

§ 604 **SEC. 604.⁹⁰⁰ RECONCILIATION DIRECTIVES REGARDING PAY-AS-YOU-GO REQUIREMENTS.**

§ 604(a) (a) **INSTRUCTIONS TO EFFECTUATE PAY-AS-YOU-GO IN THE HOUSE OF REPRESENTATIVES.** — If legislation providing for a net reduction in revenues in any fiscal year (that, within the same measure, is not fully offset in that fiscal year by reductions in direct spending) is enacted, the Committee on the Budget of the House of Representatives may report, within 15 legislative days during a Congress, a pay-as-you-go reconcilia-

⁹⁰⁰ Section 604 is codified at 2 U.S.C. § 665c (Supp. IV 1992). Section 13111 of the Budget Enforcement Act added what is now section 604. See *infra* p. 707. For excerpts from the statement of managers accompanying the conference report on the Budget Enforcement Act, see *infra* note 936 (at the end of title VI).

Public Law 97-258 repealed the section 604 originally enacted in the Congressional Budget Act of 1974. See An Act to Revise, Codify, and Enact Without Substantive Change Certain General and Permanent Laws, Related to Money and Finance, as title 31, United States Code, "Money and Finance," Pub. L. No. 97-258, § 5(b), 96 Stat. 877, 1082 (1982). The original sections 601-605 and 607 were codified in sections 1105, 1106, and 1108-1110 of title 31. As originally enacted in 1974, section 604 read as follows:

ALLOWANCES FOR SUPPLEMENTAL BUDGET AUTHORITY AND UNCONTROLLABLE OUTLAYS

SEC. 604. Section 201(a) of the Budget and Accounting Act, 1921 (31 U.S.C. 11), is further amended —

- (1) by striking out "and" at the end of paragraph (11);
- (2) by striking out the period at the end of paragraph (12) and inserting in lieu thereof "; and"; and
- (3) by adding at the end thereof the following new paragraph:

"(13) an allowance for additional estimated expenditures and proposed appropriations for the ensuing fiscal year, and an allowance for unanticipated uncontrollable expenditures for the ensuing fiscal year."

tion directive⁹⁰¹ in the form of a concurrent resolution —

- § 604(a)(1) (1) specifying the total amount by which revenues sufficient to eliminate the net deficit increase resulting from that legislation in each fiscal year are to be changed; and
- § 604(a)(2) (2) directing that the committees having jurisdiction determine and recommend changes in the revenue law, bills, and resolutions to accomplish a change of such total amount.
- § 604(b) (b) **CONSIDERATION OF PAY-AS-YOU-GO RECONCILIATION LEGISLATION IN THE HOUSE OF REPRESENTATIVES.** — In the House of Representatives, subsections (b) through (d) of section 310 shall apply in the same manner as if the reconciliation directive described in subsection (a) were a concurrent resolution on the budget.⁹⁰²

⁹⁰¹ Section 310 sets forth the reconciliation process in the context of Congress's annual cycle of concurrent resolutions on the budget. *See supra* pp. 158-177. For other budget process legislation dealing with reconciliation, *see* Congressional Budget Act section 300, *supra* p. 47 (budget timetable, including that for reconciliation); section 301(b)(2) & (3), *supra* pp. 58-60 (empowering budget resolutions to include reconciliation instructions, as well as a provision providing for delayed enrollment of legislation pending completion of reconciliation); section 305, *supra* pp. 120-142 (procedures for budget resolutions and reconciliation bills); section 313, *supra* pp. 198-228 (the Byrd Rule prohibiting extraneous matter in reconciliation); section 904(c) & (d), *infra* pp. 361-368 (supermajority requirements for points of order and appeals, including those for reconciliation); Gramm-Rudman-Hollings section 258C, *infra* pp. 658-662 (providing a special Gramm-Rudman-Hollings reconciliation process to achieve savings in lieu of an impending sequester); section 5 of Executive Order 12857, *infra* pp. 826-827 (reconciliation recommendations in special direct spending message); and section 16005 of H.R. 2264, 103d Cong., 1st Sess., 139 CONG. REC. H3029, H3199-201 (daily ed. May 27, 1993) (as passed by the House of Representatives), as applied to the House by H. Res. 235, 103d Cong., 1st Sess., 139 CONG. REC. H6122 (daily ed. Aug. 3, 1993)), *infra* pp. 844-848 (reconciliation procedures in response to special direct spending message).

⁹⁰² During the debate on the conference report on legislation of which the Budget Enforcement Act formed a part, the Chairman and Ranking Republican Member of the Senate Budget Committee discussed the relevance of this section to the Senate:

(continued...)

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REVENUE SHORTFALL

Mr. DOMENICI. Mr. President, section 13111 of this bill adds a new title VI to the Congressional Budget Act. Section 604 of this new title provides a new fast-track reconciliation procedure in the House of Representatives to allow for the consideration of reconciliation bills to meet revenue shortfalls. The conference report does not apply this procedure to the Senate.

I wonder if the distinguished chairman of the Budget Committee could respond to a question on the application of section 310 of the Budget Act to a bill passed by the House under this procedure?

If the House passed a measure under this procedure that was deemed to be a reconciliation bill, would all the provisions of the Budget Act regarding reconciliation legislation, including subsection 310(g) of the Budget Act and the Byrd rule, apply in the Senate?

Mr. SASSER. I would be happy to respond to the distinguished ranking member of the Budget Committee.

Let me start by saying that the conferees on the budget process for the Senate, as the Senator of New Mexico well knows, did not view this special procedure to be of much merit. After all, procedures already exist under section 304 of the Congressional Budget Act whereby Congress may revise budget resolutions and create new reconciliation instructions calling for new deficit reduction. That is one of many reasons why we did not seek to have a similar provision applied to the Senate. But the conferees on the part of the House insisted on having this rule in the House, so that is why the provision is there.

So what would happen if the House of Representatives passed a concurrent resolution under this section? At the outset we have to acknowledge that it is unclear whether the Presiding Officer would treat it like a budget resolution in the Senate. As it deals with matter that would normally be addressed in budget resolutions, I would expect that the Presiding Officer would refer it to the Budget Committee.

If the Budget Committee reported out the concurrent resolution under this section, it is unclear whether the Presiding Officer would view it as being constrained by the 50-hour or 15-hour time limits for budget resolutions.

If both Houses passed the resolution, however, and a bill in the nature of a reconciliation bill resulted, the next question would be whether the Senate would give it all the protections that normally go to a reconciliation bill.

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