

“(II) the amount not apportioned to such patrons under subparagraph (A) for the taxable year,

shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.”

(d) SMALL AGRI-BIODIESEL CREDIT NOT A PASSIVE ACTIVITY CREDIT.—Clause (i) of section 469(d)(2)(A) of the Internal Revenue Code of 1986, as amended by section 2, is amended by striking “section 40(a)(3)” and inserting “sections 40(a)(3) and 40A(a)(3)”.

(e) SMALL AGRI-BIODIESEL PRODUCER CREDIT NOT ADDED BACK TO INCOME UNDER SECTION 87.—Section 87 of the Internal Revenue Code of 1986, as amended by section 2, is amended by striking “and” at the end of paragraph (2) and by striking paragraph (3) and inserting the following new paragraphs:

“(3) the biodiesel mixture credit determined with respect to the taxpayer for the taxable year under section 40A(a)(1), and

“(4) the biodiesel credit determined with respect to the taxpayer for the taxable year under section 40A(a)(2).”

(f) CONFORMING AMENDMENTS.—

(1) Paragraph (4) of section 40A(b) of the Internal Revenue Code of 1986 is amended by striking “this section” and inserting “paragraph (1) or (2) of subsection (a)”.

(2) The heading of subsection (b) of section 40A of such Code is amended by striking “AND BIODIESEL CREDIT” and inserting “, BIODIESEL CREDIT, AND SMALL AGRI-BIODIESEL PRODUCER CREDIT”.

(3) Paragraph (3) of section 40A(d) of such Code is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

“(C) PRODUCER CREDIT.—If—

“(i) any credit was determined under subsection (a)(3), and

“(ii) any person does not use such fuel for a purpose described in subsection (b)(5)(B), then there is hereby imposed on such person a tax equal to 10 cents a gallon for each gallon of such agri-biodiesel.”

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

## SEC. 2. IMPROVEMENTS TO SMALL ETHANOL PRODUCER CREDIT.

(a) DEFINITION OF SMALL ETHANOL PRODUCER.—Section 40(g) of the Internal Revenue Code of 1986 (relating to definitions and special rules for eligible small ethanol producer credit) is amended by striking “30,000,000” each place it appears and inserting “60,000,000”.

(b) SMALL ETHANOL PRODUCER CREDIT NOT A PASSIVE ACTIVITY CREDIT.—Clause (i) of section 469(d)(2)(A) of the Internal Revenue Code of 1986 is amended by striking “subpart D” and inserting “subpart D, other than section 40(a)(3).”

(c) SMALL ETHANOL PRODUCER CREDIT NOT ADDED BACK TO INCOME UNDER SECTION 87.—Section 87 of the Internal Revenue Code of 1986 (relating to income inclusion of alcohol and biodiesel fuels credits) is amended by redesignating paragraph (2) as paragraph (3) and by striking paragraph (1) and inserting the following:

“(1) the amount of the alcohol mixture credit determined with respect to the taxpayer for the taxable year under section 40(a)(1),

“(2) the alcohol credit determined with respect to the taxpayer for the taxable year under section 40(a)(2), and”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable

years beginning after the date of the enactment of this Act.

## SUBMITTED RESOLUTIONS

### SENATE CONCURRENT RESOLUTION 18—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2006 AND INCLUDING THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2005 AND 2007 THROUGH 2010.

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

S. CON. RES. 18

#### SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2006 including the appropriate budgetary levels for fiscal years 2005 and 2007 through 2010 as authorized by section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

(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 2006.

#### TITLE I—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 health information technology and pay-for-performance.

Sec. 302. Reserve fund for Asbestos Injury Trust Fund.

Sec. 303. Reserve fund for the uninsured.

Sec. 304. Reserve fund for Land and Water Conservation Fund.

Sec. 305. Reserve fund for the Federal Pell Grant Program.

Sec. 306. Reserve fund for Higher Education.

Sec. 307. Reserve fund for energy legislation.

Sec. 308. Reserve fund for the safe importation of prescription drugs.

Sec. 309. Adjustment for surface transportation.

#### TITLE IV—BUDGET ENFORCEMENT

Sec. 401. Restrictions on advance appropriations.

Sec. 402. Emergency legislation.

Sec. 403. Supermajority enforcement.

Sec. 404. Discretionary spending limits in the Senate.

Sec. 405. Application and effect of changes in allocations and aggregates.

Sec. 406. Adjustments to reflect changes in concepts and definitions.

Sec. 407. Limitation on long-term spending proposals.

Sec. 408. Exercise of rulemaking powers.

#### TITLE V—SENSE OF THE SENATE

Sec. 501. Sense of the Senate regarding unauthorized appropriations.

Sec. 502. Sense of the Senate regarding a commission to review the performance of programs.

Sec. 503. Sense of the Senate regarding Tricare.

Sec. 504. Sense of the Senate regarding restraining Medicaid growth.

Sec. 505. Sense of the Senate regarding tribal colleges and universities.

Sec. 506. Sense of the Senate regarding support for the President's request to concentrate Federal funds for State and local homeland security assistance programs on the highest threats, vulnerabilities, and needs.

Sec. 507. Sense of the Senate rejecting proposed elimination of per diem reimbursement to State nursing homes in the President's budget.

Sec. 508. Sense of the Senate regarding Impact Aid.

Sec. 509. Sense of the Senate regarding mandatory agricultural programs.

#### TITLE I—LEVELS AND AMOUNTS

##### SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 2005 through 2010:

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

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

Fiscal year 2005: \$1,483,908,000,000.

Fiscal year 2006: \$1,592,723,000,000.

Fiscal year 2007: \$1,714,387,000,000.

Fiscal year 2008: \$1,824,619,000,000.

Fiscal year 2009: \$1,932,613,000,000.

Fiscal year 2010: \$2,051,205,000,000.

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

Fiscal year 2005: —\$116,000,000.

Fiscal year 2006: —\$14,939,000,000.

Fiscal year 2007: —\$4,884,000,000.

Fiscal year 2008: —\$11,566,000,000.

Fiscal year 2009: —\$23,602,000,000.

Fiscal year 2010: —\$15,163,000,000.

(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 2005: \$2,074,959,000,000.

Fiscal year 2006: \$2,134,484,000,000.

Fiscal year 2007: \$2,207,426,000,000.

Fiscal year 2008: \$2,324,416,000,000.

Fiscal year 2009: \$2,446,869,000,000.

Fiscal year 2010: \$2,543,608,000,000.

