

An hourglass-shaped graphic with a globe inside. The top bulb is dark blue, and the bottom bulb is light blue. The globe is a darker shade of blue. The hourglass is centered on the page.

WikiLeaks Document Release

<http://wikileaks.org/wiki/CRS-RL31728>

February 2, 2009

Congressional Research Service

Report RL31728

*House Rules Changes Affecting the Congressional Budget
Process in the 108th Congress (H.Res.5)*

Bill Heniff, Jr., Government and Finance Division

Updated February 28, 2003

Abstract. H.Res. 5, agreed to on January 7, 2003, the first day of the 108th Congress, made several rules changes affecting the congressional budget process. These changes include amendments to the standing rules of the House as well as separate orders that apply during the 108th Congress only. This report provides an explanation of these rules changes.

WikiLeaks

Report for Congress

Received through the CRS Web

House Rules Changes Affecting the Congressional Budget Process in the 108th Congress (H.Res. 5)

Updated February 28, 2003

Bill Heniff Jr.
Analyst in American National Government
Government and Finance Division

<http://wikileaks.org/wiki/CRS-RL31728>

House Rules Changes Affecting the Congressional Budget Process in the 108th Congress (H.Res. 5)

Summary

On the opening day of the 108th Congress, the House made several rules changes affecting the congressional budget process. The changes to House standing rules include: (1) requiring a Member from the Rules Committee to serve on the Budget Committee; (2) providing an exception to the limit on a Member's tenure on the Budget Committee to allow either the chair or ranking minority Member to serve in that leadership position for three consecutive Congresses; (3) requiring a "macroeconomic impact analysis" for revenue measures reported by the Ways and Means Committee; (4) clarifying that a "tax or tariff measure" for purposes of House Rule XXI includes an appropriations amendment that limits funding for the administration of a tax or tariff; and (5) providing for the automatic engrossment of public debt-limit legislation upon the adoption of a budget resolution by Congress.

In addition to these standing rules changes, the House agreed to several separate orders that clarify the applicability of certain points of order under the Congressional Budget Act of 1974, and deem the FY2003 budget resolution adopted by the House in the 107th Congress to have been agreed to by the 108th Congress for budget enforcement purposes.

This report will not be updated unless developments warrant.

Contents

Changes in Standing Rules	1
Membership of Budget Committee	1
Exception to Limit on Member's Tenure on the Budget Committee for Chair and Ranking Minority Member	2
Macroeconomic Impact Analysis ("Dynamic Estimates") of Tax Proposals	3
Definition of Tax or Tariff Measure	5
Public Debt-Limit Legislation	5
Separate Orders	6
References to "Resolution" in Section 306 of the CBA	6
Application of Point of Order under Section 303 of the CBA	6
Prospective Compensation in Appropriations Measures	8
Enforcement of the House-Passed FY2003 Budget Resolution	9

List of Tables

Table 1. Changes to Standing House Rules Affecting the Congressional Budget Process in the 108 th Congress (H.Res. 5)	2
Table 2. Separate Orders Affecting the Congressional Budget Process in the 108 th Congress (H.Res. 5)	7

House Rules Changes Affecting the Congressional Budget Process in the 108th Congress (H.Res. 5)

H.Res. 5, agreed to on January 7, 2003, the first day of the 108th Congress, made several rules changes affecting the congressional budget process.¹ These changes include amendments to the standing rules of the House as well as separate orders that apply during the 108th Congress only. This report provides an explanation of these rules changes.

Changes in Standing Rules

H.Res. 5 contains five House standing rules changes affecting the budget process, which involve the membership of the Budget Committee, the tenure of the chair and ranking minority Member of the Budget Committee, macroeconomic analysis of tax legislation, the definition of a tax or tariff measure, and public debt-limit legislation (see **Table 1**).

Membership of Budget Committee. Clause 5(a)(2) of House Rule X specifies the composition of the Budget Committee. It requires that five Members from the Appropriations Committee, five Members from the Ways and Means Committee, one Member from the elected majority party leadership, and one Member from the elected minority party leadership serve on the Budget Committee.

