



The Budget Reconciliation Process: Motions to Instruct Conferees

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July 20, 2009

Congressional Research Service

7-5700

www.crs.gov

R40686

Summary

The budget reconciliation process is an optional procedure that operates as an adjunct to the budget resolution process. The chief purpose of the reconciliation process is to enhance Congress's ability to change current law in order to bring revenue, spending, and debt-limit levels in conformity with the policies expressed in the budget resolution.

Under the usual practice, the House and the Senate initially consider and pass their own reconciliation measures. In most years, a conference procedure is used to develop an agreement between the two chambers. When a conference procedure is used, both the House and the Senate have procedures whereby the full bodies may issue instructions to conferees on legislation. If a motion instructing conferees is agreed to, 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 first use of the reconciliation process by the House and Senate occurred in 1980 for the FY1981 budget cycle. This report focuses on the 29-year time frame encompassing the FY1981 through FY2009 budget cycles. During this period, the reconciliation process was initiated in 19 different years. For the remaining 10 years, the process was not used (in four of those years there was no final agreement on the budget resolution).

Both the House and the Senate have considered between them a total of 42 motions to instruct conferees on reconciliation legislation during the past 29 years. The two chambers have considered roughly the same number of motions, with the House considering a total of 19 such motions and the Senate considering a total of 23.

Both chambers have employed such motions with increasing frequency. During the 10-fiscal-year interval covering FY1980-FY1989, the House considered two motions and the Senate considered one. During the next interval, covering FY1990-FY1999, the House considered six motions and the Senate considered five. Finally, during the FY2000-FY2009 interval, the House and Senate considered 11 and 17 motions, respectively. The pattern of usage in the two chambers differs in that the House has resorted to such motions more regularly than the Senate.

In the House, the motion to instruct can be offered at three separate times in the legislative process: (1) prior to the appointment of conferees; (2) after the conferees have been appointed for 20 calendar days and 10 legislative days, but before they report to the House; and (3) after the conferees have reported, in conjunction with a motion to recommit the conference report.

In the Senate, the motion to instruct can only be offered prior to the appointment of conferees. After conferees have been appointed, Senators can also instruct their conferees through simple resolutions, amendments to legislation, or motions to recommit, but this is not a regular occurrence.

The content of motions to instruct conferees on reconciliation legislation has varied widely in both chambers, ranging from broad statements of policy to positions focused more narrowly on one or a few specific issues or programs.

This report will be updated as developments warrant.

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Background

The Congressional Budget Act of 1974 (P.L. 93-344, as amended; 2 U.S.C. 621 et seq.) established the congressional budget process. Under the act, the House and Senate are required to adopt at least one budget resolution each year. The budget resolution, which takes the form of a concurrent resolution and is not sent to the President for his approval or veto, serves as a broad overview of the appropriate levels of revenue, spending, the surplus or deficit, and the public debt for each year covering the upcoming fiscal year and at least four additional fiscal years.¹

The budget reconciliation process is an optional procedure that operates as an adjunct to the budget resolution process.² The chief purpose of the reconciliation process is to enhance Congress's ability to change current law in order to bring revenue, spending, and debt-limit levels in conformity with the policies expressed in the budget resolution. Therefore, reconciliation can be an effective budget enforcement tool for a large portion of the budget.

Reconciliation is a two-step process. First, reconciliation instructions are included in the budget resolution, instructing a committee or committees to develop legislation achieving the desired budgetary outcomes and providing a deadline for submission of legislation. If only one committee is instructed, it may report its reconciliation legislation directly to its parent chamber. If multiple committees are instructed, they must submit their reconciliation legislation to their respective Budget Committees, which in turn incorporate them into an omnibus budget reconciliation bill without making any substantive revisions.

In the second step, the House and Senate consider the reconciliation legislation under expedited procedures. Under the usual practice, the two chambers initially consider and pass their own reconciliation measures. In most years, a conference procedure is used to develop an agreement between the House and Senate.

When a conference procedure is used, both the House and the Senate have procedures whereby the full bodies may issue instructions to conferees on legislation.³ Conferees are expected generally to uphold the position reflected in the legislation that was passed by the chamber they represent. Motions to instruct the conferees usually urge them to support particular positions taken by their chamber or urge them to oppose particular positions taken by the other chamber. At the same time, it is understood that conferees must make concessions in order to reach a final compromise. It is not uncommon, therefore, for instructions to urge conferees of one chamber to recede to one or more positions of the other chamber.

If a motion instructing conferees is agreed to, 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.⁴ As one scholar has noted:

¹ For information on motions to instruct conferees on budget resolutions, see CRS Report RL31840, *Congressional Budget Resolutions: Motions to Instruct Conferees*, by Robert Keith.

² For additional information on the reconciliation process, see CRS Report RL33030, *The Budget Reconciliation Process: House and Senate Procedures*, by Robert Keith and Bill Heniff Jr., and CRS Report R40480, *Budget Reconciliation Measures Enacted Into Law: 1980-2008*, by Robert Keith.

³ For information on these procedures generally, see CRS Report RS20209, *Instructing Senate Conferees*, by Richard S. Beth; and CRS Report 98-381, *Instructing House Conferees*, by Elizabeth Rybicki.

⁴ See *House Practice: A Guide to the Rules, Precedents and Procedures of the House* (108th Cong., 1st sess.) 2003, (continued...)

