
PART E MISCELLANEOUS AND RELATED PROVISIONS

§ 271 **SEC. 271.¹⁷⁴⁶ WAIVERS AND SUSPENSIONS;
RULEMAKING POWERS.**

§ 271(a) **(a) BUDGET ACT WAIVERS IN THE SENATE. — Section 904 of the Congressional Budget Act of 1974¹⁷⁴⁷ is amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following new subsection:**

“(c) Sections 305(b)(2) and 306 of this Act may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.”

§ 271(b) **(b) OTHER WAIVERS AND SUSPENSIONS IN THE SENATE. — Sections 301(i),¹⁷⁴⁸ 302(c),¹⁷⁴⁹ 302(f),¹⁷⁵⁰ 304(b),¹⁷⁵¹ 310(d),¹⁷⁵² 310(g),¹⁷⁵³ and 311(a)¹⁷⁵⁴ of the Congressional**

¹⁷⁴⁶ Section 271 is codified as amended at 2 U.S.C. 900 note (Supp. IV 1992).

¹⁷⁴⁷ See *supra* pp. 357-368.

¹⁷⁴⁸ See *supra* pp. 82-87.

¹⁷⁴⁹ See *supra* p. 92.

¹⁷⁵⁰ See *supra* p. 95.

¹⁷⁵¹ See *supra* pp. 117-119.

¹⁷⁵² See *supra* p. 170.

¹⁷⁵³ See *supra* p. 176.

Budget Act of 1974 may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.¹⁷⁵⁵ This subsection shall not apply to any joint resolution reported or discharged pursuant to section 254(a)¹⁷⁵⁶ of this joint resolution.¹⁷⁵⁷

§ 271(c)

(c) APPEALS OF RULINGS. — An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn,¹⁷⁵⁸ shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under section 301(i),¹⁷⁵⁹ 302(c),¹⁷⁶⁰ 302(f),¹⁷⁶¹ 304(b),¹⁷⁶²

¹⁷⁵⁴(...continued)

¹⁷⁵⁴ See *supra* pp. 178-192.

¹⁷⁵⁵ That is, 60 Senators, no matter how many Senators are present and voting.

¹⁷⁵⁶ This reference should be to section 258(a). The Budget Enforcement Act moved this discussion from section 254(a) ("Special Procedures in the Event of a Recession") to section 258(a) ("Procedures in the Event of a Low Growth Report") (*see supra* pp. 619-627), but neglected to change this reference.

¹⁷⁵⁷ Section 13208(a)(1) of the Budget Enforcement Act (*see infra* p. 728) amended section 904(c) of the Congressional Budget Act (*see supra* p. 361) to address many of the matters addressed by this subsection. Congress meant for section 904(c) of the Congressional Budget Act to supersede this subsection, although when section 13208 of the Budget Enforcement Act (*see infra* pp. 728-729) added the material to section 904(c), it mistakenly did not repeal this subsection. To the extent that direct conflicts exist, however, the later-enacted language of section 904(c) of the Congressional Budget Act takes precedence over that of this subsection. Section 904(c) of the Congressional Budget Act provides:

(c) WAIVER. — Sections 305(b)(2), 305(c)(4), 306, 904(c), and 904(d) may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn. Sections 301(i), 302(c), 302(f), 310(d)(2), 310(f), 311(a), 313, 601(b), and 606(c) of this Act and sections 258(a)(4)(C), 258A(b)(3)(C)(i), 258B(f)(1), 258B(h)(1), 258B(h)(3), 258C(a)(5), and 258C(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

See supra p. 361

¹⁷⁵⁸ That is, 60 Senators, no matter how many Senators are present and voting.

¹⁷⁵⁹ *See supra* pp. 82-87.

306,¹⁷⁶³ 310(d),¹⁷⁶⁴ 310(g),¹⁷⁶⁵ or 311(a)¹⁷⁶⁶ of the Congressional Budget Act of 1974.¹⁷⁶⁷

¹⁷⁶⁰ (...continued)

¹⁷⁶⁰ See *supra* p. 92.

¹⁷⁶¹ See *supra* p. 95.

¹⁷⁶² See *supra* pp. 117-119.

¹⁷⁶³ See *supra* pp. 143-144.

¹⁷⁶⁴ See *supra* p. 170.

¹⁷⁶⁵ See *supra* p. 176.

¹⁷⁶⁶ See *supra* pp. 178-192.

¹⁷⁶⁷ Section 210 of the Balanced Budget and Emergency Deficit Reduction Reaffirmation Act of 1987 added this subsection.

Section 13208(a)(1) of the Budget Enforcement Act (*see infra* p. 728) amended section 904(d) of the Congressional Budget Act (*see supra* p. 366) to address many of the matters addressed by this subsection. Congress meant for section 904(d) of the Congressional Budget Act to supersede this subsection, although when section 13208 of the Budget Enforcement Act (*see infra* pp. 728-729) added the material to section 904(d), it mistakenly did not repeal this subsection. To the extent that direct conflicts exist, however, the later-enacted language of section 904(d) of the Congressional Budget Act takes precedence over that of this subsection. Section 904(d) of the Congressional Budget Act provides:

(d) Appeals in the Senate from the decisions of the Chair relating to any provision of title III or IV or section 1017 shall, except as otherwise provided therein, be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, concurrent resolution, reconciliation bill, or rescission bill, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under sections 305(b)(2), 305(c)(4), 306, 904(c), and 904(d). An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under sections 301(i), 302(c), 302(f), 310(d)(2), 310(f), 311(a), 313, 601(b), and 606(c) of this Act and sections 258(a)(4)(C), 258A(b)(3)(C)(i), 258B(f)(1), 258B(h)(1), 258B(h)(3), 258C(a)(5), and 258C(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985

See *supra* p. 366.

§ 271(c) (d)¹⁷⁶⁸ **RULEMAKING POWERS.** — The provisions of this title, other than those relating to the activities of the executive and judicial branches of the Government, are enacted by the Congress —

§ 271(d)(1) (1) as an exercise of the rulemaking power¹⁷⁶⁹ of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

§ 271(d)(2) (2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

¹⁷⁶⁸ This was originally subsection (c). Section 210 of the Balanced Budget and Emergency Deficit Reduction Reaffirmation Act of 1987 redesignated this subsection as subsection (d).

¹⁷⁶⁹ For a discussion of Congress's rule-making powers, see *supra* note 955.