

106TH CONGRESS  
1ST SESSION

# S. 483

To amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation and permit matter that is extraneous to emergencies to be stricken as provided in the Byrd rule.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 1999

Ms. SNOWE (for herself, Mr. GRAHAM, and Mr. VOINOVICH) introduced the following bill; which was read twice and referred jointly pursuant to the order of August 4, 1977, to the Committees on Budget and Governmental Affairs, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged

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## A BILL

To amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation and permit matter that is extraneous to emergencies to be stricken as provided in the Byrd rule.

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 “Surplus Protection Act  
5 of 1999”.

1 **SEC. 2. POINT OF ORDER PROTECTING THE SURPLUS**  
 2 **FROM UNJUSTIFIABLE EMERGENCY SPEND-**  
 3 **ING.**

4 (a) NEW POINT OF ORDER.—Title IV of the Con-  
 5 gressional Budget Act of 1974 is amended by adding at  
 6 the end the following new section:

7 “POINT OF ORDER REGARDING UNJUSTIFIABLE EMER-  
 8 GENCIES AND NONEMERGENCY ITEMS IN EMER-  
 9 GENCY APPROPRIATIONS BILLS

10 “SEC. 407. (a) IN GENERAL.—It shall not be in order  
 11 in the House of Representatives or the Senate to  
 12 consider—

13 “(1) any emergency bill or joint resolution, or  
 14 amendment thereto or conference report thereon,  
 15 containing an appropriation or direct spending des-  
 16 ignated as an emergency for purposes of section  
 17 251(b)(2)(D) or 252(c) of the Balanced Budget and  
 18 Emergency Deficit Control Act of 1985 if the bill or  
 19 joint resolution, or amendment thereto or conference  
 20 report thereon, also provides an appropriation or di-  
 21 rect spending for any non-emergency item or con-  
 22 tains any other matter not relevant to the matter  
 23 designated as an emergency, but that bill or joint  
 24 resolution, amendment, or conference report may  
 25 contain rescissions of budget authority or reductions

1 of direct spending, or that amendment may reduce  
 2 amounts for that emergency; or

3 “(2) any bill or joint resolution, or amendment  
 4 thereto or conference report thereon, containing an  
 5 appropriation or direct spending designated as an  
 6 emergency for purposes of section 251(b)(2)(D) or  
 7 252(c) of the Balanced Budget and Emergency Defi-  
 8 cit Control Act of 1985.

9 “(b) MATTER TO BE STRICKEN.—A point of order  
 10 may be raised under subsection (a) as provided for extra-  
 11 neous matter in subsections (d) and (e) of section 313 and  
 12 the matter stricken shall be the non-emergency item or  
 13 matter not relevant to the matter designated as an emer-  
 14 gency under subsection (a)(1) or the emergency item  
 15 under subsection (a)(2).”.

16 (d) CONFORMING AMENDMENT.—The table of con-  
 17 tents set forth in section 1(b) of the Congressional Budget  
 18 and Impoundment Control Act of 1974 is amended by in-  
 19 serting after the item relating to section 406 the following  
 20 new item:

“Sec. 407. Point of order regarding unjustifiable emergencies and nonemergency  
 items in emergency appropriations bills.”.

1 **SEC. 3. SUPERMAJORITY REQUIREMENT FOR ANY EMER-**  
 2 **GENCY SPENDING.**

3 (a) NEW POINT OF ORDER.—Title IV of the Con-  
 4 gressional Budget Act of 1974 is amended by adding at  
 5 the end the following new section:

6 “POINT OF ORDER REQUIRING A SUPERMAJORITY TO  
 7 DECLARE AN EMERGENCY

8 “SEC. 408. Any bill or joint resolution, or conference  
 9 report thereon, containing an appropriation or direct  
 10 spending designated as an emergency for purposes of sec-  
 11 tion 251(b)(2)(D) or 252(c) of the Balanced Budget and  
 12 Emergency Deficit Control Act of 1985 shall be subject  
 13 to a point of order requiring a supermajority vote before  
 14 the bill or joint resolution, or conference report thereon,  
 15 may be considered or agreed to.”.

16 (b) CONFORMING AMENDMENT.—The table of con-  
 17 tents set forth in section 1(b) of the Congressional Budget  
 18 and Impoundment Control Act of 1974 is amended by in-  
 19 serting after the item relating to section 407 the following  
 20 new item:

“Sec. 408. Point of order requiring supermajority to declare an emergency.”.

21 **SEC. 4. SUPERMAJORITY.**

22 Subsections (c)(2) and (d)(3) of section 904 of the  
 23 Congressional Budget Act of 1974 are amended by strik-  
 24 ing “and 312(c)” and inserting “312(c), 407, and 408”.