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Debt Limit Legislation: The House “Gephardt Rule”

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Summary

Essentially all of the outstanding debt of the federal government is subject to a statutory limit, which is set forth as a dollar limitation in Title 31, Section 3101(b), of the *U.S. Code*. From time to time, Congress considers and passes legislation to adjust or suspend this limit.

At the beginning of the 118th Congress, the House repealed a rule that allowed for the automatic passage of legislation suspending the debt limit (i.e., without a separate vote). That House rule (previously Rule XXVIII during the 116th and 117th Congresses) provided for legislation suspending the statutory debt limit to be considered as passed by the House, without a separate vote, when the House adopted the budget resolution for a fiscal year. It was similar to a previous one related to the debt limit (commonly referred to as the "Gephardt rule," named after its original sponsor, former Representative Richard Gephardt), which was first adopted in 1979 but was repealed at the beginning of the 112th Congress in 2011.

The House may consider debt limit legislation without any particular debt limit rule either as freestanding legislation, as part of another measure, or as part of a budget reconciliation bill.

The Gephardt rule has been included in the House standing rules for 33 of the 43 years since 1980, when the rule first applied, and through 2022, before it was repealed at the beginning of the 118th Congress. In 16 of the 33 years, however, either the rule was suspended or the respective budget resolution was not adopted. Therefore, in those 16 years, the Gephardt rule did not trigger automatically engrossed debt limit legislation. In other words, in just over half of the years in which the Gephardt rule existed (17 of the 33 years), debt limit legislation was automatically engrossed and sent to the Senate, without a separate vote, when the budget resolution was adopted.

During these 17 years, the Gephardt rule led to the automatic engrossment of 20 House joint resolutions increasing the statutory limit on the public debt. In effect, under the rule, in these cases, the House was able to initiate legislation that increased the debt limit without a separate, direct vote on the legislation. Of these 20 joint resolutions, 15 became law. In 10 of these 15 cases, the Senate passed the measure without change, allowing it to be sent to the President for his signature without any further action by the House. However, in the remaining five cases, the Senate amended the rule-initiated legislation, requiring the House to vote on the amended legislation before it could be sent to the President.

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Essentially all of the outstanding debt of the federal government is subject to a statutory limit, which is set forth as a dollar limitation in Title 31, Section 3101(b), of the *U.S. Code*. From time to time, Congress considers and passes legislation to adjust or suspend this limit.¹ Legislation adjusting the debt limit takes the form of an amendment to Section 3101(b), usually striking the current dollar limitation and inserting a new one.² In recent years, such legislation has also taken the form of suspending the debt limit through a date certain with an increase to the dollar limit made administratively at the end of the suspension period.³

Former House Rule XXVIII (commonly referred to as the "Gephardt rule," named after its original author, former Representative Richard Gephardt) allowed the House to pass debt limit legislation without requiring a separate vote on the initial consideration of such legislation. The rule, as it was first applied in calendar year 1980, provided for the automatic engrossment of a House joint resolution changing the statutory limit on the public debt when the House and Senate adopted the budget resolution.⁴ At the beginning of the 116th Congress (2019-2020), the rule was modified to provide for the automatic engrossment of legislation *suspending* the debt limit *when just the House adopted* the budget resolution. Most recently, however, at the beginning of the 118th Congress (2023-2024), the House repealed Rule XXVIII.

Currently, the House may consider debt limit legislation either as freestanding legislation, as part of another measure, or as part of a budget reconciliation bill.⁵ Notably, even when the Gephardt rule was part of the House rules, the House often initiated or considered debt limit legislation under other legislative procedures.

The Senate has never had a procedure comparable to the Gephardt rule. If the Senate chose to consider a Gephardt-rule-originated House joint resolution, it did so under its regular legislative process.

This report first explains the former House debt limit rule—its more recent modified form (during the 116th and 117th Congresses) and its original form (prior to the 112th Congress). Then, it describes the legislative history of the former rule. The report concludes with a review of how the Gephardt rule operated from its first year (1980) until its repeal at the beginning of the 118th Congress.

This report updates the previous one (dated February 13, 2019) with information on its application during the previous two Congresses (116th and 117th), its repeal at the beginning of the 118th Congress, and certain revisions for clarity.

¹ For more information on the debt limit, see CRS In Focus IF10292, *The Debt Limit*; CRS Report R43389, *The Debt Limit Since 2011*; and CRS Report R41814, *Votes on Measures to Adjust the Statutory Debt Limit, 1978 to Present*.

² See, for example, most recently S.J.Res. 33, P.L. 117-73, enacted on December 16, 2021, which increased the debt limit by \$2.5 trillion.

³ See, for example, most recently the Fiscal Responsibility of 2023 (H.R. 3746), which included a provision (Division D) to suspend the debt limit through January 1, 2025 (P.L. 118-5, enacted on June 3, 2023).

