

105TH CONGRESS  
2D SESSION

# H. R. 3576

To amend title 31, United States Code, to prohibit the inclusion of legislative provisions and nonemergency spending in emergency appropriation laws.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 1998

Mr. KIND introduced the following bill; which was referred to the Committee on Government Reform and Oversight

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## A BILL

To amend title 31, United States Code, to prohibit the inclusion of legislative provisions and nonemergency spending in emergency appropriation laws.

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. PROHIBITION OF LEGISLATIVE PROVISIONS**  
4 **AND NONEMERGENCY SPENDING IN EMER-**  
5 **GENCY APPROPRIATION LAWS.**

6 (a) IN GENERAL.—Subchapter III of chapter 13 of  
7 title 31, United States Code, is amended by adding at the  
8 end the following new section:

1 **“§ 1354. Prohibition of legislative provisions and non-**  
2 **emergency spending in emergency appro-**  
3 **priation laws**

4 “(a) IN GENERAL.—If any legislative provision or  
5 nonemergency discretionary appropriation is included in  
6 an emergency supplemental appropriation law—

7 “(1) the legislative provision shall not take ef-  
8 fect, and none of the funds appropriated by any law  
9 may be expended or obligated to carry out such pro-  
10 vision;

11 “(2) the nonemergency discretionary appropria-  
12 tion shall not become available for expenditure or  
13 obligation; and

14 “(3) any expenditure or obligation prohibited by  
15 paragraph (1) or (2) shall be considered to be a vio-  
16 lation of section 1341(a).

17 “(b) DEFINITIONS.—For purposes of this section:

18 “(1) EMERGENCY SUPPLEMENTAL APPROPRIA-  
19 TION LAW.—The term ‘emergency supplemental ap-  
20 propriation law’ means a law making supplemental  
21 appropriations for a fiscal year, if one or more of  
22 such appropriations is designated by the Congress as  
23 an emergency requirement pursuant to section  
24 251(b)(2)(A) of the Balanced Budget and Emer-  
25 gency Deficit Control Act of 1985.

26 “(2) LEGISLATIVE PROVISION.—

1           “(A) IN GENERAL.—The term ‘legislative  
2           provision’ means any proviso or other provision  
3           changing existing law.

4           “(B) EXCEPTION.—Such term shall not in-  
5           clude any proviso or other provision that—

6                   “(i) designates an amount as an  
7                   emergency requirement pursuant to section  
8                   251(b)(2)(A) of the Balanced Budget and  
9                   Emergency Deficit Control Act of 1985; or

10                   “(ii) restricts the availability of  
11                   amounts to the extent designated as such  
12                   an emergency requirement by the Presi-  
13                   dent in an official budget request or other-  
14                   wise.

15           “(3) NONEMERGENCY DISCRETIONARY APPRO-  
16           PRIATION.—The term ‘nonemergency discretionary  
17           appropriation’ means any discretionary appropria-  
18           tion (within the meaning of section 250(c)(7) of the  
19           Balanced Budget and Emergency Deficit Control  
20           Act of 1985) that is not designated by the Congress  
21           as an emergency requirement pursuant to section  
22           251(b)(2)(A) of such Act.”.

23           (b) CONFORMING AMENDMENT.—The table of sec-  
24           tions for chapter 13 of title 31, United States Code, is

1 amended by inserting after the item relating to section  
2 1353 the following new item:

“1354. Prohibition of legislative provisions and nonemergency spending in emergency appropriation laws.”.

3 (c) APPLICABILITY.—The amendments made by this  
4 section shall apply to any appropriation law enacted after  
5 the date of the enactment of this Act.

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