... conferees may disregard the instructions, particularly when they feel the need for room to maneuver or compromise. The full House and Senate will still have an opportunity to accept or reject the conference committee report on the bill, and a new conference may be requested if either house feels that its conferees have grossly violated their instructions or authority.⁵

House and Senate Practices

The first use of the reconciliation process by the House and Senate occurred in 1980 for the FY1981 budget cycle. This report focuses on the 29-year time frame encompassing the FY1981 through FY2009 budget cycles. During this period, the reconciliation process was initiated in 19 different years. For the remaining 10 years, the process was not used (in four of those years there was no final agreement on the budget resolution).

The practices of the House and Senate regarding motions to instruct reconciliation conferees during this period were similar in some regards but also differed in key respects. Some of the similarities and differences are discussed below in terms of the number and frequency of motions, their success rates, timing and the prerogative to offer them, and their content.

Number and Frequency of Motions

As **Table 1** illustrates, both the House and the Senate have considered between them a total of 42 motions to instruct conferees on reconciliation legislation during the past 29 years. The two chambers have considered roughly the same number of motions, with the House considering a total of 19 such motions and the Senate considering a total of 23. More detailed information on the motions is provided in **Table 2** (for motions in the House) and **Table 3** (for motions in the Senate), at the end of the report.

Both chambers have employed such motions with increasing frequency. During the 10-fiscal-year interval covering FY1980-FY1989, the House considered two motions and the Senate considered one.⁶ During the next interval, covering FY1990-FY1999, the House considered six motions and the Senate considered five. Finally, during the FY2000-FY2009 interval, the House and Senate considered 11 and 17 motions, respectively.

The pattern of usage in the two chambers differs in that the House has resorted to such motions more regularly than the Senate. In the House, one or more motions to instruct were considered during 13 of the 19 years in which reconciliation was used (about 68% of the years). With one exception, the House considered only one such motion per bill: for 11 different years, one motion was considered; for one year, FY1998, two motions were considered (one motion for each of two bills); and for another year, FY2006, six motions were considered (one motion for one bill and five motions for a second bill). The exception, in which five motions were considered, involved

(...continued)

Chapter 13, Sec. 16, p. 344; and *Riddick's Senate Procedure: Precedents and Practices* (101st Cong., 2nd sess.), S.Doc. 101-28, 1992, p. 480.

⁵ Walter J. Oleszek, *Congressional Procedures and the Policy Process*, 7th ed. (Washington, DC: CQ Press, 2007), p. 267.

⁶ As indicated previously, the House and Senate first used reconciliation in 1980 for the FY1981 budget cycle.

the revenue reconciliation measure for FY2006 (H.R. 4297). There were six years for which the House did not consider any motions to instruct conferees.

Table 1. Motions in the House and Senate to Instruct Conferees on Reconciliation Legislation, 10-Fiscal-Year Intervals

10-Fiscal- Year Interval	House			Senate		
	Agreed To	Failed	Total	Agree To	Failed	Total
1980-1989	2	0	2	1	0	1
1990-1999	3	3	6	4	1	5
2000-2009	4	7	11	13	4	17
Total	9	10	19	18	5	23

Source: Prepared by the Congressional Research Service from data provided in the Legislative Information System.

Notes: The reconciliation process was first used by both chambers in 1980 for the FY1981 budget cycle. In the House, for FY1994, a motion to instruct conferees offered by Representative Kasich was agreed to after it was amended by a substitute offered by Representative Sabo; these two actions are counted in the table as a single motion. In the Senate, for FY1996, a motion to instruct conferees offered by Senator Rockefeller was tabled by a vote of 51-46; it is counted in the table as a failed motion.

In the Senate, one or more motions to instruct were considered during four of the 19 years in which reconciliation was used (about 21% of the years). Senate use of such motions varied considerably by year: for two years (FY1982 and FY1990), only a single motion was considered; for another year (FY1996), four motions were considered; and, finally, for FY2006, 17 motions were considered. There were 15 years for which the Senate did not consider any motions to instruct conferees.

Success Rate of Motions

Table 1 also shows that the overall success rate of motions to instruct conferees on reconciliation legislation differs for the House and Senate. In the House, 9 of 19 such motions were agreed to, representing a success rate of about 43%, while in the Senate, 18 of 23 motions were agreed to, reflecting a success rate of about 78%.

From the perspective of the three 10-fiscal-year intervals, the success rate declined in both chambers. In the House, the success rate dropped from 100% for the FY1980-FY1989 interval, to 50% for the next interval, and to 35% for the final interval; in the Senate, the success rate over the three intervals declined less markedly, from 100%, to 80%, and, finally, to 78%.

In the House, the average vote for all motions to instruct (excluding one voice vote) was 254 to 163, reflecting a margin of victory of 91 votes. Victories occurred with wider margins, however, than defeats. The average margin of victory on a successful motion was 250 votes (327 to 78) and the average margin of defeat on a failed motion was 37 votes (195 to 232). The widest margin of victory or defeat was 418 votes (on a motion offered successfully by Representative Sabo for FY1997) and the narrowest margin was eight votes (on a motion offered unsuccessfully by Representative Rangel for FY2000).

In the Senate, the average vote for all motions to instruct (excluding six voice votes) was 67 to 28, reflecting a margin of victory of 39 votes. As in the House, victories occurred with wider margins than defeats. The average margin of victory on a successful motion was 58 votes (76 to 18) and the average margin of defeat on a failed motion was 6 votes (46 to 52).⁷ The widest margin of victory or defeat was 97 votes (on a motion offered successfully by Senator Graham for FY1996) and the narrowest margin was five votes (on a successful motion to table a motion to instruct conferees offered by Senator Rockefeller for FY1996).

