

§ 258C **SEC. 258C.<sup>1730</sup> SPECIAL RECONCILIATION  
PROCESS.<sup>1731</sup>**

§ 258C(a) **(a) REPORTING OF RESOLUTIONS AND RECONCILIATION  
BILLS AND RESOLUTIONS, IN THE SENATE. —**

§ 258C(a)(1) **(1) COMMITTEE ALTERNATIVES TO PRESIDENTIAL  
ORDER. — After the submission of an OMB<sup>1732</sup> sequestra-  
tion<sup>1733</sup> update report under section 254 that envisions a  
sequestration under section 252 or 253, each standing  
committee of the Senate may, not later than October 10,  
submit to the Committee on the Budget of the Senate  
information of the type described in section 301(d) of the  
Congressional Budget Act of 1974 with respect to alterna-  
tives to the order envisioned by such report insofar as such**

<sup>1730</sup> Section 258C is codified at 2 U.S.C. § 907d (Supp. IV 1992). Section 13101(g) of the Budget Enforcement Act added section 258C. *See infra* p. 706. For legislative history on section 258C, see *infra* note 1740 (at the end of this section).

<sup>1731</sup> Congressional Budget Act section 310 sets forth the reconciliation process in the context of Congress's annual cycle of concurrent resolutions on the budget. *See supra* pp. 158-177. For other budget process legislation dealing with reconciliation, see Congressional Budget Act section 300, *supra* p. 47 (budget timetable, including that for reconciliation); section 301(b)(2) & (3), *supra* pp. 58-60 (empowering budget resolutions to include reconciliation instructions, as well as a provision providing for delayed enrollment of legislation pending completion of reconciliation); section 305, *supra* pp. 120-142 (procedures for budget resolutions and reconciliation bills); section 313, *supra* pp. 198-228 (the Byrd Rule prohibiting extraneous matter in reconciliation); section 604, *supra* pp. 325-327 (providing an optional reconciliation process in the House of Representatives to make up the net losses created by tax-cutting legislation); section 904(c) & (d), *supra* pp. 361-368 (supermajority requirements for points of order and appeals, including those for reconciliation); section 5 of Executive Order 12857, *infra* pp. 826-827 (reconciliation recommendations in special direct spending message); and section 16005 of H.R. 2264, 103d Cong., 1st Sess., 139 CONG. REC. H3029, H3199-201 (daily ed. May 27, 1993) (as passed by the House of Representatives), as applied to the House by H. Res. 235, 103d Cong., 1st Sess., 139 CONG. REC. H6122 (daily ed. Aug. 3, 1993), *infra* pp. 844-848 (reconciliation procedures in response to special direct spending message).

<sup>1732</sup> Section 250(c)(15) defines "OMB" to mean "the Director of the Office of Management and Budget." *See supra* p. 446.

<sup>1733</sup> Section 250(c)(2) defines "sequestration." *See supra* p. 440.

order affects laws within the jurisdiction of the committee.

§ 258C(a)(2)

**(2) INITIAL BUDGET COMMITTEE ACTION.** — After the submission of such a report, the Committee on the Budget of the Senate may, not later than October 15, report to the Senate a resolution. The resolution may affirm the impact of the order envisioned by such report, in whole or in part. To the extent that any part is not affirmed, the resolution shall state which parts are not affirmed and shall contain instructions to committees of the Senate of the type referred to in section 310(a) of the Congressional Budget Act of 1974, sufficient to achieve at least the total level of deficit<sup>1734</sup> reduction contained in those sections which are not affirmed.

§ 258C(a)(3)

**(3) RESPONSE OF COMMITTEES.** — Committees instructed pursuant to paragraph (2), or affected thereby, shall submit their responses to the Budget Committee no later than 10 days after the resolution referred to in paragraph (2) is agreed to, except that if only one such Committee is so instructed such Committee shall, by the same date, report to the Senate a reconciliation bill or reconciliation resolution containing its recommendations in response to such instructions. A committee shall be considered to have complied with all instructions to it pursuant to a resolution adopted under paragraph (2) if it has made recommendations with respect to matters within its jurisdiction which would result in a reduction in the deficit<sup>1735</sup> at least equal to the total reduction directed by such instructions.

§ 258C(a)(4)

**(4) BUDGET COMMITTEE ACTION.** — Upon receipt of

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<sup>1734</sup> Section 250(c)(1) (*see supra* p. 440) defines "deficit" by adopting the definition of section 3(6) of the Congressional Budget Act. *See supra* p. 16.

