

§ 313(b)(1)(F) **(F)⁴³ a provision shall be considered extraneous if it violates section 310(g).**

§ 313(b)(2) **(2) A Senate-originated⁴⁴ provision shall not be considered extraneous under paragraph (1)(A)⁴⁵ if the Chairman and Ranking Minority Member of the Committee on the Budget and the Chairman and Ranking Minority Member of the Committee which reported the provision certify that:**

§ 313(b)(2)(A) **(A) the provision mitigates direct effects clearly attributable to a provision changing outlays⁴⁶ or revenues and both provisions**

⁴²(...continued)

those fiscal years covered by the reconciliation measure and which result in a net increase in the deficit for that fiscal year. The Senate amendment also extends the expiration date of the Byrd Rule to September 30, 1992.

Conference Agreement

The House recedes and concurs in the Senate amendment. This rule applies only in the Senate.

It is the intent of the conferees that expiration after the reconciliation period of a revenue increase or extension provided for in a reconciliation bill would not, of itself, be considered a revenue decrease for purposes of this provision. It could, however, contribute to a finding that a spending increase or a positive revenue decrease in that legislation violated this rule.

H.R. CONF. REP. No. 100-313, 100th Cong., 1st Sess. 65 (1987), *reprinted in* 1987 U.S.C.C.A.N. 739, 765.

⁴³ Section 13214(a)(6) of the Budget Enforcement Act added subparagraph (F). As a result of this addition, a Senator may raise a point of order under this section that would result in excising only the offending provision, whereas raising the point of order under section 310(g) itself against a provision in the bill would result in killing the entire bill.

The Parliamentarian's office has advised (in August of 2005) that extending the payroll taxes (FICA contributions) that fund Social Security coverage would violate both section 310(g) and this subparagraph of the Byrd rule. Extending the payroll taxes that fund the Hospital Insurance coverage only, and not Social Security, could conceivably be done without violating 310(g) or 313(b)(1)(F).

⁴⁴ Section 13214(a)(7) of the Budget Enforcement Act added the words "Senate-originated." For House-originated provisions, this paragraph did not clearly indicate which chairmen held responsibility. This change makes clear that the exception does not apply for House-originated provisions.

⁴⁵ Paragraph (1)(A) concerns provisions without deficit effect. *See supra* p. 8.

⁴⁶ Section 3(1) defines "outlays."