Section 2(e) of H.Res. 5 amends clause 5(a)(2) of Rule X to require that one Member from the Rules Committee also serve on the Budget Committee.

Like the Appropriations and Ways and Means Committees, the Rules Committee is involved directly in matters relevant to the Budget Committee. For instance, the Rules Committee shares jurisdiction with the Budget Committee over congressional budget process matters. Also, the Rules Committee, as the House's "traffic cop," plays an important role in scheduling the House's consideration of budget resolutions and other budgetary matters.

¹ The House must adopt its rules anew at the beginning of each Congress. The Senate, on the other hand, is a continuous body, and its rules remain in effect from one Congress to the next. H.Res. 5 also made several other House Rules changes not related directly to the congressional budget process. For more information on these changes, see CRS Report RS21382, *Committee System Rules Changes in the House, 108th Congress*, by Judy Schneider and CRS Report RS21388, *House Rules Changes Affecting Floor Proceedings in the 108th Congress*, by Elizabeth Rybicki.

Table 1. Changes to Standing House Rules Affecting the Congressional Budget Process in the 108th Congress (H.Res. 5)

Section of H.Res. 5	Standing Rule Amended or Established	Description
2(e)	clause 5(a)(2) of Rule X	Requires a Member of the Rules Committee to serve on the Budget Committee.
2(e-1)(1)	clause 5(a)(2) of Rule X	Provides an exception to the limit on a Member's tenure on the Budget Committee to allow either the chair or ranking minority Member to serve in that leadership position for three consecutive Congresses.
2(j)	clause 3(h)(2) of Rule XIII	Requires a "macroeconomic impact analysis," also referred to as "dynamic estimates," for revenue measures reported by the Ways and Means Committee.
2(o)	clause 5(a) of Rule XXI	Clarifies that a "tax or tariff measure" for purposes of House Rule XXI includes an appropriations amendment that limits funding for the administration of a tax or tariff.
2(t)	new Rule XXVII	Provides for the automatic engrossment of public debt-limit legislation upon the adoption of a budget resolution by Congress.

Exception to Limit on Member's Tenure on the Budget Committee for Chair and Ranking Minority Member. Clause 5(a)(2) of House Rule X also limits a Member's service on the Budget Committee to four Congresses in a period of six successive Congresses.²

In addition, clause 5(c)(2) of House Rule X prohibits a Member from serving as chair for no more than three consecutive Congresses. The limit on committee service, however, conceivably could prevent a Member from serving as chair for three consecutive Congresses if the Member did not become chair until his or her third or fourth consecutive Congress on the Budget Committee.

Under the previous House Rules, either the chair or the ranking minority Member could serve on the Committee for a fifth Congress in a period of six successive Congresses if the Member served in the same leadership capacity during the immediately previous Congress but did not serve in that capacity in an earlier Congress. Consequently, either the chair or the ranking minority Member

² However, the two Members from the elected party leadership are excepted from this limit.

conceivably could have served on the Budget Committee for five Congresses in a period of six successive Congresses, but only if the fourth and fifth terms were in the same leadership capacity.³ Under such a scenario, a Member would not have been able to serve as chair for a third Congress like other standing committee chairs.

Section 2(e-1)(1) of H.Res. 5 replaces the previous exception for the chair and ranking minority Member with the overriding three-Congress limit on a Member serving as the chair or the ranking minority Member contained in clause 5(c)(2) of House Rule X. The new rule effectively allows a Member first elected to serve as either the chair or the ranking minority Member in his or her fourth consecutive term on the Budget Committee to serve for an additional two terms on this committee in the same leadership capacity, instead of only one additional Congress, as the previous rule stipulated. For example, a Member of the Budget Committee now would be eligible to serve three Congresses as either chair or ranking minority Member regardless of when his or her service began. Consequently, under this scenario, the Member conceivably could serve on the Budget Committee for six Congresses in a period of six successive Congresses.