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

Fiscal year 2005: \$2,055,994,000,000.

Fiscal year 2006: \$2,143,040,000,000.

Fiscal year 2007: \$2,222,311,000,000.

Fiscal year 2008: \$2,310,069,000,000.

Fiscal year 2009: \$2,412,389,000,000.

Fiscal year 2010: \$2,518,768,000,000.

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

Fiscal year 2005: —\$572,086,000,000.

Fiscal year 2006: —\$550,317,000,000.

Fiscal year 2007: —\$507,924,000,000.

Fiscal year 2008: —\$485,450,000,000.

Fiscal year 2009: —\$479,776,000,000.

Fiscal year 2010: —\$467,563,000,000.

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

Fiscal year 2005: \$7,961,738,000,000.

Fiscal year 2006: \$8,630,464,000,000.

Fiscal year 2007: \$9,266,253,000,000.

Fiscal year 2008: \$9,890,194,000,000.

Fiscal year 2009: \$10,511,998,000,000.

Fiscal year 2010: \$11,122,769,000,000.

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

Fiscal year 2005: \$4,688,918,000,000.

Fiscal year 2006: \$5,060,681,000,000.

Fiscal year 2007: \$5,372,906,000,000.

Fiscal year 2008: \$5,644,888,000,000.

Fiscal year 2009: \$5,892,763,000,000.  
 Fiscal year 2010: \$6,111,689,000,000.

**SEC. 102. SOCIAL SECURITY.**

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, 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 2005: \$573,475,000,000.  
 Fiscal year 2006: \$604,777,000,000.  
 Fiscal year 2007: \$637,792,000,000.  
 Fiscal year 2008: \$671,688,000,000.  
 Fiscal year 2009: \$705,849,000,000.  
 Fiscal year 2010: \$740,343,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, 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 2005: \$398,088,000,000.  
 Fiscal year 2006: \$415,993,000,000.  
 Fiscal year 2007: \$429,254,000,000.  
 Fiscal year 2008: \$443,235,000,000.  
 Fiscal year 2009: \$460,443,000,000.  
 Fiscal year 2010: \$479,412,000,000.

(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 2005:  
 (A) New budget authority, \$4,426,000,000.  
 (B) Outlays, \$4,405,000,000.  
 Fiscal year 2006:  
 (A) New budget authority, \$4,576,000,000.  
 (B) Outlays, \$4,587,000,000.  
 Fiscal year 2007:  
 (A) New budget authority, \$4,710,000,000.  
 (B) Outlays, \$4,785,000,000.  
 Fiscal year 2008:  
 (A) New budget authority, \$4,853,000,000.  
 (B) Outlays, \$4,849,000,000.  
 Fiscal year 2009:  
 (A) New budget authority, \$5,001,000,000.  
 (B) Outlays, \$4,974,000,000.  
 Fiscal year 2010:  
 (A) New budget authority, \$5,152,000,000.  
 (B) Outlays, \$5,124,000,000.

**SEC. 103. MAJOR FUNCTIONAL CATEGORIES.**

Congress determines and declares that the appropriate levels of new budget authority and budget outlays for fiscal years 2005 through 2010 for each major functional category are:

(1) National Defense (050):  
 Fiscal year 2005:  
 (A) New budget authority, \$498,761,000,000.  
 (B) Outlays, \$496,928,000,000.  
 Fiscal year 2006:  
 (A) New budget authority, \$491,526,000,000.  
 (B) Outlays, \$496,117,000,000.  
 Fiscal year 2007:  
 (A) New budget authority, \$465,260,000,000.  
 (B) Outlays, \$479,984,000,000.  
 Fiscal year 2008:  
 (A) New budget authority, \$483,730,000,000.  
 (B) Outlays, \$479,730,000,000.  
 Fiscal year 2009:  
 (A) New budget authority, \$503,763,000,000.  
 (B) Outlays, \$489,146,000,000.  
 Fiscal year 2010:  
 (A) New budget authority, \$513,904,000,000.  
 (B) Outlays, \$505,872,000,000.  
 (2) International Affairs (150):  
 Fiscal year 2005:  
 (A) New budget authority, \$34,707,000,000.  
 (B) Outlays, \$32,425,000,000.  
 Fiscal year 2006:  
 (A) New budget authority, \$33,295,000,000.  
 (B) Outlays, \$35,737,000,000.  
 Fiscal year 2007:

(A) New budget authority, \$36,580,000,000.  
 (B) Outlays, \$34,629,000,000.  
 Fiscal year 2008:  
 (A) New budget authority, \$37,131,000,000.  
 (B) Outlays, \$33,994,000,000.  
 Fiscal year 2009:  
 (A) New budget authority, \$37,171,000,000.  
 (B) Outlays, \$33,842,000,000.  
 Fiscal year 2010:  
 (A) New budget authority, \$36,862,000,000.  
 (B) Outlays, \$33,433,000,000.  
 (3) General Science, Space, and Technology (250):  
 Fiscal year 2005:  
 (A) New budget authority, \$24,413,000,000.  
 (B) Outlays, \$23,594,000,000.  
 Fiscal year 2006:  
 (A) New budget authority, \$24,735,000,000.  
 (B) Outlays, \$23,894,000,000.  
 Fiscal year 2007:  
 (A) New budget authority, \$25,294,000,000.  
 (B) Outlays, \$24,672,000,000.  
 Fiscal year 2008:  
 (A) New budget authority, \$25,796,000,000.  
 (B) Outlays, \$25,095,000,000.  
 Fiscal year 2009:  
 (A) New budget authority, \$26,102,000,000.  
 (B) Outlays, \$25,472,000,000.  
 Fiscal year 2010:  
 (A) New budget authority, \$26,413,000,000.  
 (B) Outlays, \$25,808,000,000.  
 (4) Energy (270):  
 Fiscal year 2005:  
 (A) New budget authority, \$2,564,000,000.  
 (B) Outlays, \$794,000,000.  
 Fiscal year 2006:  
 (A) New budget authority, \$3,247,000,000.  
 (B) Outlays, \$2,127,000,000.  
 Fiscal year 2007:  
 (A) New budget authority, \$2,859,000,000.  
 (B) Outlays, \$1,698,000,000.  
 Fiscal year 2008:  
 (A) New budget authority, \$2,923,000,000.  
 (B) Outlays, \$1,035,000,000.  
 Fiscal year 2009:  
 (A) New budget authority, \$2,534,000,000.  
 (B) Outlays, \$1,132,000,000.  
 Fiscal year 2010:  
 (A) New budget authority, \$2,232,000,000.  
 (B) Outlays, \$1,022,000,000.  
 (5) Natural Resources and Environment (300):  
 Fiscal year 2005:  
 (A) New budget authority, \$32,527,000,000.  
 (B) Outlays, \$31,168,000,000.  
 Fiscal year 2006:  
 (A) New budget authority, \$29,875,000,000.  
 (B) Outlays, \$31,882,000,000.  
 Fiscal year 2007:  
 (A) New budget authority, \$30,243,000,000.  
 (B) Outlays, \$31,426,000,000.  
 Fiscal year 2008:  
 (A) New budget authority, \$30,316,000,000.  
 (B) Outlays, \$31,716,000,000.  
 Fiscal year 2009:  
 (A) New budget authority, \$30,985,000,000.  
 (B) Outlays, \$31,921,000,000.  
 Fiscal year 2010:  
 (A) New budget authority, \$30,479,000,000.  
 (B) Outlays, \$31,474,000,000.  
 (6) Agriculture (350):  
 Fiscal year 2005:  
 (A) New budget authority, \$30,151,000,000.  
 (B) Outlays, \$28,550,000,000.  
 Fiscal year 2006:  
 (A) New budget authority, \$29,087,000,000.  
 (B) Outlays, \$28,143,000,000.  
 Fiscal year 2007:  
 (A) New budget authority, \$26,245,000,000.  
 (B) Outlays, \$25,057,000,000.  
 Fiscal year 2008:  
 (A) New budget authority, \$24,492,000,000.  
 (B) Outlays, \$23,434,000,000.  
 Fiscal year 2009:  
 (A) New budget authority, \$24,845,000,000.  
 (B) Outlays, \$23,950,000,000.  
 Fiscal year 2010:  
 (A) New budget authority, \$24,584,000,000.

