

112TH CONGRESS  
2D SESSION

# S. 2040

To amend the Congressional Budget Act of 1974 to establish a point of order to prohibit an increase or other modification of the public debt limit unless a concurrent resolution on the budget has been agreed to and is in effect.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 26, 2012

Mr. LEE (for himself, Mr. RUBIO, Mr. VITTER, Mr. TOOMEY, Mr. THUNE, Mr. COBURN, Mr. PAUL, Mr. DEMINT, Mr. JOHNSON of Wisconsin, Mr. RISCH, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Congressional Budget Act of 1974 to establish a point of order to prohibit an increase or other modification of the public debt limit unless a concurrent resolution on the budget has been agreed to and is in effect.

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 “Budget Before Bor-  
5 rowing Act of 2012”.

1 **SEC. 2. POINT OF ORDER AGAINST CONSIDERATION OF**  
2 **DEBT LIMIT MODIFICATION.**

3 Section 312 of the Congressional Budget Act of 1974  
4 is amended by adding at the end the following new sub-  
5 section:

6 “(g) POINT OF ORDER AGAINST CONSIDERATION OF  
7 DEBT LIMIT MODIFICATION.—(1) It shall not be in order  
8 in the House of Representatives or the Senate to consider  
9 any bill or joint resolution, or amendment thereto or con-  
10 ference report thereon, to increase or modify the public  
11 debt limit unless a concurrent resolution on the budget  
12 has been agreed to and is in effect for the fiscal year dur-  
13 ing which such measure is being considered.

14 “(2) Paragraph (1) may be waived or suspended in  
15 the House of Representatives or the Senate only by the  
16 affirmative vote of two-thirds of its Members, duly chosen  
17 and sworn.

18 “(3) An affirmative vote of two-thirds of the Mem-  
19 bers, duly chosen and sworn, shall be required in the Sen-  
20 ate to sustain an appeal of the ruling of the Chair on a  
21 point of order under paragraph (1).”.

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