
JURISDICTION OF THE HOUSE BUDGET COMMITTEE

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The House Budget Committee primarily and originally derives its jurisdiction from the *Congressional Budget and Impoundment Control Act of 1974*. Title I of this Act established both the House and Senate Committees on the Budget, sections 101 and 102 respectively. This jurisdiction is protected by law under section 306 of the Budget Act, which states that “no bill, resolution, amendment, motion, or conference report dealing with any matter within the jurisdiction of the Budget Committee may be considered in the House unless it is a bill or resolution having been reported by that Committee or unless it is an amendment to a bill or resolution reported by the Committee.”

House Rule X, clause 1(d) states that the Budget Committee has jurisdiction over the concurrent resolution on the budget; other matters required to be referred to it pursuant to the Budget Act; establishment, extension, and enforcement of special controls over the federal budget; and the budget process generally.

Prior to the 104th Congress, the Committee on the Budget of the House did not have jurisdiction over legislation other than budget resolutions and reconciliation bills. The Committees on Rules and Government Oversight and Reform had the primary substantive jurisdiction over budget process. With the adoption of the Rules of the House of Representatives for the 104th Congress (H. Res. 6) on January 5, 1995, the Budget Committee achieved for the first time legislative jurisdiction over a variety of aspects of the congressional budget and various statutory controls over the Federal budget.

Under clause 1(d) of Rule X, the Committee on the Budget has jurisdiction over:

“Concurrent resolutions on the budget (as defined in section 3(4) of the Congressional Budget Act of 1974), other matters required to be referred to the committee under titles III and IV of that Act, and other measures setting forth appropriate levels of budget totals for the United States Government. Measures relating to the congressional budget process, generally. Measures relating to the establishment, extension, and enforcement of special controls over the Federal budget, including

the budgetary treatment of off-budget Federal agencies and measures providing exemption from reduction under any order issued under part C of the Balanced Budget and Emergency Deficit Control Act of 1985.” The addition to (d)(2) intended the Budget Committee had substantive jurisdiction over a statement providing for a balanced budget required under a proposed amendment to the U.S. Constitution. The House passed the amendment but it did not receive the necessary votes in the Senate.

The intent of paragraph (d)(3) was discussed in a memorandum of understanding between Representative John R. Kasich, the chairman of the Committee on the Budget, and Mr. Solomon, the chairman of the Committee on Rules. The memorandum states that the Budget Committee would have primary jurisdiction over budget terminology and the discretionary spending limits. The memorandum established the Budget Committee’s secondary jurisdiction over other elements of the congressional budget process. The Committee has primary jurisdiction over both budgetary levels and budgetary concepts and secondary jurisdiction over procedural aspects of the congressional budget.

FROM VOLUME 18 OF
DESCHLER-BROWN-JOHNSON-SULLIVAN
PRECEDENTS
CH. 41 § 7

(Page 79-83)³²³

§ 7. ROLE OF COMMITTEES

The Committees on the Budget for both the House and the Senate were created by section 101³²⁴ of the Congressional Budget Act of 1974.³²⁵ In the House prior to this time, the Committee on Government Operations had jurisdiction over “budget and accounting measures,” but no single committee had jurisdiction over the budget process generally.³²⁶

Membership on the Committee on the Budget was initially set at 23 members, but was increased to 25 in the 94th Congress.³²⁷ Membership was increased again to 30 in the 97th Congress,³²⁸ and to 31 in the 98th Congress.³²⁹ In the 99th Congress, the numerical limitation on membership was eliminated.³³⁰

Rule X clause 5(a)(2)³³¹ lays out the composition and term-limit requirements for the Committee on the Budget. Originally,³³² the House required that all members of the Committee on

³²³ Footnotes in this section in brackets are from Volume 18 of Deschler-Brown-Johnson-Sullivan Precedents; Ch. 41 § 7. References within these brackets are to the Volumes of Deschler’s Precedents.

³²⁴ The Committee on the Budget for the House was created by section 101 and the Committee on the Budget for the Senate was created by section 102 of the Congressional Budget Act of 1974.

³²⁵ [(Footnote #1 on page 79) Pub. L. No 93–344, title I. For an earlier overview of the history, composition, jurisdiction, and specific responsibilities of the Committee on the Budget, see Deschler’s Precedents Ch. 17 § 34, *supra*. However, some of that material has been overtaken by subsequent changes to the budget laws and House rules.]