Macroeconomic Impact Analysis (“Dynamic Estimates”) of Tax Proposals. Section 308 of the 1974 Congressional Budget Act (CBA)⁴ requires that the Ways and Means Committee make available an estimate of the revenue changes expected to result from enactment of any revenue measure reported by the committee, or offered (but not reported) as an approved committee amendment. The committee must use the revenue estimates provided by the Joint Committee on Taxation.⁵ When a revenue measure is considered on the House floor, the Budget Committee employs these estimates for budget enforcement purposes.⁶

In recent years, there has been controversy over whether budgetary legislation, especially tax measures, would be scored more accurately using “dynamic” rather than “static” estimates as well as whether dynamic estimating is feasible.⁷

³ Under this scenario, a Member would have served his or her first three terms as a rank-and-file Member of the Budget Committee and the fourth term as either chair or ranking minority Member.

⁴ Titles I-IX of P.L. 93-344, 88 Stat. 297-332.

⁵ Upon request, the Congressional Budget Office (CBO) is required to transmit to the Ways and Means Committee estimates of revenue legislation; CBO is required to use the revenue estimates provided to it by the Joint Committee on Taxation. See Section 202(f) of the CBA.

⁶ Section 311(a) of the CBA provides a point of order against any measure that would cause revenues to fall below the level of revenues for the first fiscal year and the total for all fiscal years set forth in the most recently adopted budget resolution. For a brief overview of the enforcement of budget resolution policies, see CRS Report 98-815, *Budget Resolution Enforcement*, by Bill Heniff Jr.

⁷ U.S. Congress, House Committee on the Budget, *CBO Role and Performance: Enhancing Accuracy, Reliability, and Responsiveness in Budget and Economic Estimates*, hearing, 107th Cong., 2nd sess., May 2, 2002 (Washington: GPO, 2002); U.S. Congress, House Committee on Rules, Subcommittee on Legislative and Budget Process, *Assessing the Accuracy of* (continued...)

Beginning in the 105th Congress, clause 3(h)(2) of House Rule XIII (formerly clause 7(e) of Rule XIII, before the House recodified its rules in the 106th Congress) provided the chair of the Ways and Means Committee with the option to request and include in the committee report accompanying a bill or joint resolution a “dynamic estimate” of the revenue changes expected to result from enactment of the measure if the majority leader designated it as “major tax legislation.” The rule defined a “dynamic estimate” as a projection based “in any part on assumptions concerning probable effects of macroeconomic feedback.” The “dynamic estimate” could be used for informational purposes but would not have a direct impact on enforcement issues.

Section 2(j) of H.Res. 5 effectively makes the reporting of dynamic revenue estimates a requirement instead of an option. The new clause 3(h)(2) of House Rule XIII prohibits from consideration a Ways and Means Committee-reported bill or joint resolution that proposes to amend the Internal Revenue Code of 1986 unless the committee report accompanying the measure includes a “macroeconomic impact analysis,” or the chair of the Ways and Means Committee submits for printing in the *Congressional Record* such an analysis prior to the measure’s consideration on the House floor. The new requirement also may be met by including in the committee report a statement explaining why such an analysis is “not calculable” from the Joint Committee on Taxation. The new rule defines a “macroeconomic impact analysis” as:

- (i) an estimate prepared by the Joint Committee on Internal Revenue [sic] Taxation of the changes in economic output, employment, capital stock, and tax revenues expected to result from enactment of the proposal; and
- (ii) a statement from the Joint Committee on Internal Revenue [sic] Taxation identifying the critical assumptions and the source data underlying that estimate.

Neither the new rule nor the Congressional Budget Act (CBA) requires the Budget Committee to use these estimates for budget enforcement purposes, presumably as long as alternative estimates are available.⁸ However, neither the new rule nor the CBA precludes the Budget Committee from using these estimates for that purpose.

