

109TH CONGRESS
1ST SESSION

H. R. 845

To amend the Congressional Budget Act of 1974 to simplify annual concurrent resolutions on the budget and to budget for emergencies.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2005

Mr. BARRETT of South Carolina (for himself and Mr. GREEN of Wisconsin) 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 amend the Congressional Budget Act of 1974 to simplify annual concurrent resolutions on the budget and to budget for emergencies.

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 “Emergency Spending
5 Control Act of 2005”.

TITLE I—ONE-PAGE BUDGET RESOLUTIONS

SEC. 101. ONE-PAGE BUDGET RESOLUTIONS.

(a) CONTENT OF ANNUAL CONCURRENT RESOLUTIONS ON THE BUDGET.—Section 301(a)(4) of the Congressional Budget Act of 1974 is amended to read as follows:

“(4) subtotals of new budget authority and outlays for nondefense discretionary spending, defense discretionary spending, direct spending (excluding interest), interest, and emergencies (for the reserve fund in section 316(b) and for military operations in section 316(c));”.

(b) ADDITIONAL MATTERS IN CONCURRENT RESOLUTION.—Section 301(b) of the Congressional Budget Act of 1974 is amended as follows:

(1) Strike paragraphs (2), (4), and (6) through (9).

(2) After paragraph (1), insert the following new paragraph:

“(2) require such other congressional procedures, relating to the budget, as may be appropriate to carry out the purposes of this Act;”.

(3) At the end of paragraph (3), insert “and” and redesignate paragraph (5) as paragraph (4) and

1 in such paragraph strike the semicolon and insert a
2 period.

3 (c) REQUIRED CONTENTS OF REPORT.—Section
4 301(e)(2) of the Congressional Budget Act of 1974 is
5 amended as follows:

6 (1) Redesignate subparagraphs (A), (B), (C),
7 (D), (E), and (F) as subparagraphs (B), (C), (E),
8 (F), and (G), respectively.

9 (2) Before subparagraph (B) (as redesignated),
10 insert the following new subparagraph:

11 “(A) new budget authority and outlays for
12 each major functional category, based on alloca-
13 tions of the total levels set forth pursuant to
14 subsection (a)(1);”.

15 (3) In subparagraph (C) (as redesignated),
16 strike “mandatory” and insert “direct spending”.

17 (d) ADDITIONAL CONTENTS OF REPORT.—Section
18 301(e)(3) of the Congressional Budget Act of 1974 is
19 amended by striking “and” at the end of subparagraph
20 (D), by striking the period and inserting “; and” at the
21 end of subparagraph (E), and by adding at the end the
22 following new subparagraph:

23 “(F) reconciliation directives described in
24 section 310.”.

1 (e) PRESIDENT’S BUDGET SUBMISSION TO THE CON-
2 GRESS.—(1) The first two sentences of section 1105(a)
3 of title 31, United States Code, are amended to read as
4 follows:

5 “On or after the first Monday in January but not later
6 than the first Monday in February of each year the Presi-
7 dent shall submit a budget of the United States Govern-
8 ment for the following fiscal year which shall set forth the
9 following levels:

10 “(A) totals of new budget authority and out-
11 lays;

12 “(B) total Federal revenues and the amount, if
13 any, by which the aggregate level of Federal reve-
14 nues should be increased or decreased by bills and
15 resolutions to be reported by the appropriate com-
16 mittees;

17 “(C) the surplus or deficit in the budget;

18 “(D) subtotals of new budget authority and
19 outlays for nondefense discretionary spending, de-
20 fense discretionary spending, direct spending (ex-
21 cluding interest), interest, and emergencies (for the
22 reserve fund in section 316(b) and for military oper-
23 ations in section 316(c)); and

24 “(E) the public debt.

1 Each budget submission shall include a budget message
 2 and summary and supporting information and, as a sepa-
 3 rately delineated statement, the levels required in the pre-
 4 ceding sentence for at least each of the 4 ensuing fiscal
 5 years.”.

6 (2) The third sentence of section 1105(a) of title 31,
 7 United States Code, is amended by inserting “submission”
 8 after “budget”.

9 (f) CONFORMING AMENDMENTS TO SECTION 310 RE-
 10 GARDING RECONCILIATION DIRECTIVES.—(1) Section
 11 310(a) of such Act is amended by striking “A” and insert-
 12 ing “The joint explanatory statement accompanying the
 13 conference report on a”.

14 (2) The first sentence of section 310(b) of such Act
 15 is amended by striking “If” and inserting “If the joint
 16 explanatory statement accompanying the conference re-
 17 port on”.

18 (3) Section 310(c)(1) of such Act is amended by in-
 19 serting “the joint explanatory statement accompanying
 20 the conference report on” after “pursuant to”.

