

Issue Brief

JANUARY 25, 2022

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Budget Committees Continue to Ignore Statutory Scorekeeping Obligations

Introduction

The chairs of the House and Senate Budget Committees are supposed to provide periodic scorekeeping reports to their colleagues with the updated total spending and revenue estimates that take into account the impact of recently enacted legislation. This straightforward requirement was established by the Congressional Budget and Impoundment Control Act (CBA) of 1974 in order to help Congress keep better track of budget status. Unfortunately, the chairs of the House and Senate Budget Committees are failing to meet their statutory obligation to provide these updates, further undermining a budget process that is already dysfunctional.

House Budget Chair John Yarmuth (D-KY) only made one scorekeeping report in 2021. He did at least report on updates of total aggregate authorization levels used for budgetary enforcement of measures under consideration, but failed to provide other details that are required by the 1974 Budget Act. The chair of the Senate Budget Committee, Senator Bernie Sanders (I-VT), meanwhile did not produce a single scorekeeping or other budget enforcement report during 2021. This leaves Members of Congress in the dark as to budget status, further exacerbating our persistent deficit problems.

Key Facts:



The Congressional Budget Office produces regular up-to-date budget tabulations with recent congressional actions and shares these scorekeeping with the budget committees in the House and Senate.



The Budget Act requires the House and Senate budget committees to make at least monthly updates to their respective chambers including at least a summary of the CBO's scorekeeping reports.



During 2021, the House Budget Committee only published one scorekeeping report in the Congressional Record. None were published by the Senate Budget Committee.



If the budget committees are not going to fulfill this basic reporting requirement, then CBO should be permitted to share its regular scorekeeping reports publicly on its website.

Scorekeeping Requirements in the Budget Act of 1974

The CBA re-asserted Congress's role in budgeting by establishing the Congressional Budget Office (CBO) and setting in place modern budget rules to standardize the practice of scorekeeping.

For example, [section 308b](#) of the CBA requires the CBO to provide the House and Senate budget committees with “up-to-date tabulations of congressional budget action.”¹ These reports show the previous levels of outlays and revenues for the current fiscal year, the gross changes from recently enacted legislation, and the net totals. The committees are then supposed to make available to the members of their respective chambers scorekeeping reports “on at least a monthly basis” that shall “include, but are not limited to” summaries of the reports submitted by CBO. When complying with this provision, the committee chairs submit the reports in the Congressional Record.

2021 Actions

House Budget Committee Chair Yarmuth submitted a scorekeeping report in compliance with 308b of the CBA in [April 2021](#).² CBO's scorekeeping report shows that Congress had previously enacted \$4.8 trillion in outlays for 2021. Newly enacted legislation, the \$1.1 trillion American Rescue Plan Act and the \$15 billion PPP Extension Act of 2021, upped the amount to \$5.9 trillion. The House was working under a budget resolution of nearly \$6 trillion for spending, so the total amount of spending at the time was \$136 billion less than the resolution level. The report also showed the net changes in revenue amounts and budget authorizations.

However, Yarmuth did not submit a follow-up scorekeeping report that would have taken into account changes in authorizations, outlays, and revenues enacted by Congress through the end of the fiscal year ending September 30, including:

- nearly \$2 billion provided in [H.R. 3237](#), the Emergency Security Supplemental Appropriations Act, 2021,³
- an outlay increase of \$5.9 billion in FY 2021 through [H.R. 1868](#), an Act to Prevent Across-the-Board Direct Spending Cuts,⁴ and
- appropriations of \$2.1 billion in the Major Medical Facility Authorization Act, [S. 1910](#).⁵

Despite the CBA requirement, there was no final accounting report shared in the Congressional Record showing how congressional action impacted outlays and revenues.

Yarmuth did file subsequent reports related to budget enforcement of consideration of pending legislation and amendments related to FY 2022 levels. For example, a budget submission in [July 2021](#) set the allocation of budget authority to the House Committee on Appropriations for FY 2022.⁶ An October update revised that amount upward by \$13 billion pursuant to a budget resolution deemed in August. This update also set committee allocations for FY 2022. Consideration of measures that exceed these allocations are subject to a point of order.

For his part, Senate Budget Committee Chairman Bernie Sanders produced no budget submissions of either sort in 2021.

As NTUF [wrote](#) in August 2021, the last scorekeeping report from the Senate Budget Committee was [filed](#) on November 12, 2020 by the previous chair Mike Enzi (R-WY) who increased transparency of the reports by publishing them on the committee's website in addition to sharing with colleagues in the Congressional Record.⁷

¹ Congressional Budget and Impoundment Control Act of 1974. Retrieved from <https://www.govinfo.gov/content/pkg/COMPS-10356/pdf/COMPS-10356.pdf>.

