

Energy and Natural Resources be authorized to meet during the session of the Senate, on Wednesday, March 24, at 11:30 a.m., to consider pending calendar business.

Agenda Item 1: To consider the nomination of Sue Ellen Wooldridge, to be Solicitor at the Department of the Interior.

Agenda Item 10: S. 1910—A bill to direct the Secretary of Agriculture to carry out an inventory and management program for forests derived from public domain land.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, March 24, at 10 a.m., to conduct a hearing to examine the environmental impacts on the U.S. natural gas supply. The meeting will be held in SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON INDIAN AFFAIRS

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 24, 2004, at 11 a.m., in room 485 of the Russell Senate Office Building to conduct a hearing on S. 1529, the Indian Gaming Regulatory Act Amendments of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON THE JUDICIARY

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, March 24, 2004, at 9:00 a.m. on "Judicial Nominations" in the Dirksen Senate Office Building Room 226.

#### Witness list

Panel I: Senators.

Panel II: Paul S. Diamond to be U.S. District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. ENZI. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Wednesday, March 24, 2004, at 9:00 a.m., for a hearing entitled "Profiteering in a Non-Profit Industry: Abusive Practices in Credit Counseling."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON AIRLAND

Mr. ENZI. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on March 24, 2004, at 2:00 p.m., in open session to receive testimony on Navy and Air Force aviation programs, in review of the defense authorization request for fiscal

year 2005 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. ENZI. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 24, 2004, at 2:30 p.m., to conduct a hearing on "The Real Estate Appraisal Industry."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. ENZI. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 24, 2004, at 2:30 p.m.

The Purpose of the hearing is to receive testimony on the following bills: S. 433, A bill to provide for enhanced collaborative forest stewardship management within the Clearwater and Nez Perce National Forests in Idaho, and for other purposes; S. 2180, a bill to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado; and H.R. 1964, a bill to assist the States of Connecticut, New Jersey, New York, and Pennsylvania in conserving priority lands and natural resources in the highlands region, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON STRATEGIC FORCES

Mr. ENZI. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on March 24, 2004, at 9:30 a.m., in open session to receive testimony on strategic forces and capabilities, in review of the defense authorization request for fiscal year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Shane Lowenberg of my staff be granted the privilege of the floor for the duration of today's debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2005

On Thursday, March 11, 2004, the Senate passed S. Con. Res. 95, as follows:

S. CON. RES. 95

*Resolved by the Senate (the House of Representatives concurring).*

#### SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution

on the budget for fiscal year 2005 including the appropriate budgetary levels for fiscal years 2006 through 2009 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 2005.

#### 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 AND ADJUSTMENTS

##### Subtitle A—Reserve Funds

Sec. 301. Reserve fund for health insurance for the uninsured.

Sec. 302. Reserve fund for higher education.

Sec. 303. Reserve for energy legislation.

Sec. 304. Reserve fund for guard and reserve health care.

Sec. 305. Reserve fund for Montgomery GI bill benefits.

Sec. 306. Reserve for funding of Hope Credit.

Sec. 307. Reserve fund for expansion of pediatric vaccine distribution program.

Sec. 308. Reserve fund for addressing minority health disparities.

Sec. 309. Reserve for postal service reform.

##### Subtitle B—Adjustments With Respect to Discretionary Spending

Sec. 311. Adjustment for surface transportation.

Sec. 312. Supplemental appropriations for Iraq and related activities for fiscal year 2005.

Sec. 313. Adjustment for wildland fire suppression.

Sec. 314. Reserve fund for eliminating survivor benefit plan-social security offset.

#### TITLE IV—BUDGET ENFORCEMENT

Sec. 401. Restrictions on advance appropriations.

Sec. 402. Extension of emergency rule in the Senate.

Sec. 403. Discretionary spending limits in the Senate.

Sec. 404. Scoring rules.

Sec. 405. Adjustments to reflect changes in concepts and definitions.

Sec. 406. Application and effect of changes in allocations and aggregates.

Sec. 407. Exercise of rulemaking powers.

Sec. 408. Pay-as-you-go point of order in the Senate.

#### TITLE V—SENSE OF THE SENATE

Sec. 501. Sense of the Senate on budget process reform.

