

AMENDMENT NO. _____ Calendar No. _____

Purpose: To reduce the deficit by establishing discretionary spending caps.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

(no.) _____

(title) _____

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SESSIONS (for
himself and Mrs. McCASKILL)

Viz:

1 At the end, insert the following:

2 **SEC. __01. DISCRETIONARY SPENDING LIMITS.**

3 (a) IN GENERAL.—Title III of the Congressional
4 Budget Act of 1974 is amended by inserting at the end
5 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-

1 sion that would cause the discretionary spending limits as
2 set forth in this section to be exceeded.

3 “(b) LIMITS.—In this section, the term ‘discretionary
4 spending limits’ has the following meaning subject to ad-
5 justments in subsection (c):

6 “(1) For fiscal year 2011—

7 “(A) for the defense category (budget
8 function 050), \$564,293,000,000 in budget au-
9 thority; and

10 “(B) for the nondefense category,
11 \$529,662,000,000 in budget authority.

12 “(2) For fiscal year 2012—

13 “(A) for the defense category (budget
14 function 050), \$573,612,000,000 in budget au-
15 thority; and

16 “(B) for the nondefense category,
17 \$533,232,000,000 in budget authority.

18 “(3) For fiscal year 2013—

19 “(A) for the defense category (budget
20 function 050), \$584,421,000,000 in budget au-
21 thority; and

22 “(B) for the nondefense category,
23 \$540,834,000,000 in budget authority.

24 “(4) With respect to fiscal years following
25 2013, the President shall recommend and the Con-

1 gress shall consider legislation setting limits for
2 those fiscal years.

3 “(c) ADJUSTMENTS.—

4 “(1) IN GENERAL.—After the reporting of a bill
5 or joint resolution relating to any matter described
6 in paragraph (2), or the offering of an amendment
7 thereto or the submission of a conference report
8 thereon—

9 “(A) the Chairman of the Senate Com-
10 mittee on the Budget may adjust the discre-
11 tionary spending limits, the budgetary aggre-
12 gates in the concurrent resolution on the budget
13 most recently adopted by the Senate and the
14 House of Representatives, and allocations pur-
15 suant to section 302(a) of the Congressional
16 Budget Act of 1974, by the amount of new
17 budget authority in that measure for that pur-
18 pose and the outlays flowing there from; and

19 “(B) following any adjustment under sub-
20 paragraph (A), the Senate Committee on Ap-
21 propriations may report appropriately revised
22 suballocations pursuant to section 302(b) of the
23 Congressional Budget Act of 1974 to carry out
24 this subsection.

1 “(2) MATTERS DESCRIBED.—Matters referred
2 to in paragraph (1) are as follows:

3 “(A) OVERSEAS DEPLOYMENTS AND
4 OTHER ACTIVITIES.—If a bill or joint resolution
5 is reported making appropriations for fiscal
6 year 2011, 2012, or 2013, that provides fund-
7 ing for overseas deployments and other activi-
8 ties, the adjustment for purposes paragraph (1)
9 shall be the amount of budget authority in that
10 measure for that purpose but not to exceed—

11 “(i) with respect to fiscal year 2011,
12 \$50,000,000,000 in new budget authority;

13 “(ii) with respect to fiscal year 2012,
14 \$50,000,000,000 in new budget authority;

15 and

16 “(iii) with respect to fiscal year 2013,
17 \$50,000,000,000 in new budget authority.

18 “(B) INTERNAL REVENUE SERVICE TAX
19 ENFORCEMENT.—

20 “(i) IN GENERAL.—If a bill or joint
21 resolution is reported making appropria-
22 tions for fiscal year 2011, 2012, or 2013,
23 that includes the amount described in
24 clause (ii)(I), plus an additional amount
25 for enhanced tax enforcement to address

1 the Federal tax gap (taxes owed but not
2 paid) described in clause (ii)(II), the ad-
3 justment for purposes of paragraph (1)
4 shall be the amount of budget authority in
5 that measure for that initiative not exceed-
6 ing the amount specified in clause (ii)(II)
7 for that fiscal year.

8 “(ii) AMOUNTS.—The amounts re-
9 ferred to in clause (i) are as follows:

10 “(I) For fiscal year 2011,
11 \$7,171,000,000, for fiscal year 2012,
12 \$7,243,000,000, and for fiscal year
13 2013, \$7,315,000,000.

14 “(II) For fiscal year 2011,
15 \$899,000,000, for fiscal year 2012,
16 and \$908,000,000, for fiscal year
17 2013, \$917,000,000.

18 “(C) CONTINUING DISABILITY REVIEWS
19 AND SSI REDETERMINATIONS.—

20 “(i) IN GENERAL.—If a bill or joint
21 resolution is reported making appropria-
22 tions for fiscal year 2011, 2012, or 2013
23 that includes the amount described in
24 clause (ii)(I), plus an additional amount
25 for Continuing Disability Reviews and

1 Supplemental Security Income Redeter-
2 minations for the Social Security Adminis-
3 tration described in clause (ii)(II), the ad-
4 justment for purposes of paragraph (1)
5 shall be the amount of budget authority in
6 that measure for that initiative not exceed-
7 ing the amount specified in clause (ii)(II)
8 for that fiscal year.

