

I. The Debt Limit

§ 29. The Debt Limit

The relationship between the budget process and the public debt limit has evolved over the years. Federal law fixes a limit on the public debt.⁽¹⁾ Bills or joint resolutions periodically have changed that public debt limit,⁽²⁾ and Congress has both temporarily and permanently raised the debt limit.⁽³⁾

Debt limit legislation has served as the vehicle for other types of budget related matters, including deficit reduction⁽⁴⁾ and has been included in reconciliation acts.⁽⁵⁾ Debt limit legislation has been vetoed by the President.⁽⁶⁾

Former Rule XXVIII,⁽⁷⁾ popularly known as the “Gephardt rule” used to provide a mechanism for a joint resolution establishing the public debt limit to be automatically generated upon the adoption of the concurrent resolution of the budget.⁽⁸⁾ The rule has been repealed and reinstated on several occasions⁽⁹⁾ and was most recently repealed in the 112th Congress.⁽¹⁰⁾

The Congressional Budget Act also contains provisions relating to the public debt limit. Section 301(a)(5) requires the budget resolution to set

1. 31 USC § 3101.
2. See, e.g., 136 CONG. REC. 22177, 101st Cong. 2d Sess., Aug. 3, 1990 (H.R. 5350).
3. In 1983, an introduced bill providing a temporary increase in the public debt was converted by committee substitute into a permanent debt ceiling so that the ceiling would no longer drop to an artificial one on a set date but would remain the same until altered by further legislation (Pub. L. No. 98–34). Furthermore, in 1990, a waiver of the Rule XXI clause 5(a) (now clause 4) prohibition against appropriating on a legislative bill was required for a bill increasing the statutory limit on the public debt to reflect the effect of such an increase on the permanent appropriation to pay interest on the public debt. 136 CONG. REC. 20704, 101st Cong. 2d Sess., July 31, 1990. See also Deschler’s Precedents Ch. 25 § 4, *supra*.
4. Most notably, legislation to increase the debt limit was the vehicle for the enactment of the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings), Pub. L. No. 99–177; the Statutory Pay-As-You-Go Act of 2010, Pub. L. No. 111–139; and the Budget Control Act of 2011, Pub. L. No. 112–25.
5. See the Omnibus Budget Reconciliation Act of 1986, Pub. L. No. 99–509; Omnibus Budget Reconciliation Act of 1990, Pub. L. No. 101–508; Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103–66; and the Balanced Budget Act of 1997, Pub. L. No. 105–33.
6. See § 29.6, *infra*.
7. *House Rules and Manual* § 1104 (2011).
8. See *House Rules and Manual* § 1104 (2009).
9. Rules for concurrent resolutions on the budget have also disabled the former so-called “Gephardt rule.” See § 5, *supra*.
10. *House Rules and Manual* § 1104 (2011).

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forth the appropriate level for the public debt.⁽¹¹⁾ Reconciliation directives relating to changes in the public debt may be included in the concurrent resolution on the budget under section 310(a)(3) of the Congressional Budget Act.⁽¹²⁾

Further, Rule XVIII clause 10(c)(1)⁽¹³⁾ prohibits the consideration of an amendment to the budget resolution that proposes to change the level of public debt. The exception in clause 10(c)(2) allows such amendments only to the extent necessary to maintain mathematical consistency with other amendments changing figures within the concurrent resolution on the budget.

The Budget Control Act of 2011,⁽¹⁴⁾ enacted in the 112th Congress, provided for a three-stage increase in the public debt limit. The first increase occurred automatically upon presidential certification that the debt subject to limit was within \$100 billion of the limit provided by law.⁽¹⁵⁾ The second and third increases (also initiated by presidential certification) were subject to a congressional disapproval mechanism providing expedited procedures in both Houses for consideration of joint resolutions to disapprove of such increases.⁽¹⁶⁾ If such increases were formally disapproved of by Congress utilizing this mechanism, the public debt limit would not be increased, and the budgetary savings necessary to remain under the existing limit would be achieved through a sequestration process.⁽¹⁷⁾

11. 2 USC § 632(a)(5). See § 4, *supra*.