⁴ The budget resolution (formally the concurrent resolution on the budget) sets forth a congressional budget, at a highly aggregate level, and provides a framework, including enforcement procedures, for the consideration of spending and revenue legislation. For further information, see CRS Report RL30297, *Congressional Budget Resolutions: Historical Information*.

⁵ For more information on these alternative procedures, see CRS Report RS21519, *Legislative Procedures for Adjusting the Public Debt Limit: A Brief Overview*.

Features of the Former House Debt Limit Rule

Former House Rule XXVIII, in its more recent form (i.e., as modified at the beginning of the 116th Congress), required that, when the House adopted the budget resolution for a fiscal year, the House clerk automatically engross and transmit to the Senate a joint resolution suspending the public debt limit through the end of that year.⁶ In other words, the House would pass such legislation suspending the debt limit without a separate vote on the debt limit legislation. Instead of a separate vote, the rule stipulated that the vote on the budget resolution was to be considered as the vote on the debt limit legislation.⁷

This most recent form of the House debt limit rule differed from the previous form (i.e., prior to the 112th Congress) in two respects (see **Table 1**). First, the previous form of the rule triggered the automatically engrossed legislation when both the House and the Senate agreed to the budget resolution rather than just the House. Second, under the previous form, the debt limit legislation would provide for a specific new debt limit amount instead of suspending the debt limit. The specific new debt limit amount would be equal to the estimated additional borrowing during the fiscal year necessary to accommodate the policies assumed in the budget resolution (i.e., those maintaining existing law and any new policies).

Table 1. Key Features of Former House Debt-Limit Rule

| | Legislative Action That Triggered Automatic Engrossment of Debt Limit Legislation | Content of Automatically Engrossed Debt Limit Legislation |
|---|--|--|
| Prior to 112 th Congress | House and Senate adopt the budget resolution for a fiscal year | Change to the debt limit "equal to the appropriate level of the public debt" in the respective budget resolution |
| During 116 th and 117 th Congresses | House adopts the budget resolution for a fiscal year | Suspension of debt limit until end of respective fiscal year |

Sources: House Rule XXVIII, as adopted for the 111th Congress and the 116th Congress (see **Appendix**).

Note: House Rule XXVII was repealed at the beginning of the 118th Congress.

The Gephardt rule (in either form) did not affect the House Ways and Means Committee's exclusive jurisdiction over debt limit legislation.⁸

The full text of both forms of the Gephardt rule is provided in the **Appendix**.

Legislative History of the Gephardt Rule

The Gephardt rule, initially codified as Rule XLIX of the standing rules of the House, was established by Title II of P.L. 96-78, an act to provide for a temporary increase in the public debt

⁶ The rule would also be triggered by a revision to the budget resolution under Section 304 of the Budget Act (codified at 2 U.S.C. §635).

⁷ That is, when Members voted to adopt the budget resolution, they were also voting for the debt limit legislation.

⁸ In the Senate, the Finance Committee has exclusive jurisdiction over debt limit legislation.

limit.⁹ The House adopted the legislation (H.R. 5369) by a vote of 219-198 on September 26, 1979.¹⁰

During consideration of the measure, Representative Gephardt explained that the purpose of the new House rule was to place the consideration of the public debt limit within the context of the overall budget policies contained in the budget resolution for each fiscal year. He stated that the new automatic engrossment process

puts the consideration of the appropriate level for the debt ceiling where it legitimately and logically belongs. That is in the context of when we vote for the spending that creates the need to change the debt ceiling.¹¹

One of the aggregate amounts required to be included in the budget resolution is the appropriate level of the public debt.¹² The budget resolution, however, does not become law. Therefore, if the specified level exceeded the existing public debt limit, the enactment of subsequent legislation would be necessary to implement the respective budget policies of the budget resolution. The Gephardt rule enabled the House to combine, into a single step, completing action on the budget resolution and passing debt limit legislation. In addition, it was intended to reduce the amount of time spent and the number of votes in the House and in committees on raising the public debt limit. As further stated by Gephardt, the new process

will free up time in the House and in our committees to more appropriately deal with the very important matters that indeed determine how much money we spend and how high we have to raise the public debt ceiling.¹³

In its original form, the rule required the engrossment of a joint resolution changing the *temporary* public debt limit.¹⁴ In addition, in practice, the original rule triggered a separate joint resolution for each debt limit amount included in the budget resolution—leading to two joint resolutions automatically engrossed (and sent to the Senate) for each of the FY1981, FY1982, and FY1983 budget resolutions (see **Table 2**).

