

112TH CONGRESS  
1ST SESSION

# S. J. RES. 10

Proposing an amendment to the Constitution of the United States relative  
to balancing the budget.

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## IN THE SENATE OF THE UNITED STATES

MARCH 31, 2011

Mr. HATCH (for himself, Mr. LEE, Mr. CORNYN, Mr. KYL, Mr. MCCONNELL, Mr. TOOMEY, Ms. SNOWE, Mr. RISCH, Mr. RUBIO, Mr. DEMINT, Mr. PAUL, Mr. VITTER, Mr. ENZI, Mr. KIRK, Mr. THUNE, Mr. ALEXANDER, Mr. INHOFE, Mr. CRAPO, Mr. BURR, Mr. BARRASSO, Mr. COBURN, Mr. MORAN, Mr. LUGAR, Mrs. HUTCHISON, Mr. ISAKSON, Mr. BROWN of Massachusetts, Mr. JOHNSON of Wisconsin, Mr. GRAHAM, Mr. GRASSLEY, Mr. SHELBY, Mr. SESSIONS, Mr. MCCAIN, Mr. BOOZMAN, Mr. ROBERTS, Ms. COLLINS, Mr. HOEVEN, Mr. CHAMBLISS, Ms. AYOTTE, Mr. BLUNT, Mr. COATS, Mr. COCHRAN, Mr. CORKER, Mr. ENSIGN, Mr. JOHANNIS, Ms. MURKOWSKI, Mr. PORTMAN, and Mr. WICKER) introduced the following joint resolution which was referred to the Committee on the Judiciary

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## JOINT RESOLUTION

Proposing an amendment to the Constitution of the United  
States relative to balancing the budget.

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*

1 intents and purposes as part of the Constitution when  
2 ratified by the legislatures of three-fourths of the several  
3 States:

4 “ARTICLE —

5 “SECTION 1. Total outlays for any fiscal year shall  
6 not exceed total receipts for that fiscal year, unless two-  
7 thirds of the duly chosen and sworn Members of each  
8 House of Congress shall provide by law for a specific ex-  
9 cess of outlays over receipts by a roll call vote.

10 “SECTION 2. Total outlays for any fiscal year shall  
11 not exceed 18 percent of the gross domestic product of  
12 the United States for the calendar year ending before the  
13 beginning of such fiscal year, unless two-thirds of the duly  
14 chosen and sworn Members of each House of Congress  
15 shall provide by law for a specific amount in excess of such  
16 18 percent by a roll call vote.

17 “SECTION 3. Prior to each fiscal year, the President  
18 shall transmit to the Congress a proposed budget for the  
19 United States Government for that fiscal year in which—

20 “(1) total outlays do not exceed total receipts;  
21 and

22 “(2) total outlays do not exceed 18 percent of  
23 the gross domestic product of the United States for  
24 the calendar year ending before the beginning of  
25 such fiscal year.

1       “SECTION 4. Any bill that imposes a new tax or in-  
2 creases the statutory rate of any tax or the aggregate  
3 amount of revenue may pass only by a two-thirds majority  
4 of the duly chosen and sworn Members of each House of  
5 Congress by a roll call vote. For the purpose of deter-  
6 mining any increase in revenue under this section, there  
7 shall be excluded any increase resulting from the lowering  
8 of the statutory rate of any tax.

9       “SECTION 5. The limit on the debt of the United  
10 States shall not be increased, unless three-fifths of the  
11 duly chosen and sworn Members of each House of Con-  
12 gress shall provide for such an increase by a roll call vote.

13       “SECTION 6. The Congress may waive the provisions  
14 of sections 1, 2, 3, and 5 of this article for any fiscal year  
15 in which a declaration of war against a nation-state is in  
16 effect and in which a majority of the duly chosen and  
17 sworn Members of each House of Congress shall provide  
18 for a specific excess by a roll call vote.

19       “SECTION 7. The Congress may waive the provisions  
20 of sections 1, 2, 3, and 5 of this article in any fiscal year  
21 in which the United States is engaged in a military conflict  
22 that causes an imminent and serious military threat to  
23 national security and is so declared by three-fifths of the  
24 duly chosen and sworn Members of each House of Con-  
25 gress by a roll call vote. Such suspension must identify

1 and be limited to the specific excess of outlays for that  
2 fiscal year made necessary by the identified military con-  
3 flict.

4 “SECTION 8. No court of the United States or of any  
5 State shall order any increase in revenue to enforce this  
6 article.

7 “SECTION 9. Total receipts shall include all receipts  
8 of the United States Government except those derived  
9 from borrowing. Total outlays shall include all outlays of  
10 the United States Government except those for repayment  
11 of debt principal.

12 “SECTION 10. The Congress shall have power to en-  
13 force and implement this article by appropriate legislation,  
14 which may rely on estimates of outlays, receipts, and gross  
15 domestic product.

16 “SECTION 11. This article shall take effect beginning  
17 with the fifth fiscal year beginning after its ratification.”.

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