Timing and Prerogative to Offer Motions

In the House, the motion to instruct can be offered at three separate times in the legislative process: (1) prior to the appointment of conferees; (2) after the conferees have been appointed for 20 calendar days and 10 legislative days, but before they report to the House; and (3) after the conferees have reported, in conjunction with a motion to recommit the conference report. Only one motion to instruct conferees is allowed prior to the appointment of conferees or in conjunction with a motion to recommit the conference report, but multiple 20-day motions to instruct may be made.

Members of the minority party are accorded preference in recognition to offer motions to instruct in the first two instances (and a member of the majority party may offer an amendment thereto), but are not accorded preference in recognition to offer the 20-day motion.

Most of the motions to instruct conferees listed in **Table 2** were offered prior to the appointment of conferees; they were offered, in most instances, by the ranking minority member of the House Budget Committee or the House Ways and Means Committee, depending on whether the pending legislation was an omnibus reconciliation measure reported by the House Budget Committee or a reconciliation measure reported singly by the Ways and Means Committee.

In the case of a revenue reconciliation measure for FY2006, a series of five 20-day motions were offered by minority members of the Ways and Means Committee from early February through late April of 2006: (1) February 8, by Representative Neal; (2) March 15, by Representative Tanner; (3) March 29, by Representative Rangel, the ranking minority member of the committee; (4) April 6, by Representative Cardin; and (5) April 27, by Representative McDermott.

In the Senate, the motion to instruct can only be offered prior to the appointment of conferees. After conferees have been appointed, Senators can also instruct their conferees through simple resolutions, amendments to legislation, or motions to recommit, but this is not a regular occurrence.

For three of the four years during this period in which motions to instruct conferees on reconciliation legislation were used by the Senate, the motions were offered by Senators in the minority party; in the remaining year, Senators from both parties offered such motions. As **Table 3** shows, the first motion was offered by a minority Democrat (Senator Cranston, for FY1982), the next by a minority Republican (Senator Domenici, for FY1990), and the next four by minority Democrats (Senators Pryor, Rockefeller, Graham, and Kennedy, for FY1996). In the remaining year, a total of 17 motions was offered to two different reconciliation measures: seven motions

⁷ A motion to instruct conferees, made by Senator Rockefeller (FY1996), was tabled by a vote of 51 to 46; it is counted in this report as a failed motion to instruct.

were offered to the spending reconciliation bill, S. 1932 (six by minority Democrats and one by a majority Republican), and 10 motions were offered to the revenue reconciliation bill, H.R. 4297 (five by minority Democrats and five by majority Republicans).

Content of Motions

The content of motions to instruct conferees on reconciliation legislation has varied widely in both chambers, ranging from broad statements of policy to positions focused more narrowly on one or a few specific issues or programs.

A broadly-worded motion offered by Representative Tanner to revenue reconciliation legislation for FY2006 instructed the conferees “to the maximum extent possible within the scope of conference, to insist on a conference report which will neither increase the Federal budget deficit nor increase the amount of the debt subject to the public debt limit.”

A more narrowly drawn motion, offered by Senator DeWine to spending reconciliation legislation for FY2006 instructed the conferees “to insist that any conference report shall not include the provisions contained in section 8701 of the House amendment relating to the repeal of section 754 of the Tariff Act of 1930.”

While motions to instruct usually are briefly stated, they may involve more lengthy and complex instructions. A motion to instruct conferees on the spending reconciliation legislation for FY2006 offered by Senator Harkin, for example, instructed the conferees “to insist that any reconciliation conference report not contain any cuts to Federal food assistance programs, including the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), for the following reasons: ...” The enumerated reasons that followed in the instructions amounted to six paragraphs.

House and Senate practices require that Members avoid using argument or rhetoric in a motion to instruct conferees.⁸

The content of a motion to instruct conferees may be changed by amendment, although this has been a rare occurrence with respect to reconciliation legislation. One such motion was amended in the House during the past 29 years, while none were amended in the Senate. On July 14, 1993, a motion to instruct conferees on the Omnibus Reconciliation Act of 1993 (H.R. 2264) was offered by Representative Kasich, the chairman of the House Budget Committee. An amendment in the nature of a substitute, offered by the committee’s ranking member, Representative Sabo, was approved by a vote of 253-183. The motion to instruct, as amended, was agreed to by a vote of 415-0.

⁸ House Rule XXII, Clause 7(d), states: “Instructions to conferees in a motion to instruct or in a motion to recommit to conference may not include argument.”

Table 2. Motions in the House to Instruct Conferees on Reconciliation Legislation: FY1981-FY2009

Fiscal Year	Congress/ Session	Bill number	Sponsor of Motion	Nature of Instruction	Disposition (Vote)	Date of Action
1981	96/2	H.R. 7765	Spellman	To insist on disagreement with Section 201 and 601 of Senate amendment (semi-annual cost of living increase for Federal civilian and military retirees).	Agreed to (300-73)	09-18-1980
1982	97/1	H.R. 3982	—	[none]	—	—
1983	97/2	H.R. 4961	Conable	To insist that the conference report result in attainment of expenditure reduction levels no lower than those required by the conference report on the first concurrent resolution on the budget for FY1993, and revenue raising levels equal to those required for FY1983 by the conference report on the first concurrent resolution for the budget for FY1983.	Agreed to (299-89)	07-28-1982
		H.R. 6955	—	[none]	—	—
1984	98/1	H.R. 4169	—	[none]	—	—
1985	98/2	—	—	[no reconciliation directives]	—	—
1986	99/1	H.R. 3128	—	[none]	—	—
1987	99/2	H.R. 5300	—	[none]	—	—
1988	100/1	H.R. 3545	—	[none]	—	—
1989	100/2	—	—	[no reconciliation directives]	—	—
1990	101/1	H.R. 3299	Frenzel	Instructed to: Recede from provisions of the House passed bill which would for either of the fiscal years 1990 and 1991 result in a revenue decrease; and Recede from those provisions of the House passed bill which would result in an increase in obligations of the government over those currently authorized for either of the fiscal years 1990 and 1991; and Recede from those provisions in the House passed bill which have no budgetary impact; and Provided further, notwithstanding any other instructions, that the managers on the part of the House are hereby instructed to insist on the House passed catastrophic health care provisions and the House passed "Section 89 repeal" provisions.	Failed (181-228)	10-18-1989
1991	101/2	H.R. 5835	—	[none]	—	—
1992	102/1	—	—	[no reconciliation directives]	—	—

