

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to paragraph (2), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) INAPPLICABILITY.—In the Senate, section 4112 of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, shall no longer apply.

#### SEC. 5003. ENFORCEMENT OF ALLOCATIONS, AGGREGATES, AND OTHER LEVELS.

(a) POINT OF ORDER.—During each of fiscal years 2020 through 2029, it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would cause the amount of new budget authority, outlays, or deficits to be more than, or would cause the amount of revenues to be less than, the amount set forth under any allocation, aggregate, or other level established under this resolution.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of five-eighths of the Members, duly chosen and sworn. An affirmative vote of five-eighths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

#### SEC. 5004. POINT OF ORDER AGAINST LEGISLATION PROVIDING FUNDING WITHIN MORE THAN 3 SUBALLOCATIONS UNDER SECTION 302(b).

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that appropriates amounts that are within more than 3 of the suballocations under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b)).

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of five-eighths of the Members, duly chosen and sworn. An affirmative vote of five-eighths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

#### SEC. 5005. DUPLICATION DETERMINATIONS BY THE CONGRESSIONAL BUDGET OFFICE.

(a) DEFINITION.—In this section, the term “covered legislation” means a bill or resolution of a public character reported by any committee of the Senate.

(b) DUPLICATION DETERMINATIONS BY THE CONGRESSIONAL BUDGET OFFICE.—Any estimate provided by the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 (2 U.S.C. 653) for covered legislation shall include an analysis that includes—

(1) a determination of whether the covered legislation creates any new Federal program, office, or initiative that would duplicate or overlap with any existing Federal entity with similar mission, purpose, goals, or activities; and

(2) a listing of all such instances of duplication or overlapping created by the covered legislation.

#### SEC. 5006. BREAKDOWN OF COST ESTIMATES BY BUDGET FUNCTION.

Any cost estimate prepared by the Congressional Budget Office shall specify the percentage of the estimated cost that is within each budget function.

#### SEC. 5007. SENSE OF THE SENATE ON TREATMENT OF REDUCTION OF APPROPRIATIONS LEVELS TO ACHIEVE SAVINGS.

(a) FINDINGS.—Congress finds the following:

(1) H. Con. Res. 448 (96th Congress), the concurrent resolution on the budget for fiscal year 1981, gave authorizing committees reconciliation instructions which amounted to approximately two-thirds of the savings required under reconciliation.

(2) The language in H. Con. Res. 448 resulted in a debate about how reconciling discretionary spending programs could be in order given that authorizations of appropriations for programs did not actually change spending and the programs authorized would be funded through later annual appropriation. The staff of the Committee on the Budget of the Senate and the counsel to the majority leader advised that upon consultation with the Parliamentarian, the original instructions on discretionary spending would be out of order because of the phrase, “to modify programs”. This was seen as too broad and programs could be modified without resulting in changes to their future appropriations.

(3) To rectify this violation, the Committee on the Budget of the Senate reported S. Con. Res. 9 (97th Congress), revising the congressional budget for the United States Government for fiscal years 1981, 1982, and 1983, to include reconciliation, which revised the language in the reconciliation instructions to change entitlement law and “to report changes in laws within the jurisdiction of that committee sufficient to reduce appropriations levels so as to achieve savings”.

(4) This was understood to mean changes in authorization language of discretionary programs would be permissible under reconciliation procedures provided such changes in law would have the result in affecting a change in later outlays derived from future appropriations. Further it was understood that a change in authorization language that caused a change in later outlays was considered to be a change in outlays for the purpose of reconciliation.

(5) On April 2, 1981, the Senate voted 88 to 10 to approve S. Con. Res. 9 with the modified reconciliation language.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that committees reporting changes in laws within the jurisdiction of that committee sufficient to reduce appropriations levels so as to achieve savings shall be considered to be changes in outlays for the purpose of enforcing the prohibition on extraneous matters in reconciliation bills.

#### SEC. 5008. PROHIBITION ON PREEMPTIVE WAIVERS.

In the Senate, it shall not be in order to move to waive or suspend a point of order under the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) or any concurrent resolution on the budget with respect to a bill, joint resolution, motion, amendment, amendment between the Houses, or conference report unless the point of order has been specifically raised by a Senator.

#### SEC. 5009. ADJUSTMENTS FOR LEGISLATION REDUCING APPROPRIATIONS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations in effect under section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)) and the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for any bill or joint resolution considered pursuant to section 3001 containing the recommendations of one or more committees, or for one or more amendments to, a conference report on, or an amendment between the Houses in relation to such a bill or joint resolution, by the

amounts necessary to accommodate the reduction in the amount of discretionary appropriations for a fiscal year caused by the measure.

#### SEC. 5010. AUTHORITY.

Congress adopts this title under the authority under section 301(b)(4) of the Congressional Budget Act of 1974 (2 U.S.C. 632(b)(4)).

#### SEC. 5011. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

#### SUPPORTING THE DESIGNATION OF APRIL 2019 AS NATIONAL DONATE LIFE MONTH

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Health, Education, Labor, and Pensions Committee be discharged from further consideration of S. Res. 162 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 162) supporting the designation of April 2019 as “National Donate Life Month”.

There being no objection, the committee was discharged and the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 162) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, was printed in the RECORD of April 11, 2019, under “Submitted Resolutions.”)

#### PROMOTING MINORITY HEALTH AWARENESS AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL MINORITY HEALTH MONTH

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 190, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 190) promoting minority health awareness and supporting the

goals and ideals of National Minority Health Month in April 2019, which include bringing attention to the health disparities faced by minority populations of the United States such as American Indians, Alaska Natives, Asian Americans, African Americans, Hispanics, and Native Hawaiians or other Pacific Islanders.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I know of no further debate on the measure.

The PRESIDING OFFICER. If there is no further debate, the question is on adoption of the resolution.

The resolution (S. Res. 190) was agreed to.

Mr. McCONNELL. I ask unanimous consent that the preamble be agreed to and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### SUPPORTING THE DESIGNATION OF THE WEEK OF MAY 5 THROUGH MAY 11, 2019, AS NATIONAL SMALL BUSINESS WEEK

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 191, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 191) supporting the designation of the week of May 5 through May 11, 2019, as "National Small Business Week" and commending the entrepreneurial spirit of small business owners in the United States and the impact that small business owners have on their communities.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 191) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### MEASURES READ THE FIRST TIME—S. 1332 AND H.R. 9

Mr. McCONNELL. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the bills by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (S. 1332) to set forth the congressional budget for the United States Government for fiscal year 2020 and setting forth the appropriate budgetary levels for fiscal years 2021 through 2029.

A bill (H.R. 9) to direct the President to develop a plan for the United States to meet its nationally determined contribution under the Paris Agreement, and for other purposes.

Mr. McCONNELL. I now ask for a second reading, and I object to my own request, all en bloc.

The PRESIDING OFFICER. The objection is heard.

The bills will be read the second time on the next legislative day.

#### ORDERS FOR TUESDAY, MAY 7, 2019

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it

adjourn until 10 a.m., Tuesday, May 7; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, morning business be closed, and the Senate proceed to executive session and resume consideration of the Bianco nomination; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings; finally, that all time during recess, adjournment, morning business, and leader remarks count postcloture on the Bianco nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:53 p.m., adjourned until Tuesday, May 7, 2019, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF STATE

PHILIP S. GOLDBERG, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER AMBASSADOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COLOMBIA.

JESSICA E. LAPENN, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE AFRICAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

##### THE JUDICIARY

ANDREA L. HERTZFELD, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE STUART GORDON NASH, RETIRED.