

HC-23, 24, 25, 26

Michael B. Enzi

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AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide other enforcement provisions related to the House of Representatives.

IN THE SENATE OF THE UNITED STATES—115th Cong., 1st Sess.

H. Con. Res. 71

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By Enzi orth the
To: Amdt. No. 1116 s 2019

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Page(s)

GPO: 2016 22-945 (mac)

At _____ d by
_____ to the amendment (No. 1116)
proposed by Mr. ENZI

Viz:

- 1 At the end, add the following:
- 2 **TITLE V—BUDGET PROCESS IN**
- 3 **THE HOUSE OF REPRESENTA-**
- 4 **TIVES**
- 5 **Subtitle A—Budget Enforcement**
- 6 **SEC. 5101. POINT OF ORDER AGAINST INCREASING LONG-**
- 7 **TERM DIRECT SPENDING.**

8 (a) POINT OF ORDER.—It shall not be in order in
9 the House of Representatives to consider any bill or joint
10 resolution, or amendment thereto or conference report

1 thereon, that would cause a net increase in direct spending
2 in excess of \$2,500,000,000 in any of the 4 consecutive
3 10-fiscal year periods described in subsection (b).

4 (b) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF
5 PROPOSALS.—The Director of the Congressional Budget
6 Office shall, to the extent practicable, prepare an estimate
7 of whether a bill or joint resolution reported by a com-
8 mittee (other than the Committee on Appropriations), or
9 amendment thereto or conference report thereon, would
10 cause, relative to current law, a net increase in direct
11 spending in the House of Representatives, in excess of
12 \$2,500,000,000 in any of the 4 consecutive 10-fiscal year
13 periods beginning after the last fiscal year of this concur-
14 rent resolution.

15 (c) LIMITATION.—In the House of Representatives,
16 the provisions of this section shall not apply to any bills
17 or joint resolutions, or amendments thereto or conference
18 reports thereon, for which the chair of the Committee on
19 the Budget has made adjustments to the allocations, ag-
20 gregates, or other budgetary levels in this concurrent reso-
21 lution.

22 (d) DETERMINATIONS OF BUDGET LEVELS.—For
23 purposes of this section, the levels of net increases in di-
24 rect spending shall be determined on the basis of estimates

1 provided by the chair of the Committee on the Budget of
2 the House of Representatives.

3 (e) SUNSET.—This section shall have no force or ef-
4 fect after September 30, 2018.

5 **SEC. 5102. ALLOCATION FOR OVERSEAS CONTINGENCY OP-**
6 **ERATIONS/GLOBAL WAR ON TERRORISM.**

7 (a) SEPARATE ALLOCATION FOR OVERSEAS CONTIN-
8 GENCY OPERATIONS/GLOBAL WAR ON TERRORISM.—In
9 the House of Representatives, there shall be a separate
10 allocation of new budget authority and outlays provided
11 to the Committee on Appropriations for the purposes of
12 Overseas Contingency Operations/Global War on Ter-
13 rorism, which shall be deemed to be an allocation under
14 section 302(a) of the Congressional Budget Act of 1974.
15 Section 302(a)(3) of such Act shall not apply to such sepa-
16 rate allocation.

17 (b) SECTION 302 ALLOCATIONS.—The separate allo-
18 cation referred to in subsection (a) shall be the exclusive
19 allocation for Overseas Contingency Operations/Global
20 War on Terrorism under section 302(b) of the Congres-
21 sional Budget Act of 1974. The Committee on Appropria-
22 tions of the House of Representatives may provide sub-
23 allocations of such separate allocation under such section
24 302(b).

1 (c) APPLICATION.—For purposes of enforcing the
2 separate allocation referred to in subsection (a) under sec-
3 tion 302(f) of the Congressional Budget Act of 1974, the
4 “first fiscal year” and the “total of fiscal years” shall be
5 deemed to refer to fiscal year 2018. Section 302(c) of such
6 Act shall not apply to such separate allocation.