³²⁶ [(Footnote #2 on page 79) House Rules and Manual § 691 (1973).]

³²⁷ [(Footnote #3 on page 79) 21 CON. REC. 20, 94th Cong. 1st Sess., Jan. 14, 1975 (H. Res. 5).]

³²⁸ [(Footnote #4 on page 79) 127 CON. REC. 98–113, 97th Cong. 1st Sess., Jan. 5, 1981 (H. Res. 5).]

³²⁹ [(Footnote #5 on page 79) 129 CON. REC. 1791, 1792, 98th Cong. 1st Sess., Feb. 7, 1983 (unanimous-consent request).]

³³⁰ [(Footnote #6 on page 79) 131 CON. REC. 353, 99th Cong. 1st Sess., Jan. 3, 1985 (H. Res. 7).]

³³¹ [(Footnote #7 on page 79) House Rules and Manual § 758 (2011).]

³³² [(Footnote #8 on page 79) Former Rule X clause 1(e), House Rules and

the Budget be members of other standing committees, with five required to come from the Committee on Appropriations, five required to come from the Committee on Ways and Means, and two others chosen by their respective party leaderships. As noted above, membership of the committee has gradually increased over the years, but the requirements of other standing committee affiliation have not changed. The one exception is a change made at the beginning of the 108th Congress, which required that one member of the Committee on the Budget also be a member of the Committee on Rules.³³³

Membership on the Committee on the Budget is subject to term limits, both for the chairman and ranking minority member, as well as rank-and-file members. Originally, no Member could serve on the Committee on the Budget for more than two Congresses out of any five successive Congresses,³³⁴ but this restriction was changed to three Congresses (out of five) in the 96th Congress.³³⁵ In the 104th Congress, the rule was changed to its present form, which prohibits a Member from serving on the committee for more than four Congresses in any period of six successive Congresses (with an exception allowing a Member to exceed such limitation by being elected to a second consecutive term as chairman or ranking minority member of such committee).³³⁶ However, these restrictions do not apply to the Members designated by their respective party leaderships.³³⁷ The Committee on the Budget is now subject to the same tenure limitations of its chair as other committees—a member may serve as chairman for no more than three successive Congresses—pursuant to Rule X clause 5(c)(2).³³⁸

The Congressional Budget Act, which created the House Committee on the Budget, also specified certain duties of that committee, which were subsequently incorporated into the standing rules of the House. Rule X clause 3(c),³³⁹ laying out the special oversight functions of various committees, requires the Committee on the Budget to study on a continuing basis

Manual § 674(a) (1975).]

³³³ [(Footnote #9 on page 79) 149 CON. REC. 7, 108th Cong. 1st Sess., Jan. 7, 2003 (H. Res. 5).]

³³⁴ [(Footnote #10 on page 79) House Rules and Manual § 674(b) (1975).]

³³⁵ [(Footnote #11 on page 80) 125 CON. REC. 8, 96th Cong. 1st Sess., Jan. 15, 1979 (H. Res. 5).]

³³⁶ [(Footnote #12 on page 80) See 141 CON. REC. 464, 104th Cong. 1st Sess., Jan. 4, 1995 (H. Res. 6).]

³³⁷ [(Footnote #13 on page 79) Rule X clause 5(a)(2)(B), House Rules and Manual § 758 (2011).]

³³⁸ [(Footnote #14 on page 80) Id. at § 761 (2011).]

³³⁹ [(Footnote #15 on page 80) Id. at § 744 (2011).]

the effect of budget outlays on existing and proposed legislation and to report its findings to the House on a recurring basis. Rule X clause 4(b),³⁴⁰ requires the committee to: (1) review the conduct of the Congressional Budget Office; (2) hold hearings to develop the concurrent resolution on the budget; (3) make all reports required by the Congressional Budget Act; (4) study provisions of law that exclude certain Federal agencies or outlays from inclusion in the budget; (5) study proposals to improve the congressional budget process; and (6) evaluate studies of tax expenditures.