12. 2 USC § 641(a)(3).

13. *House Rules and Manual* § 990 (2011).

14. Pub. L. No. 112–25.

15. The President made this initial submission on Aug. 2, 2011. See 157 CONG. REC. H5893 [Daily Ed.], 112th Cong. 1st Sess., Aug. 5, 2011 (H. Doc. No. 112–48).

16. The second increase was triggered by the same presidential certification of Aug. 2, 2011. The joint resolution to disapprove such increase (H. J. Res. 77) was passed by the House on Sept. 14, 2011, but not acted upon by the Senate. 157 CONG. REC. H6156–68 [Daily Ed.], 112th Cong. 1st Sess. The Senate rejected a motion to proceed to consider its companion measure (S. J. Res. 25) on Sept. 8, 2011. 157 CONG. REC. S5466 [Daily Ed.], 112th Cong. 1st Sess. The third increase was triggered by the presidential certification of Jan. 12, 2012. See 158 CONG. REC. H7 [Daily Ed.], 112th Cong. 2d Sess., Jan. 13, 2012 (H. Doc. No. 112–81). The joint resolution to disapprove this increase (H. J. Res. 98) was passed by the House on Jan. 18, 2012. 158 CONG. REC. H54–69 [Daily Ed.], 112th Cong. 2d Sess. A motion to proceed to consider this measure in the Senate was rejected. 158 CONG. REC. S83–95 [Daily Ed.], 112th Cong. 2d Sess., Jan. 26, 2012.

17. The Budget Control Act also provided that the third increase to the public debt limit could itself be increased above the prescribed \$1.2 trillion amount, contingent upon certain specified events. If the deficit reduction plan proposed by the Joint Committee on Deficit Reduction established by the Budget Control Act were passed by Congress, then

The Former So-Called “Gephardt Rule”

The former so-called “Gephardt rule” was first made part of the standing rules of the House in the 96th Congress.⁽¹⁾ It was repealed for the 107th Congress, reinstated in the 108th Congress, and repealed again in the 112th Congress.⁽²⁾ This former rule of the House provided a mechanism for a joint resolution establishing the public debt limit to be automatically generated and passed upon adoption by Congress of a concurrent resolution on the budget. The vote by which such budget was adopted in the House would be considered to be the vote by which such joint resolution passed the House.⁽³⁾ The purpose of the rule was to connect debt limit legislation to the congressional budget process, to avoid additional votes on setting the debt limit, and to synchronize the limit of public debt in statute with the amount of debt contemplated by the annual budget resolution.

In the years in which the former so-called “Gephardt rule” was operative, the House had occasionally chosen to render the rule inapplicable to the budget process for that fiscal year. This was done by simple resolution of the House—either in the special order providing for consideration of the House concurrent resolution on the budget,⁽⁴⁾ or in the special order for consideration of a conference report on the budget.⁽⁵⁾ Resolutions “deeming” a

the debt limit would be raised by an amount equal to the proposed savings (between \$1.2 trillion and \$1.5 trillion). Alternatively, the debt limit would be raised by \$1.5 trillion in the event that a balanced budget constitutional amendment were passed by Congress and sent to the states for ratification. Neither of these contingencies in fact occurred.