(B) Outlays, \$23,854,000,000.  
 (7) Commerce and Housing Credit (370):  
 Fiscal year 2005:  
 (A) New budget authority, \$16,804,000,000.  
 (B) Outlays, \$11,302,000,000.  
 Fiscal year 2006:  
 (A) New budget authority, \$10,285,000,000.  
 (B) Outlays, \$5,057,000,000.  
 Fiscal year 2007:  
 (A) New budget authority, \$9,866,000,000.  
 (B) Outlays, \$4,751,000,000.  
 Fiscal year 2008:  
 (A) New budget authority, \$9,815,000,000.  
 (B) Outlays, \$4,039,000,000.  
 Fiscal year 2009:  
 (A) New budget authority, \$10,413,000,000.  
 (B) Outlays, \$4,121,000,000.  
 Fiscal year 2010:  
 (A) New budget authority, \$14,270,000,000.  
 (B) Outlays, \$6,399,000,000.  
 (8) Transportation (400):  
 Fiscal year 2005:  
 (A) New budget authority, \$72,506,000,000.  
 (B) Outlays, \$67,663,000,000.  
 Fiscal year 2006:  
 (A) New budget authority, \$69,683,000,000.  
 (B) Outlays, \$69,789,000,000.  
 Fiscal year 2007:  
 (A) New budget authority, \$71,030,000,000.  
 (B) Outlays, \$71,013,000,000.  
 Fiscal year 2008:  
 (A) New budget authority, \$74,489,000,000.  
 (B) Outlays, \$72,755,000,000.  
 Fiscal year 2009:  
 (A) New budget authority, \$81,524,000,000.  
 (B) Outlays, \$75,693,000,000.  
 Fiscal year 2010:  
 (A) New budget authority, \$82,867,000,000.  
 (B) Outlays, \$79,335,000,000.  
 (9) Community and Regional Development (450):  
 Fiscal year 2005:  
 (A) New budget authority, \$23,007,000,000.  
 (B) Outlays, \$20,756,000,000.  
 Fiscal year 2006:  
 (A) New budget authority, \$13,039,000,000.  
 (B) Outlays, \$18,294,000,000.  
 Fiscal year 2007:  
 (A) New budget authority, \$13,118,000,000.  
 (B) Outlays, \$16,697,000,000.  
 Fiscal year 2008:  
 (A) New budget authority, \$13,272,000,000.  
 (B) Outlays, \$14,715,000,000.  
 Fiscal year 2009:  
 (A) New budget authority, \$13,410,000,000.  
 (B) Outlays, \$13,473,000,000.  
 Fiscal year 2010:  
 (A) New budget authority, \$13,430,000,000.  
 (B) Outlays, \$13,125,000,000.  
 (10) Education, Training, Employment, and Social Services (500):  
 Fiscal year 2005:  
 (A) New budget authority, \$94,026,000,000.  
 (B) Outlays, \$92,805,000,000.  
 Fiscal year 2006:  
 (A) New budget authority, \$91,850,000,000.  
 (B) Outlays, \$86,913,000,000.  
 Fiscal year 2007:  
 (A) New budget authority, \$89,904,000,000.  
 (B) Outlays, \$90,016,000,000.  
 Fiscal year 2008:  
 (A) New budget authority, \$90,585,000,000.  
 (B) Outlays, \$89,230,000,000.  
 Fiscal year 2009:  
 (A) New budget authority, \$90,737,000,000.  
 (B) Outlays, \$88,938,000,000.  
 Fiscal year 2010:  
 (A) New budget authority, \$90,329,000,000.  
 (B) Outlays, \$88,624,000,000.  
 (11) Health (550):  
 Fiscal year 2005:  
 (A) New budget authority, \$257,498,000,000.  
 (B) Outlays, \$252,799,000,000.  
 Fiscal year 2006:  
 (A) New budget authority, \$260,542,000,000.  
 (B) Outlays, \$260,904,000,000.  
 Fiscal year 2007:  
 (A) New budget authority, \$273,232,000,000.

