
TITLE I ESTABLISHMENT OF HOUSE AND SENATE BUDGET COMMITTEES

BUDGET COMMITTEE OF THE HOUSE OF REPRESENTATIVES

§ 101(a)

SEC. 101. (a) Clause 1 of Rule X of the Rules of the House of Representatives⁴⁸ is amended by redesignating para-

⁴⁸ Rule X(1)(e) has been amended to read:

(e)(1) Committee on the Budget, consisting of the following Members:

(A) Members who are members of other standing committees, including five Members who are members of the Committee on Appropriations, and five Members who are members of the Committee on Ways and Means;

(B) one Member from the leadership of the majority party;
and

(C) one Member from the leadership of the minority party.

No Member other than the representative from the leadership of the majority party and the representative from the leadership of the minority party shall serve as a member of the Committee on the Budget during more than three Congresses in any period of five successive Congresses (disregarding for this purpose any service performed as a member of such committee for less than a full session in any Congress), except that an incumbent chairman having served on the committee for three Congresses and having served as chairman of the committee for not more than one Congress shall be eligible for reelection to the committee as chairman for one additional Congress. A minority Member having served on the committee for three Congresses and having served as the ranking minority member in the last such Congress shall be eligible for reelection to the committee as ranking minority Member for

(continued...)

graphs (e) through (u) as paragraphs (f) through (v), respectively, and by inserting after paragraph (d) the following new paragraph:

"(e) Committee on the Budget, to consist of twenty-three Members as follows:

"(1) five Members who are members of the Committee on Appropriations;

"(2) five Members who are members of the Committee on Ways and Means;

⁴⁸(...continued)

one additional Congress. All selections of Members to serve on the committee shall be made without regard to seniority.

(2) All concurrent resolutions on the budget (as defined in section 3 of the Congressional Budget Act of 1974) and other matters required to be referred to the committee under titles III and IV of that Act.

(3) The Committee shall have the duty —

(A) to report the matters required to be reported by it under titles III and IV of the Congressional Budget Act of 1974;

(B) to make continuing studies of the effect on budget outlays of relevant existing and proposed legislation and to report the results of such studies to the House on a recurring basis;

(C) to request and evaluate continuing studies of tax expenditures, to devise methods of coordinating tax expenditures, policies, and programs with direct budget outlays, and to report the results of such studies to the House on a recurring basis; and

(D) to review, on a continuing basis, the conduct by the Congressional Budget Office of its functions and duties.

RULES OF THE HOUSE OF REPRESENTATIVES Rule X(1)(e) (1993).

Note that the Senate Rules do not require the Senate Budget Committee to include members of other standing committees, as does this House rule. See *infra* pp. 26-28 and note 69.

"(3) eleven Members who are members of other standing committees;

"(4) one Member from the leadership of the majority party; and

"(5) one Member from the leadership of the minority party.

No Member shall serve as a member of the Committee on the Budget during more than two Congresses in any period of five successive Congresses beginning after 1974 (disregarding for this purpose any service performed as a member of such committee for less than a full session in any Congress). All selections of Members to serve on the committee shall be made without regard to seniority."

§ 101(b)

(b) Rule X of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

"6. For carrying out the purposes set forth in clause 5 of Rule XI, the Committee on the Budget or any subcommittee thereof is authorized to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books or papers or documents or vouchers by subpoena⁴⁹ or otherwise, and to take such testimony and records, as it deems necessary. Subpenas⁵⁰ may be issued over the signature of the chairman of the committee or of any member of the committee designated by him; and may be served by any person

⁴⁹ This appears so in the original; it should read "subpoena."

⁵⁰ This appears so in the original; it should read "Subpoenas."

designated by such chairman or member. The chairman of the committee, or any member thereof, may administer oaths to witnesses."⁵¹

§ 101(c)

(c) Rule XI of the Rules of the House of Representatives is amended by redesignating clauses 5 through 33 as clauses 6 through 34, respectively, and by inserting after clause 4 the following new clause:

"5. Committee on the Budget

"(a) All concurrent resolutions on the budget (as defined in section 3(a)(4)⁵² of the Congressional Budget Act of 1974) and other matters required to be referred to the Committee under titles III⁵³ and IV⁵⁴ of that Act.

"(b) The Committee shall have the duty —

"(1) to report the matters required to be reported by it under titles III⁵⁵ and IV⁵⁶ of the Congressional Budget Act of 1974;

"(2) to make continuing studies of

⁵¹ "The separate subpoena authority conferred upon the committee by section 101(b) . . . has been superseded by the general grant of subpoena authority conferred upon all committees by clause 2(m) of rule XI (H. Res. 988, 93d Congress p. 34470)." WILLIAM HOLMES BROWN, CONSTITUTION, JEFFERSON'S MANUAL, AND RULES OF THE HOUSE OF REPRESENTATIVES 376 (1993) (H. Doc. No. 102-405).