1. The “Gephardt rule” was originally House Rule XLIX. Following the extensive recodification of the House rules at the beginning of the 106th Congress (1999), this rule was moved to Rule XXIII. When it was reinstated following a temporary repeal in the 107th Congress (2001), it was moved to Rule XXVII. Finally, in the 110th Congress, it was moved to Rule XXVIII. The rule was repealed in the 112th Congress (2011). See *House Rules and Manual* § 1104 (2011).
2. *House Rules and Manual* § 1104 (2011).
3. *House Rules and Manual* § 1104 (2009).
4. See 146 CONG. REC. 3442, 106th Cong. 2d Sess., Mar. 23, 2000 (H. Res. 446); 145 CONG. REC. 5671, 106th Cong. 1st Sess., Mar. 25, 1999 (H. Res. 131); 144 CONG. REC. 11098, 105th Cong. 2d Sess., June 3, 1998 (H. Res. 455); 143 CONG. REC. 8904, 105th Cong. 1st Sess., May 20, 1997 (H. Res. 152); 142 CONG. REC. 11477, 104th Cong. 2d Sess., May 16, 1996 (H. Res. 435); and 141 CONG. REC. 13275, 13276, 104th Cong. 1st Sess., May 17, 1995 (H. Res. 149). See also § 5, *supra*.
5. See 140 CONG. REC. 9411, 103d Cong. 2d Sess., May 5, 1994 (H. Res. 418); 137 CONG. REC. 11856, 102d Cong. 1st Sess., May 22, 1991 (H. Res. 157); 136 CONG. REC. 27919, 101st Cong. 2d Sess., Oct. 6, 1990 (H. Res. 496); 136 CONG. REC. 27590, 101st Cong. 2d Sess., Oct. 4, 1990 (H. Res. 488); and 134 CONG. REC. 12529, 100th Cong. 2d Sess., May 26, 1988 (H. Res. 461).

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House-adopted budget resolution to be effective for all Budget Act purposes have also contained provisions explicitly disengaging the “Gephardt rule” with respect to such “deemers.”⁽⁶⁾

§ 29.1 To a bill providing a temporary extension of government borrowing authority by superseding for a temporary period the statutory ceiling on the public debt, an amendment accomplishing the same purpose by permanently raising the statutory ceiling was held germane since both were based on projections of borrowing under which an increase in the debt ceiling would provide a necessarily temporary extension of such authority and where the methods utilized were sufficiently similar as a direct or indirect amendment to the same existing law.⁽¹⁾

On May 13, 1987,⁽²⁾ the following occurred:

Mr. [Daniel] ROSTENKOWSKI [of Illinois]. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN.⁽³⁾ Pursuant to House Resolution 165, the bill is considered as having been read for amendment under the 5-minute rule.

The text of H.R. 2360 is as follows:

H.R. 2360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) during the period beginning on the date of the enactment of this Act and ending on July 17, 1987 the public debt limit set forth in subsection (b) of section 3101 of title 31, United States Code, shall be equal to \$2,320,000,000,000.

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6. See 156 CONG. REC. H5342–3, 5357–8 [Daily Ed.], 111th Cong. 2d Sess., July 1, 2010 (H. Res. 1493); 152 CONG. REC. 8651, 109th Cong. 2d Sess., May 18, 2006 (H. Res. 818); and 150 CONG. REC. 10105, 108th Cong. 2d Sess., May 19, 2004 (H. Res. 649). See also § 17, *supra*.
 1. *Parliamentarian’s Note*: The Chair was also prepared to distinguish this situation from that presented on May 18, 1983 (129 CONG. REC. 12726–28, 12731, 98th Cong. 1st Sess.), where the rule waived the germaneness point of order against the Committee on Ways and Means substitute. In that case the bill only amended an existing temporary provision of law to increase the public debt limit, while the committee amendment changed both permanent law to increase the public debt limit and repealed a temporary increase. As both the form of the bill and amendment here are similar—unlike the 1983 precedent—and the substantive law had been changed to remove the distinction between temporary and permanent limitations on the debt, no germaneness waiver was required to permit consideration of the Rostenkowski amendment.
 2. 133 CONG. REC. 12344, 12345, 100th Cong. 1st Sess. See also Deschler-Brown Precedents Ch. 28 §§ 5.7, 46.7, *supra*.
 3. Patricia Schroeder (CO).

(b) Effective on and after the date of the enactment of this Act, section 8201 of the Omnibus Budget Reconciliation Act of 1986 is hereby repealed.

