

Tariff Schedule of the United States (19 U.S.C. 3007) are each amended in the effective period column by striking “10/1/2007” each place it appears and inserting “1/1/2011”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 2007.

SUBMITTED RESOLUTIONS DURING ADJOURNMENT

ORIGINAL MEASURE REPORTED OUT DURING ADJOURNMENT

SENATE CONCURRENT RESOLUTION 83—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2007 AND INCLUDING THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2006 AND 2008 THROUGH 2011

Mr. GREGG from the Committee on the Budget; submitted the following concurrent resolution; which was placed on the calendar:

S. CON. RES. 83

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2007.

(a) **DECLARATION.**—The Congress declares that the concurrent resolution on the budget for fiscal year 2007 is hereby established and that the appropriate budgetary levels for fiscal years 2006 and 2008 through 2011 are set forth.

(b) **TABLE OF CONTENTS.**—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2007.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.

Sec. 103. Major functional categories.

TITLE II—RECONCILIATION

Sec. 201. Reconciliation in the Senate.

TITLE III—RESERVE FUNDS

Sec. 301. Reserve fund for the uninsured.
Sec. 302. Reserve fund for health information technology.
Sec. 303. Reserve fund for the Asbestos Injury Trust Fund.
Sec. 304. Reserve fund for the safe importation of prescription drugs.
Sec. 305. Reserve fund for Secure Rural Schools and Community Self-Determination Act Reauthorization.
Sec. 306. Reserve fund for comprehensive immigration reform.
Sec. 307. Reserve fund for Indian Claim Settlement.
Sec. 308. Reserve fund for the National Flood Insurance Program.
Sec. 309. Reserve fund to protect America's competitive edge.
Sec. 310. Reserve fund for Land and Water Conservation Fund.
Sec. 311. Reserve fund for chronic care case management.
Sec. 312. Reserve fund for receipts from Bonneville Power Administration.

TITLE IV—ENFORCEMENT

Sec. 401. Restrictions on advance appropriations.

Sec. 402. Emergency legislation.
Sec. 403. Discretionary spending limits.
Sec. 404. Application and effect of changes in allocations and aggregates.
Sec. 405. Adjustments to reflect changes in concepts and definitions.
Sec. 406. Direct spending limitation.
Sec. 407. Exercise of rulemaking powers.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2006 through 2011:

(1) **FEDERAL REVENUES.**—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2006: \$1,694,445,000,000.
Fiscal year 2007: \$1,786,173,000,000.
Fiscal year 2008: \$1,914,133,000,000.
Fiscal year 2009: \$2,012,736,000,000.
Fiscal year 2010: \$2,122,301,000,000.
Fiscal year 2011: \$2,203,236,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2006: –\$9,746,000,000.
Fiscal year 2007: –\$33,426,000,000.
Fiscal year 2008: –\$7,643,000,000.
Fiscal year 2009: –\$18,835,000,000.
Fiscal year 2010: –\$13,676,000,000.
Fiscal year 2011: –\$153,835,000,000.

(2) **NEW BUDGET AUTHORITY.**—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2006: \$2,279,715,000,000.
Fiscal year 2007: \$2,317,893,000,000.
Fiscal year 2008: \$2,339,415,000,000.
Fiscal year 2009: \$2,429,717,000,000.
Fiscal year 2010: \$2,532,787,000,000.
Fiscal year 2011: \$2,655,164,000,000.

(3) **BUDGET OUTLAYS.**—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2006: \$2,246,519,000,000.
Fiscal year 2007: \$2,340,463,000,000.
Fiscal year 2008: \$2,379,718,000,000.
Fiscal year 2009: \$2,441,569,000,000.
Fiscal year 2010: \$2,530,892,000,000.
Fiscal year 2011: \$2,645,373,000,000.

(4) **DEFICITS.**—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2006: –\$552,064,000,000.
Fiscal year 2007: –\$554,290,000,000.
Fiscal year 2008: –\$465,585,000,000.
Fiscal year 2009: –\$428,833,000,000.
Fiscal year 2010: –\$408,591,000,000.
Fiscal year 2011: –\$442,137,000,000.

(5) **DEBT SUBJECT TO LIMIT.**—The appropriate levels of the public debt are as follows:

Fiscal year 2006: \$8,526,578,000,000.
Fiscal year 2007: \$9,190,311,000,000.
Fiscal year 2008: \$9,766,883,000,000.
Fiscal year 2009: \$10,302,957,000,000.
Fiscal year 2010: \$10,815,812,000,000.
Fiscal year 2011: \$11,355,281,000,000.

(6) **DEBT HELD BY THE PUBLIC.**—The appropriate levels of debt held by the public are as follows:

Fiscal year 2006: \$4,966,840,000,000.
Fiscal year 2007: \$5,336,498,000,000.
Fiscal year 2008: \$5,599,634,000,000.
Fiscal year 2009: \$5,809,201,000,000.
Fiscal year 2010: \$5,980,485,000,000.
Fiscal year 2011: \$6,169,011,000,000.

SEC. 102. SOCIAL SECURITY.

(a) **SOCIAL SECURITY REVENUES.**—The amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2006: \$608,408,000,000.
Fiscal year 2007: \$641,747,000,000.
Fiscal year 2008: \$676,433,000,000.
Fiscal year 2009: \$711,760,000,000.
Fiscal year 2010: \$747,339,000,000.
Fiscal year 2011: \$782,032,000,000.

