

Calendar No. 89

106TH CONGRESS
1ST SESSION**S. 557**

To provide guidance for the designation of emergencies as a part of the budget process.

IN THE SENATE OF THE UNITED STATES

MARCH 8, 1999

Mr. THOMPSON, from the Committee on Governmental Affairs, reported the following original bill; which was read twice and placed on the calendar

MARCH 11, 1999

Referred pursuant to the order of August 4, 1977, to the Committee on the Budget for a period not to exceed thirty calendar days to report or be discharged

APRIL 12, 1999

Committee discharged pursuant to the order of August 4, 1977, and placed on the calendar

A BILL

To provide guidance for the designation of emergencies as a part of the budget process.

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. EMERGENCY DESIGNATION GUIDANCE.**

4 The Congressional Budget Act of 1974 is amended—

1 (1) by adding at the end of title III the fol-
2 lowing:

3 **“SEC. 318. EMERGENCY LEGISLATION.**

4 “(a) DESIGNATIONS.—

5 “(1) GUIDANCE.—In making a designation of a
6 provision of legislation as an emergency requirement
7 under section 251(b)(2)(A) or 252(e) of the
8 Balanced Budget and Emergency Deficit Control
9 Act of 1985—

10 “(A) the President shall submit a message
11 to the Congress analyzing whether a proposed
12 emergency requirement meets all the criteria in
13 paragraph (2); and

14 “(B) the committee report, and any state-
15 ment of managers if any, accompanying that
16 legislation shall analyze whether a proposed
17 emergency requirement meets all the criteria in
18 paragraph (2).

19 “(2) CRITERIA.—

20 “(A) IN GENERAL.—The criteria to be con-
21 sidered in determining whether a proposed ex-
22 penditure or tax change is an emergency re-
23 quirement are whether it is—

24 “(i) necessary, essential, or vital (not
25 merely useful or beneficial);

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

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

5 “(iv) subject to subparagraph (B), un-
6 foreseen, unpredictable, and unanticipated;
7 and

8 “(v) not permanent, temporary in na-
9 ture.

10 “(B) UNFORESEEN.—An emergency that
11 is part of an aggregate level of anticipated
12 emergencies, particularly when normally esti-
13 mated in advance, is not unforeseen.

14 “(3) JUSTIFICATION FOR FAILURE TO MEET
15 CRITERIA.—If the proposed emergency requirement
16 does not meet all the criteria set forth in paragraph
17 (2), the President, the committee report, or the
18 statement of managers, as the case may be, shall
19 provide a written justification of why the require-
20 ment should be accorded emergency status.

21 “(b) POINT OF ORDER.—

22 “(1) IN GENERAL.—When the Senate is consid-
23 ering a bill, resolution, amendment, motion, or con-
24 ference report, upon a point of order being made by
25 a Senator against any provision in that measure des-

1 ignated as an emergency requirement pursuant to
 2 section 251(b)(2)(A) or 252(e) of the Balanced
 3 Budget and Emergency Deficit Control Act of 1985
 4 and the Presiding Officer sustains that point of
 5 order, that provision along with the language mak-
 6 ing the designation shall be stricken from the meas-
 7 ure and may not be offered as an amendment from
 8 the floor.

9 “(2) GENERAL POINT OF ORDER.—A point of
 10 order under this subsection may be raised by a Sen-
 11 ator as provided in section 313(e).

12 “(3) CONFERENCE REPORTS.—If a point of
 13 order is sustained under this subsection against a
 14 conference report the report shall be disposed of as
 15 provided in section 313(d).”; and

16 (2) in the table of contents in section 1(a), by
 17 adding after the item for section 317 the following:

“318. Emergency legislation.”.

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