The CHAIRMAN. No amendments to the bill are in order except an amendment printed in section 2 of House Resolution 165, by, and if offered by, Representative ROSTENKOWSKI, or his designee, said amendment is considered as having been read, is not subject to amendment, but is debatable for not to exceed 30 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

AMENDMENT OFFERED BY MR. ROSTENKOWSKI

Mr. ROSTENKOWSKI. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROSTENKOWSKI: Strike out subsection (a) of the first section of the bill and insert the following: "That (a) subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof '\$2,578,000,000,000'."

Amend the title to read as follows: "A bill to increase the statutory limit on the public debt."

POINT OF ORDER

Mr. [Connie] MACK [of Florida]. Madam Chairman, I have a point of order on the Rostenkowski amendment.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. MACK. Madam Chairman, I make a point of order against the amendment on the grounds that it violates clause 7 of the rule XVI, the germaneness rule, and ask to be heard on my point of order.

Madam Chairman, subsection (a) of H.R. 2360, the reported bill, makes a temporary and indirect change in the permanent public debt limit through July 17, 1987.

The amendment offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] makes a permanent and direct change in existing law. It directly amends title 31, section 3101 of the United States Code. The base does not.

Let me cite three precedents in support of my position:

Procedure in the House, 97th Congress, chapter 28, section 19.1:

To a bill proposing a temporary change in law, an amendment making permanent changes in that law is not germane.

Chapter 28, section 19.3:

To a bill reported from the Committee on Ways and Means providing for a temporary increase in the public debt ceiling for the current fiscal year not directly amending the Second Liberty Bond Act, an amendment proposing permanent changes in that Act and also affecting budget and appropriations procedures was held not germane.

Chapter 28, section 19.4:

To a proposition authorizing appropriations for one fiscal year, an amendment making permanent changes in law is not germane.

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The CHAIRMAN pro tempore. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. ROSTENKOWSKI. I do, Madam Chairman.

The CHAIRMAN pro tempore. The gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized.

Mr. ROSTENKOWSKI. Madam Chairman, in 1983 the rule providing for the consideration of H.R. 2990, to increase the public debt limit, provided for a waiver of clause 7 of rule XVI, the germaneness rule, against an amendment in the nature of a substitute recommended by the Committee on Ways and Means. The germaneness waiver was necessary because the committee amendment to repeal the temporary debt limit and to make the entire ceiling permanent was not germane to the original bill which only provided for an increase in the temporary debt limit.

With the enactment of H.R. 2990 into law in 1983, the distinction between the temporary and permanent public debt limit was eliminated. It was only with the passage of the 1986 Budget Reconciliation Act that we again temporarily increased the public debt limit.

I would argue that the committee amendment to the bill before us is germane because, first of all, the fundamental purpose⁽⁴⁾ of the committee amendment is consistent with that of the bill, namely a temporary increase in the public debt. The bill before us provides debt authority, which is estimated to be sufficient until July 17, 1987. The committee amendment provides debt authority until October 1, 1988. Both the bill and the amendment provide debt authority, which eventually will prove to be insufficient and, therefore, both are temporary in nature. In addition, the bill has the effect of amending the same section of the United States Code as the committee amendment. Finally, I would argue that the amendment is germane because it passes the common sense test of not introducing a subject matter which is "different from that under consideration."

The issue before us is how long to increase the public debt. The amendment gives the House two choices on these issues. I urge the Chair to rule the amendment germane.

□ 1145

The CHAIRMAN (Mrs. SCHROEDER). If there are no further speakers on the germaneness issue, the Chair is ready to rule.

The gentleman from Florida [Mr. MACK] makes a point of order that the amendment offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] is not germane. The amendment would directly amend existing law by striking the existing dollar limitation in section 3101 of title 31 of the United States Code and inserting a new dollar figure, with the intention to increase the Government's borrowing authority for an unspecified but necessarily temporary period of time.

However, the bill, H.R. 2360, in subsection (a), refers to, and in the opinion of the Chair, is tantamount to, a change in the same provision of the law as the amendment.

Both the bill and the amendment are based upon estimates of sufficiency of the total amount of borrowing authority over different periods of time. For this reason, the Chair believes the amendment to be closely related to the fundamental purpose of the bill, and to accomplish that purpose by amending the same section of law referenced in the bill.