Pursuant to Rule X clause 4(f),³⁴¹ all House committees are given certain responsibilities with respect to the concurrent resolution on the budget. As noted in Section 2,³⁴² each standing committee must submit to the Committee on the Budget its views and estimates with respect to all matters set forth in the congressional budget resolution, as well as estimates of new budget authority and outlays authorized in legislation within the jurisdiction of each committee intended to become effective in that fiscal year. Such views and estimates must be submitted no later than six weeks after the submission of the President's budget.³⁴³ The Committee on Ways and Means is further required to include views and estimates regarding the appropriate level of the public debt. The Committee on the Budget accepts these submissions from the other standing committees of the House and uses them in formulating the concurrent resolution on the budget. An additional requirement for the Committee on the Budget to consult with the legislative committees in preparing the concurrent resolution on the budget is found in section 301(h) of the Congressional Budget Act.³⁴⁴

The Congressional Budget Act requires the Committee on the Budget to provide estimates as to the budgetary effect of legislation in various contexts. Section 312(a) is the primary source for this authority, mandating that levels of new budget authority, outlays, direct spending, new entitlement authority and revenues are to be determined on the basis of estimates provided by the Committee on the Budget for purposes of titles

³⁴⁰ [(Footnote #16 on page 80) Id. at § 748 (2011).]

³⁴¹ [(Footnote #17 on page 80) Id. at § 756 (2011).]

³⁴² The reference to "Section 2" is to Deschler's Volume 18, on page 11.

³⁴³ [(Footnote #18 on page 80) For an exchange of letters between a Member and the Parliamentarian regarding proper committee procedure in submitting views and estimates to the Committee on the Budget, see 137 CON. REC. 7778, 7779, 102d Cong. 1st Sess., Apr. 10, 1991.]

³⁴⁴ [(Footnote #19 on page 81) 2 USC § 632(h).]

III and IV of the Budget Act.³⁴⁵ Pursuant to section 310(d)(4), budgetary levels for reconciliation enforcement are also to be provided by the Committee on the Budget.³⁴⁶ Finally, section 308(b)(2) mandates that the Committee on the Budget provide Members of the House with periodic ‘status reports’ as to the current state of congressional actions providing new budget authority and comparisons with levels set forth in the most recent concurrent resolution on the budget.³⁴⁷ The Committee on the Budget is required to use Congressional Budget Office estimates in formulating such reports.³⁴⁸

Pursuant to Rule XXIX clause 4,³⁴⁹ authoritative guidance from the Committee on the Budget regarding the budgetary impact of a legislative proposition may be provided by the chairman of that committee. This rule, adopted at the beginning of the 112th Congress, codified existing practice for obtaining timely guidance as to budgetary matters from the Committee on the Budget.

Additional duties required of the Committee on the Budget are found in section 301 of the Congressional Budget Act, which describes how the concurrent resolution on the budget is to be prepared.³⁵⁰ Section 301(e)(1)³⁵¹ requires the Committee on the Budget to hold hearings and receive testimony from various entities in developing the budget. Section 301(e)(2) lays out the requirements for the report to accompany the concurrent resolution on the budget, while section 301(e)(3) describes the optional components of such report.³⁵²

³⁴⁵ [(Footnote #20 on page 81) 2 USC § 643(a). A similar authority, applicable only to section 311 points of order, was initially found in former section 311(b), prior to the reforms of Gramm-Rudman-Hollings in 1985. It was then moved to section 311(c) before being subsumed into current section 312(a) by the Budget Enforcement Act of 1997. Likewise, the Committee on the Budget was required under former section 302(g) to provide estimates of budgetary levels for purposes of section 302 enforcement, but this specific requirement was collapsed into the broader authority currently found in section 312(a) by the Budget Enforcement Act of 1997.]

³⁴⁶ [(Footnote #21 on page 81) 2 USC § 641(d)(4).]

³⁴⁷ [(Footnote #22 on page 81) 2 USC § 639(b)(2). For an example of such a status report, see 146 CON. REC. 12634, 12635, 106th Cong. 2d Sess., June 27, 2000. Such status reports have been “revised” by supplemental submission, see, e.g., 152 CON. REC. 3522, 109th Cong. 2d Sess., Mar. 14, 2006.]

³⁴⁸ [(Footnote #23 on page 81) House Rules and Manual § 1127 (2011).]

