

115TH CONGRESS  
1ST SESSION

# S. J. RES. 39

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

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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

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## 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.

13       “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.”.

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