

§ 310(b) **(b) LEGISLATIVE PROCEDURE.** — If a concurrent resolution containing directives to one or more committees to determine and recommend changes in laws, bills, or resolutions is agreed to in accordance with subsection (a),⁴⁴² and —

§ 310(b)(1) **(1) only one committee of the House or the Senate is directed to determine and recommend changes, that committee shall promptly make such determination and recommendations and report to its House reconciliation legislation containing such recommendations; or**

§ 310(b)(2) **(2) more than one committee of the House or the Senate is directed to determine and recommend changes, each such committee so directed shall promptly make such determination and recommendations and submit⁴⁴³ such recommendations to the Committee on the Budget of its**

⁴⁴¹(...continued)

(3) specify the amount by which the statutory limit on the public debt is to be changed and direct the committees having jurisdiction to recommend such change; or

(4) specify and direct any combination of the matters described in paragraphs (1), (2), and (3).

Any such concurrent resolution may be reported, and the report accompanying it may be filed, in either House notwithstanding that that House is not in session on the day on which such concurrent resolution is reported.

⁴⁴² See *supra* pp. 158-161.

⁴⁴³ Committees must comply with the provisions of rule XXVI(7)(a) when submitting their recommendations under this section. Rule XXVI(7)(a)(1) provides (among other things) that "no measure or matter or *recommendation* shall be reported from any committee unless a majority of the committee were physically present." STANDING RULES OF THE SENATE Rule XXVI(7)(a)(1) (1992) (emphasis added). Rule XXVI(7)(a)(3) requires (among other things): "The vote of any committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present." *Id.* Rule XXVI(7)(a)(3).

House, which, upon receiving all such recommendations,⁴⁴⁴ shall report to its House reconciliation legisla-

⁴⁴⁴ This language imposes upon the Budget Committee the duty to report promptly when it receives "all such recommendations." Thus, the Budget Committee may include in reconciliation legislation material reported to it after the deadline in the budget resolution's reconciliation instructions, so long as the Budget Committee has not yet reported by the time the tardy committee reports. See 135 CONG. REC. S12,589 (daily ed. Oct. 4, 1989) (statement of Budget Committee Chairman Sasser). The Chairman of the Budget Committee has put it this way:

RECONCILIATION QUESTIONS

Mr. SASSER. Mr. President. The distinguished Republican leader gave notice yesterday of his intent to propound four parliamentary inquiries of the Chair regarding the reconciliation process pursuant to the Congressional Budget Act of 1974. I rise today to address these inquiries from the perspective of the Committee on the Budget.

First, the Republican leader asks: "Can the Senate Budget Committee incorporate into the reconciliation bill, pursuant to the congressional budget resolution, material which was reported after August 4, 1989?"

Mr. President, from the perspective of the Committee on the Budget, the answer is "Yes." Let me quote from the controlling statute, section 310(b) of the Congressional Budget Act: "the Committee on the Budget, . . . upon receiving all such recommendations, shall report to its House reconciliation legislation."

Two things are worth noting about this statutory requirement. First, it is mandatory. The statute says the Budget Committee "shall" report. Second, it only comes into effect upon the happening of a contingency: "[U]pon receiving all such recommendations." The mandatory requirement for the Budget Committee to report only ripens when all instructed committees have reported.

Now what happens if the deadline for reporting reconciliation arrives and all committees have not reported? In this situation, we have to fall back on the Standing Rules of the Senate. Rule 25(e)(2) gives the Committee on the Budget jurisdiction over "matters required to be reported by it under titles III and IV of the Congressional Budget Act of 1974." Now the reconciliation legislation is a "matter . . . under title III." It is a creature of section 310 of the Budget Act.

Under this rule, in the absence of specific constraints, the Budget Committee has jurisdiction over the reconciliation bill just as other committees have jurisdiction over other bills within their jurisdiction. Thus, after the

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