

Calendar No. 149

117TH CONGRESS
1ST SESSION**S. 3008**

To establish the Federal Rainy Day Fund to control emergency spending.

IN THE SENATE OF THE UNITED STATES

OCTOBER 19, 2021

Mr. BRAUN introduced the following bill; which was read the first time

OCTOBER 20, 2021

Read the second time and placed on the calendar

A BILL

To establish the Federal Rainy Day Fund to control
emergency spending.

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. LIMITATIONS ON EMERGENCY SPENDING.**

4 (a) DEFINITIONS.—In this section—

5 (1) the term “discretionary spending limit” has
6 the meaning given that term in section 250(c) of the
7 Balanced Budget and Emergency Deficit Control
8 Act of 1985 (2 U.S.C. 900(c));

1 (2) the term “emergency” means any occasion
2 or instance for which Federal assistance is needed to
3 supplement State and local efforts and capabilities
4 to save lives and to protect property and public
5 health and safety, or to lessen or avert the threat of
6 a catastrophe in any part of the United States;

7 (3) the term “Fund” means the Federal Rainy
8 Day Fund established under subsection (c)(1); and

9 (4) the term “previous year’s nonemergency
10 discretionary spending” means the amount of the
11 discretionary spending limit for all categories for the
12 most recent previous fiscal year for which there was
13 a discretionary spending limit, excluding any adjust-
14 ment for the fiscal year for amounts designated as
15 being for an emergency requirement under section
16 251(b)(2)(A)(i) of the Balanced Budget and Emer-
17 gency Deficit Control Act of 1985 (2 U.S.C.
18 901(b)(2)(A)(i)), as in effect on the day before the
19 date of enactment of this Act.

20 (b) SENSE OF THE SENATE.—It is the sense of the
21 Senate that saving for a rainy day should be accompanied
22 by offsets in other programs so that the Federal Govern-
23 ment does not live beyond its means.

24 (c) FEDERAL RAINY DAY FUND.—

1 (1) ESTABLISHMENT.—There is established in
2 the Treasury an account to be known as the “Fed-
3 eral Rainy Day Fund”.

4 (2) FUNDING.—For fiscal year 2021 and each
5 fiscal year thereafter, there is authorized to be ap-
6 propriated to the Fund an amount equal to 2 per-
7 cent of the amount of previous year’s nonemergency
8 discretionary spending.

9 (3) AVAILABILITY.—Amounts in the Fund shall
10 remain available until expended, in accordance with
11 subsection (d).

12 (d) USE OF FEDERAL RAINY DAY FUND.—

13 (1) PROHIBITION ON USING FEDERAL RAINY
14 DAY FUND FOR NONEMERGENCIES.—

15 (A) POINT OF ORDER AGAINST USE FOR
16 NONEMERGENCIES.—

17 (i) IN GENERAL.—In the Senate, it
18 shall not be in order to consider a provi-
19 sion in a bill, joint resolution, motion,
20 amendment, amendment between the
21 Houses, or conference report that appro-
22 priates funds from the Federal Rainy Day
23 Fund for any program, project, or activity
24 that is not an emergency.

1 (ii) POINT OF ORDER SUSTAINED.—If
2 a point of order is made by a Senator
3 against a provision described in clause (i),
4 and the point of order is sustained by the
5 Chair, that provision shall be stricken from
6 the measure and may not be offered as an
7 amendment from the floor.

8 (B) FORM OF THE POINT OF ORDER.—A
9 point of order under subparagraph (A)(i) may
10 be raised by a Senator as provided in section
11 313(e) of the Congressional Budget Act of
12 1974 (2 U.S.C. 644(e)).

13 (C) CONFERENCE REPORTS.—When the
14 Senate is considering a conference report on, or
15 an amendment between the Houses in relation
16 to, a bill or joint resolution, upon a point of
17 order being made by any Senator pursuant to
18 subparagraph (A)(i), and such point of order
19 being sustained, such material contained in
20 such conference report or House amendment
21 shall be stricken, and the Senate shall proceed
22 to consider the question of whether the Senate
23 shall recede from its amendment and concur
24 with a further amendment, or concur in the
25 House amendment with a further amendment,

as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subparagraph), no further amendment shall be in order.

(D) NO WAIVER OR SUSPENSION.—In the Senate, it shall not be in order to move to waive or suspend subparagraph (A).