21 **TITLE II—EMERGENCIES**

22 **SEC. 201. REPEAL OF ADJUSTMENTS FOR EMERGENCIES.**

23 (a) ELIMINATION OF EMERGENCY DESIGNATION.—
 24 Sections 251(b)(2)(A), 252(e), and 252(d)(4)(B) of the

1 Balanced Budget and Emergency Deficit Control Act of
2 1985 are repealed.

3 (b) ELIMINATION OF ADJUSTMENTS.—Section
4 314(b) of the Congressional Budget Act of 1974 is amend-
5 ed by striking paragraph (1) and by redesignating para-
6 graphs (2) through (5) as paragraphs (1) through (4), re-
7 spectively.

8 (c) CONFORMING AMENDMENT.—Clause 2 of rule
9 XXI of the Rules of the House of Representatives is
10 amended by repealing paragraph (e) and by redesignating
11 paragraph (f) as paragraph (e).

12 **SEC. 202. OMB EMERGENCY CRITERIA.**

13 Section 3 of the Congressional Budget and Impound-
14 ment Control Act of 1974 is amended by adding at the
15 end the following new paragraph:

16 “(11)(A) The term ‘emergency’ means an un-
17 derlying situation that—

18 “(i) requires new budget authority and
19 outlays (or new budget authority and the out-
20 lays flowing therefrom) for the prevention or
21 mitigation of, or response to, loss of life or
22 property, or a threat to national security; and

23 “(ii) is unanticipated.

24 “(B) As used in subparagraph (A), the term
25 ‘unanticipated’ means that the situation is—

1 “(i) sudden, which means quickly coming
2 into being or not building up over time;

3 “(ii) urgent, which means a pressing and
4 compelling need requiring immediate action;

5 “(iii) unforeseen, which means not pre-
6 dicted or anticipated as an emerging need; and

7 “(iv) temporary, which means not of a per-
8 manent duration.”.

9 **SEC. 203. DEVELOPMENT OF GUIDELINES FOR APPLICA-**
10 **TION OF EMERGENCY DEFINITION.**

11 Not later than 5 months after the date of enactment
12 of this Act, the chairmen of the Committees on the Budget
13 (in consultation with the President) shall, after consulting
14 with the chairmen of the Committees on Appropriations
15 and applicable authorizing committees of their respective
16 Houses and the Directors of the Congressional Budget Of-
17 fice and the Office of Management and Budget, jointly
18 publish in the Congressional Record guidelines for applica-
19 tion of the definition of emergency set forth in section
20 3(11) of the Congressional Budget and Impoundment
21 Control Act of 1974.

22 **SEC. 204. RESERVE FUND FOR EMERGENCIES IN PRESI-**
23 **DENT’S BUDGET.**

24 Section 1105(f) of title 31, United States Code is
25 amended by adding at the end the following new sen-

1 tences: “Such budget submission shall also comply with
 2 the requirements of subsections (b) and (c) of section 316
 3 of the Congressional Budget Act of 1974 and, in the case
 4 of any budget authority requested for an emergency, such
 5 submission shall include a detailed justification of why
 6 such emergency is an emergency within the meaning of
 7 section 3(11) of the Congressional Budget Act of 1974.”.

8 **SEC. 205. BUDGETING FOR EMERGENCIES.**

9 (a) EMERGENCIES.—Title III of the Congressional
 10 Budget Act of 1974 is amended by adding at the end the
 11 following new section:

12 “EMERGENCIES

13 “SEC. 316. (a) ADJUSTMENTS.—

14 “(1) IN GENERAL.—After the reporting of a bill
 15 or joint resolution or the submission of a conference
 16 report thereon that provides budget authority for
 17 any emergency as identified pursuant to subsection
 18 (d) that is not covered by subsection (c)—

19 “(A) the chairman of the Committee on
 20 the Budget of the House of Representatives or
 21 the Senate shall determine and certify, pursu-
 22 ant to the guidelines referred to in section 203
 23 of the , the portion (if any) of the amount so
 24 specified that is for an emergency within the
 25 meaning of section 3(11); and

1 “(B) such chairman shall make the adjust-
2 ment set forth in paragraph (2) for the amount
3 of new budget authority (or outlays) in that
4 measure and the outlays flowing from that
5 budget authority.

6 “(2) MATTERS TO BE ADJUSTED.—The adjust-
7 ments referred to in paragraph (1) are to be made
8 to the allocations made pursuant to the appropriate
9 concurrent resolution on the budget pursuant to sec-
10 tion 302(a) and shall be in an amount not to exceed
11 the amount reserved for emergencies pursuant to the
12 requirements of subsection (b).

