
306,⁹⁶⁴ 904(c), and 904(d)⁹⁶⁵ may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.⁹⁶⁶ Sections 301(i), 302(c), 302(f), 310(d)(2), 310(f),⁹⁶⁷ 311(a), 313, 601(b), and 606(c) of

⁹⁶⁴ For examples of motions under section 904 to waive section 306, see, e.g., 138 CONG. REC. S15,001-18 (daily ed. Sept. 25, 1992) (Smith motion to waive Sasser point of order rejected 36-58 regarding his amendment on a tax-form check-off to trigger deficit reductions or sequesters); *id.* at S14,915-19 (daily ed. Sept. 24, 1992) (McCain motion to waive a Sasser point of order rejected 32 to 60 regarding his amendment no. 3172 that would require a supermajority to raise taxes and remove the supermajority requirement to cut taxes); *id.* at S2457-78 (daily ed. Feb. 27, 1992) (McCain motion to waive Sasser point of order rejected 44-54 regarding his amendment no. 1698 to enhance the President's rescission authority); 136 CONG. REC. S7457-78 (daily ed. June 6, 1990) (McCain motion to waive rejected 43-50 regarding his amendment no. 1995 regarding enhancing the President's rescission authority); 135 CONG. REC. S15,336-58 (daily ed. Nov. 9, 1989) (Coats motion to waive rejected 40-51 regarding his amendment no. 1092 regarding enhancing the President's rescission authority); 133 CONG. REC. S11,025 (daily ed. July 31, 1987) (Conrad motion to waive rejected 36-53 regarding his amendment no. 651 to H.J. Res. 324, Increase in the Public Debt Limit); *id.* at S10,584 (daily ed. July 23, 1987) (Domenici motion to waive rejected 47-49 regarding his amendment no. 631 to H.J. Res. 324, Increase in the Public Debt Limit, that would revise Gramm-Rudman-Hollings); *id.* at S10,579 (daily ed. July 23, 1987) (Chiles motion to waive approved 71-25 regarding his modified amendment no. 626 to H.J. Res. 324, Increase in the Public Debt Limit, that would revise Gramm-Rudman-Hollings); 129 CONG. REC. S3587-603 (1983); Senate Precedent PRL19830322-002 (Mar. 22, 1983) (LEGIS, Rules database) (Heinz motion to waive tabled 56-41 regarding his amendment to remove Social Security trust funds from the unified budget).

The Senate may also waive section 306 by unanimous consent. See, e.g., 136 CONG. REC. S8197 (daily ed. June 19, 1990) (the Senate agreed to a Cranston unanimous consent request to waive points of order regarding a Heinz amendment regarding congressional action to remove Social Security trust funds from the definition of the deficit).

⁹⁶⁵ See *infra* p. 366.

⁹⁶⁶ That is, 60 Senators, no matter how many Senators are present and voting.

⁹⁶⁷ See *supra* p. 174. This reference, which stayed as it was in the Senate-passed version of the bill, should have been changed to "310(g)" when the conference agreement changed the subsection setting forth the point of order to section 310(g). The intent of Congress to refer to section 310(g) and not section 310(f) is evident from the subject matter of section 310(f): It refers only to matters governing the House of Representatives. The Senate-passed version of the bill that became the Budget Enforcement Act repealed section 310(f) altogether, and thus what was 310(g) would have become 310(f). See H.R. 5835, 101st Cong., 2d Cong., 136 CONG. REC. S15,868, S15,985, S15,995 (daily ed. Oct. 18, (continued...))