(b) **SOCIAL SECURITY OUTLAYS.**—The amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2006: \$425,033,000,000.
Fiscal year 2007: \$442,275,000,000.
Fiscal year 2008: \$458,076,000,000.
Fiscal year 2009: \$476,224,000,000.
Fiscal year 2010: \$496,886,000,000.
Fiscal year 2011: \$516,292,000,000.

(c) **SOCIAL SECURITY ADMINISTRATIVE EXPENSES.**—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2006:
(A) New budget authority, \$4,568,000,000.
(B) Outlays, \$4,576,000,000.
Fiscal year 2007:
(A) New budget authority, \$4,721,000,000.
(B) Outlays, \$4,750,000,000.
Fiscal year 2008:
(A) New budget authority, \$4,862,000,000.
(B) Outlays, \$4,836,000,000.
Fiscal year 2009:
(A) New budget authority, \$5,009,000,000.
(B) Outlays, \$4,983,000,000.
Fiscal year 2010:
(A) New budget authority, \$5,159,000,000.
(B) Outlays, \$5,133,000,000.
Fiscal year 2011:
(A) New budget authority, \$5,314,000,000.
(B) Outlays, \$5,287,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2006 through 2011 for each major functional category are:

(1) **National Defense (050):**
Fiscal year 2006:
(A) New budget authority, \$561,144,000,000.
(B) Outlays, \$525,955,000,000.
Fiscal year 2007:
(A) New budget authority, \$545,366,000,000.
(B) Outlays, \$550,497,000,000.
Fiscal year 2008:
(A) New budget authority, \$481,696,000,000.
(B) Outlays, \$514,796,000,000.
Fiscal year 2009:
(A) New budget authority, \$501,780,000,000.
(B) Outlays, \$508,078,000,000.
Fiscal year 2010:
(A) New budget authority, \$511,863,000,000.
(B) Outlays, \$511,154,000,000.
Fiscal year 2011:
(A) New budget authority, \$522,791,000,000.
(B) Outlays, \$521,870,000,000.
(2) **International Affairs (150):**
Fiscal year 2006:
(A) New budget authority, \$31,936,000,000.
(B) Outlays, \$34,193,000,000.
Fiscal year 2007:
(A) New budget authority, \$31,430,000,000.
(B) Outlays, \$34,266,000,000.
Fiscal year 2008:
(A) New budget authority, \$34,420,000,000.
(B) Outlays, \$33,226,000,000.
Fiscal year 2009:
(A) New budget authority, \$34,417,000,000.
(B) Outlays, \$33,202,000,000.
Fiscal year 2010:
(A) New budget authority, \$34,138,000,000.
(B) Outlays, \$32,637,000,000.
Fiscal year 2011:
(A) New budget authority, \$34,577,000,000.
(B) Outlays, \$32,361,000,000.
(3) **General Science, Space, and Technology (250):**

