

**TITLE 2 - THE CONGRESS**  
**CHAPTER 17A - CONGRESSIONAL BUDGET AND FISCAL OPERATIONS**  
**SUBCHAPTER I - CONGRESSIONAL BUDGET PROCESS**

**§ 644. Extraneous matter in reconciliation legislation**

**(a) In general**

When the Senate is considering a reconciliation bill or a reconciliation resolution pursuant to section 641 of this title (whether that bill or resolution originated in the Senate or the House) or section 907d of this title, upon a point of order being made by any Senator against material extraneous to the instructions to a committee which is contained in any title or provision of the bill or resolution or offered as an amendment to the bill or resolution, and the point of order is sustained by the Chair, any part of said title or provision that contains material extraneous to the instructions to said Committee as defined in subsection (b) of this section shall be deemed stricken from the bill and may not be offered as an amendment from the floor.

**(b) Extraneous provisions**

- (1)**
- (A)** Except as provided in paragraph (2), a provision of a reconciliation bill or reconciliation resolution considered pursuant to section 641 of this title shall be considered extraneous if such provision does not produce a change in outlays 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 collected (but a provision in which outlay decreases or revenue increases exactly offset outlay increases or revenue decreases shall not be considered extraneous by virtue of this subparagraph);
  - (B)** any provision producing an increase in outlays or decrease in revenues shall be considered extraneous if the net effect of provisions reported by the committee reporting the title containing the provision is that the committee fails to achieve its reconciliation instructions;
  - (C)** a provision that is not in the jurisdiction of the committee with jurisdiction over said title or provision shall be considered extraneous;
  - (D)** a provision shall be considered extraneous if it produces changes in outlays or revenues which are merely incidental to the non-budgetary components of the provision;
  - (E)** a provision shall be considered to be extraneous if it increases, or would increase, net outlays, or if it decreases, or would decrease, revenues during a fiscal year after the fiscal years covered by such reconciliation bill or reconciliation resolution, and such increases or decreases are greater than outlay reductions or revenue increases resulting from other provisions in such title in such year; and
  - (F)** a provision shall be considered extraneous if it violates section 641 (g) of this title.
- (2)** A Senate-originated provision shall not be considered extraneous under paragraph (1)(A) 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:
- (A)** the provision mitigates direct effects clearly attributable to a provision changing outlays or revenues and both provisions together produce a net reduction in the deficit;
  - (B)** the provision will result in a substantial reduction in outlays or a substantial increase in revenues during fiscal years after the fiscal years covered by the reconciliation bill or reconciliation resolution;
  - (C)** a reduction of outlays or an increase in revenues is likely to occur as a result of the provision, in the event of new regulations authorized by the provision or likely to be proposed, court rulings on pending litigation, or relationships between economic indices and stipulated statutory triggers pertaining to the provision, other than the regulations, court rulings

or relationships currently projected by the Congressional Budget Office for scorekeeping purposes; or

(D) such provision will be likely to produce a significant reduction in outlays or increase in revenues but, due to insufficient data, such reduction or increase cannot be reliably estimated.

(3) A provision reported by a committee shall not be considered extraneous under paragraph (1)(C) if

(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

(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.

**(c) Extraneous materials**

Upon the reporting or discharge of a reconciliation bill or resolution pursuant to section 641 of this title 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), and (b)(1)(E) of this section to the instructions of a committee as provided in this section. The inclusion or exclusion of a provision shall not constitute a determination of extraneousness by the Presiding Officer of the Senate.

**(d) Conference reports**

When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a reconciliation bill or reconciliation resolution pursuant to section 641 of this title, upon—

(1) a point of order being made by any Senator against extraneous material meeting the definition of subsections (b)(1)(A), (b)(1)(B), (b)(1)(D), (b)(1)(E), or (b)(1)(F) of this section, and

(2) such point of order being sustained,

such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed, without intervening action or motion, to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable for two hours. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

**(e) General point of order**

Notwithstanding any other law or rule of the Senate, it shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those provisions (including provisions of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(Pub. L. 93–344, title III, § 313, formerly Pub. L. 99–272, title XX, § 20001, Apr. 7, 1986, 100 Stat. 390, as amended Pub. L. 99–509, title VII, § 7006, Oct. 21, 1986, 100 Stat. 1949; Pub. L. 100–119, title II, § 205(a), (b), Sept. 29, 1987, 101 Stat. 784; renumbered § 313 of Pub. L. 93–344 and amended Pub. L. 101–508, title XIII, § 13214(a)–(b)(4), Nov. 5, 1990, 104 Stat. 1388–621, 1388–622; Pub. L. 105–33, title X, § 10113(b)(1), Aug. 5, 1997, 111 Stat. 688.)

## Codification

Prior to redesignation by Pub. L. 101–508, this section was section 20001 of Pub. L. 99–272, which was not classified to the Code, and subsec. (c) (now (d)) of this section (relating to point of order) was subsec. (a) of the first section of Senate Resolution No. 286, Ninety-ninth Congress, Dec. 19, 1985.

## Amendments

1997—Subsec. (c). Pub. L. 105–33, § 10113(b)(1)(A), redesignated subsec. (c), relating to point of order, as (d).

Subsec. (d). Pub. L. 105–33, § 10113(b)(1)(A), redesignated subsec. (c), relating to point of order, as (d) and inserted heading. Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 105–33, § 10113(b)(1)(B), redesignated subsec. (d) as (e) and struck out heading and text of former subsec. (e). Text read as follows: “For purposes of this section, the levels of new budget authority, budget outlays, new entitlement authority, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.”