Therefore, the Chair overrules the point of order.

4. For a description of the fundamental purpose test of germaneness, see Deschler-Brown Precedents Ch. 28 § 5, *supra*.

Consideration of Debt Limit Legislation—By Special Order

§ 29.2 The House has adopted a special order of business resolution for consideration of a bill increasing the temporary limit on the public debt, waiving certain points of order against such bill and non-germane amendment, and providing for a “modified closed in part” amendment process.

On Feb. 25, 1976,⁽¹⁾ the following occurred:

Mr. [Bernice] SISK [of California]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1053 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1053

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 2(1)(6) of rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11893) to increase the temporary debt limit until July 31, 1976, and all points of order against said bill for failure to comply with the provisions of clause 5, rule XXI are hereby waived. After general debate which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment recommended by the Committee on Ways and Means now printed on page 2, line 3 through line 9 notwithstanding the provisions of clause 7, rule XVI, and no amendment to said committee amendment nor any amendment to said bill changing said committee amendment in the Committee of the Whole or in the House shall be in order except amendments offered by direction of the Committee on Ways and Means, but said amendments shall not be subject to amendment. It shall also be in order to consider, any rule of the House to the contrary notwithstanding, an amendment printed in the CONGRESSIONAL RECORD of February 24, 1976, by Representative Stark, and no amendment to said amendment nor any amendment to the bill changing said amendment in the Committee of the Whole or the House shall be in order except amendments offered by direction of the Committee on Ways and Means, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER.⁽²⁾ The gentleman from California will be recognized for 1 hour.

Mr. SISK. . . .

In addition to the increase in the temporary debt limit, H.R. 11893 contains a committee amendment increasing from \$10 to \$12 billion the amount of Federal long-term debt which may be issued at an interest rate greater than 4¼ percent. The maturity rate for these Treasury notes is also increased from 7 to 10 years.

1. 122 CONG. REC. 4279, 94th Cong. 2d Sess.

2. Carl Albert (OK).

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The rule provides for 2 hours of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. It is a modified open rule. Section 1 of the bill deals with the amount and duration of the increase to the temporary debt limit and is open to amendment. The Ways and Means Committee amendment adding section 3 to the bill is closed to amendment except amendments offered by direction of the Committee on Ways and Means.

The committee amendment, that is, section 3, increases the amount of Treasury notes which may be issued at greater than 4¼ percent interest, and increases the maturity date on notes issued by the Treasury from the present 7 to 10 years.

House Resolution 1053 waives germaneness points of order under rule XVI, clause 7, with respect to this committee amendment. The waiver is necessary since the amendment would cause a permanent change in law whereas the bill provides only a temporary amendment to that law.

The rule also waives points of order pursuant to paragraph 6, clause 2(1) of rule XI, the 3-day layover rule. This waiver is necessary in order to consider the bill today since it was not reported from the Committee on Ways and Means until Monday, February 23, 1976.

The rule also provides a waiver of clause 5, rule XXI, which prohibits an appropriation in a legislative bill. Existing law provides for payment of interest expenses on the public debt. An increase in the amount of the debt will obviously cause an increase in interest expenses. The waiver is thus necessary and is traditionally granted with respect to public debt extension bills.

House Resolution 1023 also makes in order an amendment to H.R. 11893 by the gentleman from California (Mr. STARK) as printed on page 4157 of the CONGRESSIONAL RECORD of February 24, 1976. The gentleman's statement explaining his amendment appears on page 4113 of yesterday's RECORD. Essentially, the amendment establishes a minimum interest rate of 4 percent, computed monthly, on series E bonds. Bonds must be held a minimum of 60 days to collect any interest. All points of order are waived against this amendment, and it may only be amended by direction of the Committee on Ways and Means.

§ 29.3 The House has adopted a special order of business resolution for consideration of a bill increasing the temporary limit on the public debt, waiving certain points of order against such bill, and providing for an "open" amendment process under the five-minute rule.