Fiscal Year	Congress/ Session	Bill number	Sponsor of Motion	Nature of Instruction	Disposition (Vote)	Date of Action
1993	102/2	—	—	[no reconciliation directives]	—	—
1994	103/1	H.R. 2264	Kasich	To reject increases in Federal spending within the scope of the conference report by excluding all provisions that increase direct spending (except Social Security) and to accept the higher thresholds on the treatment of Social Security benefits in section 8215 of the Senate amendment.	Agreed to (415-0)	07-14-1993
			Sabo	Amendment in the nature of a substitute for the Kasich motion. The amendment would remove the instructions which require the House conferees to reject increases in federal spending within the scope of the conference by excluding from the conference report all provisions that increase direct spending. The amendment would retain the provisions of the motion which instruct conferees to accept the higher thresholds on the treatment of Social Security benefits of section 8215 of the Senate Amendment.	Agreed to (235-183)	07-14-1993
1995	103/2	—	—	[no reconciliation directives]	—	—
1996	104/1	H.R. 2491	Sabo	To instruct conferees on the part of the House to do everything possible, within the scope of the conference, to minimize tax cuts for the wealthy and tax increases on low- and middle-income working families, to preserve and protect the health and income security of senior citizens, and to avoid increasing the number of Americans lacking access to health care; and to agree to the following Senate-passed provisions: (1) require continued Medicaid coverage for low-income pregnant women and children and disabled persons; (2) continue to apply federal nursing home standards; and (3) recede to the Senate position on pension reversions.	Failed (198-219)	10-30-1995

Fiscal Year	Congress/ Session	Bill number	Sponsor of Motion	Nature of Instruction	Disposition (Vote)	Date of Action
1997	104/2	H.R. 3734	Sabo	To instruct conferees to do everything possible within the scope of the conference to eliminate any provisions in the House and Senate bills which shift costs to States and local governments and result in an increase in the number of children in poverty; maximize the availability of food stamps and vouchers for goods and services for children to prevent any increase in the number of children thrown into poverty while their parents make the transition from welfare to work; ensure that the bill preserves Medicaid coverage so that the number of people without access to health care does not increase and more children and old people are not driven into poverty; and provide that any savings that redound to the Federal Government as a result of this legislation be used for deficit reduction.	Agreed to (418-0)	07-24-1996
1998	105/1	H.R. 2014	Rangel	<p>To work in a bipartisan fashion to provide fair and equitable tax relief to working families and avoid large and growing out-year revenue costs. In doing so, the conferees shall, within the scope of the conference,—</p> <ol style="list-style-type: none"> 1. Recede from their insistence on the provision of the House bill that provides for indexing of capital assets, 2. Support tax relief that provides a family credit commonly referred to as the \$500-per child credit, to working families, who pay Federal taxes, 3. Support tax provisions designed to assist working families in meeting the costs of college education and those provisions shall— <ol style="list-style-type: none"> a. Include a HOPE Scholarship credit for the first 2 years of postsecondary education consistent with the objectives of the HOPE Scholarship credit proposed by the President so that students attending low-cost community colleges are not disadvantaged, b. Include tax benefits for families paying tuition costs for the second 2 years of postsecondary education out of wages and salary income, and c. Not include the provisions of the House bill that impose new taxes on graduate students receiving tuition waivers. 	Failed (199-233)	07-10-97

Fiscal Year	Congress/ Session	Bill number	Sponsor of Motion	Nature of Instruction	Disposition (Vote)	Date of Action
		H.R. 2015	Spratt	Be instructed as follows: (1) On the matters pertaining to increasing the age of eligibility for Medicare, reject the provisions contained in section 5611 of the Senate amendment. (2) On the matters pertaining to the minimum wage, worker protections, and civil rights— (A) insist on paragraphs (2) and (3), and reject the remainder, of section 417(f) of the Social Security Act, as amended by sections 5006 and 9006 of the bill, as passed the House, and (B) reject the provisions contained in sections 5004 and 9004 of the bill, as passed the House.	Agreed to (414-14)	07-10-97
1999	105/2	—	—	[no final agreement on budget resolution]	—	—
2000	106/1	H.R. 2488	Rangel	To the extent permitted within the scope of conference, to insist on limiting the net 10-year tax reduction provided in the conference report to not more than 25 percent of the currently projected non-Social Security surpluses (or if greater, the smallest tax reduction permitted within the scope of the conference).	Failed (205-213)	08-02-99
2001	106/2	H.R. 4810	Cardin	To the maximum extent permitted within the scope of conference— (1) to maximize the amount of marriage penalty relief provided to middle and low income taxpayers, (2) to minimize the additional marriage bonuses provided to taxpayers already receiving marriage bonuses under current law, and (3) to resolve the differences in effective dates and phase-in amounts in a way which takes into account fiscal responsibility.	Failed (203-222)	07-18-00