⁷ (...continued)

Federal Budget Estimating, hearing, 107th Cong., 2nd sess., May 2 and 9, 2002 (Washington: GPO, 2002); and U.S. Congress, House Committee on Ways and Means, Subcommittee on Oversight, *Modeling the Economic Effects of Changes in Tax Policy*, hearing, 107th Cong., 2nd sess., May 7, 2002 (Washington: GPO, 2002). Also, for an economic analysis of “dynamic estimates,” see CRS Report 94-1000 S, *Dynamic Revenue Estimating*, by Jane G. Gravelle (archived; available from the author).

⁸ Section 312 of the CBA provides that, for budget enforcement purposes, the levels of revenues for a fiscal year must be based on the estimates made by the Budget Committee. Presumably, if the Joint Committee on Taxation provided estimates using only macroeconomic impact analysis, the Budget Committee could be obliged to use these estimates for budget enforcement purposes.

Definition of Tax or Tariff Measure. Clause 5(a) of House Rule XXI prohibits the reporting of a “tax or tariff measure” by a committee not having jurisdiction over such matter.⁹ Further, during consideration of a measure reported by a committee not having jurisdiction over tax or tariff measures, the House may not consider an amendment carrying a tax or tariff. Under existing precedents, in the case of a provision in, or an amendment to, a general appropriations measure affecting the use of funds for the administration of a tax or tariff, the burden is on the Member making the point of order to show “a necessary, certain, and inevitable change in revenue collections or tax statuses or liabilities.”¹⁰

Section 2(o) of H.Res. 5 amends clause 5(a) of Rule XXI to clarify that a “tax or tariff measure” includes an amendment limiting the use of funds for the administration of a tax or tariff. Under this change, presumably a Member raising a point of order under clause 5(a) of Rule XXI no longer needs to show that such an amendment would result in a “necessary, certain, and inevitable change” in revenues. Instead, it would need to show only a “textual relationship between the amendment and the administration of” the tax or tariff.¹¹ The rule change apparently would not apply to a comparable provision in a general appropriations measure, but only to an amendment offered thereto.

Public Debt-Limit Legislation. The amount of money the federal government is allowed to borrow generally is subject to a statutory limit. From time to time, Congress must adopt legislation to raise this limit.¹²

In 1979, the House amended its rules to provide for the automatic engrossment of a joint resolution increasing the debt limit once Congress agreed to the conference report on the budget resolution, thereby avoiding a separate vote on the debt-limit legislation.¹³ Since 1979, the rule, commonly referred to as the “Gephardt rule” after

⁹ Clause 1(s) of Rule X gives jurisdiction over “revenue measures generally” to the House Ways and Means Committee.

¹⁰ *House Rules and Manual for the 107th Congress*, 106th Cong., 2nd sess., H.Doc. 106-320 (Washington: GPO, 2001), p. 831. Also see *Deschler-Brown Precedents of the U.S. House of Representatives*, 94th Cong., 2nd sess., H.Doc. 94-661 (Washington: GPO, 1977), vol. 15, ch. 31, sec. 8.15.

¹¹ See comments by Rep. David Dreier in *Congressional Record*, daily edition, vol. 149, Jan. 7, 2003, p. H11.

¹² For further information on debt-limit legislation, see CRS Report 98-453, *Debt-Limit Legislation in the Congressional Budget Process*, by Bill Heniff Jr.; CRS Report RS20645, *Recent Changes in Federal Debt and Its Major Components*, by Philip D. Winters; CRS Report RS21111, *The Debt Limit: The Need to Raise It After Four Years of Surpluses*, by Philip D. Winters; and CRS Report 98-805, *Public Debt Limit Legislation: A Brief History and Controversies in the 1980s and 1990s*, by Philip D. Winters.

¹³ The rule was established by P.L. 96-78 (93 Stat. 589-591), an act to provide for a temporary increase in the public debt limit, and first applied to the FY1981 budget resolution. For the debate in the House, see *Congressional Record*, vol. 125, Sept. 26, 1979, pp. 26337-26350. In 1983, the existing, separate temporary and permanent statutory limits on the public debt were combined into one permanent statutory limit on the public debt (P.L.

