

Ch. 41 § 19 DESCHLER-BROWN-JOHNSON-SULLIVAN PRECEDENTS

Provisions that do not have any budgetary impact (*i.e.*, do not produce any change in outlays or revenues) or whose budgetary impact is merely “incidental” to non-budgetary provisions will typically be considered extraneous.⁽³⁾

Under section 904(d) of the Congressional Budget Act,⁽⁴⁾ an affirmative vote of three-fifths of the Senators duly chosen and sworn is required to sustain an appeal of the ruling of the Presiding Officer on a point of order under section 313 of the Congressional Budget Act.⁽⁵⁾

§ 20. Reconciliation Directives in Budget Resolutions

§ 20.1 Form of a conference report and joint explanatory statement to accompany a concurrent resolution on the budget containing reconciliation directives that were not only programmatic but also compartmentalized into three separate measures⁽¹⁾ to be recommended by the requisite committees by separate dates certain.

On June 7, 1996,⁽²⁾ the following occurred:

Mr. [Wally] HERGER [of California] submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 178) establishing the congressional budget for the United States Government for fiscal year 1997 and setting forth appropriate budgetary levels for fiscal years 1998, 1999, 2000, 2001, and 2002:

CONFERENCE REPORT (H. CON. RES. 178)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 178) establishing the congressional budget for the United States Government for fiscal year 1997 and setting forth appropriate budgetary levels for fiscal years 1998, 1999, 2000, 2001, and 2002, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1997.

The Congress determines and declares that the concurrent resolution on the budget for fiscal year 1997 is hereby established and that the appropriate budgetary levels for fiscal years 1998 through 2002 are hereby set forth.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this concurrent resolution is as follows: . . .

3. See, *e.g.*, 141 CONG. REC. 30379, 104th Cong. 1st Sess., Oct. 27, 1995.
4. 2 USC § 621 note.
5. See 139 CONG. REC. 19763–67, 103d Cong. 1st Sess., Aug. 6, 1993. See also Deschler-Brown Precedents Ch. 33 §§ 19.24, 19.25, 25.26, *supra*.
1. This was the first instance of reconciliation directives contemplating multiple measures to achieve distinct budgetary goals.
2. 142 CONG. REC. 13433, 13437, 13438, 13458, 13459, 104th Cong. 2d Sess.

TITLE II—RECONCILIATION DIRECTIONS**SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.***(a) SUBMISSIONS.—*

(1) WELFARE AND MEDICAID REFORM AND TAX RELIEF.—Not later than June 13, 1996, the House committees named in subsection (b) shall submit their recommendations to provide direct spending and revenues to the Committee on the Budget of the House of Representatives. After receiving those recommendations, the Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) MEDICARE PRESERVATION.—Not later than July 18, 1996, the House committees named in subsection (c) shall submit their recommendations to provide direct spending to the Committee on the Budget of the House of Representatives. After receiving those recommendations, the Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(3) TAX AND MISCELLANEOUS DIRECT SPENDING REFORMS.—Not later than September 6, 1996, the House committees named in subsection (d) shall submit their recommendations to provide direct spending, deficit reduction, and revenues to the Committee on the Budget of the House of Representatives. After receiving those recommendations, the Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(b) INSTRUCTIONS FOR WELFARE AND MEDICAID REFORM AND TAX RELIEF.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: \$35,609,000,000 in outlays for fiscal year 1997, \$36,625,000,000 in outlays for fiscal year 2002, and \$216,316,000,000 in outlays in fiscal years 1997 through 2002.

(2) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: \$326,354,000,000 in outlays for fiscal year 1997, \$473,718,000,000 in outlays for fiscal year 2002, and \$2,395,231,000,000 in outlays in fiscal years 1997 through 2002.

(3) COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES.—The House Committee on Economic and Educational Opportunities shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: \$15,808,000,000 in outlays for fiscal year 1997, \$19,670,000,000 in outlays for fiscal year 2002, and \$105,331,000,000 in outlays in fiscal years 1997 through 2002.

(4) COMMITTEE ON WAYS AND MEANS.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: \$381,199,000,000 in outlays for fiscal year 1997, \$563,607,000,000 in outlays for fiscal year 2002, and \$2,810,569,000,000 in outlays in fiscal years 1997 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce revenues by not more than \$122,400,000,000 for fiscal years 1997 through 2002.

(c) INSTRUCTIONS FOR MEDICARE PRESERVATION.—

(1) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: \$319,554,000,000 in outlays for fiscal year 1997, \$420,915,000,000 in outlays for fiscal year 2002, and \$2,237,231,000,000 in outlays in fiscal years 1997 through 2002.