Fiscal Year	Congress/ Session	Bill number	Sponsor of Motion	Nature of Instruction	Disposition (Vote)	Date of Action
2002	107/1	H.R. 1836	Stark	<p>Be instructed to produce a Conference Report in which—</p> <p>1. The revenue losses and associated debt service costs do not grow as a percentage of gross domestic product on either a long or short term basis. In order to do so—</p> <p>A. The Conference Report shall not include phase-ins longer than 5 years, delayed effective dates, or sunsets.</p> <p>B. The Conference Report shall include provisions on all of the following issues: marriage penalty relief, increasing per-child tax credit, estate tax relief, pension reform legislation, and permanent extension of the research credit.</p> <p>C. The Conference Report shall adjust the current law alternative minimum tax so that it does not disallow the benefits of the tax reductions contained in the bill.</p> <p>2. The Conference Report shall be designed so that its revenue loss and associated debt service costs for each fiscal year do not exceed the projected non-Social Security/non-Medicare surplus for such fiscal year. For purposes of the preceding sentence, the projected non-Social Security/non-Medicare surplus for any fiscal year is the projected amount of the surplus for such year determined by disregarding the receipts and disbursements of the Social Security and Medicare Trust Funds and by reducing the projected surplus for any year by its ratable portion of \$300 billion over the 10-year budget period.</p> <p>3. The Conference Report provides benefits to every family with children that has income or payroll tax liability and the Conference Report includes inflation adjustments so that the benefits provided to families with children are not reduced over time.</p> <p>4. The conference committee shall be required to meet in preparing the Conference Report pursuant to House Rule 22.</p>	Failed (198-210)	05-23-01
2003	107/2	—	—	[no final agreement on budget resolution]	—	—

Fiscal Year	Congress/ Session	Bill number	Sponsor of Motion	Nature of Instruction	Disposition (Vote)	Date of Action
2004	108/1	H.R. 2	Stenholm	To require the managers on the part of the House to include in the conference report the fiscal relief provided to States by section 371 of the Senate amendment and to the maximum extent possible within the scope of conference, agree to a conference report that will neither increase the Federal budget deficit nor increase the amount of the debt subject to the public debt limit.	Agreed to (voice vote)	05-22-2003
2005	108/2	—	—	[no final agreement on budget resolution]	—	—
2006	109/1	S. 1932	Spratt	To require the managers on the part of the House to recede to the Senate by eliminating House provisions reducing eligibility for food stamps; reducing funding for child support enforcement; repealing the Continued Dumping and Subsidy Offset; modifying the Mining Law of 1972; eliminating the sections of the House amendment that reduce Medicaid benefits and allow increases in beneficiary costs; reducing to the maximum extent possible increases in interest rates and fees paid by student and parent borrowers on student loans; adopting the Senate provision eliminating the stabilization fund that makes payments to Medicare Advantage Regional Plans; adopting the Senate provision on Medicare Advantage risk adjustment; and adopting the Senate provision on Medicare physician payments.	Agreed to (246-175)	12-16-2005
		H.R. 4297	Neal	Be instructed as follows: (1) The House conferees shall agree to the provisions of section 106 of the Senate amendment (relating to extension and increase in minimum tax relief to individuals). (2) The House conferees shall recede from the provisions of the House bill that extend the lower tax rate on dividends and capital gains that would otherwise terminate at the close of 2008. (3) To the maximum extent possible within the scope of conference, the House conferees shall insist on a conference report that would not increase the Federal deficit for any year.	Failed (185-297)	02-08-2006
			Tanner	To the maximum extent possible within the scope of conference, to insist on a conference report which will neither increase the Federal budget deficit nor increase the amount of the debt subject to the public debt limit.	Agreed to (222-187)	03-15-2006

Fiscal Year	Congress/ Session	Bill number	Sponsor of Motion	Nature of Instruction	Disposition (Vote)	Date of Action
			Rangel	Be instructed— (1) to insist on the provisions of section 106 of the Senate amendment (relating to extension and increase in minimum tax relief to individuals), (2) to recede from the provisions of the House bill that extend the lower tax rate on dividends and capital gains that would otherwise terminate at the close of 2008, and (3) to the maximum extent possible within the scope of conference, to insist on a conference report which will neither increase the Federal budget deficit nor increase the amount of the debt subject to the public debt limit.	Failed (192-229)	03-29-2006
			Cardin	To instruct the managers: (1) to agree to the provisions of section 102 (relating to credit for elective deferrals and IRA contributions), and section 108 (relating to extension and modification of research credit), of the Senate amendment, (2) to agree to the provisions of section 106 of the Senate amendment (relating to extension and increase in minimum tax relief to individuals), (3) to recede from the provisions of the House bill that extend the lower tax rate on dividends and capital gains that would otherwise terminate at the close of 2008, and (4) to the maximum extent possible within the scope of conference, to insist on a conference report which will neither increase the Federal budget deficit nor increase the amount of the debt subject to the public debt limit.	Failed (196-232)	04-06-2006
			McDermott	Be instructed— (1) to agree to the following provisions of the Senate amendment: section 461 (relating to revaluation of LIFO inventories of large integrated oil companies), section 462 (relating to elimination of amortization of geological and geophysical expenditures for major integrated oil companies), and section 470 (relating to modifications of foreign tax credit rules applicable to large integrated oil companies which are dual capacity taxpayers), and (2) to recede from the provisions of the House bill that extend the lower tax rate on dividends and capital gains that would otherwise terminate at the close of 2008.	Failed (190-232)	04-27-2006

