

109TH CONGRESS
1ST SESSION

S. 24

To establish an emergency reserve fund to provide timely financial assistance
in response to domestic disasters and emergencies.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

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

A BILL

To establish an emergency reserve fund to provide timely
financial assistance in response to domestic disasters and
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 Reserve
5 Fund Act of 2005”.

6 **SEC. 2. EMERGENCY RESERVE FUND.**

7 (a) **ESTABLISHMENT.**—There is established in the
8 Treasury of the United States, under the office of the Sec-
9 retary of the Treasury, an Emergency Reserve Fund (re-
10 ferred to in this Act as the “Fund”). The Fund shall be

1 available to provide financial resources to respond to do-
2 mestic disasters and emergencies described in subsection
3 (c).

4 (b) APPROPRIATIONS.—

5 (1) IN GENERAL.—The Fund shall consist of
6 such sums as are appropriated in accordance with
7 this subsection.

8 (2) DEFINITION.—For purposes of this sub-
9 section, the term “operating expenditures” means an
10 amount equal to the average domestic, non-defense,
11 discretionary spending by the Federal Government
12 spending for each of the last 5 years.

13 (3) DEPOSITS INTO FUND.—On October 1 of
14 each fiscal year, the Secretary of the Treasury shall
15 make a cash deposit into the Fund of—

16 (A) an amount sufficient to bring the
17 Fund balance up to 1.2 percent of the oper-
18 ating expenditures; or

19 (B) such an amount as may be required to
20 replenish the Fund.

21 (4) REPLENISHMENT.—There shall be appro-
22 priated, for each fiscal year, sufficient amounts to
23 the Fund to replenish any amount allocated from
24 the Fund during the preceding fiscal year so that—

1 (A) not less than 50 percent of any
2 amount allocated in the preceding fiscal year or
3 the amount necessary to restore the Fund to
4 the 1.2 percent required balance, whichever is
5 less, is replenished by the end of the first fiscal
6 year following each such allocation; and

7 (B) 100 percent of the amount allocated or
8 the amount necessary to restore the Fund to
9 the 1.2 percent required balance, whichever is
10 less, is replenished by the end of the second fis-
11 cal year following each such allocation.

12 (5) ADDITIONAL APPROPRIATIONS.—

13 (A) IN GENERAL.—It shall not be in order
14 in the Senate to consider any appropriation be-
15 yond the levels described in paragraphs (2) and
16 (3).

17 (B) SUPERMAJORITY WAIVER AND AP-
18 PEAL.—This paragraph may be waived or sus-
19 pended in the Senate only by an affirmative
20 vote of $\frac{2}{3}$ of the Members, duly chosen and
21 sworn. An affirmative vote of $\frac{2}{3}$ of the Mem-
22 bers of the Senate, duly chosen and sworn, shall
23 be required in the Senate to sustain an appeal
24 of the ruling of the Chair on a point of order
25 raised under this section.

1 (c) USE OF FUNDS.—Amounts in the Fund shall only
 2 be available to meet the emergency funding requirements
 3 for particular domestic disasters and security emer-
 4 gencies—

5 (1) as designated by a joint resolution of Con-
 6 gress; or

7 (2) as declared by the President pursuant to
 8 the Robert T. Stafford Disaster Relief and Emer-
 9 gency Assistance Act.

10 **SEC. 3. PERMANENT APPROPRIATION.**

11 Section 1305 of title 31, United States Code, is
 12 amended by adding at the end the following:

13 “(11) EMERGENCY RESERVE FUND.—To make
 14 payments into the Emergency Reserve Fund in ac-
 15 cordance with the Emergency Reserve Fund Act of
 16 2005.”.

17 **SEC. 4. CONGRESSIONAL BUDGET PROCESS.**

18 (a) BUDGET RESOLUTIONS.—Section 301(a) of the
 19 Congressional Budget Act of 1974 (2 U.S.C. 632(a)) is
 20 amended—

21 (1) by redesignating paragraphs (6) and (7) as
 22 paragraphs (7) and (8) respectively; and

23 (2) by inserting after paragraph (5) the fol-
 24 lowing:

1 “(6) total new budget authority and total budg-
2 et outlays for emergency funding requirements for
3 domestic disasters and emergencies, which shall be
4 transferred to the Emergency Reserve Fund estab-
5 lished under section 2 of the Emergency Reserve
6 Fund Act of 2005.”.

7 (b) ADJUSTMENT FOR EMERGENCY APPROPRIA-
8 TIONS.—Section 251(b)(2) of the Balanced Budget and
9 Emergency Deficit Control Act of 1985 (2 U.S.C.
10 901(b)(2)) is amended—

- 11 (1) by striking subparagraph (A); and
12 (2) by redesignating subparagraphs (B)
13 through (G) as subparagraphs (A) through (F).

14 **SEC. 5. REPORTING.**

15 Not later than November 30, 2006, and annually
16 thereafter, the Director of the Office of Management and
17 Budget shall submit a report to the Senate and the House
18 of Representatives that lists the amounts expended from
19 the Fund for the prior fiscal year for each disaster or
20 emergency pursuant to section 2(c).

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