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KID

Baucus

AMENDMENT NO. _____ Calendar No. _____

Purpose: To reduce Federal spending in a responsible manner.

IN _____ 1 Sess.

AMENDMENT NO 4808

(title) By Corker + others _____

To: Amdt. No. 4753 _____

Re 8 and _____

Page(s)

GPO: 2008 45-503 (mac)

AMENDMENT intended to be proposed by Corker

*McCaskill
Alexander
Burr
Chambliss
Coryn
Isakson
LeMieux
McCain*

Viz:

1 On page __, between lines __ and __, insert the fol-
2 lowing:

3 **TITLE _____ —CAP ACT OF 2010**

4 **SEC. __01. SHORT TITLE.**

5 This title may be cited as the "Commitment to Amer-
6 ican Prosperity Act of 2010" or the "CAP Act of 2010".

7 **SEC. __02. FINDINGS.**

8 Congress finds the following:

9 (1) This Act is authorized by the United States
10 Constitution under clause 1 of section 8 of article I,
11 relating to the power of the Congress to tax and
12 spend.

1 (2) Total Federal outlays have averaged 20.4
2 percent of gross domestic product over the past 50
3 years.

4 (3) Total Federal outlays in fiscal year 2010
5 were 23.8 percent of gross domestic product.

6 (4) Total Federal outlays in fiscal year 2020
7 will be 25.9 percent of gross domestic product.

8 (5) It is appropriate and necessary to put total
9 federal outlays under a limitation, as a percent of
10 gross domestic product, such that a downward glide
11 path ultimately brings spending in line with histor-
12 ical norms.

13 **SEC. __03. OUTLAYS EXCEEDING THE GDP OUTLAY LIMIT.**

14 (a) DEFINITIONS.—Section 250(c)(4) of the Bal-
15 anced Budget and Emergency Deficit Control Act of 1985
16 is amended by striking paragraph (4), redesignating the
17 succeeding paragraphs accordingly, and adding the fol-
18 lowing paragraphs:

19 “(19) The term ‘GDP’, for any fiscal year,
20 means the gross domestic product during such fiscal
21 year consistent with Department of Commerce defi-
22 nitions.

23 “(20)(A) The term ‘emergency requirement’
24 means any provision that provides new budget au-
25 thority and resulting outlays for a situation that

1 poses a threat to life, property, or national security
2 and is—

3 “(i) sudden, quickly coming into being, and
4 not building up over time;

5 “(ii) an urgent, pressing, and compelling
6 need requiring immediate action;

7 “(iii) unforeseen, unpredictable, and unan-
8 ticipated; and

9 “(iv) not permanent, temporary in nature.

10 “(B) An emergency that is part of an aggregate
11 level of anticipated emergencies, particularly when
12 normally estimated in advance, is not unforeseen.

13 “(21) The term ‘target fiscal year’ means the
14 fiscal year in which a GDP outlay limit is in effect
15 under section 253A.”.

16 (b) CAPS.—The Balanced Budget and Emergency
17 Deficit Control Act of 1985 is amended by inserting after
18 section 253 the following:

19 **“SEC. 253A. ENFORCING GDP OUTLAY LIMITS.**

20 “(a) ENFORCING GDP OUTLAY LIMITS.—In this sec-
21 tion, the term ‘GDP outlay limit’ means an amount, as
22 estimated by OMB, equal to—

23 “(1) the average GDP for the first 3 of the 4
24 fiscal years preceding the target fiscal year (fiscal
25 year 2009, fiscal year 2010 and fiscal year 2011 for

1 target year fiscal year 2013, and so on); multiplied
2 by

3 “(2)(A) 25 percent for fiscal year 2013; and

4 “(B) for fiscal years 2014 through 2022, 25
5 percent minus 0.168 percent accumulating for each
6 fiscal year (25 percent minus .168 percent in fiscal
7 year 2014, 25 percent minus .336 percent in fiscal
8 year 2015, and so on).

9 “(b) GDP OUTLAY LIMIT AND OUTLAYS.—

10 “(1) DETERMINING THE GDP OUTLAY LIMIT.—

11 The Office of Management and Budget shall esti-
12 mate the GDP outlay limit for the target fiscal year
13 at the outset of the previous fiscal year, on April 30,
14 on August 20, and 15 days after the conclusion of
15 the fiscal year. CBO shall provide advisory reports
16 calculating the GDP outlay limit at identical times.

17 “(2) TOTAL FEDERAL OUTLAYS.—In this sec-
18 tion, total Federal outlays shall—

19 “(A) include all on-budget and off-budget
20 outlays; and

21 “(B) exclude surplus-funded redemptions
22 of the public debt.