Fiscal Year	Congress/ Session	Bill number	Sponsor of Motion	Nature of Instruction	Disposition (Vote)	Date of Action
2007	109/2	—	—	[no final agreement on budget resolution]	—	—
2008	110/1	H.R. 2669	Hoekstra	To require the managers on the part of the House to agree to the provisions contained in section 801 of the Senate amendment, relating to the sense of the Senate on the detainees at Guantanamo Bay, Cuba.	Agreed to (305-83)	09-04-2007
2009	110/2	—	—	[no reconciliation directives]	—	—

Table 3. Motions in the Senate to Instruct Conferees on Reconciliation Legislation: FY1981-FY2009

Fiscal Year	Congress/ Session	Bill number	Sponsor of Motion	Nature of Instruction	Disposition (vote)	Date of Action
1981	96/2	H.R. 7765	—	[none]	—	—
1982	97/1	H.R. 3982	Cranston	To insist that funding for the Head Start Program be set at the following levels: \$950,000,000 for FY1982, \$1,007,000,000 for FY1983, and \$1,058,357,000 for FY1984.	Agreed To (voice vote)	07-14-1981
1983	97/2	H.R. 4961	—	[none]	—	—
		H.R. 6955	—	[none]	—	—
1984	98/1	H.R. 4169	—	[none]	—	—
1985	98/2	—	—	[no reconciliation directives]	—	—
1986	99/1	H.R. 3128	—	[none]	—	—
1987	99/2	H.R. 5300	—	[none]	—	—
1988	100/1	H.R. 3545	—	[none]	—	—
1989	100/2	—	—	[no reconciliation directives]	—	—
1990	101/1	H.R. 3299	Domenici	To insist on the Senate amendment and to accept no House language which does not result in savings or in revenue increases.	Agreed To (voice vote)	10-13-1989
1991	101/2	H.R. 5835	—	[none]	—	—
1992	102/1	—	—	[no reconciliation directives]	—	—
1993	102/2	—	—	[no reconciliation directives]	—	—
1994	103/1	H.R. 2264	—	[none]	—	—
1995	103/2	—	—	[no reconciliation directives]	—	—
1996	104/1	H.R. 2491	Pryor	To insist upon maintaining the Federal nursing home reform provisions of law that were enacted as part of the Omnibus Budget Reconciliation Act of 1987 and that provide the Federal quality standards and mechanisms for enforcement of such standards for nursing homes under the Medicare and Medicaid programs without an option for a State to receive a waiver of such standards.	Agreed to (95-1)	11-13-1995

Fiscal Year	Congress/ Session	Bill number	Sponsor of Motion	Nature of Instruction	Disposition (vote)	Date of Action
			Rockefeller	Instructed not to agree to any reductions in Medicare beyond the \$89 billion needed to maintain the solvency of the trust fund through 2006, and reduce tax breaks for upper-income taxpayers and corporations by the amount necessary to ensure deficit neutrality.	Tabled (51-46)	11-13-1995
			Graham	[Instructed to]: (1) honor section 13301 of the Budget Enforcement Act of 1990, (2) not to include in the conference report any language that violates this section, and thus (3) not to include the \$12 billion in Social Security cuts that were included as an offset for on-budget spending in the Finance Committee's amendment.	Agreed to (97-0)	11-13-1995

Fiscal Year	Congress/ Session	Bill number	Sponsor of Motion	Nature of Instruction	Disposition (vote)	Date of Action
			Kennedy	<p>To insist upon removal of the following provisions included in the House or Senate bills:</p> <p>(1) Provisions eliminating requirements in the Medicaid law providing drug discounts to State Medicaid programs, public hospitals, other programs or facilities serving low income people, such as community and migrant health centers, health care for the homeless centers, Ryan White AIDS programs, pediatric AIDS demonstrations, family planning clinics, black lung clinics, and public housing clinics;</p> <p>(2) Provisions benefitting unscrupulous health care providers at the expense of Medicare and private patients by: (a) repealing current prohibitions against additional charges (balance billing) by physicians and other providers rendering services to Medicare beneficiaries enrolled in private insurance plans; (b) weakening current statutory provisions to prevent and combat fraud and abuse, including such abusive practices as self-referral and kickbacks, and such proposals to weaken anti-fraud efforts as establishing more lenient standards for imposing civil money penalties;</p> <p>(3) Provisions threatening the quality and affordability of care in nursing homes by: (a) weakening or eliminating Federal nursing home standards by repealing such standards or allowing state waivers from such standards and Federal enforcement of such standards; (b) repealing prohibitions against nursing homes charging Medicaid patients fees for covered services in addition to the payment made by the State; (c) repealing current prohibitions against States placing liens on the homes of nursing home patients.</p> <p>(4) Provisions providing greater or lesser Medicaid spending in states based upon the votes needed for the passage of legislation rather than the needs of the people in those states.</p>	<p>Not tabled (48-49)</p> <p>Agreed To (voice vote)</p>	11-13-1995