(continued...)

its author, Representative Richard Gephardt, caused the automatic engrossment of 15 joint resolutions increasing the public debt limit; 11 of these were enacted into law. In several years, the rule was suspended because legislation changing the statutory limit was not necessary. Also, the House and Senate have used alternative legislative procedures, such as the reconciliation process, to increase the public debt limit in several years since the “Gephardt rule” was first established.

The rule had not been utilized since the first session of the 103rd Congress, and subsequently was removed from the House Rules at the beginning of the 107th Congress.¹⁴

Section 2(t) of H.Res. 5 restores the automatic engrossing process formerly used under the “Gephardt rule.” The new rule, Rule XXVII, stipulates that a joint resolution specifying the amount of the debt limit contained in the budget resolution automatically is deemed to have passed the House by the same vote as the conference report on the budget resolution. The Senate has no comparable procedure and may consider such a joint resolution under the regular legislative process.

Separate Orders

H.Res. 5 also contains four separate orders affecting the congressional budget process, which clarify the application of certain points of order under the Congressional Budget Act (CBA) of 1974, and provide a “deeming resolution” in the absence of an FY2003 budget resolution for budget enforcement purposes (see **Table 2**). Three of these separate orders had been agreed to in previous Congresses. Separate orders are not codified in the standing rules of the House.

References to “Resolution” in Section 306 of the CBA. Section 306 of the CBA prohibits the consideration of any “bill, resolution, amendment, motion, or conference report” dealing with matter under the jurisdiction of the Budget Committee unless that committee has reported it (or been discharged from its further consideration), or unless it is an amendment to such a measure.

Section 3(a)(1) of H.Res. 5 renews a separate order, adopted at the beginning of the 107th Congress, clarifying that the term “resolution” in Section 306 refers to a joint resolution. Under the clarification, therefore, a simple or concurrent resolution dealing with matter under the jurisdiction of the Budget Committee presumably would not be subject to a Section 306 point of order.

Application of Point of Order under Section 303 of the CBA. Section 303 of the CBA prohibits the consideration of any measure that contains a spending, revenue, or debt-limit provision for a fiscal year until Congress has agreed to a budget resolution for that fiscal year. In the House, general appropriations measures

¹³ (...continued)

98-34). Subsequently, the rule was amended to reflect this change by H.Res. 241 (98th Congress). See *Congressional Record*, vol. 129, June 23, 1983, pp. 17162-17164.

¹⁴ It was repealed by H.Res. 5, adopted on Jan. 3, 2001. See *Congressional Record*, daily edition, vol. 147, Jan. 3, 2001, pp. H6-H11.

may be considered after May 15 if Congress has not agreed to a budget resolution by then.

Table 2. Separate Orders Affecting the Congressional Budget Process in the 108th Congress (H.Res. 5)

Section of H.Res. 5	Description ^a
3(a)(1)	Clarifies that the term “resolution” in Section 306 of the CBA refers to a joint resolution and not to a simple or concurrent resolution. Section 306 prohibits the consideration of any “bill, resolution, amendment, motion, or conference report” under the jurisdiction of the Budget Committee unless it is reported by that committee.
3(a)(2)	Clarifies that Section 303 of the CBA applies to the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage. Section 303 prohibits the consideration of budgetary legislation until Congress has agreed to a budget resolution.
3(a)(3)	Clarifies that a provision, in a measure, that establishes a new executive position at a specified level of compensation subject to appropriation is not considered “new entitlement authority” within the meaning of the CBA.
3(a)(4)	Provides that the FY2003 budget resolution adopted by the House during the 107 th Congress (H.Con.Res. 353) is considered to have been adopted by the 108 th Congress, for budget enforcement purposes.

a. “CBA” refers to the Congressional Budget Act of 1974, Titles I-IX of P.L. 93-344, 88 Stat. 297-332.

Prior to 1997, Section 303 applied to any measure “as reported” only. Consequently, a measure that had been amended to contain a budgetary provision for a fiscal year in which Congress had not agreed to a budget resolution would not be subject to this point of order as long as the reported measure did not contain such a budgetary provision.¹⁵ Moreover, a measure that, as reported, contained such a budgetary provision still would be subject to this point of order, even though a special rule eliminated the violating provision by making in order an amendment in the nature of a substitute as an original bill.

