

118TH CONGRESS
1ST SESSION

S. 2123

To cap noninterest Federal spending as a percentage of potential GDP to right-size the Government, grow the economy, and balance the budget.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2023

Mr. BRAUN introduced the following bill; which was read twice and referred to the Committee on the Budget

A BILL

To cap noninterest Federal spending as a percentage of potential GDP to right-size the Government, grow the economy, and balance the budget.

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 title may be cited as the “Maximizing America’s
5 Prosperity Act of 2023”.

6 **SEC. 2. TOTAL SPENDING LIMITS.**

7 (a) TOTAL SPENDING LIMITS.—Section 251 of the
8 Balanced Budget and Emergency Deficit Control Act of
9 1985 (2 U.S.C. 901) is amended to read as follows:

1 **“SEC. 251. TOTAL SPENDING LIMITS.**

2 “(a) PROJECTIONS.—

3 “(1) OMB REPORT.—OMB shall prepare a re-
4 port comparing projected total spending under sec-
5 tion 257 and the total spending limits in subsection
6 (c), and include such report in the budget as sub-
7 mitted by the President annually under section
8 1105(a) of title 31, United States Code.

9 “(2) CBO REPORT.—CBO shall prepare a re-
10 port comparing projected total spending under sec-
11 tion 257 and the total spending limits in subsection
12 (c), and include such report in the CBO annual
13 baseline and reestimate of the President’s budget.

14 “(3) INCLUSION IN SPENDING REDUCTION OR-
15 DERS.—Reports prepared pursuant to this sub-
16 section shall be included in a spending reduction
17 order issued under subsection (b).

18 “(b) SPENDING REDUCTION ORDER.—

19 “(1) IN GENERAL.—Within 15 calendar days
20 after Congress adjourns to end a session, if in its
21 final sequestration report OMB estimates that any
22 sequestration is required, there shall be a spending
23 reduction order under section 254(f)(4).

24 “(2) CALCULATION OF SPENDING REDUC-
25 TION.—Subject to paragraph (3), each non-exempt
26 budget account shall be reduced by a dollar amount

1 calculated by multiplying the enacted level of
2 sequestrable budgetary resources in that account at
3 that time by the uniform percentage necessary to
4 achieve the required automatic spending reduction.

5 “(3) LIMITATION ON REDUCTION.—No budget
6 account shall be subject to a spending reduction of
7 more than 5 percent of the budgetary resources of
8 the budget account.

9 “(c) FISCAL YEARS OF THE TOTAL SPENDING PE-
10 RIOD.—The total spending limit for each fiscal year shall
11 be as follows:

12 “(1) Fiscal year 2024: 20.7 percent of potential
13 GDP.

14 “(2) Fiscal year 2025: 20.3 percent of potential
15 GDP.

16 “(3) Fiscal year 2026: 19.8 percent of potential
17 GDP.

18 “(4) Fiscal year 2027: 19.4 percent of potential
19 GDP.

20 “(5) Fiscal year 2028: 19.1 percent of potential
21 GDP.

22 “(6) Fiscal year 2029: 18.8 percent of potential
23 GDP.

24 “(7) Fiscal year 2030: 18.4 percent of potential
25 GDP.

1 “(8) Fiscal year 2031: 18.1 percent of potential
2 GDP.

3 “(9) Fiscal year 2032: 17.8 percent of potential
4 GDP.

5 “(10) Fiscal year 2033 and subsequent fiscal
6 years: 17.5 percent of potential GDP.

7 “(d) REDUCTION FOR UNFUNDED FEDERAL MAN-
8 DATES.—The amount determined under subsection (c)
9 with respect to each fiscal year shall be reduced by an
10 amount equal to the amount of the unfunded direct costs
11 with respect to such fiscal year of Federal mandates (as
12 such terms are defined in section 421 of the Congressional
13 Budget Act of 1974 (2 U.S.C. 658)) enacted after the date
14 of the enactment of the Maximizing America’s Prosperity
15 Act of 2023. Such amount shall not be treated as being
16 less than zero with respect to any fiscal year.”.

