

provided in paragraph (2),²⁷ a provision of a reconciliation bill or reconciliation resolution²⁸ considered pursuant to section 310 shall be considered extraneous if such provision does not produce a change in outlays²⁹ or revenues, including changes in outlays and revenues brought about by changes in the terms and conditions under which outlays are made or revenues are required to be collected³⁰ (but a provision in which outlay decreases or revenue increases exactly offset outlay increases or revenue decreases shall not be considered extraneous

²⁶(...continued)

cannot be separated.

Four, provisions which invade another committee's jurisdiction, whether or not they save money.

And I am not saying that is all inclusive, but, up to this point, that is what we have been using. . . .

131 CONG. REC. S14,034-35 (daily ed. Oct. 24, 1985).

²⁷ See *infra* pp. 22-23. Paragraph (2) provides exceptions to paragraph (1)(A) upon the certification of the Chairman and Ranking Minority Member of the Budget Committee and the Chairman and Ranking Minority Member of the Committee that reported the provision.

²⁸ Section 310(b) defines "reconciliation resolution."

²⁹ Section 3(1) defines "outlays." To "produce a change in outlays" within the meaning of this subparagraph, a provision must cause a different level of outlays to result without further legislative action. Thus a cut in the level of appropriations authorized would not "produce a change in outlays" in this context, as later appropriations action would be necessary to achieve the reduction in outlays.

³⁰ Within the meaning of this subparagraph, the words "including changes in outlays and revenues brought about by changes in the terms and conditions under which outlays are made or revenues are required to be collected" modify the words "a change in outlays or revenues." Thus, the reader should understand this subparagraph to state that "a provision of a reconciliation bill . . . shall be considered extraneous if such provision does not produce [either: (1)] a change in outlays or revenues [or (2) a] change[] in the terms and conditions under which outlays are made or revenues are required to be collected."

Examples of terms and conditions include mechanisms to enforce changes in outlays or revenues and procedures for collecting outlays or revenues. The drafter cannot use this "terms and conditions" language as an artifice to attach extraneous language unrelated to the language that produces a change in outlays or revenues. The language setting forth the terms and conditions must deal with the same issue as does the language that produces the change in outlays or revenues and must have a logical link to that language. The Parliamentarian analyzes language with a view to whether inclusion of the language would be an abuse of the fast-track procedures under reconciliation. The Parliamentarian asks why language asserted to be a term or condition is integral to the change in outlays or revenues, why it is essential or necessary to achieving the change in outlays or revenues.