On June 24, 1975,⁽¹⁾ the following occurred:

Mr. [Bernice] SISK [of California]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 562 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 562

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 2(1)(6) of rule XI to the contrary notwithstanding, that the House resolve itself

1. 121 CONG. REC. 20540, 94th Cong. 1st Sess.

into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8030) to increase the temporary debt limitation until November 15, 1975, and all points of order against said bill for failure to comply with clause 5, rule XXI, are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore.⁽²⁾ The gentleman from California (Mr. SISK) is recognized for 1 hour.

§ 29.4 The House has adopted a “closed” special order of business resolution waiving all points of order against consideration in the House of a bill increasing the public debt limit reported from the Committee on Ways and Means.

On Aug. 14, 1986,⁽¹⁾ the following occurred:

PUBLIC DEBT LIMIT INCREASE

Mr. [Claude] PEPPER [of Florida]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 534 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 534

Resolved, That upon the adoption of this resolution it shall be in order to consider the bill (H.R. 5395) to increase the statutory limit on the public debt in the House, all points of order against the bill and against its consideration are hereby waived, debate on the bill shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, and the previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore.⁽²⁾ The gentleman from Florida [Mr. PEPPER] is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the able gentleman from Mississippi [Mr. LOTT], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 534 provides for expeditious consideration in the House of H.R. 5395, to increase the statutory limit on the public debt. One hour of debate will be equally divided and controlled by the chairman of the Committee on Ways and Means and the ranking minority member. The rule waives all points of order against the bill and against its consideration. The rule provides one motion to recommit.

2. John McFall (CA).

1. 132 CONG. REC. 21691, 21692, 99th Cong. 2d Sess.

2. John Murtha (PA).

Consideration of Debt Limit Legislation—By Unanimous Consent

§ 29.5 The House has, by unanimous consent, and prior to any action by the Senate, authorized the Majority Leader to offer a motion to consider a House-originated bill raising the public debt limit when such bill arrives from the Senate in amended form, and to disagree with any Senate amendments thereto, and further making in order (upon adoption of such motion) consideration of a bill consisting of the text and title of the original House-passed debt limit bill.⁽¹⁾

On Aug. 15, 1986,⁽²⁾ the following occurred:

PROVIDING CONDITIONS FOR CONSIDERATION OF H.R. 5395, PUBLIC DEBT
LIMIT INCREASE

Mr. [James] WRIGHT [of Texas]. Mr. Speaker, I ask unanimous consent that at any time after the House receives from the Senate H.R. 5395 with any Senate amendment thereto; First, it shall be in order to consider a motion in the House, without intervening motion, if offered by the majority leader or his designee to take said bill from the Speaker's table, with the Senate amendment or amendments thereto, and to disagree to said amendment or amendments, with debate on said motion to continue not to exceed 1 hour, and with the previous question considered ordered thereon without intervening motion; and second, and upon the adoption of said motion, it shall be in order to consider in the House a bill containing the text and title of H.R. 5395 if offered by the majority leader or his designee with debate on said bill to continue not to exceed 1 hour, and with the previous question considered ordered thereon to final passage without intervening motion.

The SPEAKER pro tempore⁽³⁾. Is there objection to the request of the gentleman from Texas?

Mr. [Robert] MICHEL [of Illinois]. Mr. Speaker, reserving the right to object, and I shall not object, because this has been agreed upon by the two sides, but it might be deserving of clarification to the Members to give you a little bit of an insight as to what we may or may not expect from the other body. . . .

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the unanimous-consent request offered by the majority leader?

The Chair hears none.

1. This unanimous-consent request preceded Senate action on the House's debt limit bill and was designed, by preemptively disagreeing to any possible Senate amendments, to signal the House's unwillingness to consider anything other than the House debt limit bill in its original form. By further making in order consideration of a bill containing the text of the original House bill, the unanimous-consent request permitted the House to send to the Senate an identical "clean" debt limit bill for further Senate consideration.
2. 132 CONG. REC. 22092, 22093, 99th Cong. 2d Sess.
3. Thomas Foley (WA).