(2) COMMITTEE ON WAYS AND MEANS.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: \$374,399,000,000 in outlays for fiscal year 1997, \$510,804,000,000 in outlays for fiscal year 2002, and \$2,652,569,000,000 in outlays in fiscal years 1997 through 2002.

(d) INSTRUCTIONS FOR TAX AND MISCELLANEOUS DIRECT SPENDING REFORMS.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: \$35,599,000,000 in outlays for fiscal year 1997, \$36,614,000,000 in outlays for fiscal year 2002, and \$216,251,000,000 in outlays in fiscal years 1997 through 2002.

(2) COMMITTEE ON BANKING AND FINANCIAL SERVICES.—(A) The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: -\$12,645,000,000 in outlays for fiscal year 1997, -\$5,775,000,000 in outlays for fiscal year 2002, and -\$41,639,000,000 in outlays in fiscal years 1997 through 2002.

(B) The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that would reduce the deficit by: \$0 in fiscal year 1997, \$115,000,000 for fiscal year 2002, and \$305,000,000 in fiscal years 1997 through 2002.

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(3) *COMMITTEE ON COMMERCE.*—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: \$318,054,000,000 in outlays for fiscal year 1997, \$415,290,000,000 in outlays for fiscal year 2002, and \$2,216,885,000,000 in outlays in fiscal years 1997 through 2002.

(4) *COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES.*—The House Committee on Economic and Educational Opportunities shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: \$15,025,000,000 in outlays for fiscal year 1997, \$18,963,000,000 in outlays for fiscal year 2002, and \$101,660,000,000 in outlays in fiscal years 1997 through 2002.

(5) *COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT.*—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: \$65,164,000,000 in outlays for fiscal year 1997, \$82,594,000,000 in outlays for fiscal year 2002, and \$442,230,000,000 in outlays in fiscal years 1997 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: \$201,000,000 in fiscal year 1997, \$590,000,000 in fiscal years 2002, and \$2,837,000,000 in fiscal years 1997 through 2002.

(6) *COMMITTEE ON INTERNATIONAL RELATIONS.*—The House Committee on International Relations shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: \$13,025,000,000 in outlays for fiscal year 1997, \$10,311,000,000 in outlays for fiscal year 2002, and \$67,953,000,000 in outlays in fiscal years 1997 through 2002.

(7) *COMMITTEE ON THE JUDICIARY.*—The House Committee on the Judiciary shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: \$2,784,000,000 in outlays for fiscal year 1997, \$4,586,000,000 in outlays for fiscal year 2002, and \$26,482,000,000 in outlays in fiscal years 1997 through 2002.

(8) *COMMITTEE ON NATIONAL SECURITY.*—The House Committee on National Security shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: \$39,787,000,000 in outlays for fiscal year 1997, \$49,774,000,000 in outlays for fiscal year 2002, and \$271,815,000,000 in outlays in fiscal years 1997 through 2002.

(9) *COMMITTEE ON RESOURCES.*—The House Committee on Resources shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: \$2,115,000,000 in outlays for fiscal year 1997, \$2,048,000,000 in outlays for fiscal year 2002, and \$11,652,000,000 in outlays in fiscal years 1997 through 2002.

(10) *COMMITTEE ON SCIENCE.*—The House Committee on Science shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: \$40,000,000 in outlays for fiscal year 1997, \$46,000,000 in outlays for fiscal year 2002, and \$242,000,000 in outlays in fiscal years 1997 through 2002.

(11) *COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.*—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: \$18,315,000,000 in outlays for fiscal year 1997, \$18,001,000,000 in outlays for fiscal year 2002, and \$107,328,000,000 in outlays in fiscal years 1997 through 2002.

(12) *COMMITTEE ON VETERANS' AFFAIRS.*—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: \$21,375,000,000 in outlays for fiscal year 1997, \$22,217,000,000 in outlays for fiscal year 2002, and \$130,468,000,000 in outlays in fiscal years 1997 through 2002.

(13) *COMMITTEE ON WAYS AND MEANS.*—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: \$372,342,000,000 in outlays for fiscal year 1997, \$508,107,000,000 in outlays for fiscal year 2002, and \$2,638,057,000,000 in outlays in fiscal years 1997 through 2002.

(B)(i) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce revenues by not more than \$113,838,000,000 in fiscal years 1997 through 2002.

(ii) If a reconciliation bill referred to in subsection (a)(1) is enacted into law, then the revenue amount set forth in clause (i) shall be adjusted to reflect the revenue provisions of that Act.

