
EXTRANEOUS MATTER IN RECONCILIATION LEGISLATION¹²

§313(a) **SEC. 313.¹³ (a) IN GENERAL.¹⁴ — When the Senate is considering a reconciliation bill or a reconciliation resolution¹⁵ pursuant to section 310,¹⁶ (whether that bill or resolution originated in the Senate or the House¹⁷) or section 258C¹⁸ of the Balanced Budget and Emergency**

¹² Section 13214(b)(2)(A) of the Budget Enforcement Act added the heading here.

¹³ Section 313 is codified as amended at 2 U.S.C. § 644. This section is often called “the Byrd Rule,” after its principal sponsor, Senator Robert C. Byrd of West Virginia.

Section 13214(b)(1) of the Budget Enforcement Act transferred this section here from section 20001 of the Consolidated Omnibus Budget Reconciliation Act of 1985, Pub. L. No. 99-272, § 20001, 100 Stat. 82, 390-91 (Apr. 7, 1986), *as amended* by the Omnibus Budget Reconciliation Act of 1986, Pub. L. No. 99-509, § 7006, 100 Stat. 1874, 1949-1950 (Oct. 21, 1986), *and as amended* by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, Pub. L. No. 100-119, § 205, 101 Stat. 754, 784-85 (Sept. 29, 1987). For legislative history of this section, see *infra* note 69 (at the end of the section). For an excellent discussion of the section, see ROBERT KEITH, *THE BUDGET RECONCILIATION PROCESS: THE SENATE’S “BYRD RULE”* (Apr. 7, 2005) (Cong. Res. Serv. rep. no. RL30862).

¹⁴ Section 13214(a)(1)(A) of the Budget Enforcement Act inserted the heading “IN GENERAL. —” here.

¹⁵ Section 310(b) defines “reconciliation resolution.”

¹⁶ Section 310 sets forth the reconciliation process in the context of Congress’s annual cycle of concurrent resolutions on the budget. For other budget process legislation dealing with reconciliation, see section 300 (budget timetable, including that for reconciliation); section 301(b)(2) & (3) (empowering budget resolutions to include reconciliation instructions, as well as a provision providing for delayed enrollment of legislation pending completion of reconciliation); section 305 (procedures for budget resolutions and reconciliation bills); section 904(c) & (d) (supermajority requirements for points of order and appeals, including those for reconciliation); Gramm-Rudman-Hollings section 258C (providing a special Gramm-Rudman-Hollings reconciliation process to achieve savings in lieu of an impending sequester); section 5 of Executive Order 12857 (reconciliation recommendations in special direct spending message); and section 16005 of H.R. 2264, 103d Cong., 1st Sess., 139 CONG. REC. H3029, H3199-201 (daily ed. May 27, 1993) (as passed by the House of Representatives) as applied to the House by H. Res. 235, 103d Cong., 1st Sess., 139 CONG. REC. H6122 (daily ed. Aug. 3, 1993) (reconciliation procedures in response to special direct spending message).

¹⁷ Section 13214(a)(1)(B) of the Budget Enforcement Act inserted the parenthetical “(whether that bill or resolution originated in the Senate or the House).”

The Budget Enforcement Act language codifies the understanding of the law held by the Chairman of the Budget Committee (that this rule applies to reconciliation bills or reconciliation resolutions passed by the House when the Senate considers them) as expressed in the debate of October 4, 1989:

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