Fiscal year 2006:		(B) Outlays, \$7,983,000,000.	(B) Outlays, \$331,524,000,000.
(A) New budget authority, \$24,936,000,000.		Fiscal year 2010:	Fiscal year 2007:
(B) Outlays, \$24,059,000,000.		(A) New budget authority, \$17,057,000,000.	(A) New budget authority, \$382,068,000,000.
Fiscal year 2007:		(B) Outlays, \$8,852,000,000.	(B) Outlays, \$387,541,000,000.
(A) New budget authority, \$26,238,000,000.		Fiscal year 2011:	Fiscal year 2008:
(B) Outlays, \$25,159,000,000.		(A) New budget authority, \$11,861,000,000.	(A) New budget authority, \$441,150,000,000.
Fiscal year 2008:		(B) Outlays, \$5,385,000,000.	(B) Outlays, \$411,217,000,000.
(A) New budget authority, \$27,446,000,000.		(8) Transportation (400):	Fiscal year 2009:
(B) Outlays, \$26,279,000,000.		Fiscal year 2006:	(A) New budget authority, \$440,764,000,000.
Fiscal year 2009:		(A) New budget authority, \$74,858,000,000.	(B) Outlays, \$440,455,000,000.
(A) New budget authority, \$28,493,000,000.		(B) Outlays, \$70,889,000,000.	Fiscal year 2010:
(B) Outlays, \$27,395,000,000.		Fiscal year 2007:	(A) New budget authority, \$470,247,000,000.
Fiscal year 2010:		(A) New budget authority, \$78,268,000,000.	(B) Outlays, \$470,523,000,000.
(A) New budget authority, \$29,710,000,000.		(B) Outlays, \$75,774,000,000.	Fiscal year 2011:
(B) Outlays, \$28,525,000,000.		Fiscal year 2008:	(A) New budget authority, \$520,312,000,000.
Fiscal year 2011:		(A) New budget authority, \$81,293,000,000.	(B) Outlays, \$520,350,000,000.
(A) New budget authority, \$30,989,000,000.		(B) Outlays, \$78,562,000,000.	(13) Income Security (600):
(B) Outlays, \$29,745,000,000.		Fiscal year 2009:	Fiscal year 2006:
(4) Energy (270):		(A) New budget authority, \$72,888,000,000.	(A) New budget authority, \$345,572,000,000.
Fiscal year 2006:		(B) Outlays, \$78,336,000,000.	(B) Outlays, \$356,189,000,000.
(A) New budget authority, \$1,829,000,000.		Fiscal year 2010:	Fiscal year 2007:
(B) Outlays, \$2,030,000,000.		(A) New budget authority, \$72,936,000,000.	(A) New budget authority, \$357,862,000,000.
Fiscal year 2007:		(B) Outlays, \$77,837,000,000.	(B) Outlays, \$362,689,000,000.
(A) New budget authority, \$2,212,000,000.		Fiscal year 2011:	Fiscal year 2008:
(B) Outlays, \$905,000,000.		(A) New budget authority, \$73,487,000,000.	(A) New budget authority, \$371,276,000,000.
Fiscal year 2008:		(B) Outlays, \$77,842,000,000.	(B) Outlays, \$374,323,000,000.
(A) New budget authority, \$2,638,000,000.		(9) Community and Regional Development	Fiscal year 2009:
(B) Outlays, \$673,000,000.		(450):	(A) New budget authority, \$381,802,000,000.
Fiscal year 2009:		Fiscal year 2006:	(B) Outlays, \$384,128,000,000.
(A) New budget authority, \$2,267,000,000.		(A) New budget authority, \$38,306,000,000.	Fiscal year 2010:
(B) Outlays, \$863,000,000.		(B) Outlays, \$59,547,000,000.	(A) New budget authority, \$391,687,000,000.
Fiscal year 2010:		Fiscal year 2007:	(B) Outlays, \$393,080,000,000.
(A) New budget authority, \$2,140,000,000.		(A) New budget authority, \$14,657,000,000.	Fiscal year 2011:
(B) Outlays, \$817,000,000.		(B) Outlays, \$31,182,000,000.	(A) New budget authority, \$406,513,000,000.
Fiscal year 2011:		Fiscal year 2008:	(B) Outlays, \$406,810,000,000.
(A) New budget authority, \$2,044,000,000.		(A) New budget authority, \$11,672,000,000.	(14) Social Security (650):
(B) Outlays, \$661,000,000.		(B) Outlays, \$25,111,000,000.	Fiscal year 2006:
(5) Natural Resources and Environment		Fiscal year 2009:	(A) New budget authority, \$14,820,000,000.
(300):		(A) New budget authority, \$11,766,000,000.	(B) Outlays, \$14,820,000,000.
Fiscal year 2006:		(B) Outlays, \$20,843,000,000.	Fiscal year 2007:
(A) New budget authority, \$35,188,000,000.		Fiscal year 2010:	(A) New budget authority, \$17,022,000,000.
(B) Outlays, \$32,533,000,000.		(A) New budget authority, \$11,798,000,000.	(B) Outlays, \$17,022,000,000.
Fiscal year 2007:		(B) Outlays, \$16,945,000,000.	Fiscal year 2008:
(A) New budget authority, \$29,637,000,000.		Fiscal year 2011:	(A) New budget authority, \$18,914,000,000.
(B) Outlays, \$33,026,000,000.		(A) New budget authority, \$12,053,000,000.	(B) Outlays, \$18,914,000,000.
Fiscal year 2008:		(B) Outlays, \$12,693,000,000.	Fiscal year 2009:
(A) New budget authority, \$28,830,000,000.		(10) Education, Training, Employment, and	(A) New budget authority, \$20,794,000,000.
(B) Outlays, \$30,770,000,000.		Social Services (500):	(B) Outlays, \$20,794,000,000.
Fiscal year 2009:		Fiscal year 2006:	Fiscal year 2010:
(A) New budget authority, \$29,585,000,000.		(A) New budget authority, \$112,611,000,000.	(A) New budget authority, \$22,966,000,000.
(B) Outlays, \$30,408,000,000.		(B) Outlays, \$106,461,000,000.	(B) Outlays, \$22,966,000,000.
Fiscal year 2010:		Fiscal year 2007:	Fiscal year 2011:
(A) New budget authority, \$29,036,000,000.		(A) New budget authority, \$86,899,000,000.	(A) New budget authority, \$26,580,000,000.
(B) Outlays, \$29,958,000,000.		(B) Outlays, \$89,291,000,000.	(B) Outlays, \$26,580,000,000.
Fiscal year 2011:		Fiscal year 2008:	(15) Veterans Benefits and Services (700):
(A) New budget authority, \$28,937,000,000.		(A) New budget authority, \$87,710,000,000.	Fiscal year 2006:
(B) Outlays, \$29,655,000,000.		(B) Outlays, \$85,968,000,000.	(A) New budget authority, \$72,041,000,000.
(6) Agriculture (350):		Fiscal year 2009:	(B) Outlays, \$69,843,000,000.
Fiscal year 2006:		(A) New budget authority, \$87,579,000,000.	Fiscal year 2007:
(A) New budget authority, \$28,258,000,000.		(B) Outlays, \$85,959,000,000.	(A) New budget authority, \$73,954,000,000.
(B) Outlays, \$26,489,000,000.		Fiscal year 2010:	(B) Outlays, \$73,054,000,000.
Fiscal year 2007:		(A) New budget authority, \$86,993,000,000.	Fiscal year 2008:
(A) New budget authority, \$27,362,000,000.		(B) Outlays, \$86,082,000,000.	(A) New budget authority, \$76,130,000,000.
(B) Outlays, \$26,788,000,000.		Fiscal year 2011:	(B) Outlays, \$76,463,000,000.
Fiscal year 2008:		(A) New budget authority, \$86,958,000,000.	Fiscal year 2009:
(A) New budget authority, \$25,214,000,000.		(B) Outlays, \$86,167,000,000.	(A) New budget authority, \$77,019,000,000.
(B) Outlays, \$24,573,000,000.		(11) Health (550):	(B) Outlays, \$77,318,000,000.
Fiscal year 2009:		Fiscal year 2006:	Fiscal year 2010:
(A) New budget authority, \$24,524,000,000.		(A) New budget authority, \$267,375,000,000.	(A) New budget authority, \$77,437,000,000.
(B) Outlays, \$23,841,000,000.		(B) Outlays, \$264,431,000,000.	(B) Outlays, \$77,579,000,000.
Fiscal year 2010:		Fiscal year 2007:	Fiscal year 2011:
(A) New budget authority, \$23,382,000,000.		(A) New budget authority, \$277,757,000,000.	(A) New budget authority, \$81,603,000,000.
(B) Outlays, \$22,572,000,000.		(B) Outlays, \$275,319,000,000.	(B) Outlays, \$81,537,000,000.
Fiscal year 2011:		Fiscal year 2008:	(16) Administration of Justice (750):
(A) New budget authority, \$23,023,000,000.		(A) New budget authority, \$291,712,000,000.	Fiscal year 2006:
(B) Outlays, \$22,293,000,000.		(B) Outlays, \$292,529,000,000.	(A) New budget authority, \$40,707,000,000.
(7) Commerce and Housing Credit (370):		Fiscal year 2009:	(B) Outlays, \$40,769,000,000.
Fiscal year 2006:		(A) New budget authority, \$311,810,000,000.	Fiscal year 2007:
(A) New budget authority, \$14,536,000,000.		(B) Outlays, \$310,164,000,000.	(A) New budget authority, \$45,891,000,000.
(B) Outlays, \$7,938,000,000.		Fiscal year 2010:	(B) Outlays, \$46,296,000,000.
Fiscal year 2007:		(A) New budget authority, \$328,268,000,000.	Fiscal year 2008:
(A) New budget authority, \$16,516,000,000.		(B) Outlays, \$328,026,000,000.	(A) New budget authority, \$41,999,000,000.
(B) Outlays, \$8,025,000,000.		Fiscal year 2011:	(B) Outlays, \$43,907,000,000.
Fiscal year 2008:		(A) New budget authority, \$349,921,000,000.	Fiscal year 2009:
(A) New budget authority, \$13,175,000,000.		(B) Outlays, \$348,486,000,000.	(A) New budget authority, \$42,545,000,000.
(B) Outlays, \$7,990,000,000.		(12) Medicare (570):	(B) Outlays, \$43,366,000,000.
Fiscal year 2009:		Fiscal year 2006:	Fiscal year 2010:
(A) New budget authority, \$13,275,000,000.		(A) New budget authority, \$336,887,000,000.	(A) New budget authority, \$42,907,000,000.