(e) *DEFINITION.*—For purposes of this section, the term “direct spending” has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 202. RECONCILIATION IN THE SENATE.

(a) *FIRST RECONCILIATION INSTRUCTIONS.*—Not later than June 21, 1996, the committees named in this subsection shall submit their recommendations to the Committee on the Budget of the Senate. After receiving those recommendations, the Committee on the Budget shall report to the

Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

(1) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays \$1,974,000,000 in fiscal year 1997, \$26,169,000,000 for the period of fiscal years 1997 through 2002, and \$5,967,000,000 in fiscal year 2002.

(2) COMMITTEE ON FINANCE.—(A) The Senate Committee on Finance shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays \$260,000,000 in fiscal year 1997, \$98,321,000,000 for the period of fiscal years 1997 through 2002, and \$36,578,000,000 in fiscal year 2002.

(B) The Committee on Finance shall report changes in laws within its jurisdiction necessary to reduce revenues by not more than \$122,400,000,000 for the period of fiscal years 1997 through 2002.

(b) SECOND RECONCILIATION INSTRUCTIONS.—No later than July 24, 1996, the Committee on Finance shall report to the Senate a reconciliation bill proposing changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays \$6,800,000,000 in fiscal year 1997, \$158,000,000,000 for the period of fiscal years 1997 through 2002, and \$52,803,000,000 in fiscal year 2002.

(c) THIRD RECONCILIATION INSTRUCTIONS.—No later than September 18, 1996, the committees named in this subsection shall submit their recommendations to the Committee on the Budget of the Senate. After receiving those recommendations, the Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

(1) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays \$10,000,000 in fiscal year 1997, \$65,000,000 for the period of fiscal years 1997 through 2002, and \$11,000,000 in fiscal year 2002.

(2) COMMITTEE ON ARMED SERVICES.—The Senate Committee on Armed Services shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays \$79,000,000 in fiscal year 1997, \$649,000,000 for the period of fiscal years 1997 through 2002, and \$166,000,000 in fiscal year 2002.

(3) COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.—The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction that reduce the deficit by \$3,628,000,000 in fiscal year 1997, \$3,605,000,000 for the period of fiscal years 1997 through 2002, and \$462,000,000 in fiscal year 2002.

(4) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays \$19,396,000,000 for the period of fiscal years 1997 through 2002, and \$5,649,000,000 in fiscal year 2002.

(5) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—The Senate Committee on Energy and . . .

RECONCILIATION

Under sections 301(b) and 310(a) of the Budget Act, the budget resolution may include reconciliation instructions directing the authorizing committees to make changes in mandatory spending and revenues. The purpose of reconciliation instructions, as set forth in section 310(a) of the Budget Act, is to effectuate the provisions and requirements of a concurrent resolution on the budget.

INTERVALS

House Resolution. The House resolution provides reconciliation instructions for the appropriate authorization committees to achieve specified aggregate targets for fiscal year 1997, fiscal year 2002, and the 6-year total for fiscal years 1997 through 2002. In addition the Committees on Banking and Financial Services and Government Reform and Oversight have deficit reduction targets for the same intervals.

Senate Amendment. The Senate amendment provides reconciliation instructions for its committees to achieve savings from a baseline for fiscal year 1997 and the 6-year total for fiscal years 1997 through 2002 (except for the tax relief bill, which is reconciled for fiscal year 2002, and the 6-year total of 1997 through 2002).

Conference Agreement. The conference agreement provides reconciliation instructions that will produce changes in mandatory spending for fiscal year 1997, fiscal year 2002, and

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the 6-year total for fiscal years 1997 through 2002. The agreement provides instructions that will produce changes in revenues for the 6-year total for fiscal years 1997 through 2002.

DEADLINES, SUBJECT MATTER, AND COMMITTEES RECONCILED

House Resolution. The House budget resolution establishes a process for considering three separate reconciliation bills. On three specified dates, the appropriate House authorizing committees are instructed to submit their reconciliation recommendations to the House Committee on the Budget. The House Committee on the Budget will report, without substantive change, three separate reconciliation bills. Each of these bills will be fully privileged in the House as a reconciliation bill as defined in section 310 of the Congressional Budget Act.

The deadlines, subject matter, and list of instructed committees are summarized below:

— *May 24—Welfare and Medicaid Reform.* Committees reconciled: Agriculture, Commerce, Economic and Educational Opportunities, and Ways and Means.

— *June 14—Medicare Preservation.* Committees reconciled: Commerce and Ways and Means.

