

Calendar No. 146

117TH CONGRESS
1ST SESSION**S. 3005**

Establishing appropriate thresholds for certain budget points of order in the Senate, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 19, 2021

Mr. BRAUN introduced the following bill; which was read the first time

OCTOBER 20, 2021

Read the second time and placed on the calendar

A BILL

Establishing appropriate thresholds for certain budget points of order in the Senate, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Make Rules Matter
5 Act”.

6 **SEC. 2. THRESHOLDS FOR BUDGET POINTS OF ORDER.**

7 (a) THRESHOLD FOR POINT OF ORDER AGAINST
8 EMERGENCY DESIGNATIONS.—

1 (1) DEFINITION.—In this subsection, the term
 2 “emergency designation point of order” means a
 3 point of order raised under—

4 (A) section 314(e) of the Congressional
 5 Budget Act of 1974 (2 U.S.C. 645(e));

6 (B) section 4(g)(3) of the Statutory Pay-
 7 As-You-Go Act of 2010 (2 U.S.C. 933(g)(3));
 8 or

9 (C) section 4112(e) of H. Con. Res. 71
 10 (115th Congress), the concurrent resolution on
 11 the budget for fiscal year 2018.

12 (2) WAIVER.—In the Senate, an emergency des-
 13 ignation point of order may be waived or suspended
 14 only by the affirmative vote of two-thirds of the
 15 Members, duly chosen and sworn.

16 (3) APPEAL.—In the Senate, an affirmative
 17 vote of two-thirds of the Members, duly chosen and
 18 sworn, shall be required to sustain an appeal of the
 19 ruling of the Chair on an emergency designation
 20 point of order.

21 (b) THRESHOLD FOR LARGE BUDGET IMPACT FOR
 22 CERTAIN CONGRESSIONAL BUDGET ACT OF 1974 POINTS
 23 OF ORDER.—

24 (1) IN GENERAL.—A point of order described in
 25 paragraph (3) may be waived or suspended in the

1 Senate only by an affirmative vote of two-thirds of
2 the Members, duly chosen and sworn.

3 (2) APPEAL.—In the Senate, an affirmative
4 vote of two-thirds of the Members, duly chosen and
5 sworn, shall be required to sustain an appeal of the
6 ruling of the Chair on a point of order described in
7 paragraph (3).

8 (3) DESCRIPTION OF LARGE BUDGET IM-
9 PACT.—A point of order described in this paragraph
10 is a point of order under section 302(f)(2) or
11 311(a)(2)(A) of the Congressional Budget Act of
12 1974 (2 U.S.C. 633(f)(2), 642(a)(2)(A)) against leg-
13 islation that would, within the time periods applica-
14 ble to the point of order, as determined by the
15 Chairman of the Committee on the Budget of the
16 Senate, cause budget authority or outlays to exceed
17 the applicable allocation, suballocation, level, or ag-
18 gregate by more than \$5,000,000,000.

19 (c) DE MINIMIS BUDGET IMPACT.—For a violation
20 for which the absolute value of the violation is not more
21 than \$500,000, a point of order shall not lie—

22 (1) under the Congressional Budget and Im-
23 poundment Control Act of 1974 (2 U.S.C. 621 et
24 seq.) (except for a point of order under section 302
25 or 311 of such Act (2 U.S.C. 633, 642)); or

1 (2) under any concurrent resolution on the
2 budget.

3 (d) THRESHOLD FOR INCREASING SHORT-TERM
4 DEFICITS.—

5 (1) REDUCTION IN NET INCREASE IN THE DEF-
6 ICIT.—In the Senate, section 404(a) of S. Con. Res.
7 13 (111th Congress), the concurrent resolution on
8 the budget for fiscal year 2010, shall be applied by
9 substituting “\$1,000,000,000” for
10 “\$10,000,000,000”.

11 (2) WAIVER AND APPEAL FOR LARGE BUDGET
12 IMPACT IN THE SENATE.—

13 (A) WAIVER.—In the Senate, section
14 404(a) of S. Con. Res. 13 (111th Congress),
15 the concurrent resolution on the budget for fis-
16 cal year 2010, may be waived or suspended by
17 the affirmative vote of two-thirds of the Mem-
18 bers, duly chosen and sworn, if the net increase
19 in the deficit in any fiscal year exceeds
20 \$10,000,000,000.

21 (B) APPEAL.—In the Senate, an affirma-
22 tive vote of two-thirds of the Members, duly
23 chosen and sworn, shall be required to sustain
24 an appeal of the ruling of the Chair on a point
25 of order raised under section 404(a) of S. Con.

1 Res. 13 (111th Congress), the concurrent reso-
 2 lution on the budget for fiscal year 2010, if the
 3 net increase in the deficit in any fiscal year ex-
 4 ceeds \$10,000,000,000.

5 (e) THRESHOLD FOR INCREASING LONG-TERM DEFI-
 6 CITS.—

7 (1) REDUCTION IN NET INCREASE IN THE DEF-
 8 ICIT.—In the Senate, subsections (a) and (b)(1) of
 9 section 3101 of S. Con. Res. 11 (114th Congress),
 10 the concurrent resolution on the budget for fiscal
 11 year 2016, shall each be applied by substituting
 12 “\$1,000,000,000” for “\$5,000,000,000”.

13 (2) WAIVER AND APPEAL FOR LARGE BUDGET
 14 IMPACT IN THE SENATE.—

15 (A) WAIVER.—In the Senate, section
 16 3101(b)(1) of S. Con. Res. 11 (114th Con-
 17 gress), the concurrent resolution on the budget
 18 for fiscal year 2016, may be waived or sus-
 19 pended by the affirmative vote of two-thirds of
 20 the Members, duly chosen and sworn, if the net
 21 increase in on-budget deficits in any 10-fiscal-
 22 year period exceeds \$10,000,000,000.

23 (B) APPEAL.—In the Senate, an affirma-
 24 tive vote of two-thirds of the Members, duly
 25 chosen and sworn, shall be required to sustain

1 an appeal of the ruling of the Chair on a point
2 of order raised under section 3101(b)(1) of S.
3 Con. Res. 11 (114th Congress), the concurrent
4 resolution on the budget for fiscal year 2016, if
5 the net increase in on-budget deficits in any 10-
6 fiscal-year period exceeds \$10,000,000,000.

7 **SEC. 3. EFFECTIVE DATE.**

8 This Act shall take effect on the date of enactment
9 of this Act.

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