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United States Senate

COMMITTEE ON THE BUDGET

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May 29, 2018

The Honorable Steve Womack
The Honorable Nita Lowey
Joint Select Committee on Budget and Appropriations Process Reform
B234 Longworth House Office Building
Washington, DC 20515

Dear Co-Chair Womack and Co-Chair Lowey:

I was pleased to see reports that the Joint Select Committee on Budget and Appropriations Process Reform is considering proposals to change the current annual budget and appropriations process by moving to a biennial system. I write to encourage your efforts in this regard and to offer a suggestion.

I have long believed that moving to biennial appropriations would allow for greater transparency and congressional oversight of executive branch program spending and management. Biennial appropriations would have benefits for federal agencies too. Agencies would have more certainty with regard to their funding levels and more time to devote to long-term strategy, having been relieved of the need to prepare annual budget submissions.

The current process means that Congress finds itself in a nearly perpetual quest to develop and pass 12 funding bills for the next fiscal year to avoid a funding lapse. And yet, the sheer size and complexity of the federal budget and the appropriations process we have today virtually guarantee that Congress will not consider all of the appropriations bills individually each year.

Last Congress, I introduced legislation that would continue the budget resolution process on an annual cycle, in order to allow for topline adjustments and reconciliation instructions as events warrant, but would move toward a bifurcated biennial appropriations process. Under such a proposal, appropriations would be divided among 12 different bills, six of which would be adopted in the first session of Congress, six of which would be adopted in the second session. By halving the number of bills required to be adopted annually, Congress could create space for itself to devote more time and attention to oversight and other national priorities. If adopted, this proposal would make it more likely for Congress to complete work on the required bills each year, reducing the likelihood of the need for continuing resolutions or large omnibus bills – a goal I believe both parties share.

Attached for your review and consideration is a new draft bill that follows the model of the legislation I introduced last Congress but includes some revisions made in response to feedback we received.

I wish you success in this important effort and hope the Joint Committee is able to achieve consensus on this much-needed reform. If I can assist you in that regard, or if you would like additional information on this proposal, please do not hesitate to contact me directly or have your staff reach out to mine.

Sincerely,

A handwritten signature in black ink, reading "Michael B. Enzi". The signature is written in a cursive, slightly slanted style.

Michael B. Enzi
Chairman

115TH CONGRESS
2D SESSION

S. _____

To provide for biennial appropriations.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To provide for biennial appropriations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Biennial Appropria-
5 tions Act”.

6 **SEC. 2. REVISION OF TIMETABLE.**

7 Section 300 of the Congressional Budget Act of 1974
8 (2 U.S.C. 631) is amended to read as follows:

9 “TIMETABLE

10 “SEC. 300. (a) TIMETABLE.—

1 “(1) IN GENERAL.—The timetable with respect
2 to the congressional budget process for any fiscal
3 year is as follows:

“On or before:	Action to be completed:
First Monday in February	President submits a budget.
February 15	Congressional Budget Office submits report to Budget Committees.
Not later than 6 weeks after President submits budget.	Committees submit views and estimates to Budget Committees.
April 1	Budget Committees report concurrent resolution on the budget.
April 15	Congress completes action on concurrent resolution on the budget.
May 15	Biennial appropriation bills may be considered in the House as provided in subsection (b).
June 10	House Appropriations Committee reports last appropriation bill to be considered that year as provided in subsection (b).
June 15	Congress completes action on reconciliation legislation.
June 30	House completes action on biennial appropriation bills to be considered that year, as provided in subsection (b).
August 1	Congress completes action on biennial appropriation bills to be considered that year, as provided in subsection (b).
October 1	Fiscal year begins.

4 “(2) SPECIAL RULE.—In the case of any first
5 session of Congress that begins in any year immediately following a leap year and during which the
6 term of a President (except a President who succeeds himself or herself) begins, the following dates
7 shall supersede those set forth in paragraph (1):

“On or before:	Action to be completed:
First Monday in April	President submits a budget.
April 15	Congressional Budget Office submits report to Budget Committees.
April 20	Committees submit views and estimates to Budget Committees.
May 15	Budget Committees report concurrent resolution on the budget.