² Congressional Record Vol. 167, No. 69, House of Representatives April 21, 2021. Retrieved from <https://www.congress.gov/congressional-record/2021/4/21/house-section/article/h2050-1>.

³ H.R.3237 - Emergency Security Supplemental Appropriations Act, 2021. Retrieved from <https://www.congress.gov/bill/117th-congress/house-bill/3237>.

⁴ Congressional Budget Office. *Deficit Effects of H.R. 1868, an Act to Prevent Across-the-Board Direct Spending Cuts, and for Other Purposes*. March 19, 2021. Retrieved from <https://www.cbo.gov/publication/57079>.

⁵ S.1910 - Major Medical Facility Authorization Act of 2021. Retrieved from <https://www.congress.gov/bill/117th-congress/senate-bill/1910/text?overview=closed>.

⁶ Congressional Record Vol. 167, No. 129, House of Representatives, July 22, 2021. Retrieved from <https://www.congress.gov/congressional-record/2021/7/22/house-section/article/h3840-2>.

⁷ Brady, Demian. *Keeping Score on the Budgetary Scorekeepers*, National Taxpayers Union Foundation. August 2, 2021. Retrieved from <https://www.ntu.org/foundation/detail/keeping-score-on-the-budgetary-scorekeepers>.

Congressional Record Vol. 166, No. 193, Senate. November 12, 2020. Retrieved from <https://www.congress.gov/congressional-record/2020/11/12/senate-section/article/s6669-5>.

Enzi's predecessor as Chair, Senator Patty Murray (D-WA), also did not submit any scorekeeping reports but did at least make several entries related to budget enforcement and revision of allocations to the various authorizing and appropriation committees.

Why This Matters

The budget committees' updates on budget allocations help to enforce compliance with other sections of the CBA that establish points of order against consideration of proposals that would exceed the resolution limits. The 308b scorekeeping requirement is an important supplement to this information by showing whether Congress is abiding by those limits.

In other words, the authorizations tell Congress how much they can spend, the scorekeeping reports from CBO keep members aware of how much is actually being spent and also show whether the current spending and revenue levels are in compliance with the most recent budget resolution. As noted above, under the CBA, these reports are intended to be produced on a frequent basis to inform lawmakers on the latest budget estimates.

A 1990 CBO [report](#) emphasizes that, "One of CBO's most important functions is to keep track of all the spending and revenue legislation that is considered each year, so that the Congress can know whether it is acting within the limits set by the annual budget resolutions."⁸ Given the controversy over discrepancies last year between CBO's score of the "Build Back Better Act" versus budget estimates provided by the White House, the same report added that a 1990 budget agreement stipulated enforcement of the agreement in the legislative process would be based on CBO's scoring rather than the Office of Management and Budget (OMB) in the White House, because "Congress believes that CBO scoring is more impartial than OMB's."

CBO keeps a running tally of the latest baseline and budget totals including recently enacted legislation. In 1986, the CBO Director at the time, Rudolph Penner, [wrote](#) that "specially designed computer scorekeeping reports are provided weekly to the Budget and Appropriations Committees."⁹ However, these reports are submitted directly to the budget committees and are not publicly available unless the budget committees comply with the CBA's scorekeeping report requirement. Lawmakers – and the public – should not have to wait for CBO's budget outlook updates which are usually published three times a year.

Conclusion

The lack of compliance with basic scorekeeping transparency requirements gives the distinct impression that the massive budget imbalance is being willfully ignored by the committees that are supposed to be the fiscal caretakers in Congress. It therefore comes as little surprise that year end data for FY 2021 show that the federal deficit expanded by [\\$2.8 trillion](#).

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About the Author

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⁸ Congressional Budget Office. *A Profile of the Congressional Budget Office*. September, 1990. Retrieved from <https://www.cbo.gov/sites/default/files/101st-congress-1989-1990/reports/90doc126.pdf>.

⁹ Penner Rudolph G. *Statement of Rudolph G. Penner Director of the Congressional Budget Office before the Subcommittee on Legislative Branch Committee on Appropriations, United States Senate, Appropriation Request for Fiscal Year 1986*. Congressional Budget Office. May 21, 1985. Retrieved from <https://www.cbo.gov/sites/default/files/99th-congress-1985-1986/reports/85doc01.pdf>.



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