

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

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—

5 (1) by adding at the end of title III the follow-
6 ing:

7 **“SEC. 318. EMERGENCY LEGISLATION.**

8 **“(a) DESIGNATIONS.—**

1 “(1) GUIDANCE.—In making a designation of a
2 provision of legislation as an emergency requirement
3 under section 251(b)(2)(A) or 252(e) of the Bal-
4 anced Budget and Emergency Deficit Control Act of
5 1985—

6 “(A) the President shall submit a message
7 to the Congress analyzing whether a proposed
8 emergency requirement meets all the criteria in
9 paragraph (2); and

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

15 “(2) CRITERIA.—

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

20 “(i) necessary, essential, or vital (not
21 merely useful or beneficial);

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

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

1 “(iv) subject to subparagraph (B), un-
2 foreseen, unpredictable, and unanticipated;
3 and

4 “(v) not permanent, temporary in na-
5 ture.

6 “(B) UNFORESEEN.—An emergency that
7 is part of an aggregate level of anticipated
8 emergencies, particularly when normally esti-
9 mated in advance, is not unforeseen.

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

17 “(b) POINT OF ORDER.—

18 “(1) IN GENERAL.—When the Senate is consid-
19 ering a bill, resolution, amendment, motion, or con-
20 ference report, upon a point of order being made by
21 a Senator against any provision in that measure des-
22 ignated as an emergency requirement pursuant to
23 section 251(b)(2)(A) or 252(e) of the Balanced
24 Budget and Emergency Deficit Control Act of 1985
25 and the Presiding Officer sustains that point of

1 order, that provision along with the language mak-
2 ing the designation shall be stricken from the meas-
3 ure and may not be offered as an amendment from
4 the floor.

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

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

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

“318. Emergency legislation.”.

○