³⁴⁹ [(Footnote #24 on page 81) House Rules and Manual § 1105d (2011).]

³⁵⁰ [(Footnote #25 on page 82) 2 USC § 632.]

³⁵¹ [(Footnote #26 on page 82) *Id.* at (e)(1).]

³⁵² [(Footnote #27 on page 82) *Id.* at (e)(2), (e)(3).]

As originally conceived, the jurisdiction of the Committee on the Budget was quite limited, encompassing only concurrent resolutions on the budget and other matters requiring referral to that committee under the Congressional Budget Act.³⁵³ Over time, that jurisdiction has been expanded to include additional matters. In the 99th Congress, the committee was given jurisdiction over Senate joint or concurrent resolutions constituting responses to Presidential sequestration orders.³⁵⁴ In the 104th Congress, the committee was given jurisdiction over: (1) other measures setting forth budgetary levels for the United States Government; (2) the congressional budget process generally; and (3) special controls over the Federal budget (including the budgetary treatment of off-budget entities).³⁵⁵ In the 105th Congress, the committee's jurisdiction over the congressional budget process was expanded to include the Federal budget process generally.³⁵⁶ With regard to the special treatment of off-budget entities and the executive branch budget process, jurisdiction over these matters was transferred from the Committee on Oversight and Government Reform (and its predecessor committees) to the Committee on the Budget.³⁵⁷ The Committee on Oversight and Government Reform has retained jurisdiction over "overall economy, efficiency, and management of government operations and activities," and "government management and accounting measures generally," but it no longer has the same role with respect to budgetary matters specifically.

As noted throughout this chapter, budget processes have been incorporated into the standing rules of the House and certain sections of the Congressional Budget Act constitute rule-making in the House. The Committee on Rules has jurisdiction over the rules and the order of business in the House, pursuant to Rule X clause 1(o).³⁵⁸ Thus, there are many areas in which the Committee on the Budget's jurisdiction over budget-related matters overlap with the Committee on Rules' jurisdiction over

³⁵³ [(Footnote #28 on page 82) House Rules and Manual § 674(c) (1975).]

³⁵⁴ [(Footnote #29 on page 82) House Rules and Manual § 674(b) (1987). See Pub. L. No. 99-177, sec. 232(h). See § 26, *infra*.]

³⁵⁵ [(Footnote #30 on page 82) *Id.* at § 673b (1995).]

³⁵⁶ [(Footnote #31 on page 82) *Id.* at § 673b (1997).]

³⁵⁷ [(Footnote #32 on page 82) For a list of referrals reflecting the migration of these jurisdictional matters to the Committee on the Budget, see House Rules and Manual § 719 (2011).]

³⁵⁸ (Footnote #33 on page 83) House Rules and Manual § 733 (2011). See Deschler's Precedents Ch. 17 §§ 52, 53, *supra*. The Committee on the Budget's jurisdictional statement can be found in Rule X, clause 1(d), House Rules and Manual § 719 (2011).]

the rules of the House.³⁵⁹ As a result, budget resolutions have been sequentially referred to the Committee on Rules.³⁶⁰ Additionally, section 301(c) of the Congressional Budget Act specifies that any concurrent resolution on the budget that would have the effect of changing any rule of the House shall be referred to the Committee on Rules with instructions to report such resolution back to the House within five calendar days.³⁶¹

The Congressional Budget Act also provides for a point of order against consideration of any bill, resolution, amendment, motion or conference report that contains subject matter within the jurisdiction of the Committee on the Budget, but which has not been reported (or discharged) from that committee.³⁶²

While many points of order under the Congressional Budget Act apply to measures only as reported from committee (leaving unreported measures uncovered), Rule XXI clause 8 of the standing rules of the House (first adopted in the 110th Congress),³⁶³ separately applies all points of order under title III of the Budget Act to unreported as well as reported measures.

Traditionally, the President's budget submission is referred to the Committee on Appropriations, and not to the Committee on the Budget.³⁶⁴

³⁵⁹ [(Footnote #34 on page 83) The chairman of the Committee on the Budget inserted into the Congressional Record a memorandum of understanding between this committee and the Committee on Rules to clarify each committee's jurisdiction over the congressional budget process. See 141 CON. REC. 617, 618, 104th Cong. 1st Sess., Jan. 4, 1995.]