1990—Pub. L. 101–508, § 13214(b)(2)(A), inserted “Extraneous matter in reconciliation legislation” as section catchline.

Pub. L. 101–508, § 13214(b)(1), redesignated section 20001 of Pub. L. 99–272 as this section.

Subsec. (a). Pub. L. 101–508, § 13214(a)(1)(A), inserted heading “In general”.

Pub. L. 101–508, § 13214(b)(4)(B), substituted “subsection (b) of this section” for “subsection (d) of this section”.

Pub. L. 101–508, § 13214(b)(4)(A), made technical amendment to reference to section 641 of this title to reflect change in reference to corresponding section of original act.

Pub. L. 101–508, § 13214(b)(2)(B), struck out at end “An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section, as well as to waive or suspend the provisions of this subsection.”

Pub. L. 101–508, § 13214(a)(1)(B), inserted “(whether that bill or resolution originated in the Senate or the House) or section 907d of this title” after “section 641 of this title”.

Subsec. (b). Pub. L. 101–508, § 13214(b)(2)(B), (C), redesignated subsec. (d) as (b) and struck out former subsec. (b) which provided that no motion to waive or suspend the requirement of section 636 (b)(2) of this title, as it related to germaneness with respect to a reconciliation bill or resolution, could be agreed to unless supported by an affirmative vote of three-fifths of the Members, duly chosen and sworn, which super-majority was to be required to successfully appeal the ruling of the Chair on a point of order raised under that section, as well as to waive or suspend the provisions of this subsection.

Pub. L. 101–508, § 13214(a)(2), inserted heading “Extraneous provisions”.

Subsec. (b)(1)(A). Pub. L. 101–508, § 13214(b)(4)(A), made technical amendment to reference to section 641 of this title to reflect change in reference to corresponding section of original act.

Pub. L. 101–508, § 13214(a)(3), inserted before semicolon “(but a provision in which outlay decreases or revenue increases exactly offset outlay increases or revenue decreases shall not be considered extraneous by virtue of this subparagraph)”.

Subsec. (b)(1)(F). Pub. L. 101–508, § 13214(a)(4)–(6), added subpar. (F).

Subsec. (b)(2). Pub. L. 101–508, § 13214(a)(7), substituted “A Senate-originated provision” for “A provision”.

Subsec. (b)(2)(C). Pub. L. 101–508, § 13214(b)(4)(C), inserted “or” after “scorekeeping purposes;”.

Subsec. (c). Pub. L. 101–508, § 13214(b)(4)(F), which directed the substitution of “this subsection” for “this resolution” in par. (2), was executed to last sentence of subsec. (c) as the probable intent of Congress.

Pub. L. 101–508, § 13214(b)(4)(E), substituted “(b)(1)(A), (b)(1)(B), (b)(1)(D), (b)(1)(E), or (b)(1)(F) of this section” for “(d)(1)(A) or (d)(1)(D) of section 20001 of the Consolidated Omnibus Budget Reconciliation Act of 1985”.

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

Pub. L. 101–508, § 13214(b)(4)(D), substituted “When” for “when”.

Pub. L. 101–508, § 13214(b)(4)(A), made technical amendment to reference to section 641 of this title to reflect change in reference to corresponding section of original act.

Pub. L. 101–508, § 13214(b)(3), redesignated as subsec. (c), relating to point of order, subsec. (a) of the first section of Senate Resolution No. 286, Ninety-ninth Congress, Dec. 19, 1985, as amended by Senate Resolution No. 509, Ninety-ninth Congress, Oct. 16, 1986.

Pub. L. 101–508, § 13214(b)(2)(C), redesignated subsec. (e), relating to extraneous materials, as (c).

Pub. L. 101–508, § 13214(b)(2)(B), struck out subsec. (c) which provided for effective and termination dates of this section.

Subsec. (d). Pub. L. 101–508, § 13214(b)(2)(C), redesignated subsec. (f) as (d). Former subsec. (d) redesignated (b).

Subsecs. (e) to (g). Pub. L. 101–508, § 13214(a)(8), (b)(2)(C), added subsecs. (e) to (g) and redesignated them as subsecs. (c) to (e), respectively.

1987—Subsec. (c). Pub. L. 100–119, § 205(a), substituted “September 30, 1992” for “January 2, 1988”.

Subsec. (d)(1)(E). Pub. L. 100–119, § 205(b), which directed that cl. (E) be added to subsec. (d)(1)(A), was executed to subsec. (d)(1), as the probable intent of Congress.

1986—Subsec. (c). Pub. L. 99–509, § 7006(b), substituted “January 2, 1988” for “January 2, 1987”.

Pub. L. 99–509, § 7006(c), substituted “section 20001” for “section 1201” in Senate Resolution No. 286, Ninety-ninth Congress, Dec. 19, 1985. See 1990 Amendment note above.

Subsec. (d)(2). Pub. L. 99–509, § 7006(a)(1), substituted “paragraph (1)(A) 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” for “(1)(A) above if” in introductory provisions.

Subsec. (d)(2)(A). Pub. L. 99–509, § 7006(a)(2), substituted “the provision mitigates” for “it is designed to mitigate the”.

Subsec. (d)(2)(B). Pub. L. 99–509, § 7006(a)(3), substituted “the provision” for “it”.

Subsec. (d)(3). Pub. L. 99–509, § 7006(a)(4), added par. (3).