9 “(ii) AMOUNTS.—The amounts re-
10 ferred to in clause (i) are as follows:

11 “(I) For fiscal year 2011,
12 \$276,000,000, for fiscal year 2012,
13 \$278,000,000, and for fiscal year
14 2013, \$281,000,000.

15 “(II) For fiscal year 2011,
16 \$490,000,000; for fiscal year 2012,
17 and \$495,000,000; for fiscal year
18 2013, \$500,000,000.

19 “(iii) ASSET VERIFICATION.—

20 “(I) IN GENERAL.—The addi-
21 tional appropriation permitted under
22 clause (ii)(II) may also provide that a
23 portion of that amount, not to exceed
24 the amount specified in subclause (II)
25 for that fiscal year instead may be

1 used for asset verification for Supple-
2 mental Security Income recipients,
3 but only if, and to the extent that the
4 Office of the Chief Actuary estimates
5 that the initiative would be at least as
6 cost effective as the redeterminations
7 of eligibility described in this subpara-
8 graph.

9 “(II) AMOUNTS.—For fiscal year
10 2011, \$34,340,000, for fiscal year
11 2012, \$34,683,000, and for fiscal year
12 2013, \$35,030,000.

13 “(D) HEALTH CARE FRAUD AND ABUSE.—

14 “(i) IN GENERAL.—If a bill or joint
15 resolution is reported making appropria-
16 tions for fiscal year 2011, 2012, or 2013
17 that includes the amount described in
18 clause (ii) for the Health Care Fraud and
19 Abuse Control program at the Department
20 of Health & Human Services for that fiscal
21 year, the adjustment for purposes of para-
22 graph (1) shall be the amount of budget
23 authority in that measure for that initia-
24 tive but not to exceed the amount de-
25 scribed in clause (ii).

1 “(ii) AMOUNT.—The amount referred
2 to in clause (i) is for fiscal year 2011,
3 \$314,000,000, for fiscal year 2012,
4 \$317,000,000, and for fiscal year 2013,
5 \$320,000,000.

6 “(E) UNEMPLOYMENT INSURANCE IM-
7 PROPER PAYMENT REVIEWS.—If a bill or joint
8 resolution is reported making appropriations for
9 fiscal year 2011, 2012, or 2013 that includes
10 \$10,000,000, plus an additional amount for in-
11 person reemployment and eligibility assessments
12 and unemployment improper payment reviews
13 for the Department of Labor, the adjustment
14 for purposes paragraph (1) shall be the amount
15 of budget authority in that measure for that
16 initiative but not to exceed—

17 “(i) with respect to fiscal year 2011,
18 \$51,000,000 in new budget authority;

19 “(ii) with respect to fiscal year 2012,
20 \$51,000,000 in new budget authority; and

21 “(iii) with respect to fiscal year 2013,
22 \$52,000,000 in new budget authority.

23 “(F) LOW-INCOME HOME ENERGY ASSIST-
24 ANCE PROGRAM (LIHEAP).—If a bill or joint
25 resolution is reported making appropriations for

1 fiscal year 2011, 2012, or 2013 that includes
2 \$3,200,000,000 in funding for the Low-Income
3 Home Energy Assistance Program and provides
4 an additional amount up to \$1,900,000,000 for
5 that program, the adjustment for purposes of
6 paragraph (1) shall be the amount of budget
7 authority in that measure for that initiative but
8 not to exceed \$1,900,000,000.

9 “(d) EMERGENCY SPENDING.—

10 “(1) AUTHORITY TO DESIGNATE.—In the Sen-
11 ate, with respect to a provision of direct spending or
12 receipts legislation or appropriations for discre-
13 tionary accounts that Congress designates as an
14 emergency requirement in such measure, the
15 amounts of new budget authority, outlays, and re-
16 ceipts in all fiscal years resulting from that provision
17 shall be treated as an emergency requirement for the
18 purpose of this subsection.

19 “(2) EXEMPTION OF EMERGENCY PROVI-
20 SIONS.—Any new budget authority, outlays, and re-
21 ceipts resulting from any provision designated as an
22 emergency requirement, pursuant to this subsection,
23 in any bill, joint resolution, amendment, or con-
24 ference report shall not count for purposes of sec-
25 tions 302 and 311 of the Congressional Budget Act

1 of 1974, section 201 of S. Con. Res. 21 (110th Con-
2 gress) (relating to pay-as-you-go), and section 311
3 of S. Con. Res. 70 (110th Congress) (relating to
4 long-term deficits).

5 “(3) DESIGNATIONS.—If a provision of legisla-
6 tion is designated as an emergency requirement
7 under this subsection, the committee report and any
8 statement of managers accompanying that legisla-
9 tion shall include an explanation of the manner in
10 which the provision meets the criteria in paragraph
11 (6).