(B) Outlays, \$43,136,000,000.

Fiscal year 2011:

(A) New budget authority, \$43,952,000,000.

(B) Outlays, \$43,582,000,000.

(17) General Government (800):

Fiscal year 2006:

(A) New budget authority, \$18,831,000,000.

(B) Outlays, \$18,969,000,000.

Fiscal year 2007:

(A) New budget authority, \$19,534,000,000.

(B) Outlays, \$19,252,000,000.

Fiscal year 2008:

(A) New budget authority, \$18,536,000,000.

(B) Outlays, \$18,485,000,000.

Fiscal year 2009:

(A) New budget authority, \$20,878,000,000.

(B) Outlays, \$20,624,000,000.

Fiscal year 2010:

(A) New budget authority, \$18,049,000,000.

(B) Outlays, \$17,844,000,000.

Fiscal year 2011:

(A) New budget authority, \$18,679,000,000.

(B) Outlays, \$18,435,000,000.

(18) Net Interest (900):

Fiscal year 2006:

(A) New budget authority, \$317,020,000,000.

(B) Outlays, \$317,020,000,000.

Fiscal year 2007:

(A) New budget authority, \$354,318,000,000.

(B) Outlays, \$354,318,000,000.

Fiscal year 2008:

(A) New budget authority, \$384,341,000,000.

(B) Outlays, \$384,341,000,000.

Fiscal year 2009:

(A) New budget authority, \$407,021,000,000.

(B) Outlays, \$407,021,000,000.

Fiscal year 2010:

(A) New budget authority, \$428,960,000,000.

(B) Outlays, \$428,960,000,000.

Fiscal year 2011:

(A) New budget authority, \$451,181,000,000.

(B) Outlays, \$451,181,000,000.

(19) Allowances (920):

Fiscal year 2006:

(A) New budget authority, \$0.

(B) Outlays, \$0.

Fiscal year 2007:

(A) New budget authority, —\$500,000,000.

(B) Outlays, —\$500,000,000.

Fiscal year 2008:

(A) New budget authority, \$0.

(B) Outlays, \$0.

Fiscal year 2009:

(A) New budget authority, \$0.

(B) Outlays, \$0.

Fiscal year 2010:

(A) New budget authority, \$0.

(B) Outlays, \$0.

Fiscal year 2011:

(A) New budget authority, \$0.