(B) Outlays, \$272,660,000,000.  
Fiscal year 2008:  
(A) New budget authority, \$292,063,000,000.  
(B) Outlays, \$290,672,000,000.  
Fiscal year 2009:  
(A) New budget authority, \$313,844,000,000.  
(B) Outlays, \$310,304,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$332,926,000,000.  
(B) Outlays, \$331,961,000,000.  
(12) Medicare (570):  
Fiscal year 2005:  
(A) New budget authority, \$292,587,000,000.  
(B) Outlays, \$293,587,000,000.  
Fiscal year 2006:  
(A) New budget authority, \$331,240,000,000.  
(B) Outlays, \$331,003,000,000.  
Fiscal year 2007:  
(A) New budget authority, \$371,899,000,000.  
(B) Outlays, \$372,186,000,000.  
Fiscal year 2008:  
(A) New budget authority, \$395,362,000,000.  
(B) Outlays, \$395,408,000,000.  
Fiscal year 2009:  
(A) New budget authority, \$420,284,000,000.  
(B) Outlays, \$419,877,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$448,161,000,000.  
(B) Outlays, \$448,492,000,000.  
(13) Income Security (600):  
Fiscal year 2005:  
(A) New budget authority, \$339,651,000,000.  
(B) Outlays, \$347,850,000,000.  
Fiscal year 2006:  
(A) New budget authority, \$347,395,000,000.  
(B) Outlays, \$353,429,000,000.  
Fiscal year 2007:  
(A) New budget authority, \$352,633,000,000.  
(B) Outlays, \$358,674,000,000.  
Fiscal year 2008:  
(A) New budget authority, \$365,775,000,000.  
(B) Outlays, \$370,107,000,000.  
Fiscal year 2009:  
(A) New budget authority, \$374,946,000,000.  
(B) Outlays, \$377,951,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$384,137,000,000.  
(B) Outlays, \$386,269,000,000.  
(14) Social Security (650):  
Fiscal year 2005:  
(A) New budget authority, \$15,849,000,000.  
(B) Outlays, \$15,849,000,000.  
Fiscal year 2006:  
(A) New budget authority, \$15,991,000,000.  
(B) Outlays, \$15,991,000,000.  
Fiscal year 2007:  
(A) New budget authority, \$17,804,000,000.  
(B) Outlays, \$17,804,000,000.  
Fiscal year 2008:  
(A) New budget authority, \$19,868,000,000.  
(B) Outlays, \$19,868,000,000.  
Fiscal year 2009:  
(A) New budget authority, \$21,843,000,000.  
(B) Outlays, \$21,843,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$24,129,000,000.  
(B) Outlays, \$24,129,000,000.  
(15) Veterans Benefits and Services (700):  
Fiscal year 2005:  
(A) New budget authority, \$69,448,000,000.  
(B) Outlays, \$68,873,000,000.  
Fiscal year 2006:  
(A) New budget authority, \$68,584,000,000.  
(B) Outlays, \$67,996,000,000.  
Fiscal year 2007:  
(A) New budget authority, \$66,181,000,000.  
(B) Outlays, \$65,894,000,000.  
Fiscal year 2008:  
(A) New budget authority, \$69,458,000,000.  
(B) Outlays, \$69,255,000,000.  
Fiscal year 2009:  
(A) New budget authority, \$69,971,000,000.  
(B) Outlays, \$69,680,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$70,069,000,000.  
(B) Outlays, \$69,794,000,000.  
(16) Administration of Justice (750):  
Fiscal year 2005:

(A) New budget authority, \$39,819,000,000.  
(B) Outlays, \$39,502,000,000.  
Fiscal year 2006:  
(A) New budget authority, \$40,975,000,000.  
(B) Outlays, \$42,390,000,000.  
Fiscal year 2007:  
(A) New budget authority, \$41,719,000,000.  
(B) Outlays, \$42,742,000,000.  
Fiscal year 2008:  
(A) New budget authority, \$42,575,000,000.  
(B) Outlays, \$43,122,000,000.  
Fiscal year 2009:  
(A) New budget authority, \$43,146,000,000.  
(B) Outlays, \$43,297,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$43,404,000,000.  
(B) Outlays, \$43,338,000,000.  
(17) General Government (800):  
Fiscal year 2005:  
(A) New budget authority, \$16,765,000,000.  
(B) Outlays, \$17,673,000,000.  
Fiscal year 2006:  
(A) New budget authority, \$18,154,000,000.  
(B) Outlays, \$18,429,000,000.  
Fiscal year 2007:  
(A) New budget authority, \$18,204,000,000.  
(B) Outlays, \$18,178,000,000.  
Fiscal year 2008:  
(A) New budget authority, \$19,883,000,000.  
(B) Outlays, \$19,823,000,000.  
Fiscal year 2009:  
(A) New budget authority, \$17,902,000,000.  
(B) Outlays, \$17,675,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$18,222,000,000.  
(B) Outlays, \$18,024,000,000.  
(18) Net Interest (900):  
Fiscal year 2005:  
(A) New budget authority, \$267,980,000,000.  
(B) Outlays, \$267,980,000,000.  
Fiscal year 2006:  
(A) New budget authority, \$310,307,000,000.  
(B) Outlays, \$310,307,000,000.  
Fiscal year 2007:  
(A) New budget authority, \$359,168,000,000.  
(B) Outlays, \$359,168,000,000.  
Fiscal year 2008:  
(A) New budget authority, \$396,713,000,000.  
(B) Outlays, \$396,713,000,000.  
Fiscal year 2009:  
(A) New budget authority, \$426,107,000,000.  
(B) Outlays, \$426,107,000,000.  
Fiscal year 2010:  
(A) New budget authority, \$453,387,000,000.  
(B) Outlays, \$453,387,000,000.  
(19) Allowances (920):  
Fiscal year 2005:  
(A) New budget authority, \$0  
(B) Outlays, \$0  
Fiscal year 2006:  
(A) New budget authority, \$0  
(B) Outlays, \$0  
Fiscal year 2007:  
(A) New budget authority, \$0  
(B) Outlays, \$0  
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  
(20) Undistributed Offsetting Receipts (950):  
Fiscal year 2005:  
(A) New budget authority, -\$54,104,000,000.  
(B) Outlays, -\$54,104,000,000.  
Fiscal year 2006:  
(A) New budget authority, -\$55,362,000,000.  
(B) Outlays, -\$55,362,000,000.  
Fiscal year 2007:  
(A) New budget authority, -\$63,813,000,000.  
(B) Outlays, -\$64,938,000,000.  
Fiscal year 2008:  
(A) New budget authority, -\$69,830,000,000.  
(B) Outlays, -\$70,642,000,000.  
Fiscal year 2009:

(A) New budget authority, -\$62,658,000,000.  
(B) Outlays, -\$62,033,000,000.  
Fiscal year 2010:  
(A) New budget authority, -\$66,197,000,000.  
(B) Outlays, -\$65,572,000,000.