June 1	Congress completes action on concurrent resolution on the budget.
June 15	Biennial appropriation bills may be considered in the House as provided in subsection (b).
July 20	House completes action on biennial appropriation bills to be considered that year, as provided in subsection (b).
August 1	Congress completes action on biennial appropriation bills to be considered that year, as provided in subsection (b), and reconciliation legislation.
October 1	Fiscal year begins.

1 “(b) BIENNIAL APPROPRIATION BILLS.—Appropriation bills shall be enacted as follows:

2 “(1) ODD-NUMBERED YEARS.—In odd-numbered calendar years Congress shall consider pursuant to the budget process under this title and enact appropriation bills for the biennium beginning on October 1 of such calendar year for—

- 3 “(A) Energy and Water;
- 4 “(B) Financial Services;
- 5 “(C) Homeland Security;
- 6 “(D) Interior, Environment;
- 7 “(E) Labor, Health and Human Services,
- 8 Education; and
- 9 “(F) State–Foreign Operations.

10 “(2) EVEN-NUMBERED YEARS.—In even-numbered calendar years Congress shall consider pursuant to the budget process in this title and enact appropriation bills for the biennium beginning on October 1 of such calendar year for—

- 1 “(A) Agriculture;
- 2 “(B) Commerce, Justice, Science;
- 3 “(C) Defense;
- 4 “(D) Legislative Branch;
- 5 “(E) Military Construction, Veterans Af-
- 6 fairs; and
- 7 “(F) Transportation, Housing and Urban
- 8 Development.”.

9 **SEC. 3. AMENDMENTS TO THE CONGRESSIONAL BUDGET**

10 **AND IMPOUNDMENT CONTROL ACT OF 1974.**

11 (a) DEFINITIONS.—Section 3 of the Congressional

12 Budget Act of 1974 (2 U.S.C. 622) is amended by adding

13 at the end the following:

14 “(12) The term ‘biennium’ means the period of

15 2 consecutive fiscal years beginning on October 1.

16 “(13) The term ‘off-year appropriation Act’

17 means—

18 “(A) with respect to an odd-numbered

19 budget year, an Act making appropriations for

20 a purpose described in section 300(b)(1); and

21 “(B) with respect to an even-numbered

22 budget year, an Act making appropriations for

23 a purpose described in section 300(b)(2).”.

1 (b) COMMITTEE ALLOCATIONS.—Section 302 of the
2 Congressional Budget Act of 1974 (2 U.S.C. 633) is
3 amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1), in the matter pre-
6 ceding subparagraph (A)—

7 (i) by striking “for at least” and in-
8 serting “appropriations for each fiscal year
9 in the biennium, levels for at least”;

10 (ii) by striking “for that period of fis-
11 cal years” and inserting “for all fiscal
12 years covered by the resolution”; and

13 (iii) by striking “only for the fiscal
14 year of that resolution” and inserting “,
15 for which there shall be an allocation for
16 the first fiscal of the biennium for each ap-
17 propriations bill described in section
18 301(b) and an allocation for the second fis-
19 cal year of the biennium for each appro-
20 priations bill that is not an off-year appro-
21 priation Act with respect to the budget
22 year for the resolution”;

23 (B) by redesignating paragraphs (2), (3),
24 (4), and (5) as paragraphs (3), (4), (5), and
25 (6), respectively; and

1 (C) by inserting after paragraph (1) the
2 following:

3 “(2) OFF YEARS.—For purposes of computing
4 the amount allocated to the Committee on Appro-
5 priations for the first fiscal year of a biennium, the
6 Committee on the Budget of the Senate and the
7 Committee on the Budget of the House of Rep-
8 resentatives may each incorporate such adjustments
9 to accounts for off-year appropriations Acts as the
10 Chairman of such committee determines appro-
11 priate.”; and

12 (2) in subsection (b)—

13 (A) in the first sentence, by striking “the
14 budget year” and inserting “in each fiscal year
15 of the biennium for which an allocation is re-
16 quired”; and

17 (B) in the last sentence, by striking “sub-
18 section (a)(3)(B)” and inserting “subsection
19 (a)(4)(B)”.