⁵² This is now section 3(4). *See supra* pp. 14-15.

⁵³ *See infra* pp. 43-194.

⁵⁴ *See infra* pp. 247-272.

⁵⁵ *See infra* pp. 43-194.

⁵⁶ *See infra* pp. 247-272.

the effect on budget outlays⁵⁷ of relevant existing and proposed legislation and to report the results of such studies to the House on a recurring basis;

"(3) to request and evaluate continuing studies of tax expenditures,⁵⁸ to devise methods of coordinating tax expenditures, policies, and programs with direct budget outlays,⁵⁹ and to report the results of such studies to the House on a recurring basis; and

"(4) to review, on a continuing basis, the conduct by the Congressional Budget Office of its functions and duties."

⁵⁷ Section 3(1) defines "budget outlays." *See supra* p. 11.

⁵⁸ Section 3(3) defines "tax expenditures." *See supra* p. 13.

⁵⁹ Section 3(1) defines "budget outlays." *See supra* p. 11.

BUDGET COMMITTEE OF THE SENATE

§ 102(a)

SEC. 102. (a) Paragraph 1 of Rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following new subparagraph:

"(r)(1) Committee on the Budget, to which committee shall be referred all concurrent resolutions on the budget (as defined in section 3(a)(4)⁶⁰ of the Congressional Budget Act of 1974) and all other matters required to be referred to that Committee under titles III⁶¹ and IV⁶² of that Act, and messages, petitions, memorials, and other matters relating thereto.

"(2) Such committee shall have the duty —

"(A) to report the matters required to be reported by it under titles III⁶³ and IV⁶⁴ of the Congressional Budget Act of 1974;

"(B) to make continuing studies of the effect on budget outlays⁶⁵ of relevant existing and proposed legislation and to report the results of such studies to the Senate on a recurring basis;

⁶⁰ This is now section 3(4). *See supra* p. 14.

⁶¹ *See infra* pp. 43-194.

⁶² *See infra* pp. 247-272.

⁶³ *See infra* pp. 43-194.

⁶⁴ *See infra* pp. 247-272.

⁶⁵ Section 3(1) defines "budget outlays." *See supra* p. 11.

"(C) to request and evaluate continuing studies of tax expenditures,⁶⁶ to devise methods of coordinating tax expenditures, policies, and programs with direct budget outlays,⁶⁷ and to report the results of such studies to the Senate on a recurring basis; and

"(D) to review, on a continuing basis, the conduct by the Congressional Budget Office of its functions and duties."

§ 102(b) **(b) The table contained in paragraph 2 of rule XXV of the Standing Rules of the Senate is amended by inserting after —**

"Banking, Housing and Urban Affairs 15"

the following:

"Budget..... 15"⁶⁸

§ 102(c) **(c) Paragraph 6 of rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following new subparagraph:**

"(h) For purposes of the first sentence of subparagraph (a), membership on the Committee on the Budget shall not be taken into account until that date occurring during the first session of the Ninety-fifth

⁶⁶ Section 3(3) defines "tax expenditures." *See supra* p. 13.

⁶⁷ Section 3(1) defines "budget outlays." *See supra* p. 11.

⁶⁸ This item refers to the number of members of the Budget Committee. Pursuant to changes in the Standing Rules of the Senate, the Senate increased the Committee's membership from 15 to 20 members in the 96th Congress, to 22 members in the 97th Congress, and to 24 members in the 100th Congress, and decreased the Committee's membership from 24 to 23 members in the 101st Congress, and from 23 to 21 members in the 102d Congress.

Congress, upon which the appointment of the majority and minority party members of the standing committees of the Senate is initially completed.⁶⁹

⁶⁹ Note that the Senate Rules do not require the Senate Budget Committee to include members of other standing committees, as does this House rule. *See supra* pp. 21-25 and note 48. Senators Kassebaum and Inouye have submitted interesting proposals to reconstitute the Budget Committee to include the Chairmen of other standing committees. *See* S. Res. 66, 102d Cong., 1st Sess., 137 CONG. REC. S2507, S2532-37 (daily ed. Feb. 28, 1991) (creating a new "Committee on National Priorities" to perform the duties of the Budget Committee); S. Res. 131, 101st Cong., 1st Sess., 135 CONG. REC. S5612, S5722-28 (daily ed. May 18, 1989) (same); S. Res. 260, 100th Cong., 1st Sess., 133 CONG. REC. S10,937 (daily ed. July 30, 1987) (same); S. 1362, 100th Cong., 1st Sess. § 6, 133 CONG. REC. S8147-53 (daily ed. June 16, 1987) (transferring the duties of the Budget Committee to a reconstituted Appropriations Committee).