(B) Outlays, \$0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2006:

(A) New budget authority, —\$57,140,000.

(B) Outlays, —\$57,140,000.

Fiscal year 2007:

(A) New budget authority, —\$68,598,000,000.

(B) Outlays, —\$69,440,000,000.

Fiscal year 2008:

(A) New budget authority, —\$68,737,000,000.

(B) Outlays, —\$68,409,000,000.

Fiscal year 2009:

(A) New budget authority, —\$79,489,000,000.

(B) Outlays, —\$79,208,000,000.

Fiscal year 2010:

(A) New budget authority, —\$66,787,000,000.

(B) Outlays, —\$66,600,000,000.

Fiscal year 2011:

(A) New budget authority, —\$70,297,000,000.

(B) Outlays, —\$70,260,000,000.

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION IN THE SENATE.

The Committee on Energy and Natural Resources shall report to the Senate a reconciliation bill not later than May 16, 2006, that consists of changes in laws within its jurisdiction sufficient to reduce budget au-

thority and outlays by \$0 for fiscal year 2007 and by \$3,000,000,000 for the period of fiscal years 2007 through 2011.

TITLE III—RESERVE FUNDS

SEC. 301. RESERVE FUND FOR THE UNINSURED.

If—

(1) the Committee on Finance or the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) addresses health care costs, coverage, or care for the uninsured;

(B) provides—

(i) safety net access to integrated and other health care services; or

(ii) increases the number of people with health insurance, provided that such increase is not obtained primarily as a result of increasing premiums for the currently insured;

(C) increases access to coverage through mechanisms that decrease the growth of health care costs, including tax measures (such as tax credits and deductibility) market-based measures (such as regulatory reforms, consumer-directed initiatives) and other measures targeted to key segments of the uninsured, including individuals without employer-sponsored coverage, college students, recent graduates, or chronically ill individuals; and

(D) improves the transparency of the cost and quality for medical care; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SEC. 302. RESERVE FUND FOR HEALTH INFORMATION TECHNOLOGY.

If—

(1) the Committee on Finance or the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or if an amendment is offered thereto or if a conference report is submitted thereon, that—

(A) provides incentives or other support for adoption of modern information technology to improve quality in health care; and

(B) provides for performance-based payments, which are based on accepted clinical performance measures that improve the quality in health care; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and the period of fiscal years 2007 through 2011.

SEC. 303. RESERVE FUND FOR THE ASBESTOS INJURY TRUST FUND.

If—

(1) the Committee on Judiciary reports legislation, or if an amendment is offered thereto or if a conference report is submitted thereon, that—

(A) provides monetary compensation to impaired victims of asbestos-related disease who can establish that asbestos exposure is a substantial contributing factor in causing their condition;

(B) does not provide monetary compensation to the unimpaired claimants or those suffering from a disease who cannot establish that asbestos exposure was a substantial contributing factor in causing their condition; and

(C) is estimated to remain funded from nontaxpayer sources for the life of the fund; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for the period of fiscal years 2007 through 2011.

SEC. 304. RESERVE FUND FOR THE SAFE IMPORTATION OF PRESCRIPTION DRUGS.

If—

(1) the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that permits the safe importation of prescription drugs approved by the Food and Drug Administration from specified countries with strong safety laws; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SEC. 305. RESERVE FUND FOR SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT REAUTHORIZATION.

If—

(1) the Committee on Energy and Natural Resources of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that provides for reauthorization of the Secure Rural Schools and Community Self-Determination Act (Public Law 106-393); and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SEC. 306. RESERVE FUND FOR COMPREHENSIVE IMMIGRATION REFORM.

If—

(1) the Committee on the Judiciary of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that—

(A) provides for comprehensive immigration reform;

(B) provides for increased interior enforcement including legal employment verification; and

(C) provides for increased border security and enhanced information technology systems; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for the fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SEC. 307. RESERVE FUND FOR INDIAN CLAIM SETTLEMENT.

If—

(1) the Select Committee on Indian Affairs of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that—

(A) creates an Indian accounting claims settlement fund for trust accounting deficiencies related to Individual Indian Moneys accounts;

(B) extinguishes all claims arising before the date of enactment for losses resulting from accounting errors, mismanagement, or interest owed in connection with Individual Indian Moneys accounts; and

(C) provides for new accounting practices for the Individual Indian Moneys accounts; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SEC. 308. RESERVE FUND FOR THE NATIONAL FLOOD INSURANCE PROGRAM.

If—

(1) the Committee on Banking, Housing, and Urban Affairs reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that—

(A) establishes more actuarially sound rates on policies issued by the National Flood Insurance Program;

(B) phases out flood insurance subsidies on pre-FIRM structures not used as primary residences;

(C) denies flood insurance to repeatedly flooded properties not used as primary residences and make such other program reforms that would mitigate flood insurance losses in future natural disasters; and

(D) takes action to forgive the debt that the National Flood Insurance Program owes to the Treasury and provides an appropriation, not borrowing authority, to pay outstanding flood insurance claims; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates by the amount provided by that measure for the purpose of liquidating the National Flood Insurance Fund's remaining contractual obligations resulting from claims made as a result of floods that occurred in 2005, but not to exceed \$5,600,000,000 in new budget authority for fiscal year 2006 or 2007 for that purpose.