In 1983, the separate temporary and permanent statutory limits on the public debt were combined into one permanent statutory limit (P.L. 98-34).¹⁵ Subsequently, the House amended the Gephardt rule to reflect this change (H.Res. 241)—that is, the automatically engrossed joint resolution

⁹ For a comprehensive description of all the changes to the rule and its application, see the Parliamentarian's annotations to the rule (last codified as Rule XXVIII) in U.S. Congress, *Constitution, Jefferson's Manual, and Rules of the House of Representatives of the United States, One Hundred Seventeenth Congress, 116th Cong., 2nd sess.*, H.Doc. 116-177 (Washington: GPO, 2021), §1104.

¹⁰ For the consideration in the House, see *Congressional Record*, vol. 125 (September 26, 1979), pp. 26337-26350. The Senate passed H.R. 5369 by a vote of 49-29 on September 28, 1979. For the subsequent consideration in the Senate (which passed the legislation without any changes), see *Congressional Record*, vol. 125 (September 28, 1979), pp. 26669-26691. The President signed the legislation into law on September 29, 1979.

¹¹ *Congressional Record*, vol. 125 (September 26, 1979), p. 26342.

¹² As the budget resolution has evolved over time from a single-year time frame to a multiyear time frame, the budget resolution has gone from including a debt limit level for only one fiscal year to including debt limit levels for each fiscal year over a multiyear period.

¹³ *Congressional Record*, vol. 125 (September 26, 1979), p. 26342.

¹⁴ At the time, the public debt was limited by a permanent amount and by an additional amount for a certain time period (i.e., a temporary increase). Debt limit legislation typically increased the temporary limit (specifying the time period) and periodically increased the permanent limit.

¹⁵ For background information on this change, see U.S. Congress, House Committee on Ways and Means, *Increase of Public Debt Limit*, report to accompany H.R. 2990, 98th Cong., May 13, 1983, H.Rept. 98-121 (Washington: GPO, 1983).

would contain a change to the *permanent* statutory limit.¹⁶ In addition, the rule was amended to automatically engross a *single* joint resolution changing the debt limit when the House and Senate adopted the budget resolution.¹⁷ In explaining the rules change, Representative Butler C. Derrick stated the following:

The Committee on Rules ... believes that it is unnecessary and confusing to have ... a single concurrent resolution on the budget trigger the engrossment and passage of two separate joint resolutions to increase or decrease the public debt [limit].¹⁸

At the beginning of the 106th Congress (1999-2000), the House recodified the rule as House Rule XXIII. Certain language was deleted and modified from the existing rule, but the revisions were intended to continue the automatic engrossment process "without substantive change."¹⁹

The House repealed the rule at the beginning of the 107th Congress (2001-2002).²⁰ However, on the opening day of the 108th Congress (2003-2004), the House reinstated this automatic debt limit legislation engrossment process as a new rule, Rule XXVII.²¹ The reinstated rule contained the same language as Rule XXIII of the 106th Congress.

The rule was redesignated (without change) as Rule XXVIII during the 110th Congress by the Honest Leadership and Open Government Act of 2007.²²

Then, at the beginning of the 112th Congress (2011-2012), the House repealed the rule.²³ It was not included in the House standing rules through the 115th Congress (2017-2018).

At the beginning of the 116th Congress (2019-2020), the debt limit rule was reinstated, in a modified form, in the standing rules, once again as Rule XXVIII.²⁴ The modified form, as

¹⁶ H.Res. 241 (98th Congress), adopted by voice vote on June 23, 1983. See *Congressional Record*, vol. 129 (June 23, 1983), pp. 17162-17164.

¹⁷ Under the amended rule, the engrossed joint resolution would still, if necessary, accommodate a temporary and permanent debt limit. As described in the Parliamentarian's annotations, the amended rule

provided that where a budget resolution contains more than one public debt limit figure (for the current and the next fiscal year), only one joint resolution be engrossed, containing the debt limit figure for the current fiscal year with a time limitation, and the debt limit figure for the following fiscal year as the permanent limit.

U.S. Congress, *Constitution, Jefferson's Manual, and Rules of the House of Representatives of the United States, One Hundred Seventeenth Congress*, 116th Cong., 2nd sess., H.Doc. 116-177 (Washington: GPO, 2021), §1104, p. 1050.

¹⁸ *Congressional Record*, vol. 129 (June 23, 1983), p. 17163.

¹⁹ See *Congressional Record*, vol. 145 (January 6, 1999), pp. 206-208; or U.S. Congress, House Committee on Rules, *The Recodification of the Rules of the House of Representatives*, committee print, 106th Cong., 1st sess. (Washington: GPO, 1999), pp. 172-174.

²⁰ Section 2(s)(1) of H.Res. 5, adopted on January 3, 2001. See *Congressional Record*, vol. 147 (January 3, 2001), pp. 24-37.

²¹ Section 2(t) of H.Res. 5, adopted on January 7, 2003. See *Congressional Record*, vol. 149 (January 7, 2003), pp. 7-21.