<sup>1735</sup> Section 250(c)(1) (*see supra* p. 440) defines "deficit" by adopting the definition of section 3(6) of the Congressional Budget Act. *See supra* p. 16.

the recommendations received in response to a resolution referred to in paragraph (2), the Budget Committee shall report to the Senate a reconciliation bill or reconciliation resolution, or both, carrying out all such recommendations without any substantive revisions. In the event that a committee instructed in a resolution referred to in paragraph (2) fails to submit any recommendation (or, when only one committee is instructed, fails to report a reconciliation bill or resolution) in response to such instructions, the Budget Committee shall include in the reconciliation bill or reconciliation resolution reported pursuant to this subparagraph legislative language within the jurisdiction of the noncomplying committee to achieve the amount of deficit<sup>1736</sup> reduction directed in such instructions.

§ 258C(a)(5) (5) POINT OF ORDER. — It shall not be in order in the Senate to consider any reconciliation bill or reconciliation resolution reported under paragraph (4) with respect to a fiscal year, any amendment thereto, or any conference report thereon if —

§ 258C(a)(5)(A) (A) the enactment of such bill or resolution as reported;

§ 258C(a)(5)(B) (B) the adoption and enactment of such amendment; or

§ 258C(a)(5)(C) (C) the enactment of such bill or resolution in the form recommended in such conference report,

would cause the amount of the deficit<sup>1737</sup> for such fiscal

<sup>1736</sup> Section 250(c)(1) (*see supra* p. 440) defines "deficit" by adopting the definition of section 3(6) of the Congressional Budget Act. *See supra* p. 16.

<sup>1737</sup> Section 250(c)(1) (*see supra* p. 440) defines "deficit" by adopting the definition of section 3(6) of the Congressional Budget Act. *See supra* p. 16.

year to exceed the maximum deficit amount<sup>1738</sup> for such fiscal year, unless the low-growth report submitted under section 254 projects negative real economic growth<sup>1739</sup> for such fiscal year, or for each of any two consecutive quarters during such fiscal year.

§ 258C(a)(6)

**(6) TREATMENT OF CERTAIN AMENDMENTS.** — In the Senate, an amendment which adds to a resolution reported under paragraph (2) an instruction of the type referred to in such paragraph shall be in order during the consideration of such resolution if such amendment would be in order but for the fact that it would be held to be non-germane on the basis that the instruction constitutes new matter.

§ 258C(a)(7)

**(7) DEFINITION.** — For purposes of paragraphs (1), (2), and (3), the term day shall mean any calendar day on which the Senate is in session.

§ 258C(b)

**(b) PROCEDURES.** —

§ 258C(b)(1)

**(1) IN GENERAL.** — Except as provided in paragraph (2), in the Senate the provisions of sections 305 and 310 of the Congressional Budget Act of 1974 for the consideration of concurrent resolutions on the budget and conference reports thereon shall also apply to the consideration of resolutions, and reconciliation bills and reconciliation resolutions reported under this paragraph and conference reports thereon.

§ 258C(b)(2)

**(2) LIMIT ON DEBATE.** — Debate in the Senate on any

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<sup>1738</sup> Section 250(c)(1) of Gramm-Rudman-Hollings (*see supra* p. 440) defines "maximum deficit amount" by adopting the definition of section 601(a)(1) of the Congressional Budget Act (*see supra* p. 299) as adjusted under sections 251 and 253 of Gramm-Rudman-Hollings. *See supra* pp. 475-502, 523-533.

<sup>1739</sup> Section 250(c)(10) defines "real economic growth." *See supra* p. 445.

resolution reported pursuant to subsection (a)(2), and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to 10 hours.

§ 258C(b)(3)            (3) **LIMITATION ON AMENDMENTS.** — Section 310(d)(2) of the Congressional Budget Act shall apply to reconciliation bills and reconciliation resolutions reported under this subsection.

§ 258C(b)(4)            (4) **BILLS AND RESOLUTIONS RECEIVED FROM THE HOUSE.** — Any bill or resolution received in the Senate from the House, which is a companion to a reconciliation bill or reconciliation resolution of the Senate for the purposes of this subsection, shall be considered in the Senate pursuant to the provisions of this subsection.

§ 258C(b)(5)            (5) **DEFINITION.** — For purposes of this subsection, the term "resolution" means a simple, joint, or concurrent resolution.<sup>1740</sup>

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<sup>1740</sup> Section 13101(g) of the Budget Enforcement Act added section 258C. *See infra* p. 706. The drafters of the Budget Enforcement Act based section 258C on the provisions of section 254(b) of Gramm-Rudman-Hollings as it existed before enactment of the Budget Enforcement Act. (Section 13101(a) of the Budget Enforcement Act repealed the old section 254(b). *See infra* p. 701.) Before enactment of the Budget Enforcement Act, section 254(b) of Gramm-Rudman-Hollings read as follows:

(b) **CONGRESSIONAL RESPONSE TO PRESIDENTIAL ORDER.** —

(1) **REPORTING OF RESOLUTIONS, AND RECONCILIATION BILLS AND RESOLUTIONS, IN THE SENATE.** —

(A) **COMMITTEE ALTERNATIVES TO PRESIDENTIAL ORDER.** — Within two days after the submission of a report by the Director of OMB under section 251(c)(2), each standing committee of the Senate may submit to the Committee on the Budget of the Senate information of the type described in section 301(d) of the Congressional Budget Act of 1974 with respect to alternatives to the order envisioned by such report insofar as such order affects laws within the jurisdiction of the committee.