## TITLE II—RECONCILIATION

### SEC. 201. RECONCILIATION IN THE SENATE.

(a) SPENDING RECONCILIATION INSTRUCTIONS.—In the Senate, by June 6, 2005, the committees named in this section shall submit their recommendations to the Committee on the Budget of the Senate. After receiving those recommendations, the Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

(1) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction sufficient to reduce outlays by \$171,000,000 in fiscal year 2006, and \$2,814,000,000 for the period of fiscal years 2006 through 2010.

(2) COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.—The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction sufficient to reduce outlays by \$30,000,000 in fiscal year 2006, and \$270,000,000 for the period of fiscal years 2006 through 2010.

(3) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction sufficient to reduce outlays by \$8,000,000 in fiscal year 2006, and \$2,576,000,000 for the period of fiscal years 2006 through 2010.

(4) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction sufficient to reduce outlays by \$33,000,000 in fiscal year 2006, and \$2,658,000,000 for the period of fiscal years 2006 through 2010.

(5) COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.—The Senate Committee on Environment and Public Works shall report changes in laws within its jurisdiction sufficient to reduce outlays by \$14,000,000 in fiscal year 2006, and \$112,000,000 for the period of fiscal years 2006 through 2010.

(6) COMMITTEE ON FINANCE.—The Senate Committee on Finance shall report changes in laws within its jurisdiction sufficient to reduce outlays by \$1,784,000,000 in fiscal year 2006, and \$15,036,000,000 for the period of fiscal years 2006 through 2010.

(7) COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.—The Senate Committee on Health, Education, Labor, and Pensions shall report changes in laws within its jurisdiction sufficient to reduce outlays by \$2,204,000,000 in fiscal years 2005 and 2006, and \$3,576,000,000 for the period of fiscal years 2005 through 2010.

(b) REVENUE RECONCILIATION INSTRUCTIONS.—The Senate Committee on Finance shall report to the Senate a reconciliation bill not later than September 7, 2005 that consists of changes in laws within its jurisdiction sufficient to reduce the total level of revenues by not more than: \$14,939,000,000 for fiscal year 2006, and \$70,154,000 for the period of fiscal years 2006 through 2010.

(c) INCREASE IN STATUTORY DEBT LIMIT.—The Committee on Finance shall report to the Senate a reconciliation bill not later than September 16, 2005, that consists solely of changes in laws within its jurisdiction to increase the statutory debt limit by \$446,464,000,000.

## TITLE III—RESERVE FUNDS

**SEC. 301. RESERVE FUND FOR HEALTH INFORMATION TECHNOLOGY AND PAY-FOR-PERFORMANCE.**

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

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

(2) provides for performance-based payments that are based on accepted clinical performance measures that improve the quality in healthcare,

provided that the 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 revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation provided that such legislation would not increase the deficit for the period of fiscal years 2006 through 2010.

**SEC. 302. RESERVE FUND FOR ASBESTOS INJURY TRUST FUND.**

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

(1) compensates injured victims of asbestos-related disease;

(2) does not compensate uninjured claimants or those suffering from a disease not shown to be asbestos-related disease;

(3) requires strict medical criteria; and

(4) is reasonably expected to remain funded from non-Federal sources for the 50-year life of the fund,

provided that the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Budget Committee 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 2006 through 2006.

**SEC. 303. RESERVE FUND FOR THE UNINSURED.**

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

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

(2)(A) provides safety net access to integrated and other health care services; or

(B) 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; and

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

provided that the 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 revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate aggregates to reflect such legislation, to the extent that such legislation would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

**SEC. 304. RESERVE FUND FOR LAND AND WATER CONSERVATION FUND.**

(a) IN THE SENATE.—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 permits exploration and production of oil in the 1002 Area of the Arctic National Wildlife Refuge, and such measure is enacted; and

(2) the reconciliation instruction set out in section 201(a)(4) is met, provided that the 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 provides funding for the programs described in this subsection at least at the previous year's levels, adjusted for inflation, and makes available a portion of the receipts resulting from enactment of the legislation described in subsection (a) for the Land and Water Conservation Fund, Federal Land Acquisition and Stateside Grant Programs, and for the Coastal and Estuarine Land Protection Program, and for 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 2008 through 2010.

**SEC. 305. RESERVE FUND FOR THE FEDERAL PELL GRANT PROGRAM.**

In the Senate, if the Committee on Health, Education, Labor, and Pensions reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that provides a provision that eliminates the accumulated shortfall of budget authority resulting from insufficient appropriations of discretionary new budget authority previously enacted for the Federal Pell Grant Program for awards made through the award year 2005–2006, provided that the 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 revise the committee allocation and other appropriate budgetary aggregates by the amount provided by that measure for that purpose, but not to exceed \$4,300,000,000 in new budget authority for the fiscal year 2006.

**SEC. 306. RESERVE FUND FOR HIGHER EDUCATION.**

In the Senate, if the Committee on Health, Education, Labor, and Pensions reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that reauthorizes the Higher Education Act of 1965, provided that the 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 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 not to exceed \$740,000,000 in new budget authority and \$676,000,000 in outlays for fiscal year 2006, and \$5,510,000,000 in new budget authority and \$5,006,000,000 in outlays for the period of fiscal years 2006 through 2010.

**SEC. 307. RESERVE FUND FOR ENERGY LEGISLATION.**

In the Senate, if a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, within the jurisdiction of the Committee on Energy and Natural Resources, that—

(1) provides for a national energy policy; and

(2) in conjunction with revenue legislation that does not reduce net revenues by more than \$803,000,000 in 2006 and \$4,557,000,000 for the period of fiscal years 2006 through 2010,

provided that the 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 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 not to exceed \$100,000,000 in new budget authority for fiscal year 2006 and the outlays flowing from that budget authority and \$2,000,000,000 in new budget authority for the period of fiscal years 2006 through 2010 and the outlays flowing from that budget authority.

**SEC. 308. RESERVE FUND FOR THE SAFE IMPORTATION OF PRESCRIPTION DRUGS.**

In the Senate, if the Committee on Health, Education, Labor, and Pensions 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 provided that the 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 revise allocations of new budget authority and outlays, revenue aggregates, and other appropriate measures to reflect such legislation if any such measure would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

**SEC. 309. ADJUSTMENT FOR SURFACE TRANSPORTATION.**

(a) IN GENERAL.—In the Senate, if the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, or the Committee on Commerce, Science, and Transportation reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon that provides new budget authority for the budget accounts or portions thereof, for programs, projects, and activities for highways, highway safety, and transit, in excess of—

(1) for fiscal year 2005, \$42,606,000,000; or

(2) for fiscal year 2006, \$43,131,000,000; or

(3) for fiscal years 2005 through 2009, \$231,088,000,000;

the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates) and increase the allocation of new budget authority to such committees for fiscal year 2005 and 2006 and for the period of fiscal years 2005 through 2009 to the extent such adjustment is offset by an increase in net new user-fee receipts related to the purposes of the highway trust fund that are appropriated to such fund for the applicable fiscal year caused by such legislation. In the Senate, any increase in receipts shall be reported by the Committee on Finance.