³⁶⁰ [(Footnote #35 on page 83) See, e.g., 130 CON. REC. 7315, 98th Cong. 2d Sess., Apr. 2, 1984; and 129 CON. REC. 6321, 98th Cong. 1st Sess., Mar. 21, 1983.]

³⁶¹ [(Footnote #36 on page 83) 2 USC § 632(c). Former section 402(b) of the Congressional Budget Act, repealed by Gramm-Rudman-Hollings, provided specific authority to the Committee on Rules to recommend emergency waivers of former section 402(a). For more on former section 402(a), see § 14, *infra*.]

³⁶² [(Footnote #37 on page 83) Section 306 of the Congressional Budget Act, 2 USC § 637. For additional information on section 306 points of order, see § 16, *infra*.]

³⁶³ [(Footnote #38 on page 83) House Rules and Manual § 1068c (2011).]

³⁶⁴ [(Footnote #39 on page 83) See, e.g., 149 CON. REC. 2301, 2302, 108th Cong. 1st Sess., Feb. 4, 2003. For an example of the House dividing a presidential message and referring the portion on the budget to the Committee on Appropriations, see Deschler's Precedents Ch. 17 § 27.4 and Deschler-Brown-Johnson Precedents Ch. 35 § 3.6, *supra*. For more on presidential budget submissions, see § 3, *supra*.]

DEBATE ON H. RES. 6
ADOPTING THE RULES OF THE HOUSE OF REPRESENTATIVES
FOR THE ONE HUNDRED FOURTH CONGRESS

IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 4, 1995 (Page H45)

Mr. ARMEY. Mr. Speaker, this agreement addresses the intent of the Chairman of the Committee on the Budget and the Chairman of the Committee on Government Reform and Oversight concerning the jurisdiction of each committee over the congressional budget process. It is not intended to address jurisdictional issues involving the budget process between the Committee on the Budget and the Committee on Rules.

Clause (1)(d)(2) of rule X, relating to all concurrent resolutions on the budget and other measures setting forth budget totals for the United States, affords the Budget Committee legislative jurisdiction over the establishment and adoption of the congressional budget resolution, whether joint or concurrent. This extends to any statement setting forth a balanced budget as required by an amendment to the United States Constitution, or a capital budget or joint/capital operating budget, if mandated.

Clause (1)(d)(3) of rule X affirms the Budget Committee's primary jurisdiction over budget terminology and secondary jurisdiction over other elements of the congressional budget process, such as those currently provided for in the Congressional Budget Act. This includes: The budget resolution, timetable and accompanying report language; committee allocations; and the reconciliation process. This paragraph is not, however, intended to provide the Budget Committee with jurisdiction over the following: process changes in Federal rescission or impoundment authority; process changes in the submission of agency performance plans or reports, or agency regulatory plans, reports or reviews as part of the budget process; or process changes leading to the required adoption of a Federal capital budget or joint capital/operating budget which accounts for the fixed assets of the United States Government. In addition, this paragraph is not intended to provide the Budget Committee with jurisdiction over special funds, accounts or spending set asides created to reduce the deficit.

Clause (1)(d)(4) of rule X is intended to provide the Budget Committee with jurisdiction over measures to control spending, the deficit, or the Federal budget. The Budget Committee's ju-

jurisdiction will include the establishment, extension and enforcement of mandatory and discretionary spending limits; Pay-As-You-Go requirements for legislation that increases the deficit; and special budgetary mechanisms to control spending, the deficit or the Federal budget. The Budget Committee will have jurisdiction over Federal sequestrations, including sequestration rules, special rules and exemptions. The Budget Committee is intended to have jurisdiction over the selection of programs subject to spending controls, the determination of the numerical level of those controls, and the enforcement of the controls.

Clause (1)(g)(4) of rule X is intended to retain the Committee on Government Reform and Oversight's legislative jurisdiction over: measures relating to process changes in Federal rescission or impoundment authority; measures relating to Executive agency budgeting, including the submission of agency performance reports or plans, or agency regulatory plans, reports or reviews as part of the Federal budget process; measures relating to Executive agency financial management; and process changes leading to the required adoption of a Federal capital budget or joint capital/operating budget which accounts for the fixed assets of the United States Government. In addition, the Committee on Government Reform and Oversight retains jurisdiction over special funds, accounts and spending set asides created to reduce the deficit.

