

COMMITTEE BUDGET ESTIMATES (House of Representatives - April 10, 1991)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. **Solomon**] is recognized for 5 minutes.

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- Mr. SOLOMON. Mr. Speaker, some time ago it was called to my attention that several House committees do not formally approve the budget estimates they are required to submit to the Budget Committee. Instead, the estimates are devised by staff and then unilaterally transmitted to the Budget Committee in a letter from the chairman. And this is usually done without the prior knowledge of or consultation with the full committee, let alone its formal approval.
- While I am sure many Members would just as soon not be bothered by such seemingly routine housekeeping matters so early in the session, and probably would have no problem delegating this authority to their chairmen, the fact remains that these budget views and estimates constitute an important source of information for the Budget Committee in developing a budget resolution.
- The Budget Committee, the budget resolution and the overall budget process are all convenient scapegoats for authorizing committees which do not get all they want out of the process. And yet ironically, many committees are apparently forfeiting their right and obligation to have early and formal input into the process.
- Mr. Speaker, the original 1974 Budget Act, at section 301(c), required that, 'On or before March 15 of each year, each standing committee of the House of Representatives shall submit to the Budget Committee of the House * * * its views and estimates' with respect to matters within its jurisdiction which are to be included in the budget resolution, including the total amounts of new budget authority or outlays to be provided or authorized in the upcoming fiscal year.
- In 1985, in the debt limit Gramm-Rudman-Hollings law, that provision became section 301(d), the date for submission was changed to February 25 due to a new accelerated budget timetable, and the references to the specific contents of the reports was dropped in favor of the following language: '* * * its views and estimates--as determined by the committee making such submission--with respect to all matters set forth in subsections (a) and (b) which relate to matters within the jurisdiction or functions of such committee.'
- The joint explanatory statement of the conferees on the Budget Act changes made by that bill made clear that the language was based on the reforms recommended by the Task Force on the Budget Process of the House Rules Committee, the so-called Beilenson Task Force--see House report 98-1152, part I. The cited report of the Rules Committee which accompanied the task force's bill (H.R. 5247), said the following of the new section 301(d) at page 90 of the report:

This subsection is similar to section 301(c) of the Act. The date for submission of views and estimates is changed from March 15 (in the Act) to February 25 (in H.R. 5247). Since the President's budget will also be submitted earlier, it should not be difficult to meet this deadline. In addition, the required content of the views and estimates is simplified and left in large part *to the determination* of the committees submitting the views and estimates. [Emphasis added.]

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- Importantly, though, the inclusion of the parenthetical phrase, `(as determined by the committee making such submission),' helps to underscore the intent that committee submissions are to be just that, the product of committee action, and not just the chairman's views and estimates.
- In last fall's budget summit agreement, and the reconciliation bill which codified that agreement, section 301(d)'s submission date was again changed, this time to `within 6 weeks after the President submits a budget. * * *' But the remainder of the subsection language remains unchanged.
- The important parliamentary principle involved here is eloquently stated in `Jefferson's Manual' as follows:

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- A committee * * * can only act when together, and not by separate consultation and consent--nothing being the report of the committee but what has been agreed to in a committee actually assembled.
- Mr. Speaker, given the confusion, misunderstanding and different practices of various House committees on the matter of the submission of views and estimates to the Budget Committee, I wrote to the House Parliamentarian seeking a clarification that might guide our committees in the future. The conclusion of the Parliamentarian reads as follows: `a committee `determination' requires committee action.'
- At this point in the **Record**, Mr. Speaker, I include this exchange of correspondence with the Parliamentarian. The letters follow:

House of Representatives,
Washington, DC, March 20, 1991.

Hon. William Holmes Brown,
Parliamentarian, Speaker's Office, House of Representatives, Washington, DC

Dear Bill: I am writing to request clarification on section 301(d) of the Congressional Budget Act of 1974, as amended, which requires that within six weeks of the submission of the President's budget, `each committee of the House of Representatives having legislative jurisdiction shall submit to the Committee on the Budget of the House . . . its views and estimates (as determined by the committee making such submission) with respect to all matters set forth in subsections (a) and (b) which relate to matters within the jurisdiction of functions of such committee.'

It has always been my understanding that this provision requires the formal action by committees on such views and estimates prior to their submission to the Budget Committee. This is based on the principle enunciated in sec. **xxvi** of Jefferson's Manual: `A committee . . . can only act when together, and not by separate consultation and consent--nothing being the report of the committee but what has been agreed to in committee actually assembled.'

This principle is reflected in House Rule XI, clause 2(1)(2)(A): `No measure or recommendation shall be reported from any committee unless a majority of the committee was actually present.'

While the budget views and estimates are not filed as a committee report to the House, they nevertheless are

represented as the views and estimates of each committee based on determination of ('as determined by') the committee. This language is nearly identical to that contained in section 310 relating to committee recommendations pursuant to reconciliation directives: 'each such committee shall promptly make such determination and recommendations and submit such recommendations to the Committee on the Budget of its House. . . .' It is my understanding that there is no question that such reconciliation recommendations must be approved by formal committee action.

I raise this question for clarification because I have been informed that there are still a few committees which do not formally approve the budget views and estimates submitted to the Budget Committee and that these are instead simply submitted by the chairman without even consulting with the full committee membership.

I would appreciate a response at your earliest convenience so that we might inform the House of the proper procedure to be followed.

Sincerely yours,

Gerald B. Solomon,
Member of Congress.

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THE SPEAKER'S ROOMS,

House of Representatives,
Washington, DC, March 20, 1991.

Hon. Gerald B. Solomon,
House of Representatives,
Washington, DC.

Dear Representative Solomon: In your letter of this date, you ask for clarification of the committee action required under section 301(d) of the Congressional Budget Act. That section specifies that within six weeks of the submission of the President's budget, each committee of the House having legislative jurisdiction 'shall submit to the Committee on the Budget * * * its views and estimates (as determined by the committee making such submission) with respect to all matters set forth in subsections (a) and (b) which related to matters within the jurisdiction or functions of such committee.' You suggest that this provision requires some formal action by committees on such views and estimates prior to their submission to the Budget Committee.

I note that the language of the statute [Sec. 301(d) of the Budget Act] differs from that of the House rule [Rule XI, clause 4(g)]. The rule does not contain the parenthetical phrase 'as determined by the committee making such submission.' However, I do think that the admonition in Jefferson's Manual, that a committee can act only when together, and not by separate consultation and consent, identifies a necessary prerequisite for committee action. While I do not believe a formal report is required by Sec. 301(d), or the rule, I think that the basic tenet of Jefferson's Manual does require some collegial action by the committee.

Having reviewed the submissions sent to the Budget Committee in the last Congress, I note that several committees do formally meet and approve their submissions under 301(d). Others have followed a less formal approach and have circulated and submitted letters from both the Chairman and the Ranking Member. Some submissions have included minority or separate views.

In conclusion, I think your point is well taken: a committee `determination' requires committee action. I have suggested that the Budget Committee include such a suggestion when it writes the committees to solicit reports under Section 301(d).

I appreciate your calling the discrepancy in the procedures followed by committees to our attention.

Sincerely yours,
Bill Brown.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. **Bentley**] is recognized for 5 minutes.

[Mrs. BENTLEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. **Pelosi**] is recognized for 5 minutes.

[Ms. PELOSI addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. **Collins**] is recognized for 5 minutes.

[Mrs. COLLINS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

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