17 (b) DEFINITIONS.—Section 250(c) of the Balanced
18 Budget and Emergency Deficit Control Act of 1985 (2
19 U.S.C. 900(c)) is amended—

20 (1) in paragraph (1), by striking “and ‘discre-
21 tionary spending limit’ shall mean the amounts spec-
22 ified in section 251 of this Act”;

23 (2) in paragraph (4), by striking subparagraph
24 (F); and

25 (3) by adding at the end the following:

1 “(22)(A) The term ‘total spending’ means all
2 budget authority and outlays of the Government ex-
3 cluding net interest.

4 “(B) The term ‘total spending limit’ means the
5 maximum permissible total spending of the Govern-
6 ment set forth as a percentage of estimated potential
7 GDP specified in section 251(c).

8 “(23) The term ‘potential GDP’ means the
9 gross domestic product that would occur if the econ-
10 omy were at full employment, not exceeding the em-
11 ployment level at which inflation would accelerate.”.

12 (c) CONFORMING AMENDMENTS.—Part C of the Bal-
13 anced Budget and Emergency Deficit Control Act of 1985
14 (2 U.S.C. 900 et seq.) is amended—

15 (1) in section 254 (2 U.S.C. 904)—

16 (A) in subsection (a), in the table, by in-
17 serting “and spending reduction” after “seques-
18 tration” each place it appears;

19 (B) in subsection (c)—

20 (i) in the subsection heading, by in-
21 serting “AND SPENDING REDUCTION”
22 after “SEQUESTRATION”;

23 (ii) in paragraph (1), by striking “dis-
24 cretionary, pay-as-you-go, and deficit se-
25 questration” and inserting “pay-as-you-go

1 and deficit sequestration and regarding
 2 spending reduction”; and

3 (iii) by striking paragraph (2) and in-
 4 serting the following:

5 “(2) SPENDING REDUCTION REPORT.—The pre-
 6 view reports shall set forth for the budget year esti-
 7 mates for each of the following:

8 “(A) Estimated total spending.

9 “(B) Estimate of potential GDP.

10 “(C) The spending reduction necessary to
 11 comply with the total spending limit under sec-
 12 tion 251(e).”;

13 (C) in subsection (e)—

14 (i) in the subsection heading, by in-
 15 serting “AND SPENDING REDUCTION”
 16 after “SEQUESTRATION”; and

17 (ii) by inserting “and spending reduc-
 18 tion” after “sequestration” each place it
 19 appears;

20 (D) in subsection (f)—

21 (i) in the subsection heading, by in-
 22 serting “AND SPENDING REDUCTION”
 23 after “SEQUESTRATION”;

1 (ii) in paragraph (1), by inserting
2 “and spending reduction” after “sequestra-
3 tion”;

4 (iii) by striking paragraph (2);

5 (iv) by redesignating paragraphs (3),
6 (4), and (5) as paragraphs (2), (3), and
7 (4), respectively; and

8 (v) in paragraph (2), as so redesign-
9 nated—

10 (I) in the heading, by inserting
11 “AND SPENDING REDUCTION ” before
12 “REPORTS”;

13 (II) in the first sentence, by in-
14 serting “spending reduction report”
15 after “preview reports”; and

16 (III) by striking the second sen-
17 tence and inserting the following: “In
18 addition, these reports shall contain,
19 for the budget year, for each account
20 to be sequestered or subject to a
21 spending reduction, as the case may
22 be, estimates of the baseline level of
23 sequestrable or reducible budgetary
24 resources and resulting outlays and
25 the amount of budgetary resources to

1 be sequestered or reduced and result-
2 ing outlay reductions.”;

3 (vi) in paragraph (3), as so redesign-
4 nated—

5 (I) in the first sentence, by in-
6 sserting “estimated total spending, es-
7 timate of potential GDP,” after “any
8 breach,”; and

9 (II) in the second sentence, by
10 striking “sequesterable” and inserting
11 “sequestrable or reducible”; and