SEC. 309. RESERVE FUND TO PROTECT AMERICA'S COMPETITIVE EDGE.

(a) HEALTH, EDUCATION, LABOR, AND PENSIONS.—If—

(1) the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) increases the number of students and graduates pursuing science, technology, engineering and math (STEM) or foreign language courses, degrees and occupations; or

(B) improves educational programs in these fields; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

(b) ENERGY AND NATURAL RESOURCES.—If—

(1) the Committee on Energy and Natural Resources of the Senate reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) increases investment in basic and applied research at the Department of Energy; or

(B) improves educational opportunities in math, science, or engineering; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

(c) COMMERCE, SCIENCE, AND TRANSPORTATION.—If—

(1) the Committee on Commerce, Science, and Transportation of the Senate reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) increases investment in basic and applied research at the National Aeronautics and Space Administration, the National Institute of Science and Technology, and the National Science Foundation; or

(B) improves quality, coordination, or support for such research; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2007 and for the period of fiscal years 2007 through 2011.

SEC. 310. RESERVE FUND FOR LAND AND WATER CONSERVATION FUND.

(a) ENERGY AND NATURAL RESOURCES.—If—

(1) the Committee on Energy and Natural Resources reports a bill or joint resolution, or an amendment is offered thereto, or a conference report is submitted thereon, that—

(A) permits exploration and production of oil in the 1002 Area of the Arctic National Wildlife Refuge; and

(B)(i) such measure is enacted; and

(ii) the reconciliation instruction set out in section 201 is met; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget of the Senate may make the adjustments described in subsection (b).

(b) ADJUSTMENT FOR THE LAND AND WATER CONSERVATION FUND PROGRAMS AND ADDITIONAL LAND CONSERVATION PROGRAMS.—If the Committee on Appropriations of the Senate reports a bill or joint resolution, or if an amendment is offered thereto or a conference report is submitted thereon that—

(1) provides funding for the programs described in this subsection at least at the previous year's levels, adjusted for inflation; and

(2) makes available a portion of the receipts resulting from enactment of the legislation described in subsection (a) for—

(A) the Land and Water Conservation Fund;

(B) the Federal Land Acquisition and Stateside Grant Programs;

(C) the Coastal and Estuarine Land Protection Program; and

(D) the Forest Legacy Program;

the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, but the adjustment may not exceed \$350,000,000 in new budget authority in each of fiscal years 2009 through 2011.

SEC. 311. RESERVE FUND FOR CHRONIC CARE CASE MANAGEMENT.

If—

(1) the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that would provide \$1,750,000,000 to the Centers for Medicare and Medicaid Services (CMS) to create a demonstration project or program that assigns a case manager to coordinate the care of chronically ill and other high-cost Medicare beneficiaries in traditional fee-for-service Medicare; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for the period of fiscal years 2007 through 2011.

SEC. 312. RESERVE FUND FOR RECEIPTS FROM BONNEVILLE POWER ADMINISTRATION.

If—

(1) the Committee on Energy and Natural Resources of the Senate reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that prohibits the Bonneville Power Administration from making early payments on its Federal Bond Debt to the United States Treasury; and

(2) that committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for the fiscal year 2007 and for the period of fiscal years 2007 through 2011.

TITLE IV—ENFORCEMENT

SEC. 401. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) POINT OF ORDER.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) ADVANCE APPROPRIATION.—An advance appropriation may be provided for the fiscal years 2008 and 2009 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "ACCOUNTS IDENTIFIED FOR ADVANCE APPROPRIATIONS" in an aggregate amount not to exceed \$23,158,000,000 in new budget authority in each year.

(3) OPERATION OF POINT OF ORDER.—It shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate paragraph (1). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report), then only those provisions (including provisions of an amendment, motion, or conference report) shall be deemed stricken pursuant to this subsection.

(4) WAIVER AND APPEAL.—Before the Presiding Officer rules on a point of order under paragraph (1), any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. Paragraph (1) may be waived or suspended in the

Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. After the Presiding Officer rules on a point of order under paragraph (1), any Senator may appeal the ruling of the Presiding Officer as it applies to some or all of the provisions. An affirmative vote of three-fifths 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 paragraph (1).

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or a joint resolution, upon—

(A) a point of order being made under subsection (a); and

(B) such a point of order being sustained, such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed to consider whether the Senate 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, and the matter stricken may not be offered as an amendment from the floor.

(6) ADVANCE APPROPRIATION.—In this subsection, the term “advance appropriation” means any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2007 that first becomes available for any fiscal year after 2007 or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2008, that first becomes available for any fiscal year after 2008.

SEC. 402. EMERGENCY LEGISLATION.

(a) BUDGETARY TREATMENT OF EMERGENCY LEGISLATION.—

(1) AUTHORITY TO DESIGNATE.—With respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in a measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purposes of this subsection.

(2) EXEMPTION OF EMERGENCY PROVISIONS.—As limited in paragraph (3), any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 403 of this resolution (relating to discretionary spending limits in the Senate), section 406 of this resolution (relating to limits on direct spending), section 407 of the concurrent resolution on the budget for Fiscal Year 2006, H. Con. Res. 95 (relating to the long term direct spending), and section 505 of the Concurrent Resolution on the Budget for Fiscal Year 2004, H. Con. Res. 95 (relating to the paygo requirement in the Senate), until the adoption of a subsequent budget resolution.