— *July 12—Tax Relief and Miscellaneous and Financial Services Direct Spending Reforms.* Committees reconciled: Banking and Financial Services, Commerce, Economic and Educational Opportunities, Government Reform and Oversight, International Relations, Judiciary, National Security, Resources, Science, Transportation and Infrastructure, Veterans' Affairs, and Ways and Means.

Although the House resolution does not include contingency provisions comparable to the Senate amendment, the House retains its prerogative to allow floor consideration of subsequent reconciliation bills if one or more of the reconciliation bills are vetoed.

Senate Amendment. Section 105 of the Senate amendment establishes a three-step interdependent reconciliation process. The first step of this process involves reform of the welfare and Medicaid programs, and the Agriculture and Finance Committees are instructed to report their recommended changes in law to the Senate Committee on the Budget by June 14, 1996. If this first reconciliation bill is enacted into law, then the following committees are instructed to report their recommended changes in law to the Senate Committee on the Budget by July 12, 1996: Agriculture, Nutrition, and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Governmental Affairs; Judiciary; Labor and Human Resources; and Veterans' Affairs. Finally, if both the first and second bills are enacted into law, the Finance Committee is instructed to report to the Senate by September 18, 1996, changes in law regarding reductions in revenue.

Conference Agreement. The conference includes instructions for considering three separate reconciliation bills. The submission deadlines, subject matter, and reconciled committees for the House are as follows:

— *June 13, 1996—Welfare and Medicaid Reform and Tax Relief.* House committees reconciled: Agriculture, Commerce, Economic and Educational Opportunities, and Ways and Means.

— *July 18, 1996—Medicare Preservation.* House committees reconciled: Commerce and Ways and Means.

— *September 6, 1996—Tax and Miscellaneous Direct Spending Reforms.* House committees reconciled: Agriculture, Banking and Financial Services, Commerce, Economic and Educational Opportunities, Government Reform and Oversight, International Relations, Judiciary, National Security, Resources, Science, Transportation and Infrastructure, Veterans' Affairs, and Ways and Means. The amount reconciled in this third reconciliation bill will reflect the full amount of any tax changes reconciled pursuant to this budget resolution conference report. The amount reconciled in the third reconciliation bill shall be adjusted to reflect any amount of revenue reduction enacted pursuant to this budget resolution conference report.

The House conferees note that the multi-reconciliation process provides maximum flexibility to achieve the changes in spending and the tax relief assumed in this conference report. For example, any of the spending or revenue changes assumed in the first bill could—if not enacted—be achieved in the third bill. Moreover, the reconciled committees are permitted to exceed the savings assumed in each of the reconciliation bills. Nevertheless, the process still requires reconciled committees ultimately to meet their targets whether incrementally through the separate reconciliation bills or solely through the third bill.

The submission deadlines, assumed subject matter, and reconciled committees for the Senate are as follows:

— *June 21, 1996—First Reconciliation Instruction: Assumed Welfare and Medicaid Reform and Miscellaneous Tax Relief.* Senate committees reconciled: Agriculture and Finance.

— *July 24, 1996—Second Reconciliation Instruction: Assumed Medicare Reform.* Senate committee reconciled: Finance.

— *September 18, 1996—Third Reconciliation Instruction: Assumed Tax Relief and Miscellaneous Direct Spending Reforms.* Senate committees reconciled: Agriculture, Nutrition, and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Governmental Affairs; Judiciary; Labor and Human Resources; and Veterans' Affairs.

The Senate conferees note that the Budget Act and the precedents of the Senate permit a concurrent resolution on the budget that includes reconciliation instructions which result in more than one reconciliation bill, and which includes a reconciliation instruction that standing alone could increase the deficit.

Section 310 of the Budget Act provides that reconciliation instructions may appropriately be included in a budget resolution. The Budget Act is silent as to the number of reconciliation bills which may result from any such instructions. Moreover, there is clear precedent for providing for more than one reconciliation bill. This is not the first time a budget resolution has done so.

The budget resolution for fiscal year 1994 (House Concurrent Resolution 64) which implemented President Clinton's first budget, provided for two reconciliation bills: an omnibus reconciliation bill and a debt limit bill. The omnibus bill considered as a result of that budget resolution contained many provisions which arguably did not contribute in any way to "deficit reduction"—notably the substantial increase in spending in the Food Stamp Program and the Federal purchase of all childhood vaccines.

