may provide specific terms for some allowable adjustments, such as including a specified dollar amount that adjustments may not exceed or only allowing them for certain fiscal years.²⁰ House and Senate Budget Committee chairs generally submit 302(a) adjustments as a statement for printing in the *Congressional Record*, while the House and Senate Appropriations Committees generally communicate the requisite adjustments to 302(b) levels through committee reports. **Figure 4** and **Figure 5** provide an example of an adjustment to the 302(a) allocation to the House Appropriations Committee and the corresponding adjustment to its 302(b) levels to accommodate certain discretionary spending.

Congress); through September 30, 2017, by Section 205 of S.Con.Res. 21 (110th Congress); and through September 30, 2025, by Section 3201(a)(1) of S.Con.Res. 11 (114th Congress).

¹⁷ Section 312(d) of the Budget Act, codified as amended at 2 U.S.C. §643.

¹⁸ Section 251 of BBEDCA, codified as amended at 2 U.S.C. §901.

¹⁹ For example, Section 4004 of S.Con.Res. 14 (117th Congress), the budget resolution for FY2022, allows for the adjustment of aggregates and allocations to accommodate spending on the health care fraud and abuse control program at the Department of Health and Human Services.

²⁰ For example, Congress established that the adjustment for the health care fraud and abuse control program at the Department of Health and Human Services (described in footnote 19) may not exceed \$556 million for FY2022.

Figure 4. 302(a) Discretionary Adjustment Example

House Wildfire Suppression FY2023 (H.R. 8262)

TABLE 2—ALLOCATION OF SPENDING AUTHORITY TO THE HOUSE COMMITTEE ON APPROPRIATIONS	
[Unified amounts in millions of dollars]	
	2023
Current Discretionary Allocation:	
Budget Authority	1,602,901
Outlays	1,756,809
Revision for Disaster Relief (H.R. 8254):	
Budget Authority	143
Outlays	110
Revision for Disaster Relief (H.R. 8257):	
Budget Authority	19,945
Outlays	1,197
Revision for Wildfire Suppression (H.R. 8262):	
Budget Authority	2,550
Outlays	876
Revision for Program Integrity (H.R. 8295):	
Budget Authority	2,345
Outlays	1,892
Revised Discretionary Allocation:	
Budget Authority	1,627,884
Outlays	1,760,884
Current Law Mandatory:	
Budget Authority	1,496,383
Outlays	1,485,023

Source: *Congressional Record*, daily edition, vol. 168, no. 114 (July 12, 2022), p. H5973.

Notes: Section 1 of H.Res. 1151 (117th Congress), the House deeming resolution for FY2023, in part provides for adjustments to allocations, aggregates, and other budgetary levels to accommodate discretionary appropriations of up to \$2,550,000,000 for wildfire suppression operations. On July 1, 2022, the House Appropriations Committee reported H.R. 8262, the Department of the Interior, Environment, and Related Agencies Appropriations Act for FY2023, which included \$2,550,000,000 for wildfire suppression operations. On July 12, 2022, the chair of the House Budget Committee submitted for printing in the *Congressional Record* adjustments to the 302(a) allocation to the House Appropriations Committee to accommodate certain discretionary spending, including the \$2,550,000,000 for wildfire suppression operations in H.R. 8262 (outlined in red).

Figure 5. 302(b) Adjustment Example

House Wildfire Suppression FY2023 (H.R. 8262)

Interior, Environment:			
Base:			
Budget authority	44,775	64	44,839
Outlays	48,800	65	48,865
Wildfire Suppression:			
Budget Authority	2,550		2,550
Outlays	876		876
Total:			
Budget Authority	47,325	64	47,389
Outlays	49,676	65	49,741

Source: H.Rept. 117-398, p. 2.

Notes: On July 1, 2022, the House Appropriations Committee adjusted its 302(b) suballocations to “incorporate anticipated adjustments to the Committee’s 302(a) allocations for amounts provided for fiscal year 2023 in legislation that has been ordered reported by the Committee on Appropriations.” The committee adjusted the 302(b) suballocation to the Interior, Environment, and Related Agencies Subcommittee upward by \$2,550,000,000 to accommodate the discretionary appropriations for wildfire suppression operations provided in H.R. 8262 (117th Congress). The adjustments to the budget authority and outlays are identical to those made to the full committee’s 302(a) allocation in **Figure 4**. Although Section 314 of the Budget Act establishes that

adjustments to 302(b) suballocations should take place following adjustments to the 302(a) allocation to the Appropriations Committee, the House Appropriations Committee has sometimes reported adjusted 302(b) levels prior to the adjustment of their 302(a) allocation in recent years.