Referral of Veto Message**§ 29.6 The House has referred the veto message accompanying a bill to temporarily increase the public debt limit to the Committee on Ways and Means.**

On Dec. 7, 1995,⁽¹⁾ the following veto message of a bill to temporarily increase the public debt limit was referred to the Committee on Ways and Means:

REFERRAL OF VETO MESSAGE ON H.R. 2586, TEMPORARY INCREASE IN
PUBLIC DEBT LIMIT, TO COMMITTEE ON WAYS AND MEANS

Mr. [William] ARCHER [of Texas]. Mr. Speaker, I ask unanimous consent that the veto message on the bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes, be referred to the Committee on Ways and Means.

The SPEAKER pro tempore.⁽²⁾ Is there objection to the request of the gentleman from Texas?

There was no objection.

The Former So-Called “Gephardt Rule”**§ 29.7 In response to parliamentary inquiries regarding operation of former Rule XXVII (the former so-called “Gephardt rule”)⁽¹⁾ during the pendency of a conference report on the concurrent resolution on the budget, the Speaker affirmed that upon adoption of the conference report by both Houses, the Clerk of the House would prepare a joint resolution adjusting the public debt limit; such joint resolution would be deemed passed by the House; no separate vote on passage of such joint resolution was contemplated by the rule; and the vote on adoption of the conference report in the House would be considered the vote on passage of such joint resolution.**

On May 17, 2007,⁽²⁾ the following occurred:

PARLIAMENTARY INQUIRIES

Mr. [Paul] RYAN of Wisconsin. Mr. Speaker, given the stated concerns about borrowing by the majority, I have a parliamentary inquiry.

1. 141 CONG. REC. 35741, 104th Cong. 1st Sess.

2. Mark Foley (FL).

1. Former Rule XXVII (then former Rule XXVIII) was abolished in the 112th Congress. See *House Rules and Manual* § 1104 (2011). For additional information on the former rule, see *House Rules and Manual* § 1104 (2009).

2. 153 CONG. REC. 13129, 110th Cong. 1st Sess.

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The SPEAKER pro tempore (Mr. [Earl] POMEROY [of North Dakota]). The gentleman may state his inquiry.

Mr. RYAN of Wisconsin. Mr. Speaker, it's my understanding that pursuant to rule XXVII of the rules of the House, upon adoption of the conference report by both the House and the Senate, the Clerk of the House will be instructed to prepare a joint resolution adjusting the public debt limit; is that correct?

The SPEAKER pro tempore. That is correct.

Mr. RYAN of Wisconsin. Further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. RYAN of Wisconsin. Am I further correct, that by operation of rule XXVII, upon adoption of this conference report by both the House and the Senate, this joint resolution adjusting the debt limit will be considered as passed by the House and transmitted to the Senate?

The SPEAKER pro tempore. The gentleman is correct.

Mr. RYAN of Wisconsin. Further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. RYAN of Wisconsin. Will there be a separate vote in the House on passing this joint resolution adjusting upwards the debt limit?

The SPEAKER pro tempore. Not by operation of rule XXVII.

Mr. RYAN of Wisconsin. Further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. RYAN of Wisconsin. Mr. Speaker, by operation of this rule, will the vote by which the conference report is passed by the House be considered the vote on passage of the joint resolution adjusting the debt limit?

The SPEAKER pro tempore. That is correct. . . .

On June 11, 2007,⁽³⁾ the following occurred:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.⁽⁴⁾ The Chair desires to announce that pursuant to rule XXVII, as a result of the adoption by the House and the Senate of the conference report on Senate Concurrent Resolution 21, the joint resolution (H.J. Res. 43), increasing the statutory limit on the public debt, has been engrossed and is deemed to have passed the House on May 17, 2007.

3. 153 CONG. REC. 15330, 110th Cong. 1st Sess.

4. Sheila Jackson-Lee (TX).