7 (d) DESIGNATIONS.—New budget authority or out-
8 lays shall only be counted toward the allocation referred
9 to in subsection (a) if designated pursuant to section
10 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 (e) ADJUSTMENTS.—For purposes of subsection (a)
13 for fiscal year 2018, no adjustment shall be made under
14 section 314(a) of the Congressional Budget Act of 1974
15 if any adjustment would be made under section
16 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 **SEC. 5103. LIMITATION ON CHANGES IN CERTAIN MANDA-**
19 **TORY PROGRAMS.**

20 (a) DEFINITION.—In this section, the term “change
21 in mandatory programs” means a provision that—

22 (1) would have been estimated as affecting di-
23 rect spending or receipts under section 252 of the
24 Balanced Budget and Emergency Deficit Control
25 Act of 1985 (as in effect prior to September 30,

1 2002) if the provision were included in legislation
2 other than appropriation Acts; and

3 (2) results in a net decrease in budget authority
4 in the budget year, but does not result in a net de-
5 crease in outlays over the total of the current year,
6 the budget year, and all fiscal years covered under
7 the most recently agreed to concurrent resolution on
8 the budget.

9 (b) POINT OF ORDER IN THE HOUSE OF REP-
10 RESENTATIVES.—

11 (1) IN GENERAL.—A provision in a bill or joint
12 resolution making appropriations for a full fiscal
13 year that proposes a change in mandatory programs
14 that, if enacted, would cause the absolute value of
15 the total budget authority of all such changes in
16 mandatory programs enacted in relation to a full fis-
17 cal year to be more than the amount specified in
18 paragraph (3), shall not be in order in the House of
19 Representatives.

20 (2) AMENDMENTS AND CONFERENCE RE-
21 PORTS.—It shall not be in order in the House of
22 Representatives to consider an amendment to, or a
23 conference report on, a bill or joint resolution mak-
24 ing appropriations for a full fiscal year if such
25 amendment thereto or conference report thereon

1 proposes a change in mandatory programs that, if
2 enacted, would cause the absolute value of the total
3 budget authority of all such changes in mandatory
4 programs enacted in relation to a full fiscal year to
5 be more than the amount specified in paragraph (3).

6 (3) AMOUNT.—The amount specified in this
7 paragraph is—

8 (A) for fiscal year 2018, \$19,100,000,000;

9 (B) for fiscal year 2019, \$17,000,000,000;

10 and

11 (C) for fiscal year 2020, \$15,000,000,000.

12 (c) DETERMINATION.—For purposes of this section,
13 budgetary levels shall be determined on the basis of esti-
14 mates provided by the chair of the Committee on the
15 Budget of the House of Representatives.

16 **SEC. 5104. LIMITATION ON ADVANCE APPROPRIATIONS.**

17 (a) IN GENERAL.—In the House of Representatives,
18 except as provided for in subsection (b), any general ap-
19 propriation bill or bill or joint resolution continuing appro-
20 priations, or amendment thereto or conference report
21 thereon, may not provide advance appropriations.

22 (b) EXCEPTIONS.—An advance appropriation may be
23 provided for programs, projects, activities, or accounts
24 identified in the report or the joint explanatory statement

1 of managers, as applicable, accompanying this concurrent
2 resolution under the following headings:

3 (1) GENERAL.—“Accounts Identified for Ad-
4 vance Appropriations”.

5 (2) VETERANS.—“Veterans Accounts Identified
6 for Advance Appropriations”.

7 (c) LIMITATIONS.—The aggregate level of advance
8 appropriations shall not exceed the following:

9 (1) GENERAL.—\$28,852,000,000 in new budget
10 authority for all programs identified pursuant to
11 subsection (b)(1).

12 (2) VETERANS.—\$70,699,313,000 in new budg-
13 et authority for programs in the Department of Vet-
14 erans Affairs identified pursuant to subsection
15 (b)(2).

16 (d) DEFINITION.—In this section, the term “advance
17 appropriation” means any new discretionary budget au-
18 thority provided in a general appropriation bill or joint
19 resolution continuing appropriations for fiscal year 2018,
20 or any amendment thereto or conference report thereon,
21 that first becomes available for the first fiscal year fol-
22 lowing fiscal year 2018.