²² Section 301(a) of P.L. 110-81, enacted on September 14, 2007. The act added a new House rule (designated as Rule XXVII) relating to Member and staff disclosure of negotiations regarding future employment and compensation and shifting forward the existing debt limit legislation rule (as well as a rule relating to general parliamentary procedures).

²³ Section 2(d)(2) of H.Res. 5, adopted on January 5, 2011. See *Congressional Record*, vol. 157, part 1 (January 5, 2011), pp. 80-102.

²⁴ Section 102(jj) of H.Res. 6, adopted on January 3, 2019. See *Congressional Record*, daily edition, vol. 165 (January 3, 2019), pp. H17-H32.

previously discussed, provided for the automatic engrossment of a joint resolution *suspending* the debt limit *when the House adopted* the budget resolution for a fiscal year.²⁵

Finally, at the beginning of the 118th Congress (2023-2024), the House repealed the debt limit rule.²⁶

Operation of the Gephardt Rule

The Gephardt rule has been included in the House standing rules for 33 of the 43 years since 1980, when the rule first applied, and through 2022, before it was repealed at the beginning of the 118th Congress.²⁷ In 16 of the 33 years, however, either the rule was suspended or the respective budget resolution was not adopted. Therefore, in those 16 years, the Gephardt rule did not trigger automatically engrossed debt limit legislation. In other words, in just over half of the years in which the Gephardt rule existed (17 of the 33 years), debt limit legislation was automatically engrossed and sent to the Senate, without a separate vote, when the budget resolution was adopted.

For those 17 years, **Table 2** provides information on the debt limit legislation originated by the Gephardt rule. Pursuant to the rule, these joint resolutions (changing the public debt limit) were deemed passed by the House, engrossed, and sent to the Senate.

In all, the House originated 20 joint resolutions under the Gephardt rule. The first seven of these 20 joint resolutions originated under the rule in its initial form, resulting in multiple measures for each of the first three fiscal years covered. The subsequent 13 joint resolutions originated under the 1983 modification of the rule, which provided for a single joint resolution for each budget resolution adopted by Congress. No joint resolutions originated under the more recent 2019 version of the rule, which provided for the automatic engrossment of legislation suspending the debt limit when the House adopted a budget resolution.

The Senate passed 16 of the 20 joint resolutions that were automatically engrossed pursuant to the Gephardt rule, passing 10 without amendment and six with amendments.²⁸ The 10 joint resolutions passed without amendment were sent to the President and signed into law. The six joint resolutions amended by the Senate, however, required further House action in order to be sent to the President. Of these six joint resolutions, the House took affirmative action on five of them, leading to those five being sent to the President and signed into law.²⁹ In sum, 15 of the 20 Gephardt-rule-originated joint resolutions became law—with the House never directly voting on the passage of 10 of these, pursuant to the Gephardt rule.

²⁵ At that time, the previous five debt limit bills signed into law suspended the debt limit to a specific date (Title III of P.L. 115-123; Division C of P.L. 115-56; Section 901 of P.L. 114-74; Section 2 of P.L. 113-83; and Section 1002 of P.L. 113-46).

²⁶ Section 2(a)(2) of H.Res. 5, adopted on January 9, 2023. See *Congressional Record*, daily edition, vol. 169 (January 9, 2023), pp. H51-H73.

²⁷ Those years include 1980-2000 (96th Congress, 2nd session, through 106th), 2003-2010 (108th-111th), and 2019-2022 (116th-117th).

²⁸ Of the remaining four joint resolutions, the Senate began consideration on one but came to no resolution on it and it took no action on three.

²⁹ In two cases, the House agreed to the Senate amendment to the joint resolution (H.J.Res 280 and H.J.Res 45). In the other three cases, the House agreed to the respective conference report after resolving its differences with the Senate through a conference committee (H.J.Res 308, H.J.Res 372, and H.J.Res 324). On the remaining joint resolution amended by the Senate, the House took no action on the Senate's request for a conference (H.J.Res 668).

Overall, since 1980, the Gephardt rule has arguably had a limited role in the enactment of debt limit legislation. Most of the laws that included a change to, or suspension of, the debt limit did not originate pursuant to the Gephardt rule. Between 1980 and 2022, a total of 57 measures were enacted that included changes to, or suspension of, the public debt limit, either by itself or combined with other policy changes.³⁰ While the Gephardt rule originated about a quarter (26.3%) of these measures, less than a fifth (17.5%) of the 57 measures were enacted without a separate vote by the House. In other words, over four-fifths (82.5%) of the 57 measures required the House to vote on such legislation.

