



CENTER ON BUDGET AND POLICY PRIORITIES

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Revised June 24, 2004

“JOINT BUDGET RESOLUTION” COULD LEAD TO GRIDLOCK ON APPROPRIATIONS AND SHIFT POWER TO THE EXECUTIVE BRANCH

by Richard Kogan

Under current rules as set forth in the Congressional Budget Act of 1974, budget resolutions are “concurrent resolutions” that do not go to the President for his signature or veto and are not laws. Also under current rules, if a budget resolution has not been approved by May 15, appropriations bills may be brought to the House floor so that the appropriations process is not inordinately delayed.

The Republican Study Committee, a group of conservative members of the House of Representatives, has called for converting the concurrent budget resolution into a *joint* budget resolution that is signed by the President and has the force of law, *and* barring consideration of appropriations bills until the joint budget resolution is enacted, regardless of how many months it takes for the Senate, the House, and the President to reach agreement on the resolution. The President and Congress would have to work out agreement on a budget law before passing any appropriations bills or, for that matter, taking up any other legislation that has any budgetary impact. This proposal is contained in both H.R. 3800 and H.R. 3925.¹ It is expected to be offered on the House floor when the House considers budget process legislation, possibly during the week of June 21.

This proposal raises several serious concerns.

Delays in the Budget Process

The process of developing a Congressional budget resolution already can be long and tedious, with budget deadlines being missed; it can take time to work out agreement between the House and Senate. Requiring the agreement of the President as well would almost certainly make the process still more difficult and protracted.

In years in which the President and Congress were in serious disagreement on the budget, those disagreements might well not be resolved until the waning days of the Congressional session. As a result, if a joint budget resolution were required, action on appropriations bills could be held up until the final days of a Congressional session. In years in which budget agreements were delayed, the Appropriations Committees could lose months of valuable time and find themselves under intense pressure to assemble and pass bills in extremely compressed timeframes very late in the year.

¹ H.R. 3800, the “Family Budget Protection Act,” was introduced by Rep. Jeb Hensarling and more than 100 co-sponsors. This legislation includes a number of changes to the budget process, of which the joint budget resolution is one. Grover Norquist and other conservative activists and organizations have termed this bill the “gold standard” of budget-process legislation. H.R. 3925 was introduced by Rep. Mark Kirk and about 20 other Republican members.

To be sure, much of the work needed to reduce projected deficits in the 1980's and 1990's occurred when the President and Congress hammered out major budget deals — in 1983, 1990, 1993, and (to a lesser extent) 1997. But these experiences show that when the President and Congress share a desire to reduce the deficit, one does not need a joint budget resolution to bring them to the negotiating table. And in years when Congress and the President do *not* share a strong desire to produce major deficit-reduction legislation, requiring enactment of a joint budget resolution is likely to slow down the budget process.

Aggravating these problems, there would be no “fallback” if the President vetoed the budget resolution and Congress could not override the veto. Some Members of Congress have previously introduced joint budget resolution proposals that included a proviso that if the President vetoed the budget resolution and Congress did not override the veto, the vetoed resolution would go into effect as a concurrent resolution (i.e., as a resolution that functions as budget resolutions do today), so Congress would not be left with no budget at all. The joint budget resolution proposal in H.R. 3800 and H.R. 3925 deletes this proviso and provides no safety valve in the event of a veto that is not overridden. The proposal thus shifts substantial power from Congress to the Executive Branch, since nothing would happen until the President agreed to sign the budget resolution, and markedly increases the likelihood of protracted gridlock.

Slippery Slope to Parliamentary Budgeting

The proposal also poses another risk. The joint resolution is not supposed to provide a vehicle to change tax, entitlement, or appropriations laws. But once the President and the Leadership find themselves negotiating over a real statute, rather than a budget planning document, they may succumb to the temptation to turn the joint budget resolution into an omnibus law, enacting discretionary caps or actual appropriations levels, cutting entitlement programs or establishing entitlement caps, and directly raising or lowering taxes. If this happens, basic budget rules could be up for debate and amendment annually, budget outcomes may become more partisan (if one party has control of both the Presidency and Congress), “headline” proposals may rob resources from less glamorous but equally necessary program areas, and Congress may function more as a parliament, in which a single vote on a single piece of legislation enacts into law the majority party's budget.

If the annual budget resolution gradually turns into an annual omnibus budget bill, power over major budgetary details will slip from the various Congressional committees and gravitate toward the Budget Committee, the Leadership, and especially the President.