23 **SEC. 5105. ESTIMATES OF DEBT SERVICE COSTS.**

24 In the House of Representatives, the chair of the
25 Committee on the Budget may direct the Congressional

1 Budget Office to include, in any estimate prepared under
2 section 402 of the Congressional Budget Act of 1974 with
3 respect to any bill or joint resolution, an estimate of any
4 change in debt service costs resulting from carrying out
5 such bill or resolution. Any estimate of debt service costs
6 provided under this section shall be advisory and shall not
7 be used for purposes of enforcement of such Act, the Rules
8 of the House of Representatives, or this concurrent resolu-
9 tion. This section shall not apply to authorizations of pro-
10 grams funded by discretionary spending or to appropria-
11 tion bills or joint resolutions, but shall apply to changes
12 in the authorization level of appropriated entitlements.

13 **SEC. 5106. FAIR-VALUE CREDIT ESTIMATES.**

14 (a) ALL CREDIT PROGRAMS.—Whenever the Director
15 of the Congressional Budget Office provides an estimate
16 of any measure that establishes or modifies any program
17 providing loans or loan guarantees, the Director shall also,
18 to the extent practicable, provide a fair-value estimate of
19 such loan or loan guarantee program if requested by the
20 chair of the Committee on the Budget of the House of
21 Representatives.

22 (b) STUDENT FINANCIAL ASSISTANCE AND HOUSING
23 PROGRAMS.—The Director of the Congressional Budget
24 Office shall provide, to the extent practicable, a fair-value
25 estimate as part of any estimate for any measure that es-

1 tablishes or modifies a loan or loan guarantee program
2 for student financial assistance or housing (including resi-
3 dential mortgage).

4 (c) **BASELINE ESTIMATES.**—The Congressional
5 Budget Office shall include estimates, on a fair-value and
6 credit reform basis, of loan and loan guarantee programs
7 for student financial assistance, housing (including resi-
8 dential mortgage), and such other major loan and loan
9 guarantee programs, as practicable, in its *The Budget and*
10 *Economic Outlook: 2018 to 2027*.

11 (d) **ENFORCEMENT IN THE HOUSE OF REPRESENTA-**
12 **TIVES.**—If the Director of the Congressional Budget Of-
13 fice provides an estimate pursuant to subsection (a) or (b),
14 the chair of the Committee on the Budget of the House
15 of Representatives may use such estimate to determine
16 compliance with the Congressional Budget Act of 1974
17 and other budget enforcement requirements.

18 **SEC. 5107. ESTIMATES OF MACROECONOMIC EFFECTS OF**
19 **MAJOR LEGISLATION.**

20 (a) **CBO AND JCT ESTIMATES.**—During the 115th
21 Congress, any estimate of major legislation considered in
22 the House of Representatives provided by the Congres-
23 sional Budget Office under section 402 of the Congres-
24 sional Budget Act of 1974 or by the Joint Committee on
25 Taxation to the Congressional Budget Office under section

1 201(f) of such Act shall, to the extent practicable, incor-
2 porate the budgetary effects of changes in economic out-
3 put, employment, capital stock, and other macroeconomic
4 variables resulting from such major legislation.

5 (b) CONTENTS.—Any estimate referred to in sub-
6 section (a) shall, to the extent practicable, include—

7 (1) a qualitative assessment of the budgetary
8 effects (including macroeconomic variables described
9 in subsection (a)) of the major legislation in the 20-
10 fiscal year period beginning after the last fiscal year
11 of the most recently agreed to concurrent resolution
12 on the budget that sets forth budgetary levels re-
13 quired under section 301 of the Congressional Budg-
14 et Act of 1974; and

15 (2) an identification of the critical assumptions
16 and the source of data underlying that estimate.