(2) USE OF FEDERAL RAINY DAY FUND FIRST.—

(A) POINT OF ORDER AGAINST REGULAR APPROPRIATIONS FOR EMERGENCIES.—

(i) IN GENERAL.—In the Senate, it shall not be in order to consider a provision in a bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that appropriates funds from the General Fund of the Treasury for an emergency, unless

1 there are no unobligated funds in the Fed-
2 eral Rainy Day Fund.

3 (ii) POINT OF ORDER SUSTAINED.—If
4 a point of order is made by a Senator
5 against a provision described in clause (i),
6 and the point of order is sustained by the
7 Chair, that provision shall be stricken from
8 the measure and may not be offered as an
9 amendment from the floor.

10 (B) FORM OF THE POINT OF ORDER.—A
11 point of order under subparagraph (A)(i) may
12 be raised by a Senator as provided in section
13 313(e) of the Congressional Budget Act of
14 1974 (2 U.S.C. 644(e)).

15 (C) CONFERENCE REPORTS.—When the
16 Senate is considering a conference report on, or
17 an amendment between the Houses in relation
18 to, a bill or joint resolution, upon a point of
19 order being made by any Senator pursuant to
20 subparagraph (A)(i), and such point of order
21 being sustained, such material contained in
22 such conference report or House amendment
23 shall be stricken, and the Senate shall proceed
24 to consider the question of whether the Senate
25 shall recede from its amendment and concur

with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subparagraph), no further amendment shall be in order.

(D) NO WAIVER OR SUSPENSION.—In the Senate, it shall not be in order to move to waive or suspend subparagraph (A).

(3) POINT OF ORDER AGAINST EMERGENCY SPENDING.—Section 314 of the Congressional Budget Act of 1974 (2 U.S.C. 645) is amended—

(A) in subsection (d)—

(i) in paragraph (1), by striking “contains a provision providing new budget authority and outlays or reducing revenue, and a designation of such provision as an emergency requirement pursuant to 251(b)(2)(A) of the Balanced Budget and

Emergency Deficit Control Act of 1985”
 and inserting “contains an appropriation
 from the Federal Rainy Day Fund for an
 emergency (as defined in section ____ of
 the _____ Act)”; and

(ii) in paragraph (2)(A), by striking
 “a designation” and inserting “an appro-
 priation”; and

(B) in subsection (e)—

(i) in the subsection heading, by strik-
 ing “DESIGNATION” and inserting “AP-
 PROPRIATION”;

(ii) in paragraph (1), by striking “an
 emergency designation in that measure,
 that provision making such a designation”
 and inserting “a provision containing an
 appropriation from the Federal Rainy Day
 Fund for an emergency (as defined in sec-
 tion ____ of the _____ Act, that provi-
 sion”;

(iii) in paragraph (2), by striking
 “three-fifths” each place it appears and in-
 serting “two-thirds”;

(iv) by striking paragraph (3); and

1 (v) by redesignating paragraphs (4)
 2 and (5) as paragraphs (3) and (4), respec-
 3 tively.

4 (e) GAO STUDY.—The Comptroller General of the
 5 United States shall submit to Congress a report assessing
 6 the relationship between emergency, disaster, and wildfire
 7 spending, which shall include recommendations, if any, to
 8 modify the spending that qualifies as emergency spending.

9 (f) REPEAL OF ADJUSTMENT FOR EMERGENCY
 10 SPENDING.—Section 251(b)(2)(A) of the Balanced Budg-
 11 et and Emergency Deficit Control Act of 1985 (2 U.S.C.
 12 901(b)(2)(A)) is amended—

13 (1) in the subparagraph heading, by striking
 14 “EMERGENCY APPROPRIATIONS; OVERSEAS” and in-
 15 serting “OVERSEAS”;

16 (2) by striking “that—” and all that follows
 17 through “(ii) the Congress” and inserting “that the
 18 Congress”;

19 (3) by striking “designates,” and all that fol-
 20 lows through “the adjustment” and inserting “des-
 21 ignates, the adjustment”; and

22 (4) by striking “designated as emergency re-
 23 quirements or for” and inserting “designated for”.

24 (g) EFFECTIVE DATE.—This section and the amend-
 25 ments made by this section shall—

- 1 (1) take effect on the date of enactment of this
2 Act; and
3 (2) apply with respect to fiscal year 2022 and
4 each fiscal year thereafter.

Calendar No. 149

117TH CONGRESS
1ST Session
S. 3008

A BILL

To establish the Federal Rainy Day Fund to
control emergency spending.

OCTOBER 20, 2021

Read the second time and placed on the calendar