(b) ADJUSTMENT FOR OUTLAYS.—In the Senate, for fiscal year 2006, and, as necessary, in subsequent fiscal years, if a bill or joint resolution is reported, or if an amendment is offered thereto or a conference report is submitted thereon that changes obligation limitations such that the total limitations are in

excess of \$42,686,000,000 for fiscal year 2006, for programs, projects, and activities for highways, highway safety, and transit, and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year, and, as necessary, in subsequent fiscal years, for the committees reporting such measures, by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset in 2006 pursuant to subsection (a). After the adjustment has been made, the Senate Committee on Appropriations shall report new section 302(b) allocations consistent with this section.

#### TITLE IV—BUDGET ENFORCEMENT

##### SEC. 401. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), 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.

(b) EXCEPTIONS.—An advance appropriation may be provided for the fiscal years 2007 and 2008 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 \$23,393,000,000 in new budget authority in each year.

##### (c) DISPOSITION.—

(1) IN GENERAL.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. 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 subsection (a).

(2) PROCEDURE.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(3) DISPOSITION.—If a point of order is sustained under subsection (a) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(d) DEFINITION.—In this section, the term “advance appropriation” means any discretionary new budget authority, or any changes in mandatory programs that count against discretionary spending limits, in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2006 that first becomes available for any fiscal year after 2006, or making general appropriations or continuing appropriations for fiscal year 2007 that first becomes available for any fiscal year after 2007.

##### SEC. 402. EMERGENCY LEGISLATION.

(a) PURPOSE.—It is the purpose of this section, in the absence of an extension of the discretionary spending limits and paygo requirements under the Balanced Budget and Emergency Deficit Control Act of 1985, to enable Congress to designate provisions of legislation as an emergency in order to exempt such measures from enforcement of this resolution with respect to the new budget authority, outlays, and receipts resulting from such provisions.

##### (b) IN THE SENATE.—

(1) AUTHORITY TO DESIGNATE.—With respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that the President designates as an emergency requirement and

that Congress so designates in such 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 purpose of this section.

(2) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974 and section 404 of this resolution (relating to discretionary spending limits in the Senate) 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).

##### (3) DESIGNATIONS.—

(A) GUIDANCE.—If a provision of legislation is designated as an emergency requirement under this section, 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 subparagraph (B).

##### (B) CRITERIA.—

(i) IN GENERAL.—Any such provision is an emergency requirement if the situation addressed by such provision is—

(I) necessary, essential, or vital (not merely useful or 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 clause (ii), unforeseen, unpredictable, and unanticipated; and

(V) not permanent, temporary in nature.

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

(4) DEFINITIONS.—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.

(5) 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.

(6) WAIVER AND APPEAL.—Paragraph (5) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. 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 this section.

(7) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (5), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this section.

(8) FORM OF THE POINT OF ORDER.—A point of order under paragraph (5) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(9) CONFERENCE REPORTS.—If a point of order is sustained under paragraph (5) against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(10) EXCEPTION FOR DEFENSE SPENDING.—Paragraph (5) shall not apply against an emergency designation for a provision making discretionary appropriations under the defense function (050).

##### (c) EXEMPTION OF OVERSEAS CONTINGENT OPERATIONS.—

(1) IN GENERAL.—In the Senate, if a bill, joint resolution, amendment, or a conference report makes supplemental appropriations for fiscal year 2006 for overseas contingency operations related to the global war on terrorism, then the new budget authority, new entitlement authority, and outlays resulting from the provisions of such measure that are designated pursuant to this section as making appropriations for such contingency operations—

(A) shall not count for purposes of sections 302, 303, and 401 of the Congressional Budget Act of 1974; and

(B) shall not count for the purpose of section 404 of this resolution (relating to discretionary spending limits in the Senate) and section 505 of the Concurrent Resolution on the Budget for Fiscal Year 2004 H. Con. Res. 95 (relating to the pay-go requirement).

(2) LIMITATION.—The amounts that are not counted for purposes of this section shall not exceed \$50,000,000,000 in new budget authority and outlays associated with the budget authority.

##### SEC. 403. SUPERMAJORITY ENFORCEMENT.

(a) EXTENSION.—Notwithstanding any provision of the Congressional Budget Act of 1974, subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 shall remain in effect for purposes of Senate enforcement through September 30, 2010.

##### (b) UNFUNDED MANDATES.—

(1) IN GENERAL.—Section 425(a) (1) and (2) of the Congressional Budget Act of 1974 shall be subject to the waiver and appeal requirements of subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974.

(2) EFFECTIVE DATE.—This subsection shall remain in effect for purposes of Senate enforcement through September 30, 2010.

##### SEC. 404. DISCRETIONARY SPENDING LIMITS IN THE SENATE.

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

(1) for fiscal year 2006, \$842,682,000,000 in new budget authority and \$915,690,000,000 in outlays for the discretionary category;

(2) for fiscal year 2007, \$868,473,000,000 in new budget authority for the discretionary category; and

(3) for fiscal year 2008, \$891,445,000,000 in new budget authority for the discretionary category; as adjusted in conformance with the adjustment procedures in subsection (d).

##### (b) ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.—

(1) CONTINUING DISABILITY REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2006 that appropriates \$412,000,000 for continuing disability reviews for the Social Security Administration, and provides an additional appropriation of \$189,000,000 for continuing disability reviews for the Social Security Administration, then the allocation to the Senate Committee on Appropriations shall be increased by \$189,000,000 in budget authority and outlays flowing from the budget authority for fiscal year 2006.

(2) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—If a bill or joint resolution is

reported making appropriations for fiscal year 2006 that appropriates \$6,447,000,000 for enhanced tax enforcement to address the "Federal tax gap" for the Internal Revenue Service, and provides an additional appropriation of \$446,000,000 for enhanced tax enforcement to address the "Federal tax gap" for the Internal Revenue Service, then the allocation to the Senate Committee on Appropriations shall be increased by \$446,000,000 in budget authority and outlays flowing from the budget authority for fiscal year 2006.