17 (c) DEFINITIONS.—In this section:

18 (1) MAJOR LEGISLATION.—The term “major
19 legislation” means a bill or joint resolution, or
20 amendment thereto or conference report thereon—

21 (A) for which an estimate is required to be
22 prepared pursuant to section 402 of the Con-
23 gressional Budget Act of 1974 (2 U.S.C. 653)
24 and that causes a gross budgetary effect (before
25 incorporating macroeconomic effects and not in-

1 cluding timing shifts) in a fiscal year in the pe-
2 riod of years of the most recently agreed to con-
3 current resolution on the budget equal to or
4 greater than 0.25 percent of the current pro-
5 jected gross domestic product of the United
6 States for that fiscal year; or

7 (B) designated as such by—

8 (i) the chair of the Committee on the
9 Budget of the House of Representatives
10 for all direct spending legislation; or

11 (ii) the Member who is Chairman or
12 Vice Chairman of the Joint Committee on
13 Taxation for revenue legislation.

14 (2) BUDGETARY EFFECTS.—The term “budg-
15 etary effects” means changes in revenues, direct
16 spending outlays, and deficits.

17 (3) TIMING SHIFTS.—The term “timing shifts”
18 means—

19 (A) provisions that cause a delay of the
20 date on which outlays flowing from direct
21 spending would otherwise occur from one fiscal
22 year to the next fiscal year; or

23 (B) provisions that cause an acceleration
24 of the date on which revenues would otherwise

1 occur from one fiscal year to the prior fiscal
2 year.

3 **SEC. 5108. ADJUSTMENTS FOR IMPROVED CONTROL OF**
4 **BUDGETARY RESOURCES.**

5 (a) ADJUSTMENTS OF DISCRETIONARY AND DIRECT
6 SPENDING LEVELS.—In the House of Representatives, if
7 a committee (other than the Committee on Appropria-
8 tions) reports a bill or joint resolution, or an amendment
9 thereto is offered or conference report thereon is sub-
10 mitted, providing for a decrease in direct spending (budget
11 authority and outlays flowing therefrom) for any fiscal
12 year and also provides for an authorization of appropria-
13 tions for the same purpose, upon the enactment of such
14 measure, the chair of the Committee on the Budget may
15 decrease the allocation to the applicable authorizing com-
16 mittee that reports such measure and increase the alloca-
17 tion of discretionary spending (budget authority and out-
18 lays flowing therefrom) to the Committee on Appropria-
19 tions for fiscal year 2018 by an amount equal to the new
20 budget authority (and outlays flowing therefrom) provided
21 for in a bill or joint resolution making appropriations for
22 the same purpose.

23 (b) DETERMINATIONS.—In the House of Representa-
24 tives, for purposes of enforcing this concurrent resolution,
25 the allocations and aggregate levels of new budget author-

1 ity, outlays, direct spending, revenues, deficits, and sur-
2 pluses for fiscal year 2018 and the total of fiscal years
3 2018 through 2027 shall be determined on the basis of
4 estimates made by the chair of the Committee on the
5 Budget and such chair may adjust the applicable levels
6 in this concurrent resolution.

7 **SEC. 5109. SCORING RULE FOR ENERGY SAVINGS PER-**
8 **FORMANCE CONTRACTS.**

9 (a) IN GENERAL.—The Director of the Congressional
10 Budget Office shall estimate provisions of any bill or joint
11 resolution, or amendment thereto or conference report
12 thereon, that provides the authority to enter into or mod-
13 ify any covered energy savings contract on a net present
14 value basis (NPV).

15 (b) NPV CALCULATIONS.—The net present value of
16 any covered energy savings contract shall be calculated as
17 follows:

18 (1) The discount rate shall reflect market risk.

19 (2) The cash flows shall include, whether classi-
20 fied as mandatory or discretionary, payments to con-
21 tractors under the terms of their contracts, pay-
22 ments to contractors for other services, and direct
23 savings in energy and energy-related costs.

1 (3) The stream of payments shall cover the pe-
2 riod covered by the contracts but not to exceed 25
3 years.

