

117TH CONGRESS
1ST SESSION

H. R. 2879

To prevent a fiscal crisis by enacting legislation to balance the Federal budget through reductions of discretionary and mandatory spending, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2021

Mr. GOOD of Virginia introduced the following bill; which was referred to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prevent a fiscal crisis by enacting legislation to balance the Federal budget through reductions of discretionary and mandatory spending, and for other purposes.

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 “Nickel Plan Act”.

5 **SEC. 2. ESTABLISHMENT AND ENFORCEMENT OF SPEND-**
6 **ING CAPS.**

7 (a) **OUTLAY CAPS.**—The Balanced Budget and
8 Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et

1 seq.) is amended by inserting after section 253 the fol-
2 lowing:

3 **“SEC. 253A. ESTABLISHING OUTLAY CAPS.**

4 “(a) OUTLAY CAPS.—In this section, the term ‘outlay
5 cap’ means:

6 “(1) FISCAL YEAR 2022.—For fiscal year 2022,
7 total outlays (less net interest payments) shall be
8 not more than \$4,298,244,000,000, less 5 percent.

9 “(2) FISCAL YEAR 2023.—For fiscal year 2023,
10 total outlays (less net interest payments) shall be
11 not more than the amount computed under para-
12 graph (1), less 5 percent.

13 “(3) FISCAL YEAR 2024.—For fiscal year 2024,
14 total outlays (less net interest payments) shall be
15 not more than the amount computed under para-
16 graph (2), less 5 percent.

17 “(4) FISCAL YEAR 2025.—For fiscal year 2025,
18 total outlays (less net interest payments) shall be
19 not more than the amount computed under para-
20 graph (3), less 5 percent.

21 “(5) FISCAL YEAR 2026.—For fiscal year 2026,
22 total outlays (less net interest payments) shall be
23 not more than the amount computed under para-
24 graph (4), less 5 percent.

1 “(6) FISCAL YEAR 2027 AND SUBSEQUENT FIS-
2 CAL YEARS.—

3 “(A) IN GENERAL.—For fiscal year 2027
4 and each fiscal year thereafter, total outlays
5 shall be not more than 18 percent of the gross
6 domestic product for that fiscal year, as esti-
7 mated by the Office of Management and Budg-
8 et prior to March of the previous fiscal year.

9 “(B) LIMITATION.—Notwithstanding sub-
10 paragraph (A), for any fiscal year beginning
11 with fiscal year 2028, total projected outlays
12 may not be less than total projected outlays for
13 the preceding fiscal year.

14 “(b) SEQUESTRATION.—

15 “(1) IN GENERAL.—

16 “(A) EXCESS SPENDING.—Not later than
17 45 calendar days after the beginning of a fiscal
18 year, the Office of Management and Budget
19 shall prepare and the President shall order a
20 sequestration to eliminate any excess outlay
21 amount.

22 “(B) DEFINITIONS.—

23 “(i) FISCAL YEARS 2022 THROUGH
24 2026.—For each of fiscal years 2022
25 through 2026 and for purposes of this sub-

1 section, the term ‘excess outlay amount’
2 means the amount by which total projected
3 Federal outlays (less net interest pay-
4 ments) for a fiscal year exceeds the outlay
5 cap for that fiscal year.

6 “(ii) FISCAL YEAR 2027 AND SUBSE-
7 QUENT FISCAL YEARS.—For fiscal year
8 2027 and each fiscal year thereafter and
9 for purposes of this subsection, the term
10 ‘excess outlay amount’ means the amount
11 by which total projected Federal outlays
12 for a fiscal year exceeds the outlay cap for
13 that fiscal year.

14 “(2) SEQUESTRATION.—

15 “(A) CBO PREVIEW REPORT.—On August
16 15 of each year, the Congressional Budget Of-
17 fice shall issue a sequestration preview report
18 as described in section 254(c)(4).

19 “(B) OMB PREVIEW REPORT.—On August
20 20 of each year, the Office of Management and
21 Budget shall issue a sequestration preview re-
22 port as described in section 254(c)(4).

23 “(C) FINAL REPORT.—On October 31 of
24 each year, the Office of Management and Budg-
25 et shall issue a final sequestration report as de-

1 scribed in section 254(f)(3), which shall be ac-
2 companied by a Presidential order detailing
3 spending reductions equal to the excess outlay
4 amount.

5 “(D) PROCESS.—The reductions shall gen-
6 erally follow the process set forth in sections
7 253 and 254, except as provided in this section.