12 “(4) DEFINITIONS.—In this subsection, the
13 terms ‘direct spending’, ‘receipts’, and ‘appropria-
14 tions for discretionary accounts’ mean any provision
15 of a bill, joint resolution, amendment, motion, or
16 conference report that affects direct spending, re-
17 ceipts, or appropriations as those terms have been
18 defined and interpreted for purposes of the Balanced
19 Budget and Emergency Deficit Control Act of 1985.

20 “(5) POINT OF ORDER.—

21 “(A) IN GENERAL.—When the Senate is
22 considering a bill, resolution, amendment, mo-
23 tion, or conference report, if a point of order is
24 made by a Senator against an emergency des-
25 ignation in that measure, that provision making

1 such a designation shall be stricken from the
2 measure and may not be offered as an amend-
3 ment from the floor.

4 “(B) SUPERMAJORITY WAIVER AND AP-
5 PEALS.—

6 “(i) WAIVER.—Subparagraph (A) may
7 be waived or suspended in the Senate only
8 by an affirmative vote of three-fifths of the
9 Members, duly chosen and sworn.

10 “(ii) APPEALS.—Appeals in the Sen-
11 ate from the decisions of the Chair relating
12 to any provision of this paragraph shall be
13 limited to 1 hour, to be equally divided be-
14 tween, and controlled by, the appellant and
15 the manager of the bill or joint resolution,
16 as the case may be. An affirmative vote of
17 three-fifths of the Members of the Senate,
18 duly chosen and sworn, shall be required to
19 sustain an appeal of the ruling of the
20 Chair on a point of order raised under this
21 paragraph.

22 “(C) DEFINITION OF AN EMERGENCY DES-
23 IGNATION.—For purposes of subparagraph (A),
24 a provision shall be considered an emergency
25 designation if it designates any item as an

1 emergency requirement pursuant to this para-
2 graph.

3 “(D) FORM OF THE POINT OF ORDER.—A
4 point of order under subparagraph (A) may be
5 raised by a Senator as provided in section
6 313(e) of the Congressional Budget Act of
7 1974.

8 “(E) CONFERENCE REPORTS.—When the
9 Senate is considering a conference report on, or
10 an amendment between the Houses in relation
11 to, a bill, upon a point of order being made by
12 any Senator pursuant to this paragraph, and
13 such point of order being sustained, such mate-
14 rial contained in such conference report shall be
15 deemed stricken, and the Senate shall proceed
16 to consider the question of whether the Senate
17 shall recede from its amendment and concur
18 with a further amendment, or concur in the
19 House amendment with a further amendment,
20 as the case may be, which further amendment
21 shall consist of only that portion of the con-
22 ference report or House amendment, as the
23 case may be, not so stricken. Any such motion
24 in the Senate shall be debatable. In any case in
25 which such point of order is sustained against

1 a conference report (or Senate amendment de-
2 rived from such conference report by operation
3 of this subsection), no further amendment shall
4 be in order.

5 “(6) CRITERIA.—

6 “(A) IN GENERAL.—For purposes of this
7 subsection, any provision is an emergency re-
8 quirement if the situation addressed by such
9 provision is—

10 “(i) necessary, essential, or vital (not
11 merely useful or beneficial);

12 “(ii) sudden, quickly coming into
13 being, and not building up over time;

14 “(iii) an urgent, pressing, and compel-
15 ling need requiring immediate action;

16 “(iv) subject to clause (ii), unforeseen,
17 unpredictable, and unanticipated; and

18 “(v) not permanent, temporary in na-
19 ture.

20 “(7) UNFORESEEN.—An emergency that is part
21 of an aggregate level of anticipated emergencies,
22 particularly when normally estimated in advance, is
23 not unforeseen.

24 “(e) LIMITATIONS ON CHANGES TO EXEMPTIONS.—

25 It shall not be in order in the Senate or the House of

1 Representatives to consider any bill, resolution, amend-
2 ment, or conference report that would exempt any new
3 budget authority, outlays, and receipts from being counted
4 for purposes of this section.

5 “(f) POINT OF ORDER IN THE SENATE.—

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

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

10 “(B) in the case of the defense budget au-
11 thority, if Congress declares war or authorizes
12 the use of force.

13 “(2) APPEAL.—Appeals in the Senate from the
14 decisions of the Chair relating to any provision of
15 this section shall be limited to 1 hour, to be equally
16 divided between, and controlled by, the appellant
17 and the manager of the measure. An affirmative
18 vote of two-thirds of the Members of the Senate,
19 duly chosen and sworn, shall be required to sustain
20 an appeal of the ruling of the Chair on a point of
21 order raised under this section.

22 “(3) LIMITATIONS ON CHANGES TO THIS SUB-
23 SECTION.—It shall not be in order in the Senate or
24 the House of Representatives to consider any bill,

1 resolution, amendment, or conference report that
2 would repeal or otherwise change this subsection.”.

3 (b) TABLE OF CONTENTS.—The table of contents set
4 forth in section 1(b) of the Congressional Budget and Im-
5 poundment Control Act of 1974 is amended by inserting
6 after the item relating to section 315 the following new
7 item:

“Sec. 316. Discretionary spending limits.”.