

§ 313(b)(3)(A) **(A) the provision is an integral part of a provision or title, which if introduced as a bill or resolution would be referred to such committee, and the provision sets forth the procedure to carry out or implement the substantive provisions that were reported and which fall within the jurisdiction of such committee; or**

§ 313(b)(3)(B) **(B) the provision states an exception to, or a special application of, the general provision or title of which it is a part and such general provision or title if introduced as a bill or resolution would be referred to such committee.**

§ 313(c) **(c)⁵⁴ EXTRANEOUS MATERIALS. — Upon the reporting or discharge of a reconciliation bill or resolution pursuant to section 310 in the Senate, and again upon the submission of a conference report on such a reconciliation bill or resolution, the Committee on the Budget of the Senate shall submit for the record a list of material considered to be extraneous under subsections (b)(1)(A), (b)(1)(B),⁵⁵ and (b)(1)(E) of this section to the instructions of a committee as provided in this section.⁵⁶ The inclusion or exclusion of a provision shall not constitute a determination of extraneousness by the Presiding Officer of the Senate.**

§ 313(d) **(d)⁵⁷ CONFERENCE REPORTS — When the Senate is consider**

⁵⁴ There once were two subsections (c), here and what is now subsection (d), *infra* pp. 24-26. The Budget Enforcement Act added both at the end of what used to be the Byrd Rule.

Section 13214(a)(8) of the Budget Enforcement Act added this subsection and section 13214(b)(2)(C) of the Budget Enforcement Act redesignated it as subsection (c). Section 13214(b)(2)(B) of the Budget Enforcement Act repealed what used to be subsection (c), which read as follows:

(c) This section shall become effective on the date of enactment of this title and shall remain in effect until September 30, 1992.

By virtue of this repeal of the expiration provision, the Byrd Rule is permanent law.

⁵⁵ The Parliamentarian has advised (in July of 1993) that he considers it impossible to apply section 313(b)(1)(B) to conference reports.

⁵⁶ For examples of such lists, see, *e.g.*, 139 CONG. REC. S15,832 (daily ed. Oct. 26, 1995).

⁵⁷ Section 10113(b)(1)(A) of the Balanced Budget Act of 1997, Pub. L. No. 105-33, 111 Stat. 251, 688 (Aug. 5, 1997), struck “(c) When” and inserted “(d) CONFERENCE REPORTS — When” here. Formerly section 313 had two subsections (c), here and *supra* p. 24. The Budget Enforcement Act added both at the end of what used to be the Byrd Rule. Section 13214(b)(3) of the Budget Enforcement Act transferred this subsection from Senate Resolution 286 (99th Congress, 1st Session), as amended by Senate Resolution 509 (99th Congress, 2d Session). For

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