§ 904(b)   **(b) Any provision**[957] **of title III**[958] **or IV**[959] **may be
waived**[960] **or suspended in the Senate by a majority vote of the**

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[956](...continued)
provisions of the House bill and Senate amendment relating to the rulemaking
powers of the House and Senate.

S. CONF. REP. NO. 924, 93d Cong., 2d Sess., 74 (1974), *reprinted in* 1974 U.S.C.C.A.N.
3591, 3615.

[957] Note that section 904(c) similarly provides that the Senate may waive certain
sections only by the affirmative vote of three-fifths of the Members, duly chosen and sworn
— that is, 60 Senators. *See infra* pp. 361-363.

Note that the Senate may also waive section 303(a) pursuant to section 303(c). *See
supra* pp. 114-116.

Section 904(c) provides that the Senate may waive or suspend sections 301(i), 302(c),
302(f), 305(b)(2), 305(c)(4), 306, 310(d)(2), 310(f), 311(a), 313, 601(b), 606(c), 904(c), and
904(d) only by the affirmative vote of 60 Senators. *See infra* pp. 361-363. Section 271(b)
of Gramm-Rudman-Hollings also provides that the Senate may waive or suspend
sections 301(i), 302(c), 302(f), 304(b), 310(d), 310(g), and 311(a) only by the affirmative
vote of 60 Senators. *See infra* p. 671. Section 13208 of the Budget Enforcement Act *(see
infra* pp. 728-729) amended section 904(c) of the Congressional Budget Act *(see infra* pp.
361-363) so as to supersede section 271(b) of Gramm-Rudman-Hollings *(see infra* p. 671),
but did not repeal section 271(b).

[958] *See supra* pp. 43-194.

[959] *See supra* pp. 247-272. The Budget Enforcement Act should have added title VI
to this list of titles that the Senate may waive by a majority vote. The drafters of the
Budget Enforcement Act certainly did not want those sections of title VI not mentioned
in section 904(c) *(see infra* p. 361) to stand without possibility of waiver. The drafters of
the Act assumed that unless the law listed a section among those requiring 60 Senators to
waive, that section would require a simple majority of those present and voting to waive.

[960] Once the Chair has ruled on a point of order, it is too late to move to waive the
provision on which the point of order was based. 128 CONG. REC. S8884, S8887-88 (1982);
Senate Precedent PRL19820722-001 (July 22, 1982) (LEGIS, Rules database) (attempt to
waive by Sen. Thurmond during debate on the Tax Reconciliation Act of 1982).

Debate on Points of Order

A motion to waive a provision of the Congressional Budget Act is debatable. *See,
e.g.,* 133 CONG. REC. S5381 (1987); Senate Precedent PRL198704123-002 (Apr. 23, 1987)
(LEGIS, Rules database) (inquiry of Sen. Harkin); 132 CONG. REC. S16,420 (daily ed. Oct.
16, 1986) (inquiries of Sens. Simpson & Domenici); *id.* at S14,202 (daily ed. Sept. 29, 1986);
(continued...)