8 “(3) CONGRESSIONAL ACTION.—If the August
9 20 report by the Office of Management and Budget
10 projects a sequestration, the Committee on the
11 Budget of the Senate and the Committee on the
12 Budget of the House of Representatives may report
13 a resolution directing committees of their House to
14 change the existing law to achieve the spending re-
15 ductions outlined in the August 20 report necessary
16 to meet the outlay limits.

17 “(c) NO EXEMPT PROGRAMS.—Section 255 and sec-
18 tion 256 shall not apply to this section or any sequestra-
19 tion order issued under this section.

20 “(d) LOOK BACK.—If, after November 14, a bill re-
21 sulting in outlays for the fiscal year in progress is enacted
22 that causes excess outlays, the excess outlay amount for
23 the next fiscal year shall be increased by the amount or
24 amounts of that breach.”.

25 (b) CONFORMING AMENDMENTS TO BBEDCA.—

1 (1) SEQUESTRATION PREVIEW REPORTS.—Sec-
2 tion 254(c)(4) of the Balanced Budget and Emer-
3 gency Deficit Control Act of 1985 (2 U.S.C.
4 904(c)(4)) is amended to read as follows:

5 “(4) OUTLAY CAP SEQUESTRATION REPORTS.—
6 The preview reports shall set forth for the budget
7 year estimates for the following:

8 “(A)(i) For each of budget years 2022
9 through 2026, total projected outlays (less net
10 interest payments), less one percent.

11 “(ii) For budget year 2027 and each sub-
12 sequent budget year, the estimated gross do-
13 mestic product for that budget year.

14 “(B) The amount of reductions required
15 under section 253A.

16 “(C) The sequestration percentage nec-
17 essary to achieve the required reduction under
18 section 253A.”.

19 (2) FINAL SEQUESTRATION REPORTS.—Section
20 254(f)(3) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985 (2 U.S.C. 904(f)(3)) is
22 amended to read as follows:

23 “(3) OUTLAY CAPS SEQUESTRATION RE-
24 PORTS.—The final reports shall contain all the infor-
25 mation required in the outlay cap sequestration pre-

1 view reports. In addition, these reports shall contain,
2 for the budget year, for each account to be seques-
3 tered, estimates of the baseline level of sequestrable
4 budgetary resources and resulting outlays and the
5 amount of budgetary sources to be sequestered and
6 result in outlay reductions. The reports shall also
7 contain estimates of the effects on outlays on the se-
8 questration of each outyear for direct spending pro-
9 grams.”.

10 (c) ENFORCEMENT.—Title III of the Congressional
11 Budget Act of 1974 (2 U.S.C. 631 et seq.) is amended
12 by adding after section 315 the following:

13 **“SEC. 316. ENFORCEMENT PROCEDURES.**

14 “(a) OUTLAY CAPS.—It shall not be in order in the
15 House of Representatives or the Senate to consider any
16 bill, joint resolution, amendment, amendment between the
17 Houses, or conference report that includes any provision
18 that would cause the most recently reported, current out-
19 lay cap set forth in section 253A of the Balanced Budget
20 and Emergency Deficit Control Act of 1985 to be
21 breached or increased.

22 “(b) WAIVER OR SUSPENSION.—

23 “(1) IN THE SENATE.—The provisions of this
24 section may be waived or suspended in the Senate

1 only by the affirmative vote of two-thirds of the
2 Members, duly chosen and sworn.

3 “(2) IN THE HOUSE.—The provisions of this
4 section may be waived or suspended in the House of
5 Representatives only by a rule or order proposing
6 only to waive such provisions by an affirmative vote
7 of two-thirds of the Members, duly chosen and
8 sworn.

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

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

15 **SEC. 3. CONFORMING AMENDMENTS.**

16 The table of contents set forth in—

17 (1) section 1(b) of the Congressional Budget
18 and Impoundment Control Act of 1974 is amended
19 by inserting after the item relating to section 315
20 the following new item:

 “Sec. 316. Enforcement procedures.”;

21 and

22 (2) section 250(a) of the Balanced Budget and
23 Emergency Deficit Control Act of 1985 is amended

1 by inserting after the item relating to section 253
2 the following new item:

“Sec. 253A. Establishing outlay caps.”.

3 **SEC. 4. EFFECTIVE DATE.**

4 This Act and the amendments made by this Act shall
5 apply to fiscal year 2022 and each fiscal year thereafter,
6 including any reports and calculations required for imple-
7 mentation in fiscal year 2022.

○