

CRS Report for Congress

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Congressional Budget Resolutions: Motions to Instruct Conferees

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Summary

Both the House and the Senate have procedures whereby the full bodies may issue instructions to conferees on budget resolutions, usually in the form of a motion. The practices of the House and Senate regarding such motions differ markedly in key respects. First, the House resorts to such motions regularly (having considered 10 such motions in the past 12 years), while the Senate seldom uses them. Second, the House has considered only one motion per budget resolution, while the Senate considered five motions on one budget resolution. Finally, the House regards the motion to instruct conferees strictly as a prerogative of the minority party, while the Senate does not.

This report will be updated as developments warrant.

The Congressional Budget Act of 1974 requires the House and Senate to reach agreement on at least one budget resolution each year.¹ In most years, the House and Senate initially pass separate versions of a budget resolution and then resolve their differences through regular conference procedures, but sometimes the differences have been resolved by means of the two chambers formally exchanging amendments.

Both the House and the Senate have procedures whereby the full bodies may issue instructions to conferees on legislation.² Instructions to conferees on a budget resolution usually are issued in the form of a motion, but in at least one instance the Senate adopted a simple resolution containing such instructions. If a motion (or resolution) instructing

¹ For detailed information regarding the record of experience with budget resolutions, see: U.S. Library of Congress, Congressional Research Service, *Congressional Budget Resolutions: Selected Statistics and Information Guide*, by Bill Heniff Jr., CRS Report RL30297 (Washington: September 2, 1999), 37 pages. The House and Senate have adopted at least one budget resolution every year since 1975, except in 1998 (for FY1999).

² For information on these procedures generally, see: U.S. Library of Congress, Congressional Research Service, (1) *Instructing Senate Conferees*, by Richard S. Beth, CRS Report RS20209 (Washington: updated January 31, 2001), 3 pages; and (2) *Instructing House Conferees*, by Stanley Bach, CRS Report 98-381 GOV (Washington: updated January 25, 2001), 2 pages.

conferees is agreed to, however, the instructions are not binding on the conferees and no point of order would lie against the conference report on the ground that the instructions had been violated.

The practices of the House and Senate regarding motions to instruct budget resolution conferees differ markedly in key respects. First, the House resorts to such motions regularly, while the Senate seldom uses them. As **Table 1** shows, the House considered such motions in 10 of the last 12 years, covering FY1991-2002. The House regularly used such motions in earlier years as well. During this period, the Senate instructed its conferees on only one budget resolution (FY2000), as discussed in more detail below. For earlier years, the Senate precedents only cite one instance when budget resolution conferees were instructed.³

Second, the House has considered only one motion per budget resolution, although in one instance (FY1992) the motion was amended by a substitute. The Senate, on the other hand, considered (on April 13, 1999) the following five motions to the FY2000 budget resolution, accepting four and rejecting one:

- Lautenberg motion, to include in the conference report provisions that would reserve all Social Security surpluses only for Social Security, and not for other programs (including other retirement programs) or tax cuts; adopted by a vote of 98-0;
- Domenici motion, to include in the conference report a Roth/Breaux modified amendment regarding Medicare reform and a section of the Senate-passed budget resolution regarding the use of on-budget surpluses for a prescription drug benefit; adopted by a vote of 57-42;
- Dodd motion, to include in the conference report a Dodd/Jeffords modified amendment to provide for an increase in the mandatory spending in the Child Care and Development Block Grant; adopted by a vote of 66-33;
- Dorgan motion, to include in the conference report provisions that would provide additional funding for income assistance for family farmers above the level provided in the Senate-passed resolution; adopted by voice vote; and
- Kennedy motion, to include in the conference report provisions that would allow targeted tax relief for low- and middle-income working families, and reserve a sufficient portion of projected non-Social Security surpluses to extend significantly the solvency of the Medicare Hospital Insurance Trust Fund and modernize and strengthen the program; rejected by a vote of 54-45; a Domenici amendment to this motion was withdrawn.

³ The Senate adopted S.Res. 562 on September 14, 1978, by a vote of 63-21. The measure instructed the Senate conferees on the second budget resolution for FY1979 to insist on the Senate position not to add \$2 billion for public works spending. See the remarks of Senator Edmund Muskie and others in the *Congressional Record* of September 13 and 14, 1978, at pages 29157-29158 and 29391-29403, respectively.