RULES PACKAGE/MEMORANDUM OF UNDERSTANDING

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 4, 1995*³⁶⁵

Mr. KASICH. Mr. Speaker, I rise in support of the Rules package and wish to take this opportunity to thank my colleagues on the Committee on Rules and the Committee on Oversight and Reform for their cooperation in providing the Committee on the Budget legislative jurisdiction in the area of

³⁶⁵ See 141 CONG. REC. 617, 618, 104th Cong. 1st Sess., Jan. 4, 1995. This may be found on page E36, CONG. REC.—Extensions of Remarks January 5, 1995.

the budget process reform. I submit today the following Memorandum of Understanding between the distinguished chairman of the Committee on Rules, GERALD B. H. SOLOMON, and I on the intent of subparagraph (1)(d)(3) as it pertains to the Committee on Rules and the Committee on the Budget. The distinguished chairman of the Committee on Government Reform, and Oversight, WILLIAM F. CLINGER, shall submit a similar Memorandum of Understanding on budget process reform as it pertains to the Committee on Government Reform and Oversight and the Committee on the Budget.³⁶⁶

STATEMENT OF UNDERSTANDING BETWEEN THE COMMITTEE ON
THE BUDGET AND THE COMMITTEE ON RULES OVER THE
CONGRESSIONAL BUDGET PROCESS

HOUSE OF REPRESENTATIVES,
Washington, DC.

This statement addresses the intent of subparagraph (1)(d)(3) as it pertains to the Committee on the Budget and the Committee on Rules.

Subparagraph (1)(d)(3) relating to the Congressional Budget process is intended to provide the Committee on the Budget primary jurisdiction over budgetary terminology and the discretionary spending limits that are set forth in the Congressional Budget Act. It is also understood that the Committee on the Budget shall have secondary jurisdiction over the other elements of the Congressional budget process that are under the primary jurisdiction of the Committee on Rules. Such jurisdiction shall include the budget timetable, the budget resolution and its report, committee allocations, the reconciliation process, and related enforcement procedures. It is understood that the Committee on Rules will remain the Committee of primary jurisdiction over all aspects of the Congressional budget process that are within the joint rule-making authority of Congress except for budgetary terminology and the discretionary spending limits.

Gerald B. H. Solomon, *Chairman,*
Committee on Rules.

John R. Kasich, *Chairman,*
Committee on the Budget.

³⁶⁶ Representative William F. Clinger, Chairman of the Government Reform and Oversight Committee, did not place a separate statement in the Record.

CHANGES IN JURISDICTION IN THE 105TH CONGRESS

January 7, 1997

TEXT FROM H. RES. 5 (105TH CONGRESS):³⁶⁷

SEC. 5. BUDGET JURISDICTION CHANGES.

(a) In clause 1(d)(3) of rule X (relating to the Committee on the Budget), strike “congressional budget process” and insert in lieu thereof “budget process.”

(b) In clause 1(g)(4) of rule X (relating to the Committee on Government Reform and Oversight), strike “Budget and accounting measures, generally” and insert in lieu thereof “Government management and accounting measures, generally,”

DESCRIPTION OF CHANGE FROM ANALYSIS OF H. RES. 5:³⁶⁸

Section 5. Budget Jurisdiction Changes: The jurisdiction of the Budget Committee is changed by striking “congressional budget process” and inserting in lieu, “budget process.” The jurisdiction of the Government Reform and Oversight Committee is changed by striking “budget and accounting measures, generally,” and replacing it with “Government management and accounting measures, generally.”. The intent of this is to give the Budget Committee jurisdiction over the President’s budget process as well as the congressional budget process, and thereby to avoid duplication with the Government Reform and Oversight Committee in this area. This change will not alter Government Reform and Oversight’s existing legislative jurisdiction over such matters as government management and reorganization, the Office of Management and Budget’s management, regulatory, and other coordinating functions, or the General Accounting Office.

³⁶⁷ See page H8 of the CONG. REC.; 1st Session, 105th Congress, January 7, 1997.

³⁶⁸ See page H12 of the CONG. REC.; 1st Session, 105th Congress, January 7, 1997.