Another way that Congress allows for adjustments to budgetary levels is through provisions in budget resolutions providing for adjustments to accommodate legislation (most often involving direct spending) under certain circumstances. Provisions permitting such adjustments are often called “reserve funds” and generally allow for the adjustment of budget aggregates and allocations if certain legislation is reported or if other conditions are met.²¹ Adjustments made in association with a reserve fund provision may be exercised only under the circumstances and budgetary parameters specified in the budget resolution. It is common for reserve funds to include a requirement that the specified legislation be deficit-neutral, for example. Furthermore, the inclusion of a reserve fund in a budget resolution does not mandate future action on the specified legislation. Reserve fund provisions may indicate Congress’s intention to consider certain legislation and accommodate its budgetary effects, but they have also generally been included in budget resolutions for messaging purposes with no subsequent legislative action. **Figure 6** and **Figure 7** provide an example of a reserve fund provision included in a budget resolution and the subsequent adjustment to 302(a) levels to accommodate legislation related to that reserve fund.

Figure 6. Reserve Fund Example

Senate FY2022 (S.Con.Res. 14)

SEC. 3002. RESERVE FUND FOR RECONCILIATION LEGISLATION.

(a) SENATE.—

(1) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution, and make adjustments to the pay-as-you-go ledger, for any bill or joint resolution considered pursuant to section 2001 containing the recommendations of one or more committees, or for one or more amendments to, a conference report on, or an amendment between the Houses in relation to such a bill or joint resolution, by the amounts necessary to accommodate the budgetary effects of the legislation, if the budgetary effects of the legislation comply with the reconciliation instructions under this concurrent resolution, except that no adjustment shall be made pursuant to this subsection if such legislation raises taxes on people making less than \$400,000.

Source: Section 3002 of S.Con.Res. 14 (117th Congress).

Notes: Congress adopted S.Con.Res. 14, the concurrent resolution on the budget for FY2022, on August 24, 2021. Section 3002 of S.Con.Res. 14 included a reserve fund provision allowing the chairman of the Senate Budget Committee to adjust committee allocations and aggregates to accommodate reconciliation legislation pursuant to the instructions set forth in Section 2001 of the budget resolution.

²¹ For more on reserve funds, see CRS Report R47277, *Reserve Funds in the Congressional Budget Process: Frequently Asked Questions*, by Megan S. Lynch.

Figure 7. Reserve Fund Adjustment Example

Senate FY2022 (S.Con.Res. 14)

BUDGETARY REVISIONS

Mr. SANDERS. Madam President, section 3002 of S. Con. Res. 14, the fiscal year 2022 congressional budget resolution, allows the chairman of the Senate Budget Committee to revise budget aggregates, committee allocations, and the pay-as-you-go ledger for legislation considered under the resolution's reconciliation instructions.

I find that H.R. 5376, an act to provide for reconciliation pursuant to title II of S. Con. Res. 14, fulfills the conditions found in section 3002. Accordingly, I am revising the allocations for eight of the reconciled committees and revising other enforceable budgetary levels to account for the budgetary effects of the law. This adjustment reflects the estimate of the law as enacted provided by the Congressional Budget Office on September 7, 2022.

Source: *Congressional Record*, daily edition, vol. 168, no. 146 (September 12, 2022), p. S4537.

Notes: Congress enacted the Inflation Reduction Act (P.L. 117-169), a reconciliation act pursuant to the instructions set forth in the FY2022 budget resolution, in August 2022. On September 12, 2022, the chairman of the Senate Budget Committee filed a statement for printing in the *Congressional Record* making the requisite adjustments to budgetary aggregates and the 302(a) allocations of eight committees to accommodate P.L. 117-169. As noted in the statement, the adjustment levels reflect cost estimates of the law provided by the Congressional Budget Office.

Lastly, the Budget Act also provides authority for the House and Senate Appropriations Committees to revise their 302(b) suballocations within the limits of their 302(a) allocations at any time. This allows the Appropriations Committees to revise the enforceable level for each appropriations bill to reflect developments during the appropriations process so long as the total amount for all 12 subcommittees does not exceed their 302(a) allocations. The House and Senate Appropriations Committees generally communicate revisions reported by their respective committees through committee reports.

Author Information

Drew C. Aherne
Analyst 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.