(3) **HEALTH CARE FRAUD AND ABUSE CONTROL PROGRAM.**—If a bill or joint resolution is reported making appropriations for fiscal year 2006 that appropriates \$80,000,000 to the health care fraud and abuse control program at the Department of Health and Human Services, then the allocation to the Senate Committee on Appropriations shall be increased by \$80,000,000 in budget authority and outlays flowing from the budget authority for fiscal year 2006.

(4) **UNEMPLOYMENT INSURANCE IMPROPER PAYMENTS.**—If a bill or joint resolution is reported making appropriations for fiscal year 2006 that appropriates \$10,000,000 for unemployment insurance improper payments reviews for the Department of Labor, and provides an additional appropriation of \$40,000,000 for unemployment insurance improper payments reviews for the Department of Labor, then the allocation to the Senate Committee on Appropriations shall be increased by \$40,000,000 in budget authority and outlays flowing from the budget authority for fiscal year 2006.

(c) **DISCRETIONARY SPENDING POINT OF ORDER IN THE SENATE.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, it shall not be in order in the Senate 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.**—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(3) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. 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 this subsection.

(d) **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 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;

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

(iii) the budgetary aggregates as set forth in the appropriate concurrent resolution on the budget.

(2) **AMOUNTS OF ADJUSTMENTS.**—The adjustment referred to in paragraph (1) shall be an amount provided for the fiscal year 2006 pursuant to subsection (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. 405. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.**

(a) **APPLICATION.**—Any adjustments of allocations and aggregates made 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 published 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—

(1) 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 appropriate Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

**SEC. 406. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.**

(a) **IN GENERAL.**—In the Senate, upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the appropriate chairman of the Committee on the Budget shall 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).

(b) **PELL GRANTS.**—

(1) **BUDGET AUTHORITY.**—In the Senate, if appropriations of discretionary new budget authority enacted for the Federal Pell Grant Program are insufficient to cover the full cost of Pell Grants in the upcoming award year, adjusted for any cumulative funding surplus or shortfall from prior years, the budget authority counted against the bill for the Pell Grant Program shall be equal to the adjusted full cost.

(2) **APPLICATION.**—This subsection shall apply only to new Pell Grant awards approved in legislation for award year 2006–2007 and subsequent award years and shall not apply to the cumulative shortfall through award year 2005–2006.

(3) **ESTIMATES.**—The estimate of the budget authority associated with the full cost of Pell Grants shall be based on the maximum award and any changes in eligibility requirements, using current economic and technical assumptions and as determined pursuant to scorekeeping guidelines, if any.

**SEC. 407. LIMITATION ON LONG-TERM SPENDING PROPOSALS.**

(a) **CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.**—The Congressional Budget Office shall, to the extent practicable, prepare an estimate of the costs in

each of the four 10-year periods beginning in fiscal year 2015 through fiscal year 2055, for each bill or resolution of a public character, except measures within the jurisdiction of the Committee on Appropriations, causing a net increase in direct spending in excess of \$5,000,000,000 in any of the four 10-year periods, and shall submit to the committee the estimate of the costs of the legislation.

(b) **IN THE SENATE.**—It shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that would cause a net increase in direct spending in excess of \$5,000,000,000 in any of the four 10-year periods beginning in 2015 through 2055, as measured against current law out-year estimates prepared by the Congressional Budget Office.

(c) **WAIVER.**—This section may be waived or suspended only by the 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 OF BUDGET LEVELS.**—For purposes of this section, the levels of net direct spending shall be determined on the basis of estimates provided by the Committee on the Budget of the Senate.

(f) **SUNSET.**—This section shall expire on September 30, 2010.

**SEC. 408. EXERCISE OF RULEMAKING POWERS.**

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, 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 either House 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 in the case of any other rule of that House.

**TITLE V—SENSE OF THE SENATE**

**SEC. 501. SENSE OF THE SENATE REGARDING UNAUTHORIZED APPROPRIATIONS.**

It is the sense of the Senate that Congress should—

(1) preclude consideration of any bill, joint resolution, motion, amendment, or conference report that would provide an appropriation, in whole or in part, for programs not specifically authorized by law or Treaty stipulation, or the amount of which exceeds the amount specifically authorized by law or Treaty stipulation, or that would provide a limited tax benefit as defined by the Line Item Veto Act of 1996 (Public Law 104-130), and

(2) determine a method for effectively containing the extraordinary growth in unauthorized earmarks.

**SEC. 502. SENSE OF THE SENATE REGARDING A COMMISSION TO REVIEW THE PERFORMANCE OF PROGRAMS.**

It is the sense of the Senate that a commission should be established to review Federal agencies, and programs within such agencies, with the express purpose of providing Congress with recommendations, and legislation to implement those recommendations, to realign or eliminate Government agencies and programs that are wasteful, duplicative, inefficient, outdated, irrelevant, or have failed to accomplish their intended purpose.

**SEC. 503. SENSE OF THE SENATE REGARDING TRICARE.**

It is the sense of the Senate that Congress should provide sufficient funding to the Department of Defense to offer members of the

Reserve Component continuous access to TRICARE, for a premium, regardless of their activation status.

**SEC. 504. SENSE OF THE SENATE REGARDING RESTRAINING MEDICAID GROWTH.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The Medicaid program provides essential health care and long-term care services to more than 50,000,000 low-income children, pregnant women, parents, individuals with disabilities, and senior citizens. It is a Federal guarantee that ensures the most vulnerable will have access to needed medical services.

(2) Medicaid provides critical access to long-term care and other services for the elderly and individuals living with disabilities, and is the single largest provider of long-term care services. Medicaid also pays for personal care and other supportive services that are typically not provided by private health insurance or Medicare, but are necessary to enable individuals with spinal cord injuries, developmental disabilities, neurological degenerative diseases, serious and persistent mental illnesses, HIV/AIDS, and other chronic conditions to remain in the community, to work, and to maintain independence.

(3) Medicaid supplements the Medicare program for more than 6,000,000 low-income elderly or disabled Medicare beneficiaries, assisting them with their Medicare premiums and co-insurance, wrap-around benefits, and the costs of nursing home care that Medicare does not cover. The Medicaid program spent nearly \$40,000,000,000 on uncovered Medicare services in 2002.

(4) Medicaid provides health insurance for more than ¼ of America's children and is the largest purchaser of maternity care, paying for more than ⅓ of all the births in the United States each year. Medicaid also provides critical access to care for children with disabilities, covering more than 70 percent of poor children with disabilities.