Fiscal Year	Congress/ Session	Bill number	Sponsor of Motion	Nature of Instruction	Disposition (vote)	Date of Action
1997	104/2	H.R. 3734	—	[none]	—	—
1998	105/1	H.R. 2014	—	[none]	—	—
		H.R. 2015	—	[none]	—	—
1999	105/2	—	—	[no final agreement on budget resolution]	—	—
2000	106/1	H.R. 2488	—	[none]	—	—
2001	106/2	H.R. 4810	—	[none]	—	—
2002	107/1	H.R. 1836	—	[none]	—	—
2003	107/2	—	—	[no final agreement on budget resolution]	—	—
2004	108/1	H.R. 2	—	[none]	—	—
2005	108/2	—	—	[no final agreement on budget resolution]	—	—
2006	109/1	S. 1932	DeWine	To insist that any conference report shall not include the provisions contained in section 8701 of the House amendment relating to the repeal of section 754 of the Tariff Act of 1930.	Agreed to (71-20)	12-14-2005
			Kohl	To insist that any conference report shall not include any of the provisions in the House amendment that reduce funding for the child support program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.), which would reduce funds by \$4,900,000,000 over 5 years and have the effect of reducing child support collections by \$7,900,000,000 over 5 years and \$24,100,000,000 over 10 years, and to insist that the conference report shall not include any restrictions on the ability of States to use Federal child support incentive payments for child support program expenditures that are eligible for Federal matching payments.	Agreed to (75-16)	12-14-2005

Fiscal Year	Congress/ Session	Bill number	Sponsor of Motion	Nature of Instruction	Disposition (vote)	Date of Action
			Harkin	<p>To insist that any reconciliation conference report not contain any cuts to Federal food assistance programs, including the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), for the following reasons:</p> <p>(1) The Federal food stamp program is the first-line of defense in the United States against hunger and food insecurity, providing nutrition assistance for over 25,000,000 people in the United States.</p> <p>(2) 80 percent of benefits under the food stamp program, over \$23,000,000,000 in 2005, are provided to families with children, making the program the most important form of nutrition assistance for children in the United States.</p> <p>(3) Hunger and food insecurity in the United States are rising, with a recent study by the Department of Agriculture finding that—(A) 38,200,000 people in the United States live in households that were food insecure in 2004; (B) the number of food insecure individuals increased by nearly 2,000,000 between 2003 and 2004; and (C) since 2000, the number of individuals classified by Department of Agriculture as food insecure rose by 7,000,000.</p> <p>(4) The food stamp program plays an important role during natural disasters and has provided emergency food assistance to approximately 2,200,000 individuals affected by Hurricanes Katrina, Rita, and Wilma, allowing disaster victims to obtain critical food within days.</p> <p>(5) The food stamp program operates efficiently and effectively, with its error rate at an all-time low.</p> <p>(6) Reductions in funding for the food stamp program would constitute cuts in or loss of benefits to currently eligible individuals and families and would not come out of waste, fraud or abuse.</p>	Agreed to (66-26)	12-14-2005

Fiscal Year	Congress/ Session	Bill number	Sponsor of Motion	Nature of Instruction	Disposition (vote)	Date of Action
			Baucus	To not report a conference report that would impair access to, undermine eligibility for, make unaffordable by increasing beneficiary cost-sharing, adversely affect Medicaid services, or in any way undermine Medicaid's Federal guarantee of health insurance coverage with respect to low-income children, pregnant women, disabled individuals, elderly individuals, individuals with chronic illnesses like HIV/AIDS, cancer, and diabetes, individuals with mental illnesses, and other Medicaid beneficiaries.	Agreed to (75-16)	12-14-2005
			Carper	To insist that any conference report shall not include the provisions in the House amendment relating to the reauthorization of the Temporary Assistance for Needy Families Program, including those which would increase work hours for single mothers with young children, impose new cuts on already inadequate child care funding and other proven work supports such as child support, restrict education and training, and reduce State flexibility, and insist that Congress enact free standing legislation that builds on the bipartisan Senate Committee on Finance's reported version of the Personal Responsibility and Individual Development for Everyone Act (the PRIDE Act, S. 667) to reauthorize the Nation's welfare-to-work laws.	Agreed to (64-27)	12-14-2005

Fiscal Year	Congress/ Session	Bill number	Sponsor of Motion	Nature of Instruction	Disposition (vote)	Date of Action
			Kennedy	<p>To insist that the Senate provisions increasing need based financial aid in the bill S. 1932, which were fully offset by savings in the bill S. 1932, be included in the final conference report and that the House provisions in the bill H.R. 4241 that impose new fees and costs on students in school and in repayment be rejected in the final conference report, for the following reasons:</p> <p>(1) The cost of public college tuition and fees has increased by 46 percent since 2001.</p> <p>(2) The lowest income student at a 4-year public college faces an average of \$5,800 in unmet need.</p> <p>(3) For families in the lowest income quartile, the average cost of attendance at a 4- year public college represents 47 percent of their income.</p> <p>(4) More than 5,300,000 students received Federal Pell Grants in 2004 through 2005.</p> <p>(5) The buying power of the maximum Federal Pell Grant has decreased from 57 percent of public college tuition to 33 percent in the last 20 years.</p> <p>(6) The gap between the cost of attendance at a 4-year public college and the maximum Federal Pell Grant has increased from \$5,282 in 2001 to \$8,077 in 2005 through 2006.</p> <p>(7) The typical student who borrows money graduates with a bachelor's degree from a public college with \$15,500 of debt.</p> <p>(8) A person with a bachelor's degree makes \$1,000,000 more over the course of the person's lifetime than a person with only a high school degree.</p>	Agreed to (83-8)	12-14-2005

