

§ 16005(f) (f) APPLICATION OF CONGRESSIONAL BUDGET ACT. — To the extent that they are relevant and not inconsistent with this title, the provisions of title III of the Congressional Budget Act of 1974²⁰¹¹ shall apply in the House of Representatives and the Senate²⁰¹² to special direct spending resolutions,²⁰¹³ resolutions increasing targets²⁰¹⁴ under subsection (c),²⁰¹⁵ and reconciliation legislation reported pursuant to directives contained in those resolutions.²⁰¹⁶

²⁰¹¹ See *supra* pp. 43-228.

²⁰¹² This provision, adopted pursuant to a House resolution, does not bind the Senate.

²⁰¹³ Section 16004(c)(2) (*see supra* pp. 843-844) defines "special direct spending resolution" in part by reference to section 5 of Exec. Order No. 12857 (*see supra* pp. 826-827).

²⁰¹⁴ Section 2 of Exec. Order No. 12857 establishes the "direct spending targets" (*see supra* pp. 819-821) and section 6 of that order provides for their annual adjustment (*see supra* pp. 827-831).

It is unclear how the provisions of title III of the Congressional Budget Act at all apply to such resolutions increasing the targets. Are the fast-track procedures of section 305 of the Congressional Budget Act (*see supra* pp. 120-142) intended to apply to such resolutions as if they were budget resolutions? Regardless of how the House of Representatives interprets this language, no authority exists to apply these fast-track procedures to such resolutions increasing targets in the Senate. Thus, should the House pass such a resolution increasing targets, the Senate would deal with it as it would with any other budget process legislation. Senators would thus have the right to debate it as fully as Rule XXII of the Standing Rules of the Senate allowed.

²⁰¹⁵ See *supra* p. 845.

²⁰¹⁶ This sentence implies that the drafters intended that the resolution increasing targets would generate reconciliation legislation. It would not be in order in the Senate, however, to consider such provisions increasing targets in reconciliation legislation, as they would violate section 313(b)(1)(A) of the Congressional Budget Act (part of the Byrd Rule on extraneous matter in reconciliation). See *supra* pp. 203-206. Compare the concerns that the Chairman and Ranking Republican Member of the Budget Committee had with the House's special reconciliation process under section 604 of the Congressional Budget Act. See *supra* note 902.