23 “(c) SEQUESTRATION.—

24 “(1) IN GENERAL.—

1 “(A) EXCESS SPENDING.—Not later than
2 45 calendar days after the beginning of a fiscal
3 year, OMB shall conduct a sequestration to
4 eliminate the excess outlay amount.

5 “(B) DEFINITION.—For purposes of this
6 subsection, the term ‘excess outlay amount’
7 means the amount by which total Federal out-
8 lays for a fiscal year exceed the GDP outlay
9 limit as adjusted pursuant to paragraph (2).

10 “(2) PREVIEW REPORT.—CBO shall submit an
11 advisory sequestration preview report as described in
12 section 254(c)(4) on August 10 of each year. OMB
13 shall produce an sequestration preview report on Au-
14 gust 20 as described in section 254(c)(4). Fifteen
15 days after the fiscal year begins, OMB shall issue an
16 updated sequestration report as described in section
17 254(e). Thirty days later, the OMB should issue its
18 final sequestration report as described in section
19 254(f)(3). It shall be accompanied by a Presidential
20 order detailing the uniform spending reductions. The
21 reductions should generally follow the process set
22 forth in section 253 and 254, except as provided in
23 this section.

24 “(3) CONGRESSIONAL ACTION.—If the August
25 20 OMB report projects a sequestration, the Senate

1 and House Budget Committees may report a resolu-
2 tion directing their committees to change the exist-
3 ing law to achieve the goals outlined in the August
4 20 report. If the Committees report their respective
5 resolutions, a reconciliation process shall be trig-
6 gered in accordance with section 258C.

7 “(4) REDUCING NONEXEMPT BUDGETARY RE-
8 SOURCES BY A UNIFORM PERCENTAGE.—OMB shall
9 calculate the uniform percentage by which the budg-
10 etary resources of nonexempt direct and discre-
11 tionary spending programs are to be sequestered
12 such that the outlay savings resulting from that se-
13 questration, as calculated under this subsection, to
14 eliminate excess outlays.

15 “(d) EXCEPTIONS.—Total Federal outlays may ex-
16 ceed the GDP outlay limit if during the fiscal year the
17 excess amount is being paid to reduce the public debt or
18 the public debt is zero.

19 “(e) NO EXEMPT PROGRAMS.—Section 255 shall not
20 apply to this section, except that payments for net interest
21 (budget function 900) shall be exempt.

22 “(f) LOOK BACK.—If, after June 30, a bill resulting
23 in outlays for the fiscal year in progress is enacted that
24 causes excess outlays, the excess outlays for the next fiscal

1 year shall be increased by the amount or amounts of that
2 breach.”.

3 (c) EFFECTIVE DATE.—This section shall apply be-
4 ginning in fiscal year 2013 and beyond.

5 **SEC. __05. ENFORCEMENT PROCEDURES UNDER THE CON-**
6 **GRESSIONAL BUDGET ACT OF 1974.**

7 (a) ENFORCEMENT.—Title III of the Congressional
8 Budget Act of 1974 is amended by adding after section
9 315 the following:

10 **“SEC. 316. ENFORCEMENT PROCEDURES.**

11 “(a) GDP OUTLAY LIMITS.—It shall not be in order
12 in the House of Representatives or the Senate to consider
13 any bill, joint resolution, amendment, or conference report
14 that includes any provision that would cause the most re-
15 cently reported, current GDP outlay limits set forth in sec-
16 tion 253A of the Balanced Budget and Emergency Deficit
17 Control Act of 1985 to be exceeded.

18 “(b) WAIVER OR SUSPENSION.—

19 “(1) IN THE SENATE.—The provisions of this
20 section may be waived or suspended in the Senate
21 only by the affirmative vote of two-thirds of the
22 Members, duly chosen and sworn.

23 “(2) IN THE HOUSE.—The provisions of this
24 section may be waived or suspended in the House of
25 Representatives only by a rule or order proposing

1 only to waive such provisions by an affirmative vote
2 of two-thirds of the Members, duly chosen and
3 sworn.

4 “(c) POINT OF ORDER PROTECTION.—In the House,
5 it shall not be in order to consider a rule or order that
6 waives the application of paragraph (2) of subsection (b).

7 “(d) MOTION TO SUSPEND.—It shall not be in order
8 for the Speaker to entertain a motion to suspend the appli-
9 cation of this section under clause 1 of rule XV.”.

10 (b) TABLE OF CONTENTS.—The table of contents in
11 section 1(b) of the Congressional Budget and Impound-
12 ment Control Act of 1974 is amended by inserting after
13 the item relating to section 315 the following:

“Sec. 316. Enforcement procedures.”.