4 (c) DEFINITION.—As used in this section, the term
5 “covered energy savings contract” means—

6 (1) an energy savings performance contract au-
7 thorized under section 801 of the National Energy
8 Conservation Policy Act; or

9 (2) a utility energy service contract, as de-
10 scribed in the Office of Management and Budget
11 Memorandum on Federal Use of Energy Savings
12 Performance Contracting, dated July 25, 1998 (M-
13 98-13), and the Office of Management and Budget
14 Memorandum on the Federal Use of Energy Saving
15 Performance Contracts and Utility Energy Service
16 Contracts, dated September 28, 2015 (M-12-21), or
17 any successor to either memorandum.

18 (d) ENFORCEMENT IN THE HOUSE OF REPRESENTA-
19 TIVES.—In the House of Representatives, if any net
20 present value of any covered energy savings contract cal-
21 culated under subsection (b) results in a net savings, then
22 the budgetary effects of such contract shall not be counted
23 for purposes of titles III and IV of the Congressional
24 Budget Act of 1974, this concurrent resolution, or clause

1 10 of rule XXI of the Rules of the House of Representa-
2 tives.

3 (e) CLASSIFICATION OF SPENDING.—For purposes of
4 budget enforcement, the estimated net present value of the
5 budget authority provided by the measure, and outlays
6 flowing therefrom, shall be classified as direct spending.

7 (f) SENSE OF THE HOUSE OF REPRESENTATIVES.—
8 It is the sense of the House of Representatives that—

9 (1) the Director of the Office of Management
10 and Budget, in consultation with the Director of the
11 Congressional Budget Office, should separately iden-
12 tify the cash flows under subsection (b)(2) and in-
13 clude such information in the President's annual
14 budget submission under section 1105(a) of title 31,
15 United States Code; and

16 (2) the scoring method used in this section
17 should not be used to score any contracts other than
18 covered energy savings contracts.

19 **SEC. 5110. LIMITATION ON TRANSFERS FROM THE GEN-**
20 **ERAL FUND OF THE TREASURY TO THE HIGH-**
21 **WAY TRUST FUND.**

22 In the House of Representatives, for purposes of the
23 Congressional Budget Act of 1974, the Balanced Budget
24 and Emergency Deficit Control Act of 1985, and the rules
25 or orders of the House of Representatives, a bill or joint

1 resolution, or an amendment thereto or conference report
2 thereon, that transfers funds from the general fund of the
3 Treasury to the Highway Trust Fund shall be counted as
4 new budget authority and outlays equal to the amount of
5 the transfer in the fiscal year the transfer occurs.

6 **SEC. 5111. PROHIBITION ON USE OF FEDERAL RESERVE**
7 **SURPLUSES AS AN OFFSET.**

8 In the House of Representatives, any provision of a
9 bill or joint resolution, or amendment thereto or con-
10 ference report thereon, that transfers any portion of the
11 net surplus of the Federal Reserve System to the general
12 fund of the Treasury shall not be counted for purposes
13 of enforcing the Congressional Budget Act of 1974, this
14 concurrent resolution, or clause 10 of rule XXI of the
15 Rules of the House of Representatives.

16 **SEC. 5112. PROHIBITION ON USE OF GUARANTEE FEES AS**
17 **AN OFFSET.**

18 In the House of Representatives, any provision of a
19 bill or joint resolution, or amendment thereto or con-
20 ference report thereon, that increases, or extends the in-
21 crease of, any guarantee fees of the Federal National
22 Mortgage Association (Fannie Mae) or the Federal Home
23 Loan Mortgage Corporation (Freddie Mae) shall not be
24 counted for purposes of enforcing the Congressional Budg-

1 **SEC. 5203. ADJUSTMENTS TO REFLECT CHANGES IN CON-**
2 **CEPTS AND DEFINITIONS.**

3 In the House of Representatives, the chair of the
4 Committee on the Budget may adjust the appropriate ag-
5 gregates, allocations, and other budgetary levels in this
6 concurrent resolution for any change in budgetary con-
7 cepts and definitions consistent with section 251(b)(1) of
8 the Balanced Budget and Emergency Deficit Control Act
9 of 1985.