(5) More than 16,000,000 women depend on Medicaid for their health care. Women comprise the majority of seniors (71 percent) on Medicaid. Half of nonelderly women with permanent mental or physical disabilities have health coverage through Medicaid. Medicaid provides treatment for low-income women diagnosed with breast or cervical cancer in every State.

(6) Medicaid is the Nation's largest source of payment for mental health services, HIV/AIDS care, and care for children with special needs. Much of this care is either not covered by private insurance or limited in scope or duration. Medicaid is also a critical source of funding for health care for children in foster care and for health services in schools.

(7) Medicaid funds help ensure access to care for all Americans. Medicaid is the single largest source of revenue for the Nation's safety net hospitals, health centers, and nursing homes, and is critical to the ability of these providers to adequately serve all Americans.

(8) Medicaid serves a major role in ensuring that the number of Americans without health insurance, approximately 45,000,000 in 2003, is not substantially higher. The system of Federal matching for State Medicaid expenditures ensures that Federal funds will grow as State spending increases in response to unmet needs, enabling Medicaid to help buffer the drop in private coverage during recessions. More than 4,800,000 Americans lost employer-sponsored coverage between 2000 and 2003, during which time Medicaid enrolled an additional 8,400,000 Americans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Finance Committee shall not report a reconciliation bill that achieves spending reductions that would—

(1) undermine the role the Medicaid program plays as a critical component of the health care system of the United States;

(2) cap Federal Medicaid spending, or otherwise shift Medicaid cost burdens to State or local governments and their taxpayers and health providers, forcing a reduction in access to essential health services for low-income elderly individuals, individuals with disabilities, and children and families; or

(3) undermine the Federal guarantee of health insurance coverage Medicaid provides, which would threaten not only the health care safety net of the United States, but the entire health care system.

**SEC. 505. SENSE OF THE SENATE REGARDING TRIBAL COLLEGES AND UNIVERSITIES.**

(a) FINDINGS.—The Senate finds the following:

(1) American Indians from over 250 federally recognized tribes nationwide attend tribal college and universities, a majority of whom are first-generation college students.

(2) Tribal colleges and universities are located in some of the most isolated and impoverished areas in the Nation and are the Nation's most poorly funded institutions of higher education. While the Tribally Controlled College or University Assistance Act, or "Tribal College Act" provides funding based solely on Indian students, the colleges have open enrollment policies providing access to postsecondary education opportunities to all interested students, about 20 percent of whom are non-Indian. With rare exception, tribal colleges and universities do not receive operating funds from their respective States for these non-Indian State resident students. Yet, if these same students attended any other public institutions in their States, the State would provide basic operating funds to the institution.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) this resolution recognizes the funding challenges faced by tribal colleges, and universities and assumes that equitable consideration will be provided to them through funding of the Tribally Controlled College or University Assistance Act, the Equity in Educational Land Grant Status Act, title III of the Higher Education Act of 1965, and the National Science Foundation, Department of Defense, and Housing and Urban Development Tribal College and University Programs; and

(2) such equitable consideration reflects Congress intent to continue to work toward statutory Federal funding authorization goals for tribal colleges and universities.

**SEC. 506. SENSE OF THE SENATE REGARDING SUPPORT FOR THE PRESIDENT'S REQUEST TO CONCENTRATE FEDERAL FUNDS FOR STATE AND LOCAL HOMELAND SECURITY ASSISTANCE PROGRAMS ON THE HIGHEST THREATS, VULNERABILITIES, AND NEEDS.**

It is the sense of the Senate that Congress supports the President's request to "Concentrat[e] Federal funds for State and local homeland security assistance programs on the highest threats, vulnerabilities, and needs."

**SEC. 507. SENSE OF THE SENATE REJECTING PROPOSED ELIMINATION OF PER DIEM REIMBURSEMENT TO STATE NURSING HOMES IN THE PRESIDENT'S BUDGET.**

It is the sense of the Senate that Congress should reject the President's proposal to eliminate per diem payments to State Veterans Homes for the vast majority of patients that reside in these homes.

**SEC. 508. SENSE OF THE SENATE REGARDING IMPACT AID.**

It is the sense of the Senate that funding for Impact Aid (Title VIII of Public Law 107-

110) should be sufficient to insure that all federally connected school districts are provided a payment under sections 8002 and 8003 of that Act that will allow them to address the increase in program costs in recent years, as this is critical for school districts addressing the emotional and family needs of children of military families who have a parent or parents engaged in conflict in Iraq or Afghanistan.

**SEC. 509. SENSE OF THE SENATE REGARDING MANDATORY AGRICULTURAL PROGRAMS.**

(a) FINDINGS.—The Senate finds the following:

(1) The mandatory farm programs administered by United States Department of Agriculture under the Food Security and Rural Development Act of 2002 provide an economic safety net, ensure the availability of Federal crop insurance, fund conservation priorities, and enhance agriculture export market opportunities for United States farmers and ranchers.

(2) The actual budget outlays for farm bill programs for fiscal years 2002-2004 have been about \$16,700,000,000 less than projected by the Congressional Budget Office in August 2002, shortly after the farm bill was passed.

(3) Over 72 percent of farm program payments are currently received by only 10 percent of our Nation's program crop producers.

(4) Any agricultural policy modifications should address the disproportionate share of farm program payments received by the largest farming operations.

(5) If commodity prices decline, as projected by the Congressional Budget Office over the next several years, agricultural programs will be even more important to the economic future of small- and medium-sized family farms.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that any reconciled mandatory agriculture savings required under this resolution should be primarily achieved through modifications to the payment limitation provisions of the Food Security and Rural Investment Act of 2002.

**SENATE CONCURRENT RESOLUTION 19—EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE IMPORTANCE OF LIFE INSURANCE AND RECOGNIZING AND SUPPORTING NATIONAL LIFE INSURANCE AWARENESS MONTH**

Mr. CHAMBLISS (for himself and Mr. NELSON of Nebraska) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 19

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families in the event of a premature death by helping surviving family members to meet immediate and longer-term financial obligations and objectives;

Whereas nearly 50,000,000 Americans say they lack the life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas recent studies have found that when a premature death occurs, insufficient life insurance coverage on the part of the insured results in three-fourths of surviving family members having to take measures such as working additional jobs or longer hours, borrowing money, withdrawing money from savings and investment accounts, and, in too many cases, moving to smaller, less expensive housing;