The Budget Enforcement Act of 1997 (Title X of P.L. 105-33, Balanced Budget Act of 1997) added a new section to the CBA that was intended to correct this

¹⁵ In 1995, for example, the chair responded to a parliamentary inquiry about the application of Budget Act points of order by noting that Section 303, among other sections, applied to a measure “in its reported state,” and, therefore, did not apply to an unreported measure. *Congressional Record*, vol. 141, Mar. 21, 1995, p. 8491. For a detailed discussion of the effect of the words “as reported” in the CBA, see *Budget Process Law Annotated—1993 Edition*, by William G. Dauster, 103rd Cong., 1st sess., S.Prt. 103-49, Oct. 1993, notes on pp. 107 and 179-185.

anomaly.¹⁶ Section 315 provides that the words “as reported” in Titles III and IV of the CBA refer to the text made in order for the purpose of amendment or the text on which the previous question was ordered directly for passage. However, the BEA of 1997 also eliminated the words “as reported” from Section 303 of the CBA. Consequently, there has been some ambiguity about whether or not Section 303 applies to text made in order by a special rule, as was intended. For example, during the 105th Congress, the House continued to waive the point of order against reported measures that violated Section 303 even though the violation was corrected by the special rule making in order text as an original bill.¹⁷

Section 3(a)(2) of H.Res. 5 renews for the 108th Congress a separate order, also agreed to at the beginning of the 106th and 107th Congresses,¹⁸ to clarify that the Section 303 prohibition applies to the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage.¹⁹

Prospective Compensation in Appropriations Measures. Section 3(9) of the CBA defines “entitlement authority” as:

(A) the authority to make payments (including loans and grants), the budget authority for which is not provided for in advance by appropriations Acts, to any person or government if, under the provisions of the law containing that authority, the United States is obligated to make such payments to persons or governments who meet the requirements established by that law; and

(B) the food stamp program.

Section 401(b) of the CBA prohibits the consideration of a measure that provides new entitlement authority that is to become effective in the current fiscal year.²⁰ In addition, if a committee reports such a measure and the amount of such spending exceeds the committee’s spending allocation, also referred to as its Section 302(a) allocation, associated with the most recently adopted budget resolution, the measure may be referred to the House Appropriations Committee for a period not to

¹⁶ See *Joint Explanatory Statement of the Committee of Conference, Balanced Budget Act of 1997*, conference report to accompany H.R. 2015, 105th Cong., 1st sess., H.Rept. 105-217, July 30, 1997, p. 994.

¹⁷ See, for example, the special rule providing for the consideration of H.R. 1252, Judicial Reform Act of 1998, in the *Congressional Record*, daily edition, vol. 144, Apr. 23, 1998, p. H2242.

¹⁸ See *Congressional Record*, daily edition, vol. 145, Jan. 6, 1999, p. H34, and *Congressional Record*, daily edition, vol. 146, Jan. 3, 2001, p. H8, respectively.

¹⁹ Section 303(b)(3) of the CBA provides an exception to the Section 303(a) point of order for any *unreported* bill or joint resolution. Presumably, the separate order also would supersede this exception.

²⁰ A measure that provides new entitlement authority that is to become effective after the current fiscal year is not subject to this point of order.

exceed 15 days.²¹ If the Appropriations Committee does not act within the 15 days, the measure is discharged automatically and placed on the appropriate calendar. Within the 15-day period, however, the Appropriations Committee may report the measure with an amendment that limits the amount of spending.