Table 2. House Joint Resolutions Increasing the Debt Limit Automatically Engrossed Pursuant to the Gephardt Rule

| Congress | Budget Resolution (Fiscal Year) | Debt Limit Legislation | | |
|-------------------|---------------------------------|-----------------------------------|---|--|
| | | Joint Resolution (Date Engrossed) | Senate Initial Disposition (Date of Action) | Final Disposition (Date of Action) |
| 96 th | H.Con.Res. 307 (FY1981—first) | H.J.Res. 569 (06-13-1980) | Passed without amendment (06-26-1980) | P.L. 96-286 (06-28-1980) |
| | | H.J.Res. 570 (06-13-1980) | Passed without amendment (12-12-1980) | P.L. 96-556 (12-19-1980) |
| | H.Con.Res. 448 (FY1981—second) | H.J.Res. 636 (11-21-1980) | Laid aside (12-12-1980) | — |
| 97 th | H.Con.Res. 115 (FY1982) | H.J.Res. 265 (05-21-1981) | Passed without amendment (09-29-1981) | P.L. 97-49 (09-30-1981) |
| | | H.J.Res. 266 (05-21-1981) | Passed without amendment (09-29-1981) | P.L. 97-48 (09-30-1981) |
| | S.Con.Res. 92 (FY1983) | H.J.Res. 519 (06-23-1982) | Passed without amendment (06-23-1982) | P.L. 97-204 (06-28-1982) |
| | | H.J.Res. 520 (06-23-1982) | Passed without amendment (09-23-1982) | P.L. 97-270 (09-30-1982) |
| 98 th | H.Con.Res. 91 (FY1984) | H.J.Res. 308 (06-27-1983) | Passed, amended (11-17-1983) | P.L. 98-161 (11-21-1983) |
| | H.Con.Res. 280 (FY1985) | H.J.Res. 654 (10-01-1984) | Passed without amendment (10-12-1984) | P.L. 98-475 (10-13-1984) |
| 99 th | S.Con.Res. 32 (FY1986) | H.J.Res. 372 (08-01-1985) | Passed, amended (10-10-1985) | P.L. 99-177 (12-12-1985) |
| | S.Con.Res. 120 (FY1987) | H.J.Res. 668 (06-26-1986) | Passed, amended (08-09-1986) | Senate requested conference (08-09-1986) and no further action was taken |
| 100 th | H.Con.Res. 93 (FY1988) | H.J.Res. 324 (06-23-1987) | Passed, amended (07-31-1987) | P.L. 100-119 (09-29-1987) |

³⁰ For a listing of 57 changes between 1980 and 2022, see Table 7.3 in Office of Management and Budget, *Historical Tables, Budget of the U.S. Government, Fiscal Year 2024* (Washington: GPO, 2023). For more information about the House and Senate votes on these measures, see CRS Report R41814, *Votes on Measures to Adjust the Statutory Debt Limit, 1978 to Present*.

| Congress | Budget Resolution (Fiscal Year) | Debt Limit Legislation | | |
|-------------------|--|---|--|---------------------------------------|
| | | Joint Resolution (Date Engrossed) | Senate Initial Disposition (Date of Action) | Final Disposition (Date of Action) |
| | H.Con.Res. 268 (FY1989) | Rule suspended—existing limit sufficient (see Table A-1) | | |
| 101 st | H.Con.Res. 106 (FY1990) | H.J.Res. 280 (05-17-1989) | Passed, amended (11-07-1989) | P.L. 101-140 (11-08-1989) |
| | H.Con.Res. 310 (FY1991) | Rule suspended—House had acted on other debt limit legislation (see Table A-1) | | |
| 102 nd | H.Con.Res. 121 (FY1992) | Rule suspended—existing limit sufficient (see Table A-1) | | |
| | H.Con.Res. 287 (FY1993) | H.J.Res. 494 (05-21-1992) | No action taken | — |
| 103 rd | H.Con.Res. 64 (FY1994) | H.J.Res. 174 (03-31-1993) | No action taken | — |
| | H.Con.Res. 218 (FY1995) | Rule suspended—existing limit sufficient (see Table A-1) | | |
| 104 th | H.Con.Res. 67 (FY1996) | Rule suspended—separate vote on debt limit legislation (see Table A-1) | | |
| | H.Con.Res. 178 (FY1997) | Rule suspended—existing limit sufficient (see Table A-1) | | |
| 105 th | H.Con.Res. 84 (FY1998) | Rule suspended—House expected to consider other legislation containing change to debt limit (see Table A-1) | | |
| | — ^a (FY1999) | — | — | — |
| 106 th | H.Con.Res. 68 (FY2000) | Rule suspended—existing limit sufficient (see Table A-1) | | |
| | H.Con.Res. 290 (FY2001) | Rule suspended—existing limit sufficient (see Table A-1) | | |
| 107 th | Gephardt rule was repealed at the beginning of the 107 th Congress. | | | |
| 108 th | H.Con.Res. 95 (FY2004) | H.J.Res. 51 (04-11-2003) | Passed without amendment (05-23-2003) | P.L. 108-24 (05-27-2003) |
| | — ^a (FY2005) | — | — | — |
| 109 th | H.Con.Res. 95 (FY2006) | H.J.Res. 47 (04-28-2005) | Passed without amendment (03-16-2006) | P.L. 109-182 (03-20-2006) |
| | — ^a (FY2007) | — | — | — |
| 110 th | S.Con.Res. 21 (FY2008) | H.J.Res. 43 (05-17-2007) | Passed without amendment (09-27-2007) | P.L. 110-91 (09-29-2007) |
| | S.Con.Res. 70 (FY2009) | H.J.Res. 92 (06-05-2008) | No action taken | — |
| 111 th | S.Con.Res. 13 (FY2010) | H.J.Res. 45 (04-29-2009) | Passed, amended (01-28-2010) | P.L. 111-139 (02-12-2010) |