10 **SEC. 5204. ADJUSTMENT FOR CHANGES IN THE BASELINE.**

11 In the House of Representatives, the chair of the
12 Committee on the Budget may adjust the allocations, ag-
13 gregates, reconciliation targets, and other appropriate
14 budgetary levels in this concurrent resolution to reflect
15 changes resulting from the Congressional Budget Office's
16 update to its baseline for fiscal years 2018 through 2027.

17 **SEC. 5205. APPLICATION OF RULE REGARDING LIMITS ON**
18 **DISCRETIONARY SPENDING.**

19 Section 314(f) of the Congressional Budget Act of
20 1974 shall not apply in the House of Representatives to
21 any bill, joint resolution, or amendment that provides new
22 budget authority for a fiscal year or to any conference re-
23 port on any such bill or resolution if—

- 24 (1) the enactment of that bill or resolution;
25 (2) the adoption and enactment of that amend-
26 ment; or

1 (3) the enactment of that bill or resolution in
2 the form recommended in that conference report,
3 would not cause the 302(a) allocation to the Committee
4 on Appropriations for fiscal year 2018 to be exceeded.

5 **SEC. 5206. ENFORCEMENT FILING IN THE HOUSE.**

6 In the House of Representatives, if a concurrent reso-
7 lution on the budget for fiscal year 2018 is adopted with-
8 out the appointment of a committee of conference on the
9 disagreeing votes of the two Houses with respect to this
10 concurrent resolution on the budget, for the purpose of
11 enforcing the Congressional Budget Act of 1974 and ap-
12 plicable rules and requirements set forth in the concurrent
13 resolution on the budget, the allocations and list provided
14 for in this section shall apply in the House of Representa-
15 tives in the same manner as if such allocations and list
16 were in a joint explanatory statement accompanying a con-
17 ference report on the budget for fiscal year 2018. The
18 chair of the Committee on the Budget of the House of
19 Representatives shall submit a statement for publication
20 in the Congressional Record containing—

21 (1) for the Committee on Appropriations, com-
22 mittee allocations for fiscal year 2018 consistent
23 with title I for the purpose of enforcing section 302
24 of the Congressional Budget Act of 1974 (2 U.S.C.
25 633);

1 (2) for all committees other than the Com-
2 mittee on Appropriations, committee allocations con-
3 sistent with title I for fiscal year 2018 and for the
4 period of fiscal years 2018 through 2027 for the
5 purpose of enforcing 302 of the Congressional Budg-
6 et Act of 1974 (2 U.S.C. 633); and

7 (3) a list of programs, projects, activities, or ac-
8 counts identified for advance appropriations for the
9 purpose of enforcing section 5104 of this concurrent
10 resolution.

11 **SEC. 5207. EXERCISE OF RULEMAKING POWERS.**

12 The House of Representatives adopts the provisions
13 of this title and section 2002—

14 (1) as an exercise of the rulemaking power of
15 the House of Representatives, and as such they shall
16 be considered as part of the rules of the House of
17 Representatives, and such rules shall supersede
18 other rules only to the extent that they are incon-
19 sistent with such other rules; and

20 (2) with full recognition of the constitutional
21 right of the House of Representatives to change
22 those rules at any time, in the same manner, and to
23 the same extent as is the case of any other rule of
24 the House of Representatives.

1 **Subtitle C—Adjustment Authority**

2 **SEC. 5301. ADJUSTMENT AUTHORITY FOR AMENDMENTS TO** 3 **STATUTORY CAPS.**

4 During the 115th Congress, if a measure becomes
5 law that amends the discretionary spending limits estab-
6 lished under section 251(c) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)),
8 such as a measure increasing the limit for the revised se-
9 curity category for fiscal year 2018 to be
10 \$640,000,000,000, the chair of the Committee on the
11 Budget of the House of Representatives may adjust the
12 allocation called for under section 302(a) of the Congres-
13 sional Budget Act of 1974 (2 U.S.C. 633(a)) to the appro-
14 priate committee or committees of the House of Rep-
15 resentatives, and may adjust all other budgetary aggre-
16 gates, allocations, levels, and limits contained in this reso-
17 lution, as necessary, consistent with such measure.