12 (vii) in paragraph (4), as so redesign-
13 nated—

14 (I) by inserting “or spending re-
15 duction” after “final sequestration”;

16 (II) by inserting “or spending re-
17 duction” before “is required”; and

18 (III) by inserting “or spending
19 reductions, as the case may be,” after
20 “sequestrations”; and

21 (E) in subsection (g), in the first sentence,
22 by inserting “or requires a spending reduction”
23 after “causes a breach”;

24 (2) in section 257(a) (2 U.S.C. 907(a)), by in-
25 sserting “total spending,” after “outlays,”; and

1 (3) in section 258C(a)(1) (2 U.S.C.
2 907d(a)(1))—

3 (A) by inserting “or spending reduction”
4 after “sequestration” each place the term ap-
5 pears; and

6 (B) by striking “252 or 253” and inserting
7 “251, 252, or 253”.

8 (d) TABLE OF CONTENTS.—The table of contents in
9 section 250(a) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985 (2 U.S.C. 900(a)) is amended
11 by striking the item relating to section 251 and inserting
12 the following:

“Sec. 251. Total spending limits.”.

13 **SEC. 3. ALLOCATION FOR EMERGENCIES.**

14 (a) IN GENERAL.—Section 302(a) of the Congres-
15 sional Budget Act of 1974 (2 U.S.C. 633(a)) is amended
16 by adding at the end the following:

17 “(6) ALLOCATION TO THE COMMITTEES ON AP-
18 PROPRIATIONS FOR EMERGENCIES.—Of the amounts
19 of new budget authority and outlays allocated to the
20 Committees on Appropriations for the first fiscal
21 year of the concurrent resolution on the budget, 1
22 percent shall be designated as for emergencies and
23 may be used for no other purpose.”.

24 (b) BUDGET OF THE PRESIDENT.—Section
25 1105(a)(14) of title 31, United States Code, is amended

1 by inserting “, including an amount for emergency spend-
2 ing that is not less than 1 percent of all discretionary
3 spending for that year” before the period.

4 **SEC. 4. PRESIDENT’S BUDGET SUBMISSIONS TO CONGRESS.**

5 Section 1105 of title 31, United States Code, is
6 amended by adding at the end the following:

7 “(j)(1) The budget transmitted pursuant to sub-
8 section (a) shall be in compliance with the statutory cap
9 on Federal spending set forth in section 251(c) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985
11 (2 U.S.C. 901(c)).

12 “(2) Any budget transmitted pursuant to subsection
13 (a) or paragraph (1) for a fiscal year shall include a
14 prioritization of spending, by ranking all programs,
15 projects, and activities of the Government in five cat-
16 egories from the—

17 “(A) vital to the general welfare and requires
18 national policy;

19 “(B) important to the general welfare and re-
20 quires national policy;

21 “(C) important to the general welfare and bene-
22 fits from national policy;

23 “(D) advances the general welfare and can
24 largely be accomplished by non-Federal entities; and

1 “(E) does not clearly advance the general wel-
2 fare and may be unsuited for national policy;
3 with not less than 12 percent of total spending falling into
4 any one category.”.

5 **SEC. 5. CONCURRENT RESOLUTIONS ON THE BUDGET.**

6 (a) IN GENERAL.—Section 312 of the Congressional
7 Budget Act of 1974 (2 U.S.C. 643) is amended by adding
8 at the end the following new subsection:

9 “(g) STATUTORY CAP ON TOTAL FEDERAL SPEND-
10 ING POINT OF ORDER.—It shall not be in order in the
11 House of Representatives or the Senate to consider any
12 concurrent resolution on the budget that sets forth total
13 Federal outlays for any fiscal year in excess of those set
14 forth for that fiscal year in 251(c) of the Balanced Budget
15 and Emergency Deficit Control Act of 1985.”.

16 (b) CONFORMING AMENDMENT.—Subsections (c)(2)
17 and (d)(3) of section 904 of the Congressional Budget Act
18 of 1974 (2 U.S.C. 621 note) are each amended by insert-
19 ing “312(g),” after “312(c),”.

○