| Congress | Budget Resolution (Fiscal Year) | Debt Limit Legislation | | |
|-------------------|--|--|--|---------------------------------------|
| | | Joint Resolution (Date Engrossed) | Senate Initial Disposition (Date of Action) | Final Disposition (Date of Action) |
| | — ^a (FY2011) | — | — | — |
| 112 th | Gephardt rule was repealed at the beginning of the 112 th Congress and was not part of House standing rules through the 115 th Congress. | | | |
| 113 th | | | | |
| 114 th | | | | |
| 115 th | | | | |
| 116 th | — ^a (FY2020) | — | — | — |
| 117 th | H.Con.Res. 11 (FY2021) | Rule suspended—no explanation publicly available (see Table A-1) | | |
| | S.Con.Res. 14 (FY2022) | Rule suspended—no explanation publicly available (see Table A-1) | | |
| | — ^a (FY2023) | — | — | — |

Sources: Information compiled from Congress.gov and the *Congressional Record*.

Notes: The Gephardt rule originally provided for the automatic engrossment of a House joint resolution increasing the public debt limit when the House and Senate agreed to the conference report on a budget resolution. It was first established in the 96th Congress (1979-1980), to apply beginning with the budget resolution for FY1981. The rule was repealed at the beginning of the 107th Congress (2001-2002), restored at the beginning of the next Congress (108th, 2003-2004), and repealed again at the beginning of the 112th Congress (2011-2012). At the beginning of the 116th Congress (2019-2020), the rule was reinstated in a modified form—the House joint resolution would *suspend the debt limit* and would be automatically engrossed *when the House adopted the budget resolution*. At the beginning of the 118th Congress, the rule was again repealed. In addition, during the Congresses in which the rule was part of the House standing rules, the House agreed to suspend the rule with respect to the adoption of certain budget resolutions, as noted.

- a. During the time in which the Gephardt rule was part of the House standing rules, the House and Senate did not complete action on a budget resolution for FY1999, FY2005, FY2007, and FY2011 (as required prior to the changes made at the beginning of the 116th Congress), and the House did not adopt a budget resolution for FY2020 and FY2023 (as required after the changes made at the beginning of the 116th Congress). In such cases, no House joint resolution related to the debt limit was automatically engrossed.

Appendix. Additional Information on the Gephardt Rule

Text of Former House Debt Limit Rules

Modified Version in 116th and 117th Congresses

RULE XXVIII

STATUTORY LIMIT ON THE PUBLIC DEBT

1. Upon adoption by the House of a concurrent resolution on the budget under section 301 or 304 of the Congressional Budget Act of 1974, the Clerk shall prepare an engrossment of a joint resolution suspending the statutory limit on the public debt in the form prescribed in clause 2. Upon engrossment of the joint resolution, the vote by which the concurrent resolution on the budget was adopted by the House shall also be considered as a vote on passage of the joint resolution in the House, and the joint resolution shall be considered as passed by the House and duly certified and examined. The engrossed copy shall be signed by the Clerk and transmitted to the Senate for further legislative action.
2. The matter after the resolving clause in a joint resolution described in clause 1 shall be as follows: ‘Section 3101(b) of title 31, United States Code, shall not apply for the period beginning on the date of enactment and ending on September 30, .’ with the blank being filled with the budget year for the concurrent resolution.
3. Nothing in this rule shall be construed as limiting or otherwise affecting—
 - (a) the power of the House or the Senate to consider and pass bills or joint resolutions, without regard to the procedures under clause 1, that would change the statutory limit on the public debt; or
 - (b) the rights of Members, Delegates, the Resident Commissioner, or committees with respect to the introduction, consideration, and reporting of such bills or joint resolutions.
4. In this rule the term ‘statutory limit on the public debt’ means the maximum face amount of obligations issued under authority of chapter 31 of title 31, United States Code, and obligations guaranteed as to principal and interest by the United States (except such guaranteed obligations as may be held by the Secretary of the Treasury), as determined under section 3101(b) of such title after the application of section 3101(a) of such title, that may be outstanding at any one time.