Fiscal Year	Congress/ Session	Bill number	Sponsor of Motion	Nature of Instruction	Disposition (vote)	Date of Action
			Reed	<p>To insist on a provision that makes available \$2,920,000,000 for the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), in addition to the \$2,183,000,000 made available for such Act in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006, for the following reasons:</p> <p>(1) High energy prices threaten to overcome low-income households in the United States. On average, households heating their homes primarily with natural gas will likely spend 38 percent more for home energy this winter than last winter. Households heating their homes primarily with heating oil will likely spend 21 percent more for home energy this winter than last winter. Households heating their homes primary with propane will likely spend 15 percent more for home energy this winter than last winter. For many low-income households, including households with individuals with disabilities or senior citizens living on fixed incomes, those price increases will make home energy unaffordable.</p> <p>(2) An appropriation of \$2,920,000,000 would bring funding for the Low-Income Home Energy Assistance Act of 1981 for FY2006 to \$5,100,000,000, the amount authorized in section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)), as amended by the Energy Policy Act of 2005, for FY2006.</p> <p>(3) In the United States, no family should be forced to choose between heating its home and putting food on the table for its children. No senior citizen should have to decide between buying lifesaving pharmaceuticals or paying the senior citizen's electric bill.</p>	Agreed to (63-28)	12-14-2005

Fiscal Year	Congress/ Session	Bill number	Sponsor of Motion	Nature of Instruction	Disposition (vote)	Date of Action
		H.R. 4297	Grassley	To insist on the inclusion in the final conference report of the funding to support the health needs of America's veterans and military personnel contained in section 315 of the Senate amendment and the funding to strengthen America's military contained in title VI of the Senate amendment.	Agreed to (92-0)	02-13-2006
			Dodd	To insist on the inclusion in the final conference report of the funding to support the health needs of America's veterans and military personnel contained in section 315 of the Senate amendment instead of any extension of the tax breaks for capital gains and dividends for individuals with annual incomes greater than \$1,000,000.	Failed (40-53)	02-13-2006
			Grassley	To report a final conference report that includes the "hold-harmless" relief from the individual alternative minimum tax in 2006 (sections 106 and 107 of the amendment passed by the Senate) to protect middle class families and includes an extension of lower tax rates on capital gains and dividends (based on section 203 of the bill passed by the House of Representatives) to protect tax cuts for middle class families.	Agreed to (53-47)	02-14-2006
			DeWine	To accept the veterans' mortgage bonds expansion provisions contained in section 303 of the bill as passed by the House of Representatives with such revisions as are necessary to provide veterans in all 50 States with access to lower-rate mortgages.	Agreed to (voice vote)	02-14-2006

Fiscal Year	Congress/ Session	Bill number	Sponsor of Motion	Nature of Instruction	Disposition (vote)	Date of Action
			Wyden	<p>To insist on a provision that repeals accelerated depreciation for geologic and geophysical costs for oil and gas exploration by the 5 major oil companies for the following reasons: (1) In April 2005, President Bush stated that “With \$55 oil, we don’t need incentives for oil and gas companies to explore.” On February 10, 2006, oil futures trading on the New York Mercantile Exchange closed at \$61.84 per barrel. (2) At a November 9, 2005, joint hearing of the Committee on Energy and Natural Resources and the Committee on Commerce, Science, and Transportation, the Chief Executives of ExxonMobil, ChevronTexaco, ConocoPhillips, BP, and Shell all testified that the new tax breaks in the Energy Policy Act of 2005 were unnecessary for their companies to explore for oil. Accelerated depreciation for geologic and geophysical costs for oil and gas exploration is one of the new tax breaks provided by the Energy Policy Act of 2005. (3) The Joint Committee on Taxation estimates that this special interest tax break for major oil companies costs the taxpayers and the United States Treasury more than \$100,000,000 over the next 5 years and almost \$300,000,000 over 10 years. The United States taxpayers will have to pay higher taxes to provide this tax break for big oil companies.</p> <p>(4) In 2005, the 5 major oil companies whose Chief Executives testified before the joint hearing of the Committee on Energy and Natural Resources and the Committee on Commerce, Science, and Transportation reported net profits of more than \$111,000,000,000.</p> <p>(5) At a time of record high oil company profits and high Federal budget deficits, hardworking American taxpayers should not have to provide record subsidies to major oil companies. Congress should eliminate this special interest tax break for the largest oil companies that even these oil companies say is not needed.</p>	Agreed to (voice vote)	02-14-2006

Fiscal Year	Congress/ Session	Bill number	Sponsor of Motion	Nature of Instruction	Disposition (vote)	Date of Action
			Talent	To insist on the inclusion in the final conference report of a permanent extension of the modifications to the child tax credit made by the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Jobs and Growth Tax Relief Reconciliation Act of 2003.	Agreed to (voice vote)	02-14-2006
			Hutchison	To insist on the inclusion in the final conference report of a permanent extension of the election to deduct State and local general sales taxes (based on section 105 of the amendment passed by the Senate).	Agreed to (75-25)	02-14-2006
			Kennedy	To reject the extension of the capital gains and dividends rate reduction contained in section 203 of the bill as passed by the House of Representatives.	Failed (47-53)	02-14-2006
			Reed	To insist on the inclusion in the final conference report of the funding to strengthen America's military contained in title VI of the Senate amendment instead of any extension of the tax cuts for capital gains and dividends, which does not expire until 2009, contained in section 203 of the bill as passed by the House of Representatives.	Failed (45-55)	02-14-2006
			Lautenberg	To report a final conference report that does not increase the national debt of the United States.	Failed (46-54)	02-14-2006
2007	109/2	—	—	[no final agreement on budget resolution]	—	—
2008	110/1	H.R. 2669	—	[none]	—	—
2009	110/2	—	—	[no reconciliation directives]	—	—

Source: Prepared by the Congressional Research Service.

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Acknowledgments

Momoko Soltis, formerly an Analyst on Congress and the Legislative Process with CRS, coauthored the initial version of this report.