Finally, the House regards the motion to instruct conferees strictly as a prerogative of the minority party. In each of the 10 instances identified in **Table 1**, the motion was made by the ranking minority member of the House Budget Committee. Although four of the motions made in the Senate to instruct conferees on the FY2000 budget resolution were made by members of the minority party, one was made by the chairman of the Senate Budget Committee.

In both chambers, the content of a motion may range from a broad statement of policy to a position focused more narrowly on one or a few issues. Further, there is no clear pattern of acceptance or rejection of such motions in either chamber.

Table 1. Motions to Instruct House Conferees on Budget Resolutions: FY1991-2002

Fiscal year	Congress/ session	H. Con. Res.	Sponsor of motion	Nature of instruction	Disposition	Vote	Date of action
1991	101 st , 2 nd	310	—	[none]	—	—	—
1992	102 nd , 1 st	121	Gradison ^a	To ensure that within the reserve fund areas specified in the Senate amendment, pay-as-you-go legislation will not harm working families and Medicare beneficiaries, and will adhere to the 1990 budget process agreement between President Bush and the Congress. ^a	Agreed to	Voice	05-09-91
1993	102 nd , 2 nd	287	Gradison	To agree to Senate provision relating to the adoption of a joint resolution to amend the U.S. Constitution to require a balanced budget.	Agreed to	322-66	05-06-92
1994	103 rd , 1 st	64	Kasich	To agree to the highest level of deficit reduction, the lowest levels of budget outlays, and the lowest level of revenues within the scope on the conference without resorting to higher taxes on Social Security beneficiaries.	Agreed to	413-0	03-25-93
1995	103 rd , 2 nd	218	Kasich	To agree to Senate provisions: reflecting a \$26 billion 5-year deficit reduction by agreeing to reduce the total spending levels specified in the House-passed resolution by specified amounts; and providing no further cuts in defense spending if the President's defense budget request is approved.	Rejected	202-216	04-14-94

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Fiscal year	Congress/ session	H. Con. Res.	Sponsor of motion	Nature of instruction	Disposition	Vote	Date of action
1996	104 th , 1 st	67	Sabo	To agree to revenue levels (within the scope of the conference) that exclude the revenue effects of the Contract With America Tax Relief Act and insist on House position regarding the Earned Income Tax Credit.	Rejected	183-233	06-08-95
1997	104 th , 2 nd	178	Sabo	To agree to Senate provisions on: levels of discretionary spending; "balance billing" of Medicare patients by health care providers; federal nursing home quality standards; and protection under the Medicaid program against spousal impoverishment.	Rejected	187-205	05-30-96
1998	105 th , 1 st	84	Spratt	To agree to Senate provisions on limiting 10-year net cost of tax cuts to \$250 billion and fair distribution of tax cuts.	Agreed to	Voice	06-03-97
1999	105 th , 2 nd	284	—	[none]	—	—	—
2000	106 th , 1 st	68	Spratt	To insist that tax cuts set forth in the reconciliation directives in the concurrent resolution be reported at the latest possible date within the scope of the conference and to require that the reconciliation legislation implementing these tax cuts not be reported any earlier to provide Congress with time to first enact legislation extending the solvency of the Social Security and Medicare trust funds.	Agreed to	349-44	04-12-99
2001	106 th , 2 nd	290	Spratt	To insist that reconciliation legislation implementing tax cuts be reported no earlier than September 22, 2000, thereby allowing time to enact legislation establishing a universal prescription drug benefit, and that the House recede to the lower tax cuts in the Senate amendment.	Rejected	198-210	04-10-00

Fiscal year	Congress/ session	H. Con. Res.	Sponsor of motion	Nature of instruction	Disposition	Vote	Date of action
2002	107 th , 1 st	83	Spratt	To increase the funding for education in the House resolution to provide for the maximum feasible funding, provide that the costs for coverage of prescription drugs under Medicare not be taken from the surplus of the Federal Hospital Insurance Trust Fund, increase the funding provided for Medicare prescription drug coverage to the level set by the Senate amendment, and insist that the on-budget surplus set forth in the budget resolution for any fiscal year not be less than the surplus of the Federal Hospital Insurance Trust Fund for that year.	Rejected	200-207	04-24-01

^a The Gradison motion was amended by a Panetta substitute. The House failed, by a vote of 132-284, to move the previous question on the original Gradison motion.