Version Prior to 112th Congress

RULE XXVIII

STATUTORY LIMIT ON PUBLIC DEBT

1. Upon adoption by Congress of a concurrent resolution on the budget under section 301 or 304 of the Congressional Budget Act of 1974 that sets forth, as the appropriate level of the public debt for the period to which the concurrent resolution relates, an amount that is different from the amount of the statutory limit on the public debt that otherwise would be in effect for that period, the Clerk shall prepare an engrossment of a joint resolution increasing or decreasing, as the case may be, the statutory limit on the public debt in the form prescribed in clause 2. Upon engrossment of the joint resolution, the vote by which the concurrent resolution on the budget

was finally agreed to in the House shall also be considered as a vote on passage of the joint resolution in the House, and the joint resolution shall be considered as passed by the House and duly certified and examined. The engrossed copy shall be signed by the Clerk and transmitted to the Senate for further legislative action.

2. The matter after the resolving clause in a joint resolution described in clause 1 shall be as follows: "That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof '\$ _____'.", with the blank being filled with a dollar limitation equal to the appropriate level of the public debt set forth pursuant to section 301(a)(5) of the Congressional Budget Act of 1974 in the relevant concurrent resolution described in clause 1. If an adopted concurrent resolution under clause 1 sets forth different appropriate levels of the public debt for separate periods, only one engrossed joint resolution shall be prepared under clause 1; and the blank referred to in the preceding sentence shall be filled with the limitation that is to apply for each period.

3. (a) The report of the Committee on the Budget on a concurrent resolution described in clause 1 and the joint explanatory statement of the managers on a conference report to accompany such a concurrent resolution each shall contain a clear statement of the effect the eventual enactment of a joint resolution engrossed under this rule would have on the statutory limit on the public debt.

(b) It shall not be in order for the House to consider a concurrent resolution described in clause 1, or a conference report thereon, unless the report of the Committee on the Budget or the joint explanatory statement of the managers complies with paragraph (a).

4. Nothing in this rule shall be construed as limiting or otherwise affecting—

(a) the power of the House or the Senate to consider and pass bills or joint resolutions, without regard to the procedures under clause 1, that would change the statutory limit on the public debt; or

(b) the rights of Members, Delegates, the Resident Commissioner, or committees with respect to the introduction, consideration, and reporting of such bills or joint resolutions.

5. In this rule the term "statutory limit on the public debt" means the maximum face amount of obligations issued under authority of chapter 31 of title 31, United States Code, and obligations guaranteed as to principal and interest by the United States (except such guaranteed obligations as may be held by the Secretary of the Treasury), as determined under section 3101(b) of such title after the application of section 3101(a) of such title, that may be outstanding at any one time.

Table A-1. Information Regarding Instances in Which the Gephardt Rule Was Suspended

| Congress | Budget Resolution (Fiscal Year) | Information Regarding the Suspension of the Gephardt Rule |
|-------------------|---------------------------------|--|
| 100 th | H.Con.Res. 268 (FY1989) | The House agreed to suspend the rule with respect to the adoption of the conference report to accompany H.Con.Res. 268 (see Section 3 of H.Res. 461, which provided for the consideration of the conference report). According to comments by Representatives Butler C. Derrick and Delbert L. Latta, during the consideration of H.Res. 461, there was no need to increase the debt limit at that time. See <i>Congressional Record</i> , vol. 134 (May 26, 1988), pp. 12529-12530. |

