

## 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.

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## 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 igation 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 DEFICI-  
6           CITS.—

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

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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1<sup>ST</sup> Session  
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