

111TH CONGRESS
1ST SESSION

S. 2911

To reduce the deficit by establishing 5-year discretionary spending caps and strengthened Pay-As-You-Go procedures.

IN THE SENATE OF THE UNITED STATES

DECEMBER 18, 2009

Mr. SESSIONS (for himself, Mr. BUNNING, Mr. VITTER, Mr. LEMIEUX, Mr. ENZI, Mr. CORNYN, Mr. BARRASSO, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on the Budget

A BILL

To reduce the deficit by establishing 5-year discretionary spending caps and strengthened Pay-As-You-Go procedures.

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 “Common Sense Budg-
5 eting Act”.

1 **TITLE I—DISCRETIONARY**
 2 **SPENDING LIMITS**

3 **SEC. 101. DISCRETIONARY SPENDING LIMITS.**

4 Title III of the Congressional Budget Act of 1974
 5 is amended by inserting at the end the following:

6 “DISCRETIONARY SPENDING LIMITS

7 “SEC. 316. (a) DISCRETIONARY SPENDING LIM-
 8 ITS.—It shall not be in order in the House of Representa-
 9 tives or the Senate to consider any bill, joint resolution,
 10 amendment, or conference report that includes any provi-
 11 sion that would cause the discretionary spending limits as
 12 set forth in subsection (b) to be exceeded.

13 “(b) LIMITS.—The discretionary spending limits are
 14 as follows:

15 “(1) For fiscal year 2010—

16 “(A) for defense, \$556,128,000,000 in
 17 budget authority; and

18 “(B) for nondefense, \$670,108,000,000 in
 19 budget authority.

20 “(2) For fiscal year 2011—

21 “(A) for defense, \$564,293,000,000 in
 22 budget authority; and

23 “(B) for nondefense, \$593,769,000,000 in
 24 budget authority.

25 “(3) For fiscal year 2012—

1 “(A) for defense, \$573,612,000,000 in
2 budget authority; and

3 “(B) for nondefense, \$597,461,000,000 in
4 budget authority.

5 “(4) For fiscal year 2013—

6 “(A) for defense, \$584,421,000,000 in
7 budget authority; and

8 “(B) for nondefense, \$605,156,000,000 in
9 budget authority.

10 “(5) For fiscal year 2014—

11 “(A) for defense, \$598,249,000,000 in
12 budget authority; and

13 “(B) for nondefense, \$615,110,000,000 in
14 budget authority.

15 “(c) POINT OF ORDER IN THE SENATE.—

16 “(1) WAIVER.—The provisions of this section
17 shall be waived or suspended in the Senate only—

18 “(A) by the affirmative vote of two-thirds
19 of the Members, duly chosen and sworn; or

20 “(B) in the case of the defense budget au-
21 thority, if Congress declares war.

22 “(2) APPEAL.—Appeals in the Senate from the
23 decisions of the Chair relating to any provision of
24 this section shall be limited to 1 hour, to be equally
25 divided between, and controlled by, the appellant

1 and the manager of the measure. An affirmative
 2 vote of two-thirds of the Members of the Senate,
 3 duly chosen and sworn, shall be required to sustain
 4 an appeal of the ruling of the Chair on a point of
 5 order raised under this section.”.

6 **TITLE II—PAY-AS-YOU-GO**

7 **SEC. 201. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.**

8 (a) IN GENERAL.—Title III of the Congressional
 9 Budget Act of 1974, as amended by section 101, is
 10 amended by inserting at the end the following:

11 “PAY-AS-YOU-GO

12 “SEC. 317. (a) POINT OF ORDER.—

13 “(1) IN GENERAL.—It shall not be in order in
 14 the Senate to consider any direct spending or rev-
 15 enue legislation that would increase the on-budget
 16 deficit or cause an on-budget deficit for either of the
 17 applicable time periods as measured in paragraphs
 18 (5) and (6).

19 “(2) APPLICABLE TIME PERIODS.—For pur-
 20 poses of this subsection, the term ‘applicable time
 21 period’ means any 1 of the 4 following periods—

22 “(A) the period of the current fiscal year;

23 “(B) the budget year;

24 “(C) the period of the 5 fiscal years fol-
 25 lowing the current fiscal year; and

1 “(D) the period of the 5 fiscal years fol-
2 lowing the 5 fiscal years referred to in subpara-
3 graph (C).

4 “(3) DIRECT SPENDING LEGISLATION.—For
5 purposes of this subsection and except as provided
6 in paragraph (4), the term ‘direct spending legisla-
7 tion’ means any bill, joint resolution, amendment,
8 motion, or conference report that affects direct
9 spending as that term is defined by, and interpreted
10 for purposes of, the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985.

12 “(4) EXCLUSION.—For purposes of this sub-
13 section, the terms ‘direct spending legislation’ and
14 ‘revenue legislation’ do not include—

15 “(A) any concurrent resolution on the
16 budget; or

17 “(B) any provision of legislation that af-
18 fects the full funding of, and continuation of,
19 the deposit insurance guarantee commitment in
20 effect on the date of enactment of the Budget
21 Enforcement Act of 1990.

22 “(5) METHODS FOR ESTIMATION.—Estimates
23 prepared pursuant to this subsection shall—

1 “(A) use the baseline surplus or deficit
2 used for the most recently adopted concurrent
3 resolution on the budget;

4 “(B) except as provided in subparagraphs
5 (C) and (D), be calculated under the require-
6 ments of subsections (b) through (d) of section
7 257 of the Balanced Budget and Emergency
8 Deficit Control Act of 1985 (as in effect prior
9 to September 30, 2002) for fiscal years beyond
10 those covered by that concurrent resolution on
11 the budget; and

12 “(C) assume the continuation of all expir-
13 ing direct spending programs, revenue reduc-
14 tions, excise taxes and customs duties.

15 “(b) SUPERMAJORITY WAIVER AND APPEALS.—

16 “(1) WAIVER.—This section may be waived or
17 suspended in the Senate only by the affirmative vote
18 of two-thirds of the Members, duly chosen and
19 sworn.

20 “(2) APPEALS.—Appeals in the Senate from
21 the decisions of the Chair relating to any provision
22 of this section shall be limited to 1 hour, to be
23 equally divided between, and controlled by, the ap-
24 pellant and the manager of the bill or joint resolu-
25 tion, as the case may be. An affirmative vote of two-

1 thirds of the Members of the Senate, duly chosen
 2 and sworn, shall be required to sustain an appeal of
 3 the ruling of the Chair on a point of order raised
 4 under this section.

5 “(c) DETERMINATION OF BUDGET LEVELS.—For
 6 purposes of this section, the levels of new budget author-
 7 ity, outlays, and revenues for a fiscal year shall be deter-
 8 mined on the basis of estimates made by the Senate Com-
 9 mittee on the Budget.

10 “(d) REPEAL.—In the Senate, section 201 of S. Con.
 11 Res. 21 (110th Congress), the fiscal year 2008 concurrent
 12 resolution on the budget, shall no longer apply.”.

13 (b) TABLE OF CONTENTS.—The table of contents set
 14 forth in section 1(b) of the Congressional Budget and Im-
 15 poundment Control Act of 1974 is amended by inserting
 16 after the item relating to section 315 the following new
 17 item:

“Sec. 316. Discretionary spending limits.

“Sec. 317. Pay-as-you-go.”.

