

118TH CONGRESS
1ST SESSION

S. RES. 88

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

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2023

Mr. BRAUN submitted the following resolution; which was referred to the Committee on the Budget

RESOLUTION

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

1 *Resolved,*

2 **SECTION 1. SHORT TITLE.**

3 This resolution may be cited as the “Make Rules
4 Matter Resolution”.

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

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

8 (1) **DEFINITION.**—In this subsection, the term

9 “emergency designation point of order” means a

10 point of order raised under—

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

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

6 (C) section 4001(a) of S. Con. Res. 14
7 (117th Congress), the concurrent resolution on
8 the budget for fiscal year 2022.

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

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

18 (b) THRESHOLD FOR LARGE BUDGET IMPACT FOR
19 CERTAIN CONGRESSIONAL BUDGET ACT OF 1974 POINTS
20 OF ORDER.—

21 (1) IN GENERAL.—A point of order described in
22 paragraph (3) may be waived or suspended in the
23 Senate only by an affirmative vote of two-thirds of
24 the Members, duly chosen and sworn.

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

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

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

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

24 (2) under any concurrent resolution on the
 25 budget.

1 (d) THRESHOLD FOR INCREASING SHORT-TERM
2 DEFICITS.—

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

9 (2) WAIVER AND APPEAL FOR LARGE BUDGET
10 IMPACT IN THE SENATE.—

11 (A) WAIVER.—In the Senate, section
12 404(a) of S. Con. Res. 13 (111th Congress),
13 the concurrent resolution on the budget for fis-
14 cal year 2010, may be waived or suspended by
15 the affirmative vote of two-thirds of the Mem-
16 bers, duly chosen and sworn, if the net increase
17 in the deficit in any fiscal year exceeds
18 \$10,000,000,000.

19 (B) APPEAL.—In the Senate, an affirma-
20 tive vote of two-thirds of the Members, duly
21 chosen and sworn, shall be required to sustain
22 an appeal of the ruling of the Chair on a point
23 of order raised under section 404(a) of S. Con.
24 Res. 13 (111th Congress), the concurrent reso-
25 lution on the budget for fiscal year 2010, if the

1 net increase in the deficit in any fiscal year ex-
 2 ceeds \$10,000,000,000.

3 (e) THRESHOLD FOR INCREASING LONG-TERM DEF-
 4 CITS.—

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

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

13 (A) WAIVER.—In the Senate, section
 14 3101(b)(1) of S. Con. Res. 11 (114th Con-
 15 gress), the concurrent resolution on the budget
 16 for fiscal year 2016, may be waived or sus-
 17 pended by the affirmative vote of two-thirds of
 18 the Members, duly chosen and sworn, if the net
 19 increase in on-budget deficits in any 10-fiscal-
 20 year period exceeds \$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 3101(b)(1) of S.

1 Con. Res. 11 (114th Congress), the concurrent
2 resolution on the budget for fiscal year 2016, if
3 the net increase in on-budget deficits in any 10-
4 fiscal-year period exceeds \$10,000,000,000.

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