13 “(b) RESERVE FUND FOR NONMILITARY EMER-
14 GENCIES.—The amount set forth in the reserve fund for
15 emergencies for budget authority and outlays for a fiscal
16 year pursuant to section 301(a)(4) shall equal—

17 “(1) the average of the enacted levels of budget
18 authority for emergencies (other than those covered
19 by subsection (c)) in the 5 fiscal years preceding the
20 current year; and

21 “(2) the average of the levels of outlays for
22 emergencies in the 5 fiscal years preceding the cur-
23 rent year flowing from the budget authority referred
24 to in paragraph (1), but only in the fiscal year for

1 which such budget authority first becomes available
2 for obligation.

3 “(c) TREATMENT OF EMERGENCIES TO FUND CER-
4 TAIN MILITARY OPERATIONS.—Whenever the Committee
5 on Appropriations reports any bill or joint resolution that
6 provides budget authority for any emergency that is a
7 threat to national security and the funding of which car-
8 ries out a military operation authorized by a declaration
9 of war or a joint resolution authorizing the use of military
10 force (or economic assistance funding in furtherance of
11 such operation) and the report accompanying that bill or
12 joint resolution, pursuant to subsection (d), identifies any
13 provision that increases outlays or provides budget author-
14 ity (and the outlays flowing therefrom) for such emer-
15 gency, the enactment of which would cause the total
16 amount of budget authority or outlays provided for emer-
17 gencies for the budget year in the joint resolution on the
18 budget (pursuant to section 301(a)(4)) to be exceeded:

19 “(1) Such bill or joint resolution shall be re-
20 ferred to the Committee on the Budget of the House
21 or the Senate, as the case may be, with instructions
22 to report it without amendment, other than that
23 specified in paragraph (2), within 5 legislative days
24 of the day in which it is reported from the origi-
25 nating committee. If the Committee on the Budget

1 of either House fails to report a bill or joint resolu-
2 tion referred to it under this subparagraph within
3 such 5-day period, the committee shall be automati-
4 cally discharged from further consideration of such
5 bill or joint resolution and such bill or joint resolu-
6 tion shall be placed on the appropriate calendar.

7 “(2) An amendment to such a bill or joint reso-
8 lution referred to in this subsection shall only consist
9 of an exemption from section 251 of the Balanced
10 Budget and Emergency Deficit Control Act of 1985
11 of all or any part of the provisions that provide
12 budget authority (and the outlays flowing therefrom)
13 for such emergency if the committee determines,
14 pursuant to the guidelines referred to in section 203
15 of the Emergency Spending Control Act of 2005,
16 that such budget authority is for an emergency with-
17 in the meaning of section 3(11).

18 “(3) If such a bill or joint resolution is reported
19 with an amendment specified in paragraph (2) by
20 the Committee on the Budget of the House of Rep-
21 resentatives or the Senate, then the budget authority
22 and resulting outlays that are the subject of such
23 amendment shall not be included in any determina-
24 tions under section 302(f) or 311(a) for any bill,

1 joint resolution, amendment, motion, or conference
 2 report.

3 “(d) COMMITTEE NOTIFICATION OF EMERGENCY
 4 LEGISLATION.—Whenever the Committee on Appropria-
 5 tions or any other committee of either House (including
 6 a committee of conference) reports any bill or joint resolu-
 7 tion that provides budget authority for any emergency, the
 8 report accompanying that bill or joint resolution (or the
 9 joint explanatory statement of managers in the case of a
 10 conference report on any such bill or joint resolution) shall
 11 identify all provisions that provide budget authority and
 12 the outlays flowing therefrom for such emergency and in-
 13 clude a statement of the reasons why such budget author-
 14 ity meets the definition of an emergency pursuant to the
 15 guidelines referred to in section 203 of the Emergency
 16 Spending Control Act of 2005.”.

17 (b) CONFORMING AMENDMENT.—The table of con-
 18 tents set forth in section 1(b) of the Congressional Budget
 19 and Impoundment Control Act of 1974 is amended by in-
 20 serting after the item relating to section 315 the following
 21 new item:

“316. Emergencies.”.

22 **SEC. 206. APPLICATION OF SECTION 306 TO EMERGENCIES**
 23 **IN EXCESS OF AMOUNTS IN RESERVE FUND.**

24 Section 306 of the Congressional Budget Act of 1974
 25 is amended by inserting at the end the following new sen-

1 tence: “No amendment reported by the Committee on the
2 Budget (or from the consideration of which such com-
3 mittee has been discharged) pursuant to section 316(c)
4 may be amended.”.

5 **SEC. 207. UP-TO-DATE TABULATIONS.**

6 Section 308(b)(2) of the Congressional Budget Act
7 of 1974 is amended by striking “and” at the end of sub-
8 paragraph (B), by striking the period at the end of sub-
9 paragraph (C) and inserting “; and”, and by adding at
10 the end the following new subparagraph:

11 “(D) shall include an up-to-date tabulation
12 of amounts remaining in the reserve fund for
13 emergencies.”.

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