20 (c) PROCEDURES IN THE HOUSE OF REPRESENTA-
21 TIVES.—

22 (1) ACTION BY COMMITTEE ON APPROPRIA-
23 TIONS.—

1 (A) IN GENERAL.—Section 307 of the
2 Congressional Budget Act of 1974 (2 U.S.C.
3 638) is amended—

4 (i) in the section heading, by inserting
5 “TO BE CONSIDERED FOR A YEAR” after
6 “ALL APPROPRIATION BILLS”; and

7 (ii) by inserting “for which an appro-
8 priation bill is to be considered during the
9 year under section 300(b)” after “all of its
10 subcommittees”.

11 (B) TECHNICAL AND CONFORMING AMEND-
12 MENT.—The table of contents set forth in sec-
13 tion 1(b) of the Congressional Budget and Im-
14 poundment Control Act of 1974 is amended by
15 striking the item relating to section 307 and in-
16 serting the following:

“Sec. 307. House committee action on all appropriation bills to be considered
for a year to be completed by June 10.”.

17 (2) APPROVAL OF REGULAR APPROPRIATION
18 BILLS.—Section 309 of the Congressional Budget
19 Act of 1974 (2 U.S.C. 640) is amended by inserting
20 “for which an appropriation bill is to be considered
21 during the year under section 300(b)” after “all the
22 subcommittees of the Committee on Appropria-
23 tions”.

1 **SEC. 4. AMENDMENTS TO TITLE 31, UNITED STATES CODE.**

2 (a) DEFINITION.—Section 1101 of title 31, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 “(3) ‘biennium’ has the meaning given that
6 term in section 3(12) of the Congressional Budget
7 and Impoundment Control Act of 1974 (2 U.S.C.
8 622(12)).”.

9 (b) BUDGET CONTENTS AND SUBMISSION TO THE
10 CONGRESS.—

11 (1) IN GENERAL.—Section 1105(a) of title 31,
12 United States Code, is amended in the matter pre-
13 ceding paragraph (1), by striking “the following fis-
14 cal year” and inserting “each fiscal year in the bien-
15 nium beginning on October 1 of that year”.

16 (2) EXPENDITURES.—Section 1105(a)(5) of
17 title 31, United States Code, is amended by striking
18 “the fiscal year for which the budget is submitted
19 and the 4 fiscal years after that year” and inserting
20 “each fiscal year in the biennium for which the
21 budget is submitted and in the succeeding 3 fiscal
22 years”.

23 (3) RECEIPTS.—Section 1105(a)(6) of title 31,
24 United States Code, is amended by striking “the fis-
25 cal year for which the budget is submitted and the
26 4 fiscal years after that year” and inserting “each

1 fiscal year in the biennium for which the budget is
2 submitted and in the succeeding 3 fiscal years”.

3 (4) BALANCE STATEMENTS.—Section
4 1105(a)(9)(C) of title 31, United States Code, is
5 amended by striking “the fiscal year” and inserting
6 “each fiscal year in the biennium”.

7 (5) FUNCTIONS AND ACTIVITIES.—Section
8 1105(a)(12) of title 31, United States Code, is
9 amended—

10 (A) in subparagraph (A), by striking “the
11 fiscal year” and inserting “each fiscal year in
12 the biennium”; and

13 (B) in subparagraph (B), by striking “4
14 fiscal years after that year” and inserting “3
15 fiscal years after the biennium”.