18 **Subtitle D—Reserve Funds**

19 ~~SEC. 5401. RESERVE FUND FOR COMMERCIALIZATION OF~~ 20 ~~AIR TRAFFIC CONTROL.~~

21 (a) ~~IN GENERAL~~—In the House of Representatives,
22 the chair of the Committee on the Budget may adjust,
23 at a time the chair deems appropriate, the section 302(a)
24 allocation to the Committee on Transportation and Infra-
25 structure and other applicable committees of the House

of Representatives, aggregates, and other appropriate levels established in this concurrent resolution for a bill or joint resolution, or amendment thereto or conference report thereon, that commercializes the operations of the air traffic control system if such measure reduces the discretionary spending limits in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 by the amount that would otherwise be appropriated to the Federal Aviation Administration for air traffic control. Adjustments to the section 302(a) allocation to the Committee on Appropriations, consistent with the adjustments to the discretionary spending limits under such section 251(c), shall only be made upon enactment of such measure.

(b) DEFINITION.—For purposes of this section, a measure that commercializes the operations of the air traffic control system shall be a measure that establishes a Federally-chartered, not-for-profit corporation that—

- (1) is authorized to provide air traffic control services within the United States airspace;
- (2) sets user fees to finance its operations;
- (3) may borrow from private capital markets to finance improvements;

(4) is governed by a board of directors composed of a CEO and directors whose fiduciary duty is to the entity; and

(5) becomes the employer of those employees directly connected to providing air traffic control services and who the Secretary transfers from the Federal Government

8 **SEC. 540~~1~~. RESERVE FUND FOR INVESTMENTS IN NA-**
9 **TIONAL INFRASTRUCTURE.**

10 In the House of Representatives, the chair of the
11 Committee on the Budget may adjust the allocations, ag-
12 gregates, and other appropriate levels in this concurrent
13 resolution for any bill or joint resolution, or amendment
14 thereto or conference report thereon, that invests in na-
15 tional infrastructure to the extent that such measure is
16 deficit neutral for the total of fiscal years 2018 through
17 2027.

18 **SEC. 540~~2~~. RESERVE FUND FOR COMPREHENSIVE TAX RE-**
19 **FORM.**

20 In the House of Representatives, if the Committee
21 on Ways and Means reports a bill or joint resolution that
22 provides for comprehensive tax reform, the chair of the
23 Committee on the Budget may adjust the allocations, ag-
24 gregates, and other appropriate budgetary levels in this
25 concurrent resolution for the budgetary effects of any such

1 bill or joint resolution, or amendment thereto or con-
2 ference report thereon, if such measure would not increase
3 the deficit for the total of fiscal years 2018 through 2027.

4 **SEC. 5403. RESERVE FUND FOR THE STATE CHILDREN'S**
5 **HEALTH INSURANCE PROGRAM.**

6 In the House of Representatives, the chair of the
7 Committee on the Budget may adjust the allocations,
8 budget aggregates and other appropriate levels in this con-
9 current resolution for the budgetary effects of any bill or
10 joint resolution, or amendment thereto or conference re-
11 port thereon, that extends the State Children's Health In-
12 surance Program allotments, if such measure would not
13 increase the deficit for the total of fiscal years 2018
14 through 2027.

15 **SEC. 5404. RESERVE FUND FOR THE REPEAL OR REPLACE-**
16 **MENT OF PRESIDENT OBAMA'S HEALTH CARE**
17 **LAWS.**

18 In the House of Representatives, the chair of the
19 Committee on the Budget may revise the allocations, ag-
20 gregates, and other appropriate budgetary levels in this
21 concurrent resolution for the budgetary effects of any bill
22 or joint resolution, or amendment thereto or conference
23 report thereon, that repeals or replaces any provision of
24 the Patient Protection and Affordable Care Act or title
25 I or subtitle B of title II of the Health Care and Education

1 Reconciliation Act of 2010 by the amount of budget au-
2 thority and outlays flowing therefrom provided by such
3 measure for such purpose.