

115TH CONGRESS 1ST SESSION

S. J. RES. 39

Proposing a balanced budget amendment to the Constitution of the United States.

IN THE SENATE OF THE UNITED STATES

March 30, 2017

Mr. Donnelly (for himself, Ms. Heitkamp, Mr. Tester, and Mr. Manchin) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing a balanced budget amendment to the Constitution of the United States.

- 1 Resolved by the Senate and House of Representatives
- 2 of the United States of America in Congress assembled
- 3 (two-thirds of each House concurring therein), That the fol-
- 4 lowing article is proposed as an amendment to the Con-
- 5 stitution of the United States, which shall be valid to all
- 6 intents and purposes as part of the Constitution when
- 7 ratified by the legislatures of three-fourths of the several
- 8 States within seven years after the date of its submission
- 9 by the Congress:

1	"ARTICLE —
2	"Section 1. Total outlays for any fiscal year shall
3	not exceed total receipts for that fiscal year, unless three-
4	fifths of the whole number of each House of Congress shall
5	provide by law for a specific excess of outlays over receipts
6	by a roll call vote.
7	"Section 2. Prior to each fiscal year, the President
8	shall transmit to the Congress a proposed budget for the
9	United States Government for that fiscal year in which
10	total outlays do not exceed total receipts.
11	"Section 3. Sections 1 and 2 of this Article shall
12	not apply during any fiscal year in which a declaration
13	of war is in effect or in which the United States is engaged
14	in military conflict which causes an imminent and serious
15	military threat to national security and is so declared by
16	a joint resolution, adopted by a majority of the whole num-
17	ber of each House, which becomes law.
18	"Section 4. Section 1 of this Article shall not apply
19	during a fiscal year if, during that fiscal year or the pre-
20	ceding fiscal year, the economy of the United States grew
21	by less than an annualized rate of 0.0 percent in real gross
22	domestic product during 2 or more consecutive quarters
23	or the unemployment rate was more than 7 percent during

24 2 or more consecutive months.

- 1 "Section 2 of this Article shall not apply to a fiscal
- 2 year if, during the 1-year period ending on the date on
- 3 which the President transmits to Congress a proposed
- 4 budget for the United States Government for that fiscal
- 5 year, the economy of the United States grew by less than
- 6 an annualized rate of 0.0 percent in real gross domestic
- 7 product during 2 or more consecutive quarters or the un-
- 8 employment rate was more than 7 percent during 2 or
- 9 more consecutive months.
- 10 "Section 5. Congress shall enforce and implement
- 11 this article by appropriate legislation, which may rely on
- 12 estimates of outlays and receipts.
- "Section 6. Except as provided in the second and
- 14 third clauses, total receipts shall include all receipts of the
- 15 United States Government other than those derived from
- 16 borrowing, and total outlays shall include all outlays of
- 17 the United States Government other than those for repay-
- 18 ment of debt principal.
- 19 "For each fiscal year, the receipts (including attrib-
- 20 utable interest) and outlays of the Federal Old-Age and
- 21 Survivors Insurance Trust Fund, the Federal Medicare
- 22 Hospital Insurance Trust Fund, the Federal Disability In-
- 23 surance Trust Fund, or any fund that is a successor to
- 24 any such fund, shall not be considered to be receipts or
- 25 outlays for purposes of this article.

- 1 "For any fiscal year, outlays relating to a natural dis-
- 2 aster shall not be considered to be outlays for purposes
- 3 of this article if the law making the amounts available ex-
- 4 plicitly exempts the outlays from this article and is agreed
- 5 to by a majority of the whole number of each House.
- 6 "Section 7. No court of the United States or of any
- 7 State shall enforce this article by ordering any reduction
- 8 in Social Security or Medicare payments authorized by
- 9 law, including any amounts paid from the Federal Old-
- 10 Age and Survivors Insurance Trust Fund, the Federal
- 11 Medicare Hospital Insurance Trust Fund, the Federal
- 12 Disability Insurance Trust Fund, or any fund that is a
- 13 successor to any such fund, unless the receipts (including
- 14 attributable interest) and other amounts available for that
- 15 fund for the applicable fiscal year are not sufficient to
- 16 cover the outlays that would otherwise occur during that
- 17 fiscal year if the fund were fully solvent.
- 18 "Section 8. This article shall take effect beginning
- 19 with the fifth fiscal year beginning after its ratification.".

 \bigcirc