The budget resolution for fiscal year 1983 (Senate Concurrent Resolution 92) provided for an omnibus reconciliation bill and a tax reconciliation bill. The omnibus bill (Public Law 97-253) resulted from instructions that required Senate committees to report their recommended changes by July 20, 1982. A second set of instructions directed the Committee on Finance to report additional changes by July 12, 1982. These additional changes became the Senate's amendment to a nonreconciliation tax bill which originated in the House (the Tax Equity and Fiscal Responsibility Act [TEFRA], Public Law 97-248). Notwithstanding the fact that TEFRA was not considered on the floor of the Senate as a reconciliation bill, this was clearly an example of a reconciliation instruction directed at producing a separate reconciliation bill.

Section 310(a)(2) provides that a budget resolution may specify the total amount by which revenues are to be changed. It is important to note that section 310 dictates neither the magnitude nor direction of such changes. Thus nothing in the Budget Act prohibits reconciliation instructions from reducing revenues. The precedents confirm this authority. This is not the first time a budget resolution has contained among its reconciliation instructions an instruction for an increase in the deficit. Again in House Concurrent Resolution 64, the budget resolution for fiscal year 1994, the House Agriculture Committee was reconciled for outlay increases for fiscal years 1994 through 1998. This instruction permitted the House Agriculture Committee to successfully bring through the conference on the reconciliation bill language which substantially expanded spending in the Food Stamp Program. More recently, in last year's budget resolution (House Concurrent Resolution 67), the Finance Committee was reconciled for revenue reduction.

The first use of reconciliation was for legislation that reduced revenues. In 1975 the applicable budget resolution (House Concurrent Resolution 466) provided an instruction to both Ways and Means and Finance to report legislation decreasing revenues.

Notwithstanding the fact that the authors of the 1974 Budget Act were neutral as to the policy objectives of reconciliation, since 1975 reconciliation and reconciliation legislation has been used to reduce the deficit. The Senate conferees note that while this resolution includes a reconciliation instruction to reduce revenues, the sum of the instructions would not only reduce the deficit but would result in a balanced budget by 2002.

The Senate conferees also note that the three-bill approach to reconciliation contained in this resolution provides for a more thorough and orderly consideration of the issues involved. It provides for extensive consideration on the Senate floor of the proposal for balancing the budget by the year 2002 as embodied by this budget resolution. Rather than having just 20 hours of debate on a single bill and 10 hours of debate on a conference report, this three-step process would permit 60 hours of debate on the bills and 30 hours of debate on the conference reports. In addition, in separating the proposal to balance the budget into manageable issues, Senators are permitted to address their specific concerns to the issues contained in each bill, rather than forcing Senators to vote on an "all-or-nothing proposition." Furthermore, the Senate conferees note that section 313 of the Budget Act, known as the "Byrd Rule," provides great protection to the minority against extraneous matter being placed in any reconciliation bill and is reinforced by a 60-vote margin required to waive its restrictions.

Separate tables for the House and Senate summarize the levels or amounts reconciled to each of the appropriate committees are provided below: . . .

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ELECTIVE OMNIBUS BILL

House Resolution. Section 4(a)(1)(4) of the House resolution provides the chairman with the discretion to designate an additional submission deadline for an omnibus reconciliation bill. The authority to include such a procedure is set forth in section 301(b)(4) of the Budget Act, which provides that the budget resolution may “set forth such other matters, and require such other procedures, relating to the budget, as may be appropriate to carry out the purposes of this Act.” This omnibus bill would be fully privileged as a reconciliation bill as defined in section 310 of the Budget Act.

Although the House resolution provides for the possibility of an omnibus reconciliation bill, each authorizing committee is still required to meet its reconciliation targets as if each of the reconciliation bills had been moved separately. Committees may submit recommendations previously vetoed and revise their submissions so long as they meet each of their separate targets.

Senate Amendment. The Senate amendment does not contain a comparable provision.

Conference Agreement. The House recedes to the Senate amendment.

BUDGET ENFORCEMENT

Under the Budget Act, the aggregate spending and revenue levels set forth in the concurrent budget resolution and the allocations in the accompanying report are enforced through points of order that may be raised on the House and Senate floor during the consideration of such legislation. Since the Constitution reserves to the Congress the power to revise its own rules, and the Budget Act specifies that the concurrent budget resolution may include “such other matters, and require such other procedures, relating to the budget, as may be appropriate to carry out the purposes of this Act,” the House and Senate budget resolutions include changes in congressional budgetary procedures.

§ 20.2 Form of a conference report to accompany a concurrent resolution on the budget containing reconciliation directives that instructed committees to report reconciliation legislation to achieve certain spending limits rather than certain amounts of budgetary savings.⁽¹⁾

On June 26, 1995,⁽²⁾ the following occurred:

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 67

Mr. [John] KASICH [of Ohio] submitted the following conference report and statement on the bill (H. Con. Res. 67), setting forth the congressional budget for the United States Government for the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: . . .