16 (6) ALLOWANCES.—Section 1105(a)(13) of title
17 31, United States Code, is amended by striking “the
18 fiscal year” and inserting “each fiscal year in the bi-
19 ennium”.

20 (7) ALLOWANCES FOR UNCONTROLLED EX-
21 PENDITURES.—Section 1105(a)(14) of title 31,
22 United States Code, is amended by striking “that
23 year” and inserting “each fiscal year in the bien-
24 nium for which the budget is submitted”.

1 (8) TAX EXPENDITURES.—Section 1105(a)(16)
2 of title 31, United States Code, is amended by strik-
3 ing “the fiscal year” and inserting “each fiscal year
4 in the biennium”.

5 (9) FUTURE YEARS.—Section 1105(a)(17) of
6 title 31, United States Code, is amended—

7 (A) by striking “the fiscal year following
8 the fiscal year” and inserting “each fiscal year
9 in the biennium following the biennium”;

10 (B) by striking “that following fiscal year”
11 and inserting “each such fiscal year”; and

12 (C) by striking “fiscal year before the fis-
13 cal year” and inserting “biennium before the bi-
14 ennium”.

15 (10) PRIOR YEAR OUTLAYS.—Section
16 1105(a)(18) of title 31, United States Code, is
17 amended—

18 (A) by striking “the prior fiscal year” and
19 inserting “each of the 2 most recently com-
20 pleted fiscal years,”;

21 (B) by striking “for that year” and insert-
22 ing “with respect to those fiscal years”; and

23 (C) by striking “in that year” and insert-
24 ing “in those fiscal years”.

1 (11) PRIOR YEAR RECEIPTS.—Section
2 1105(a)(19) of title 31, United States Code, is
3 amended—

4 (A) by striking “the prior fiscal year” and
5 inserting “each of the 2 most recently com-
6 pleted fiscal years”;

7 (B) by striking “for that year” and insert-
8 ing “with respect to those fiscal years”; and

9 (C) by striking “in that year” each place
10 it appears and inserting “in those fiscal years”.

11 (12) EESA.—Section 1105(a)(36) of title 31,
12 United States Code, is amended, in the matter pre-
13 ceding subparagraph (A), by striking “the fiscal year
14 for which the budget is submitted” and inserting
15 “each fiscal year in the biennium for which the
16 budget is submitted”.

17 (13) VETERANS.—Section 1105(a)(37) of title
18 31, United States Code, is amended, in the matter
19 preceding subparagraph (A), by striking “the fiscal
20 year for which the budget is submitted” and insert-
21 ing “each fiscal year in the biennium for which the
22 budget is submitted”,

23 (c) ESTIMATED EXPENDITURES OF LEGISLATIVE
24 AND JUDICIAL BRANCHES.—Section 1105(b) of title 31,

1 United States Code, is amended by striking “each year”
2 and inserting “each even-numbered year”.

3 (d) RECOMMENDATIONS TO MEET ESTIMATED DE-
4 FICIENCIES.—Section 1105(c) of title 31, United States
5 Code, is amended—

6 (1) by striking “the fiscal year for” the first
7 place it appears and inserting “each fiscal year in
8 the biennium for”;

9 (2) by striking “the fiscal year for” the second
10 place it appears and inserting “each fiscal year of
11 the biennium, as the case may be, for”; and

12 (3) by striking “for that year” and inserting
13 “for each fiscal year of the biennium”.

14 (e) CAPITAL INVESTMENT ANALYSIS.—Section
15 1105(e)(1) of title 31, United States Code, is amended
16 by striking “ensuing fiscal year” and inserting “biennium
17 to which such budget relates”.