(3) LIMITATION.—For fiscal year 2007 the total exemption under paragraph (2) for emergencies shall not exceed \$90,000,000,000 in new budget authority and outlays associated with the budget authority for the global war on terrorism and other emergencies, of which—

(A) \$50,000,000,000 in new budget authority (and outlays associated with the budget authority) may be available for the global war on terrorism; and

(B) \$2,000,000,000 in new budget authority (and outlays associated with the budget authority) may be made available for United States border security initiatives; and

(C) \$2,300,000,000 in new budget authority (and outlays associated with the budget authority) may be available for pandemic influenza initiatives.

(4) POINT OF ORDER.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(5) EXCEPTION FOR DEFENSE SPENDING.—Paragraph (4) shall not apply against an emergency designation for a provision making discretionary appropriations under the defense function (050), subject to the limitation set forth in paragraph (3).

(6) OPERATION OF POINT OF ORDER.—It shall be in order for a Senator to raise a single point of order against several emergency designations in a bill, resolution, amendment, motion, or conference report. The language making the designations shall be stricken from the measure and may not be offered as amendments from the floor.

(7) WAIVER AND APPEAL.—Before the emergency designation or designations are stricken pursuant to paragraph (4), any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. Paragraph (4) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. After the Presiding Officer strikes the designation on such a point of order, any Senator may appeal the action of the Presiding Officer as it applies to some or all of the provisions. An affirmative vote of three-fifths 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 paragraph (4).

(8) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or a joint resolution, upon—

(A) a point of order being made in paragraph (4); and

(B) such a point of order being sustained, the emergency designation in such conference report or amendment shall be deemed stricken, and the Senate shall proceed to consider whether the Senate 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, and the matter stricken may not be offered as an amendment from the floor.

(b) DEFINITIONS AND CRITERIA.—

(1) DEFINITIONS.—

(A) IN GENERAL.—In this subsection, the terms “direct spending”, “receipts”, and “appropriations for discretionary accounts” means any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(B) DESIGNATION.—Subject to the limitation in subsection (a)(3), for purposes of paragraph (4), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(2) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an

explanation of the manner in which the provision meets the criteria in paragraph (3).

(3) CRITERIA.—

(A) IN GENERAL.—Subject to the limitation in subsection (a)(3), any provision may be designated as an emergency requirement if the situation addressed by such provision is—

(i) necessary, essential, or vital (not merely useful and beneficial);

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

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

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

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

SEC. 403. DISCRETIONARY SPENDING LIMITS.

(a) DISCRETIONARY SPENDING LIMITS.—As used in this section, the term “discretionary spending limit” means—

(1) for fiscal year 2006, \$900,927,000,000 in new budget authority and \$1,002,145,000,000 in outlays for the discretionary category;

(2) for fiscal year 2007, \$872,504,000,000 in new budget authority and \$963,048,000,000 in outlays for the discretionary category;

(3) for fiscal year 2008, \$895,784,000,000 in new budget authority for the discretionary category; and

(4) for fiscal year 2009, \$919,178,000,000 in new budget authority for the discretionary category; as adjusted in conformance with the adjustment procedures in subsection (d).

(b) DISCRETIONARY SPENDING POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, it shall not be in order to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) WAIVER AND APPEAL.—Before the Presiding Officer rules on a point of order under this subsection, any Senator may move to waive such a point of order. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. The point of order may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on the point of order.

(c) PROCEDURE FOR ADJUSTMENTS.—

(1) IN GENERAL.—

(A) CHAIRMAN.—After the reporting of a bill or joint resolution, or the offering of an amendment thereto or the submission of a conference report thereon, the chairman of the Committee on the Budget may make the adjustments set forth in subparagraph (B) for the amount of new budget authority and outlays in that measure (if that measure meets the requirements set forth in paragraph (2)) and the outlays flowing from that budget authority.

(B) MATTERS TO BE ADJUSTED.—The adjustments referred to in subparagraph (A) are to be made to—

(i) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget; and

(ii) the allocations made pursuant to the concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974.

(2) AMOUNTS OF ADJUSTMENTS.—The adjustment referred to in paragraph (1) shall be an

amount provided for fiscal year 2007 if a bill or joint resolution is reported making appropriations for fiscal year 2007 that appropriates \$6,824,000,000 to the Internal Revenue Service for enhanced tax enforcement to address the "Federal tax gap" and provides an additional appropriation of \$274,000,000 to the Internal Revenue Service for enhanced tax enforcement to address the "Federal tax gap" then the chairman of the Committee on the Budget of the Senate may make the adjustments in paragraph (c)(1)(B).

(3) **REPORTING REVISED SUBALLOCATIONS.**—Following any adjustment made under paragraph (1), the Committee on Appropriations of the Senate shall report appropriately revised suballocations under section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

SEC. 404. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) **APPLICATION.**—Any adjustments of allocations and aggregates made for any measure of legislation pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be printed in the Congressional Record as soon as practicable.

(b) **EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.**—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) **BUDGET COMMITTEE DETERMINATIONS.**—For purposes of this resolution, the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the chairman of the Committee on the Budget.

SEC. 405. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the chairman of the Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 406. DIRECT SPENDING LIMITATION.