SEC. 105. RECONCILIATION.

(a) RECONCILIATION OF SPENDING REDUCTIONS.—

(1) SENATE COMMITTEES.—Not later than September 22, 1995, the committees named in this subsection shall submit their recommendations to the Committee on the Budget of the Senate. After receiving those recommendations, the Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

1. *Parliamentarian’s Note:* This approach differed from the traditional formulation of reconciliation directives. Typically, such directives require committees to recommend legislative changes that would result in a specified amount of savings over a defined period. That approach is consistent with the language in section 310(a) of the Congressional Budget Act, which speaks of a “change of such total amount” by reconciliation legislation. Here, each committee was allocated a total level of direct spending and instructed to recommend legislative changes that would not exceed those total amounts.
2. 141 CONG. REC. 17178, 17183, 17184, 104th Cong. 1st Sess.

(A) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction that provide direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to reduce outlays \$2,503,000,000 in fiscal year 1996, \$29,059,000,000 for the period of fiscal years 1996 through 2000, and \$48,402,000,000 for the period of fiscal years 1996 through 2002.

(B) COMMITTEE ON ARMED SERVICES.—The Senate Committee on Armed Services shall report changes in laws within its jurisdiction that provide direct spending to reduce outlays \$1,571,000,000 in fiscal year 1996, \$1,888,000,000 for the period of fiscal years 1996 through 2000, and \$2,199,000,000 for the period of fiscal years 1996 through 2002.

(C) COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.—The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction that provide direct spending to reduce outlays \$481,000,000 in fiscal year 1996, \$1,698,000,000 for the period of fiscal years 1996 through 2000, and \$2,391,000,000 for the period of fiscal years 1996 through 2002. . . .

(2) HOUSE COMMITTEES.—

(A) GENERAL RULES.—(i) Not later than September 22, 1995, the House committees named in clauses (i) through (xii) of subparagraph (B) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(ii) Each committee named in clauses (i) through (xi) of subparagraph (B) shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee for—

(I) fiscal year 1996,

(II) the 5-year period beginning with fiscal year 1996 and ending with fiscal year 2000, and

(III) the 7-year period beginning with fiscal year 1996 and ending with fiscal year 2002,

does not exceed the total level of direct spending in that period in the clause applicable to that committee.

(iii) Each committee named in clauses (i)(II), (iv)(II), (v)(II), and (vi)(II) of subparagraph (B) shall report changes in laws within its jurisdiction as set forth in the clause applicable to that committee.

(iv) The Committee on Ways and Means shall carry out subparagraph (B)(xii).

(B) COMMITTEE AMOUNTS.—(i)(I) The House Committee on Agriculture: \$10,506,000,000 in outlays in fiscal year 1996, \$44,741,000,000 in outlays in fiscal years 1996 through 2000, and \$59,232,000,000 in outlays in fiscal years 1996 through 2002.

(II) In addition to the changes in law reported pursuant to subclause (I), the House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending (other than that defined within subparagraph (A) or (B) of section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) such that the total level of direct spending (as so defined) for that committee does not exceed: \$26,748,000,000 in outlays in fiscal year 1996, \$133,246,000,000 in outlays in fiscal years 1996 through 2000, and \$192,270,000,000 in outlays in fiscal years 1996 through 2002.

(ii) The House Committee on Banking and Financial Services: —\$13,087,000,000 in outlays in fiscal year 1996, —\$50,061,000,000 in outlays in fiscal years 1996 through 2000, and —\$65,112,000,000 in outlays in fiscal years 1996 through 2002.

(iii) The House Committee on Commerce: \$285,537,000,000 in outlays in fiscal year 1996, \$1,592,240,000,000 in outlays in fiscal years 1996 through 2000, and \$2,361,708,000,000 in outlays in fiscal years 1996 through 2002.

(iv)(I) The House Committee on Economic and Educational Opportunities: \$16,026,000,000 in outlays in fiscal year 1996, \$77,346,000,000 in outlays in fiscal years 1996 through 2000, and \$110,936,000,000 in outlays in fiscal years 1996 through 2002. . . .

(aa) fiscal year 1996,

(bb) the 5-year period beginning with fiscal year 1996 and ending with fiscal year 2000, and

(cc) the 7-year period beginning with fiscal year 1996 and ending with fiscal year 2002,

does not exceed the following level in that period: \$349,172,000,000 in outlays in fiscal year 1996, \$2,010,751,000,000 in outlays in fiscal years 1996 through 2000, and \$3,002,706,000,000 in outlays in fiscal years 1996 through 2002.