18 **SEC. 5. TWO-YEAR APPROPRIATIONS; TITLE AND STYLE OF**
19 **APPROPRIATION ACTS.**

20 Section 105 of title 1, United States Code, is amend-
21 ed to read as follows:

22 **“§ 105. Title and style of appropriation Acts**

23 **“(a) IN GENERAL.—**

24 **“(1) BIENNIAL APPROPRIATIONS.—**Except as
25 provided in paragraph (2), the style and title of all

1 Acts making appropriations for the support of the
2 Government shall be as follows: ‘An Act making ap-
3 propriations (here insert the object) for each fiscal
4 year in the biennium of fiscal years (here insert the
5 fiscal years of the biennium).’.

6 “(2) OFF-YEAR AND OTHER
7 SUPPLEMENTALS.—The style and title of Acts mak-
8 ing supplemental appropriations for accounts appro-
9 priated under an off-year appropriation Act or mak-
10 ing other supplemental appropriations shall be as
11 follows: ‘An Act making supplemental appropriations
12 (here insert the object) for fiscal year (here insert
13 the fiscal year).’.

14 “(3) AMOUNTS.—All Acts making regular ap-
15 propriations for the support of the Government shall
16 specify the amount of appropriations provided for
17 each fiscal year in the biennium for which the Act
18 makes appropriations.

19 “(b) CONSIDERATION.—Acts described in subsection
20 (a)(1) shall be considered as provided in section 300(b)
21 of the Congressional Budget Act of 1974 (2 U.S.C.
22 631(b)).

23 “(c) DEFINITIONS.—In this section, the terms ‘bien-
24 nium’ and ‘off-year appropriation Act’ have the meanings

1 given such terms in section 3 of the Congressional Budget
2 and Impoundment Control Act of 1974 (2 U.S.C. 622).”.

3 **SEC. 6. CONGRESSIONAL OVERSIGHT.**

4 (a) IN GENERAL.—During each fiscal year during
5 which an appropriation Act is not required to be enacted
6 pursuant to section 300(b) of the Congressional Budget
7 Act of 1974 to fund the activities of an agency, in whole
8 or in part, each committee of the House of Representatives
9 and the Senate with legislative jurisdiction over the activi-
10 ties of that agency for which an appropriation Act is not
11 required shall hold a joint oversight hearing with the cor-
12 responding subcommittee of the Committee on Appropria-
13 tions of their respective House with jurisdiction over the
14 agency.

15 (b) HEARING.—A hearing required by subsection (a)
16 shall review—

17 (1) the mission of the agency;

18 (2) new programs created in the off year of the
19 agency budget;

20 (3) programs that were terminated in the off
21 year of the agency budget; and

22 (4) other topics, as necessary to conduct proper
23 oversight of the agency.

1 **SEC. 7. REPORT ON BIENNIAL APPROPRIATIONS.**

2 Not later than 5 years after the effective date of this
3 Act, the Director of the Office of Management and Budget
4 shall—

5 (1) determine the impact of moving to a bien-
6 nial appropriations cycle, as provided for under the
7 amendments made by this Act ; and

8 (2) submit to the Committee on the Budget of
9 the Senate and the Committee on the Budget of the
10 House of Representatives a report on the findings of
11 the study.

12 **SEC. 8. EFFECTIVE DATE.**

13 (a) IN GENERAL.—This Act and the amendments
14 made by this Act shall—

15 (1) take effect on January 1, 2019; and

16 (2) except as provided in subsection (b), apply
17 to the concurrent resolution on the budget and ap-
18 propriation Acts for fiscal year 2020 and each fiscal
19 year thereafter.

20 (b) OFF-YEAR APPROPRIATIONS.—Notwithstanding
21 any other provision of this Act or an amendment made
22 by this Act, for each appropriation Act not scheduled to
23 be considered during calendar year 2019 under section
24 300 of the Congressional Budget Act of 1974, as amended
25 by section 2—

1 (1) it shall be in order to consider the appro-
2 priation Act during calendar year 2019; and

3 (2) each such appropriation Act shall make ap-
4 propriations only for fiscal year 2020, except that
5 such an appropriation Act may provide new budget
6 authority that first becomes available for a fiscal
7 year after 2020.