(a) **MEDICARE FUNDING WARNING.**—The chairman of the Committee on the Budget may submit to the Senate a notification of a Medicare funding warning. Such warning is defined as a projection that within 7 years General Fund contributions to Medicare funding expressed as a percentage of total Medicare outlays, exceed 45 percent.

(b) **POINT OF ORDER.**—It shall not be in order to consider any bill, joint resolution, amendment or conference report that would cause any increase in direct spending, net of proposals to change in direct spending, receipts, or revenues contained in the measure, if a Medicare Funding warning has been submitted to the Senate pursuant to subsection (a) for 2 consecutive calendar years.

(c) **WAIVER.**—This section may be waived or suspended only by an affirmative vote of three-fifths of the members, duly chosen and sworn.

(d) **APPEALS.**—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) **DETERMINATIONS.**—For the purposes of this section, the determination of whether

Medicare funding warrants a funding warning and when it may be appropriate to withdraw such warning, as well as the levels of net direct spending as required under subsection (b), shall be provided by the chairman of the Committee on the Budget.

(f) **CANCELLATION.**—Should legislation be enacted to reduce the general fund contribution below 45 percent as determined by the chairman of the Committee on the Budget, the notification of a Medicare funding warning is withdrawn.

SEC. 407. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

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

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

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 398—RELATING TO THE CENSURE OF GEORGE W. BUSH

Mr. FEINGOLD submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 398

Whereas Congress passed the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and in so doing provided the executive branch with clear authority to wiretap suspected terrorists inside the United States;

Whereas the Foreign Intelligence Surveillance Act of 1978 has been amended multiple times since 1978, to expand the surveillance authority of the executive branch and address new technological developments;

Whereas the Foreign Intelligence Surveillance Act of 1978 states that it and the criminal wiretap law are the "exclusive means by which electronic surveillance" may be conducted by the United States Government and makes it a crime to wiretap individuals without complying with this statutory authority;

Whereas the Foreign Intelligence Surveillance Act of 1978 permits the Government to initiate wiretapping immediately in emergencies as long as the Government obtains approval from the court established under section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) within 72 hours of initiating the wiretap;

Whereas the Foreign Intelligence Surveillance Act of 1978 authorizes wiretaps without the court orders otherwise required by the Foreign Intelligence Surveillance Act of 1978 for the first 15 days following a declaration of war by Congress;

Whereas the Authorization for Use of Military Force that became law on September 18, 2001 (Public Law 107-40; 50 U.S.C. 1541 note), did not grant the President the power to authorize wiretaps of Americans within the United States without obtaining the court orders required by the Foreign Intelligence Surveillance Act of 1978;

Whereas the President's inherent constitutional authority does not give him the power to violate the explicit statutory prohibition on warrantless wiretaps in the Foreign Intelligence Surveillance Act of 1978;

Whereas George W. Bush, President of the United States, has authorized and continues to authorize wiretaps by the National Security Agency of Americans within the United States without obtaining the court orders required by the Foreign Intelligence Surveillance Act of 1978;

Whereas President George W. Bush has failed to inform the full congressional intelligence committees about this program, as required by the National Security Act of 1947 (50 U.S.C. 401 et seq.);

Whereas President George W. Bush repeatedly misled the public prior to the public disclosure of the National Security Agency surveillance program by indicating his Administration was relying on court orders to wiretap suspected terrorists inside the United States, by stating—

(1) on April 20, 2004, that "When we're talking about chasing down terrorists, we're talking about getting a court order before we do so.";

(2) on July 14, 2004, that "the government can't move on wiretaps or roving wiretaps without getting a court order"; and

(3) on June 9, 2005, that "Law enforcement officers need a federal judge's permission to wiretap a foreign terrorist's phone, a federal judge's permission to track his calls, or a federal judge's permission to search his property. Officers must meet strict standards to use any of these tools.";

Whereas President George W. Bush has, since the public disclosure of the National Security Agency surveillance program, falsely implied that the program was necessary because the executive branch did not have authority to wiretap suspected terrorists inside the United States, by making statements about the supposed need for the program, including—

(1) on January 25, 2006, stating at the National Security Agency that "When terrorist operatives are here in America communicating with someone overseas, we must understand what's going on if we're going to do our job to protect the people. The safety and security of the American people depend on our ability to find out who the terrorists are talking to, and what they're planning. In the weeks following September the 11th, I authorized a terrorist surveillance program to detect and intercept al Qaeda communications involving someone here in the United States."; and

(2) on January 31, 2006, asserting during the State of the Union that "The terrorist surveillance program has helped prevent terrorist attacks. It remains essential to the security of America. If there are people inside our country who are talking with al Qaeda, we want to know about it, because we will not sit back and wait to be hit again."; and

Whereas President George W. Bush inaccurately stated in his January 31, 2006, State of the Union address that "Previous Presidents have used the same constitutional authority I have, and federal courts have approved the use of that authority.", even though the President has failed to identify a single instance since the Foreign Intelligence Surveillance Act of 1978 became law in which another President has authorized wiretaps inside the United States without complying with the Foreign Intelligence Surveillance Act of 1978, and no Federal court has evaluated whether the President has the inherent authority to authorize wiretaps inside the United States without complying with the Foreign Intelligence Surveillance Act of 1978: Now, therefore, be it

Resolved, That the United States Senate does hereby censure George W. Bush, President of the United States, and does condemn his unlawful authorization of wiretaps of Americans within the United States without obtaining the court orders required by the