Section 2 of S. Res. 9, 94th Cong., 1st Sess., 121 CONG. REC. S19,371 (daily ed. Nov. 5, 1975), repealed subsections (d) and (e). S. Res. 9 set forth the requirements for open committee meetings for committees generally that now appear at paragraph (5)(b) of rule XXVI of the Standing Rules of the Senate. Until S. Res. 9 repealed it, subsection (d) was codified at 2 U.S.C. § 190a-3. As originally enacted in 1974, subsections (d) and (e) read as follows:

(d) Each meeting of the Committee on the Budget of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote of a majority of the members of the committee or subcommittee present that the matters to be discussed or the testimony to be taken at such portion or portions —

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management and procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept

(continued...)

TITLE II CONGRESSIONAL BUDGET OFFICE

ESTABLISHMENT OF OFFICE

§ 201(a) **SEC. 201.⁷⁰ (a) IN GENERAL —**

§ 201(a)(1) **(1) There is established an office of the Congress to**

⁶⁹(...continued)

secret in the interest of effective law enforcement; or

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if —

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

(c) Paragraph 7(b) of rule XXV of the Standing Rules of the Senate and section 133A(b) of the Legislative Reorganization Act of 1946 shall not apply to the Committee on the Budget of the Senate.

Compare the similar provisions governing the Congressional Budget Office in section 203 (*see infra* pp. 41-42), and of the Government in the Sunshine Act, Pub. L. No. 94-409, 90 Stat. 1241 (1976) (codified as amended at 5 U.S.C. §§ 551, 552, 552b, 556, 557 & 39 U.S.C. § 410 (1988)).

Pursuant to subsection (d), and subsequently, Standing Rule XXVI, all meetings of the Budget Committee have been open to the public.

⁷⁰ Section 201 is codified at 2 U.S.C. § 601 (1988 & Supp. IV 1992).

be known as the Congressional Budget Office (hereinafter in this title referred to as the "Office"). The Office shall be headed by a Director; and there shall be a Deputy Director who shall perform such duties as may be assigned to him by the Director and, during the absence or incapacity of the Director or during a vacancy in that office, shall act as Director.

§ 201(a)(2)

(2) The Director shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate after considering recommendations received from the Committees on the Budget of the House and the Senate, without regard to political affiliation and solely on the basis of his fitness to perform his duties. The Deputy Director shall be appointed by the Director.

§ 201(a)(3)

(3) The term of office of the Director first appointed shall expire at noon on January 3, 1979, and the terms of office of Directors subsequently appointed shall expire at noon on January 3 of each fourth year thereafter.⁷¹ Any individual appointed as Director to fill a vacancy prior to the expiration of a term shall serve only for the unexpired portion of that term. An individual serving as Director at the expiration of a term may continue to serve until his successor is appointed. Any Deputy Director shall serve until the expiration of the term of office of the Director who appointed him (and until his successor is appointed), unless sooner removed by the Director.

§ 201(a)(4)

(4) The Director may be removed by either House by resolution.

§ 201(a)(5)

(5) The Director shall receive compensation at a per

⁷¹ Terms of Directors of the Congressional Budget Office thus expired on January 3, 1983 (for Alice M. Rivlin), on January 3, 1987 (for Rudolph G. Penner), and on January 3, 1991 (for Robert D. Reischauer), and will expire on January 3, 1995 (for Robert D. Reischauer), on January 3, 1999, and so on.

annum gross rate equal to the rate of basic pay, as in effect from time to time, for level III of the Executive Schedule in section 5314 of title 5, United States Code. The Deputy Director shall receive compensation at a per annum gross rate equal to the rate of basic pay, as so in effect, for level IV of the Executive Schedule in section 5315 of such title.

§ 201(b) (b) **PERSONNEL.** — The Director shall appoint and fix the compensation of such personnel as may be necessary to carry out the duties and functions of the Office. All personnel of the Office shall be appointed without regard to political affiliation and solely on the basis of their fitness to perform their duties. The Director may prescribe the duties and responsibilities of the personnel of the Office, and delegate to them authority to perform any of the duties, powers, and functions imposed on the Office or on the Director. For purposes of pay (other than pay of the Director and Deputy Director) and employment benefits, rights, and privileges, all personnel of the Office shall be treated as if they were employees of the House of Representatives.

§ 201(c) (c) **EXPERTS AND CONSULTANTS.** — In carrying out the duties and functions of the Office, the Director may procure the temporary (not to exceed one year) or intermittent services of experts or consultants or organizations thereof by contract as independent contractors, or, in the case of individual experts or consultants, by employment at rates of pay not in excess of the daily equivalent of the highest rate of basic pay payable under the General Schedule of section 5332 of title 5, United States Code.

§ 201(d) (d) **RELATIONSHIP TO EXECUTIVE BRANCH.** — The Director is authorized to secure information, data, estimates, and statistics directly from the various departments, agencies, and establishments of the executive branch of Government and the regulatory agencies and commissions of the Government. All