| Congress | Budget Resolution (Fiscal Year) | Information Regarding the Suspension of the Gephardt Rule |
|-------------------|---------------------------------|---|
| 101 st | H.Con.Res. 310 (FY1991) | The House agreed to suspend the rule with respect to the adoption of "any conference report" to accompany H.Con.Res. 310 (see Section 5 of H.Res. 496, which recommitted the first conference report and provided for the consideration of any subsequent conference report). The House had previously suspended the rule with respect to the adoption of the first conference report to accompany H.Con.Res. 310 (see Section 5 of H.Res. 488), but the House rejected that conference report. During the consideration of H.Res. 488, Representative Derrick indicated that originating new debt legislation was not necessary because the House had previously passed and sent to the Senate legislation (H.R. 5355) providing for a long-term increase in the debt limit. See <i>Congressional Record</i> , vol. 136 (October 4, 1990), p. 27590. |
| 102 nd | H.Con.Res. 121 (FY1992) | The House agreed to suspend the rule with respect to the adoption of the conference report to accompany H.Con.Res. 121 (see Section 2 of H.Res. 157, which provided for the consideration of the conference report). According to comments by Representative Derrick, during consideration of H.Res. 157, the rule was suspended because the previous year's reconciliation act (P.L. 101-508) provided a sufficient increase. See <i>Congressional Record</i> , vol. 137 (May 22, 1991), p. 11856. |
| 103 rd | H.Con.Res. 218 (FY1995) | The House agreed to suspend the rule with respect to the adoption of the conference report to accompany H.Con.Res. 218 (see Section 2 of H.Res. 418, which provided for the consideration of the conference report). According to comments by Representative Anthony C. Beilenson, during consideration of H.Res. 418, the rule was suspended because at the time the current debt limit was expected to be sufficient until spring or summer 1995. See <i>Congressional Record</i> , vol. 140 (May 5, 1994), pp. 9411-9412. |
| 104 th | H.Con.Res. 67 (FY1996) | The House agreed to suspend the rule with respect to the adoption by Congress of a conference report to accompany a budget resolution for FY1996 (see Section 3 of H.Res. 149, which provided for the initial consideration of H.Con.Res. 67). According to comments during the consideration of H.Res. 149, the rule was suspended because some Members wanted the House to vote separately on legislation increasing the debt limit instead of an automatic engrossment of such legislation. See <i>Congressional Record</i> , vol. 141 (May 17, 1995), pp. 13275-13276, 13283-13284. |
| | H.Con.Res. 178 (FY1997) | The House agreed to suspend the rule with respect to the adoption by Congress of a budget resolution for FY1997 (see Section 4 of H.Res. 435, which provided for the initial consideration of H.Con.Res. 178). According to comments by Representative Gerald B. H. Solomon, during consideration of H.Res. 435, the rule was suspended because at the time the current debt limit was expected to be sufficient until at least October 1997. See <i>Congressional Record</i> , vol. 142 (May 16, 1996), p. 11477. |
| 105 th | H.Con.Res. 84 (FY1998) | The House agreed to suspend the rule with respect to the adoption by Congress of a budget resolution for FY1998 (see Section 3 of H.Res. 152, which provided for the initial consideration of H.Con.Res. 84). According to comments by Representative Solomon, during consideration of H.Res. 152, the rule was suspended because legislation increasing the debt limit was contemplated by the balanced budget agreement with the White House in the context of reconciliation legislation. See <i>Congressional Record</i> , vol. 143 (May 20, 1997), pp. 8904-8905. |

| Congress | Budget Resolution (Fiscal Year) | Information Regarding the Suspension of the Gephardt Rule |
|-------------------|---------------------------------|---|
| 106 th | H.Con.Res. 68 (FY2000) | The House agreed to suspend the rule with respect to the adoption by Congress of a budget resolution for FY2000 (see Section 2 of H.Res. 131, which provided for the initial consideration of H.Con.Res. 68). The rule was suspended presumably because at the time legislation increasing the debt limit was not necessary due to expected future surpluses. See consideration of H.Res. 131 and H.Con.Res. 68 in <i>Congressional Record</i> , vol. 145 (March 25, 1999), pp. 5671-5755. |
| | H.Con.Res. 290 (FY2001) | The House agreed to suspend the rule with respect to the adoption by Congress of a budget resolution for FY2001 (see Section 2 of H.Res. 446, which provided for the initial consideration of H.Con.Res. 290). The rule was suspended presumably because at the time legislation increasing the debt limit was not necessary due to expected future surpluses. See consideration of H.Res. 446 and H.Con.Res. 290 in <i>Congressional Record</i> , vol. 145 (March 23, 2000), pp. 3442-3478, 3482-3557. |
| 117 th | H.Con.Res. 11 (FY2021) | The House agreed to suspend the rule with respect to the adoption by the House of a budget resolution for FY2021 (see Section 6 of H.Res. 85, which provided for the consideration of H.Con.Res. 11, the FY2021 budget resolution, among other measures). No explanation was given for suspending the rule during consideration of H.Res. 85. The House adopted H.Con.Res. 11 and subsequently adopted S.Con.Res. 5 without amendment. For the consideration of H.Res. 85 and H.Con.Res. 11, see <i>Congressional Record</i> , vol. 167 (February 2 and 3, 2021), pp. H266-H274, H284-H314. |
| | S.Con.Res. 14 (FY2022) | The House agreed to suspend the rule with respect to the adoption by the House of a budget resolution for FY2022 (see Section 5 of H.Res. 601, which provided for the adoption of S.Con.Res. 14 and the consideration of other measures). No explanation was given for suspending the rule during the consideration of H.Res. 601. For the consideration of H.Res. 601, see <i>Congressional Record</i> , vol. 167 (August 24, 2021), pp. H4359-H4372. |

Sources: Information compiled from Congress.gov and the *Congressional Record*.

Author Information

Bill Heniff Jr.
Analyst on Congress and the Legislative Process

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