
Members voting, a quorum being present, or by the unanimous consent of the Senate.⁹⁶¹

§ 904(e)

(c)⁹⁶² WAIVER. — Sections 305(b)(2),⁹⁶³ 305(c)(4),

⁹⁶⁰(...continued)

point of order under rule XV on a supplemental appropriations bill). Once the Chair has ruled on a point of order, it is too late to withdraw the point of order. 128 CONG. REC. S8884, S8887-88 (1982); Senate Precedent PRL19820722-001 (July 22, 1982) (LEGIS, Rules database) (attempt by Sen. Dole to withdraw his point of order to a Thurmond amendment to the Tax Reconciliation Act of 1982).

A motion to waive is subject to a motion to table when time has expired or been yielded back. 131 CONG. REC. S14,011 (1985); Senate Precedent PRL19851024-002 (Oct. 24, 1985) (LEGIS, Rules database).

Any motion in the Senate must be submitted in writing upon the request of any Senator. *Id.*

⁹⁶¹ For examples of waiver of points of order by unanimous consent, see, e.g., 138 CONG. REC. S15,365 (daily ed. Sept. 26, 1992) (Bentsen motion to waive points of order prospectively for a Chafee amendment creating a refundable tax credit in violation of sections 602(c) and 302(f)); *id.* at S14,791 (daily ed. Sept. 23, 1992) (Bentsen motion to waive points of order prospectively for his health care amendment which violated sections 602(c) and 302(f)); 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).

Either the Senate or the House may also adopt a simple resolution that would waive or suspend any section of the Congressional Budget Act insofar as that section governs only the House adopting the resolution. See *supra* note 308.

⁹⁶² Section 13208(a)(1) of the Budget Enforcement Act amended subsection (c) to read as it does now. See *infra* p. 728. For legislative history of this subsection, see *infra* note 968 (at the end of the subsection).

⁹⁶³ For examples of motions under section 904 to waive section 305(b), see, e.g., 133 CONG. REC. S17,652-53 (daily ed. Dec. 10, 1987) (Harkin motion to waive rejected 47-49 regarding his amendment no. 1257 to S. 1920, the Omnibus Budget Reconciliation Act of 1987); 133 CONG. REC. S17,600 (daily ed. Dec. 10, 1987) (Majority Leader Byrd's motion to waive section 305(b) and other sections approved 81-13 regarding specified amendments and motion to recommit regarding S. 1920, the Omnibus Budget Reconciliation Act of 1987).