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1740 (...continued)

(B) INITIAL BUDGET COMMITTEE ACTION. — Not later than two days after issuance of a final order by the President under section 252(b) with respect to a fiscal year, the Committee on the Budget of the Senate may report to the Senate a resolution. The resolution may affirm the impact of the order issued under such section, in whole or in part. To the extent that any part of the order is not affirmed, the resolution shall state which parts are not affirmed and shall contain instructions to committees of the Senate of the type referred to in section 310(a) of the Congressional Budget Act of 1974, sufficient to achieve at least the total level of deficit reduction contained in those sections which are not affirmed.

(C) RESPONSE OF COMMITTEES. — Committees instructed pursuant to subparagraph (B), or affected thereby, shall submit their responses to the Budget Committee no later than 10 days after the resolution referred to in subparagraph (B) is agreed to, except that if only one such Committee is so instructed such Committee shall, by the same date, report to the Senate a reconciliation bill or reconciliation resolution containing its recommendations in response to such instructions. A committee shall be considered to have complied with all instructions to it pursuant to a resolution adopted under subparagraph (B) if it has made recommendations with respect to matters within its jurisdiction which would result in a reduction in the deficit at least equal to the total reduction directed by such instructions. —

(D) BUDGET COMMITTEE ACTION. — Upon receipt of the recommendations received in response to a resolution referred to in subparagraph (B), the Budget Committee shall report to the Senate a reconciliation bill or reconciliation resolution, or both, carrying out all such recommendations without any substantive revisions. In the event that a committee instructed in a resolution referred to in subparagraph (B) fails to submit any recommendation (or, when only one committee is instructed, fails to report a reconciliation bill or resolution) in response to such instructions, the Budget Committee shall include in the reconciliation bill or reconciliation resolution reported pursuant to this subparagraph legislative language within the jurisdiction of the noncomplying committee to achieve the amount of deficit reduction directed in such instructions.

(E) POINT OF ORDER. — It shall not be in order in  
(continued...)

<sup>1740</sup>(...continued)

the Senate to consider any reconciliation bill or reconciliation resolution reported under subparagraph (D) with respect to a fiscal year, any amendment thereto, or any conference report thereon if —

(i) the enactment of such bill or resolution as reported;

(ii) the adoption and enactment of such amendment; or

(iii) the enactment of such bill or resolution in the form recommended in such conference report,

would cause the amount of the deficit for such fiscal year to exceed the maximum deficit amount for such fiscal year, and for fiscal year 1988 or 1989, exceed the amount of the estimated deficit for such fiscal year based on laws and regulations in effect on January 1 of the calendar year in which such fiscal year begins as measured using the budget baseline specified in section 251(a)(6) of the Balanced Budget and Emergency Deficit Control Act of 1985 minus \$23,000,000,000 for fiscal year 1988 or \$36,000,000,000 for fiscal year 1989; unless the report submitted under section 251(c)(1) projects negative real economic growth for such fiscal year, or for each of any two consecutive quarters during such fiscal year.

(F) TREATMENT OF CERTAIN AMENDMENTS. — In the Senate, an amendment which adds to a resolution reported under subparagraph (B) an instruction of the type referred to in such subparagraph shall be in order during the consideration of such resolution if such amendment would be in order but for the fact that it would be held to be non-germane on the basis that the instruction constitutes new matter.

(G) DEFINITION. — For purposes of subparagraphs (A), (B), and (C), the term "day" shall mean any calendar day on which the Senate is in session.

(2) PROCEDURES. —

(A) IN GENERAL. — Except as provided in subparagraph (B), in the Senate the provisions of sections 305 and  
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<sup>1740</sup>(...continued)

310 of the Congressional Budget Act of 1974 for the consideration of concurrent resolutions on the budget and conference reports thereon shall also apply to the consideration of resolutions, and reconciliation bills and reconciliation resolutions reported under this paragraph and conference reports thereon.

(B) **LIMIT ON DEBATE.** — Debate in the Senate on any resolution reported pursuant to paragraph (1)(B), and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to 10 hours.

(C) **LIMITATION ON AMENDMENTS.** — Section 310(d)(2) of the Congressional Budget Act shall apply to reconciliation bills and reconciliation resolutions reported under this subsection.

(D) **BILLS AND RESOLUTIONS RECEIVED FROM THE HOUSE.** — Any bill or resolution received in the Senate from the House, which is a companion to a reconciliation bill or reconciliation resolution of the Senate for the purposes of this subsection, shall be considered in the Senate pursuant to the provisions of this subsection.

(E) **DEFINITION.** — For purposes of this subsection, the term "resolution" means a simple, joint, or concurrent resolution.