(II) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee for fiscal year 2000 is not less than \$1,304,215,000,000 and for fiscal years 1996 through 2002 is not less than \$17,938,254,000,000.

(III) The House Committee on Ways and Means shall report changes in laws to increase the statutory limit on the public debt to not more than \$5,500,000,000,000.

(C) DEFINITION.—For purposes of this paragraph, the term “direct spending” has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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(b) RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.—

(1) CERTIFICATION.—*In the Senate, upon the certification pursuant to section 205(a) of this resolution, the Senate Committee on Finance shall submit its recommendations pursuant to paragraph (2) to the Senate Committee on the Budget. After receiving those recommendations, the Committee on the Budget shall add these recommendations to the recommendations submitted pursuant to subsection (a) and report a reconciliation bill carrying out all such recommendations without any substantive revision.*

(2) COMMITTEE ON FINANCE.—*Not later than five days after the certification made pursuant to section 205(a), the Senate Committee on Finance shall report changes in laws within its jurisdiction necessary to reduce revenues by not more than \$50,000,000,000 in fiscal year 2002 and \$245,000,000,000 for the period of fiscal years 1996 through 2002.*

§ 20.3 Form of a conference report and joint explanatory statement to accompany a concurrent resolution on the budget (rejected by the House)⁽¹⁾ containing reconciliation directives that included not only recommended levels of savings to be achieved by reconciliation legislation but also programmatic detail regarding the method of achieving such savings.

On Oct. 4, 1990,⁽²⁾ the following occurred:

Mr. PANETTA submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 310) setting forth the congressional budget for the United States Government for the fiscal years 1991, 1992, 1993, 1994, 1995: . . .

RECONCILIATION

SEC. 4. (a) Not later than October 12, 1990, the committees named in subsections (b) and (c) of this section shall submit their recommendations to the Committees on the Budget of their respective Houses. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

HOUSE COMMITTEES

(b)(1) The House Committee on Agriculture shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce outlays, or (C) any combination thereof, as follows: \$1,409,000,000 in outlays in fiscal year 1991, \$2,023,000,000 in outlays in fiscal year 1992, \$2,827,000,000 in outlays in fiscal year 1993, \$3,432,000,000 in outlays in fiscal year 1994, and \$3,936,000,000 in outlays in fiscal year 1995. . . .

(12)(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction relating to medicare provider payments sufficient to reduce outlays as follows: \$3,100,000,000 in outlays in fiscal year 1991, \$5,200,000,000 in outlays in fiscal year 1992, \$6,300,000,000 in outlays in fiscal year 1993, \$7,000,000,000 in outlays in fiscal year 1994, and \$8,400,000,000 in outlays in fiscal year 1995.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction relating to medicare beneficiaries and medicare beneficiary payments sufficient to reduce outlays as follows: \$1,100,000,000 in outlays in fiscal year 1991, \$3,300,000,000 in outlays in fiscal

1. Following rejection, this conference report was recommitted to the conference by special order and a new conference report filed and adopted. 136 CONG. REC. 27919, 101st Cong. 2d Sess., Oct. 6, 1990 (H. Res. 496). For the text of the new conference report (containing the same form of reconciliation directives indicated here), see 136 CONG. REC. 27958–67, 101st Cong. 2d Sess., Oct. 7, 1990 (H. Con. Res. 310). For more on these proceedings, see Deschler-Brown Precedents Ch. 33 §§ 28.3, 31.4, 31.5, *supra*.
2. 136 CONG. REC. 27603, 27604, 101st Cong. 2d Sess.

year 1992, \$5,200,000,000 in outlays in fiscal year 1993, \$7,300,000,000 in outlays in fiscal year 1994, and \$9,100,000,000 in outlays in fiscal year 1995.

(C) The House Committee on Ways and Means shall report changes in laws within its jurisdiction relating to other medicare program matters sufficient to reduce outlays as follows: \$0 in outlays in fiscal year 1991, \$400,000,000 in outlays in fiscal year 1992, \$500,000,000 in outlays in fiscal year 1993, \$500,000,000 in outlays in fiscal year 1994, and \$600,000,000 in outlays in fiscal year 1995.

(D) The House Committee on Ways and Means shall report changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974 (other than laws relating to medicare), sufficient to reduce outlays as follows: \$0 in outlays in fiscal year 1991, \$1,143,000,000 in outlays in fiscal year 1992, \$1,178,000,000 in outlays in fiscal year 1993, \$1,150,000,000 in outlays in fiscal year 1994, and \$1,200,000,000 in outlays in fiscal year 1995.