Several House precedents have established the meaning of “new entitlement authority” as defined by the Congressional Budget Act.²² Among them, in 1992, the chair ruled that an amendment creating a new executive position at a specified level of compensation subject to appropriation was not a new entitlement authority, because no payment would occur absent an appropriation.²³

Section 3(a)(3) of H.Res. 5 effectively makes this ruling a standing order for the 108th Congress.²⁴ Specifically, the separate order clarifies that a provision, in a measure, “that establishes prospectively for a federal office or position a specified or minimum level of compensation to be funded by annual discretionary appropriations shall not be considered as providing new entitlement authority within the meaning of the Congressional Budget Act of 1974.” Therefore, during the 108th Congress, such a provision presumably would not be subject to a point of order under Section 401(b) of the CBA and also would not be subject to the 15-day referral to the House Appropriations Committee.

Enforcement of the House-Passed FY2003 Budget Resolution. In 2002, Congress did not agree to a budget resolution for FY2003.²⁵ In the absence of an agreement between the House and Senate on an FY2003 budget resolution, the House adopted a so-called “deeming resolution.” The special rule (H.Res. 428) governing the initial consideration of the FY2002 Emergency Supplemental Appropriations Act (H.R. 4775) included a provision “deeming” the House-adopted budget resolution (H.Con.Res. 353, 107th Congress) to have been agreed to by Congress. Under the deeming resolution, the enforcement procedures of the Congressional Budget Act, such as the limits on spending in the annual

²¹ In the Senate, Section 401(b) requires such a measure to be referred to the Senate Appropriations Committee instead of simply providing the authority to do so, as in the House.

²² See the notes in *House Rules and Manual for the 107th Congress*, 106th Cong., 2nd sess., H.Doc. 106-320 (Washington: GPO, 2001), pp. 988-991.

²³ *Ibid*, p. 991. Also, see *Congressional Record*, vol. 138, Mar. 26, 1992, pp. 7202-7203.

²⁴ The House also agreed to this separate order at the beginning of the 106th and 107th Congresses. The separate order agreed to in the 106th Congress expired upon the adoption of the FY2000 budget resolution, whereas the order agreed to at the beginning of the 107th Congress applied to the entire Congress.

²⁵ The House adopted its version of the FY2003 budget resolution (H.Con.Res. 353) on March 20, 2002. The Senate Budget Committee reported its version (S.Con.Res. 100, S.Rept. 107-141) on Mar. 22. However, the Senate did not consider the Senate Budget Committee-reported budget resolution on the floor.

appropriations acts, had the force and effect in the House as if the budget resolution had been adopted by Congress, but only during the 107th Congress.²⁶

Section 3(a)(4) of H.Res. 5 provides that the FY2003 budget resolution adopted by the House during the 107th Congress (H.Con.Res. 353) is considered to have been adopted by the 108th Congress and will continue to serve as the basis for budget enforcement in the House. Under this deeming resolution, as with the 2002 resolution, the enforcement procedures of the Congressional Budget Act will have the force and effect in the House as if the budget resolution had been adopted by Congress, in this case, until an FY2004 budget resolution is adopted by Congress.²⁷

²⁶ The special rule also required the House Budget Committee chair to submit for printing in the *Congressional Record* the committee allocations, referred to as the 302(a) allocations, associated with the House-adopted budget resolution spending levels. House Budget Committee Chairman Jim Nussle submitted the allocations on May 22, 2002. See *Congressional Record*, daily edition, vol. 148, May 22, 2002, pp. H2929-H2930. With the House-adopted budget resolution deemed to have been passed by Congress, a point of order could have been raised against legislation that would have caused these allocations to be exceeded. For further information on “deeming resolutions,” see CRS Report RL31443, *The “Deeming Resolution”: A Budget Enforcement Tool*, by Robert Keith.

²⁷ Like the 2002 deeming resolution, Section 3(a)(4) of H.Res. 5 requires the House Budget Committee chair to submit for printing in the *Congressional Record* the committee allocations associated with the spending levels contained in H.Con.Res. 353, and other related budget information. In the absence of official committee chair assignments, Section 2 of H.Res. 14, adopted by the House on Jan. 8, 2003, provided that Rep. Jim Nussle, the prospective House Budget Committee chair (see H.Res. 24), may submit the committee allocations. He did so on the same date. See *Congressional Record*, daily edition, vol. 149, Jan. 8, 2003, pp. H74-H75.