(E) The House Committee on Ways and Means shall report changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974 sufficient to reduce outlays as follows: \$120,000,000 in outlays in fiscal year 1991, \$702,000,000 in outlays in fiscal year 1992, \$692,000,000 in outlays in fiscal year 1993, \$698,000,000 in outlays in fiscal year 1994, and \$720,000,000 in outlays in fiscal year 1995.

(F) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to increase revenues as follows: \$14,225,000,000 in fiscal year 1991, \$25,635,000,000 in fiscal year 1992, \$26,040,000,000 in fiscal year 1993, \$31,450,000,000 in fiscal year 1994, and \$31,450,000,000 in fiscal year 1995.

(G) The House Committee on Ways and Means shall report changes in law within its jurisdiction which provides for an increase in the permanent statutory limit on the public debt by an amount not to exceed \$1,900,000,000,000.

—Submission of Recommendations

§ 20.4 Where reconciliation directives in a first concurrent resolution on the budget⁽¹⁾ adopted by both Houses for the ensuing fiscal year direct certain House committees to submit recommendations for reductions in spending authority and increases in revenues to the Committee on the Budget by a date certain, the House may, by unanimous consent, extend the date for submission of such recommendations.⁽²⁾

On July 21, 1983,⁽³⁾ the following occurred:

PERMISSION TO CHANGE DATE FOR HOUSE COMMITTEES TO SUBMIT LEGISLATION

Mr. [James] JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that the date for the House committees to submit their legislation pursuant to section 3 of House Concurrent Resolution 91 be changed to September 23.

1. The revisions to the Congressional Budget Act made by Gramm-Rudman-Hollings eliminated the requirement of a second annual budget resolution.
2. *Parliamentarian's Note:* The Senate had previously agreed by unanimous consent to the same extension for its committees. 129 CONG. REC. 19739, 98th Cong. 1st Sess., July 19, 1983. Although the term "shall submit" is used, the date set in a concurrent resolution on the budget for submission of reconciliation directives by legislative committees to the budget committees is technically not a mandatory date because the concurrent resolution does not include a parliamentary enforcement mechanism. In this case, H.R. 4169 (the Omnibus Budget Reconciliation Act of 1983) was not reported from the House Committee on the Budget until Oct. 20, 1983, almost a full month after the submission deadline (which was not extended beyond Sept. 23).
3. 129 CONG. REC. 20223, 20224, 98th Cong. 1st Sess.

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The SPEAKER.⁽⁴⁾ Is there objection to the request of the gentleman from Oklahoma? There was no objection.

—Motion to Recommit

§ 20.5 Form of a motion to recommit a bill with instructions that the Committee on Post Office and Civil Service promptly report to the Committee on the Budget changes in law sufficient to reduce budget authority and outlays in accordance with the reconciliation directives in the most recent concurrent resolution on the budget.

On Aug. 3, 1982,⁽¹⁾ the following occurred:

MOTION TO RECOMMIT OFFERED BY MR. DERWINSKI

Mr. [Edward] DERWINSKI [of Illinois]. Mr. Speaker, I offer a motion to recommit with instructions, which I believe is covered under the rule.

The SPEAKER.⁽²⁾ The gentleman is opposed to the bill?

Mr. DERWINSKI. I am in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DERWINSKI moves to recommit the bill, H.R. 6862, to the Committee on Post Office and Civil Service with instructions that the Committee report changes in laws within the jurisdiction of that committee sufficient to reduce budget authority and outlays in accordance with the provisions of the first concurrent resolution on the budget for fiscal year 1983 (S. Con. Res. 92) and submit such recommendations promptly to the House Committee on the Budget pursuant to the provisions of the first concurrent resolution on the budget for fiscal year 1983 (S. Con. Res. 92), the Congressional Budget Act of 1974 (P.L. 93-344), and the Rules of the House.

The SPEAKER. The gentleman from Illinois (Mr. DERWINSKI) is recognized for 5 minutes in support of his motion to recommit.

§ 21. House Consideration of Reconciliation Bills

—Filed as Privileged

§ 21.1 Pursuant to former Rule XI clause 4(a)⁽¹⁾ the Committee on the Budget files from the floor as privileged the report on a reconciliation bill, which under section 310(b)(2) of the Congressional

4. Thomas O'Neill (MA).

1. 128 CONG. REC. 18967, 18968, 97th Cong. 2d Sess.

2. Thomas O'Neill (MA).

1. Now Rule XIII clause 5(a), *House Rules and Manual* § 853 (2011).