Sec. 502. Sense of the Senate on budget process reform with regard to the creation of bipartisan commissions to combat waste, fraud, and abuse and to promote spending efficiency.

Sec. 503. Sense of the Senate on the relationship between annual deficit spending and increases in debt service costs.

Sec. 504. Sense of the Senate regarding the costs of the medicare prescription drug program.

Sec. 505. Sense of the Senate regarding pay parity.

Sec. 506. Sense of the Senate on returning stability to payments under medicare physician fee schedule.

Sec. 507. Sense of the Senate regarding the use of Federal funds to support American companies and American workers.

- Sec. 508. Sense of the Senate regarding closing the "tax gap".
- Sec. 509. Sense of the Senate amendment on drug comparativeness studies.
- Sec. 510. Sense of the Senate regarding funding for port security.
- Sec. 511. Sense of the Senate regarding tribal colleges and universities.
- Sec. 512. Findings and sense of the Senate.
- Sec. 513. Sense of the Senate supporting funding restoration for agriculture research and extension.
- Sec. 514. Reserve fund for Homeland Security Grant Program, assistance to firefighter grants, and port security grants.
- Sec. 515. State Homeland Security Grant Program.
- Sec. 516. Strategic Petroleum Reserve.
- Sec. 517. Sense of the Senate concerning a National Animal Identification Program.
- Sec. 518. Sense of the Senate regarding contributions to The Global Fund to Fight AIDS, Tuberculosis, and Malaria.
- Sec. 519. Sense of the Senate concerning child nutrition funding.
- Sec. 520. Sense of the Senate regarding compensation for exposure to toxic substances at the Department of Energy.
- Sec. 521. Sense of the Senate regarding tax incentives for certain rural communities.
- Sec. 522. Sense of the Senate concerning summer food pilot projects.

#### TITLE I—LEVELS AND AMOUNTS

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

The following budgetary levels are appropriate for the fiscal years 2005 through 2009:

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

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

Fiscal year 2005: \$1,453,714,000,000.  
 Fiscal year 2006: \$1,615,655,000,000.  
 Fiscal year 2007: \$1,730,119,000,000.  
 Fiscal year 2008: \$1,822,516,000,000.  
 Fiscal year 2009: \$1,925,154,000,000.

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

Fiscal year 2005: –\$23,420,000,000.  
 Fiscal year 2006: –\$38,526,000,000.  
 Fiscal year 2007: –\$24,825,000,000.  
 Fiscal year 2008: –\$23,274,000,000.  
 Fiscal year 2009: –\$27,906,000,000.

(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: \$1,958,150,000,000.  
 Fiscal year 2006: \$2,072,497,000,000.  
 Fiscal year 2007: \$2,187,109,000,000.  
 Fiscal year 2008: \$2,294,017,000,000.  
 Fiscal year 2009: \$2,397,359,000,000.

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

Fiscal year 2005: \$1,968,807,000,000.  
 Fiscal year 2006: \$2,061,467,000,000.  
 Fiscal year 2007: \$2,161,380,000,000.  
 Fiscal year 2008: \$2,263,755,000,000.  
 Fiscal year 2009: \$2,363,932,000,000.

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

Fiscal year 2005: –\$515,093,000,000.  
 Fiscal year 2006: –\$445,812,000,000.  
 Fiscal year 2007: –\$431,261,000,000.  
 Fiscal year 2008: –\$441,239,000,000.  
 Fiscal year 2009: –\$438,778,000,000.

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

Fiscal year 2005: \$8,052,710,000,000.

Fiscal year 2006: \$8,624,516,000,000.

Fiscal year 2007: \$9,178,616,000,000.

Fiscal year 2008: \$9,742,730,000,000.

Fiscal year 2009: \$10,308,215,000,000.

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

Fiscal year 2005: \$4,741,120,000,000.

Fiscal year 2006: \$5,009,410,000,000.

Fiscal year 2007: \$5,247,139,000,000.

Fiscal year 2008: \$5,479,268,000,000.

Fiscal year 2009: \$5,696,111,000,000.

##### 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: \$572,314,000,000.

Fiscal year 2006: \$600,902,000,000.

Fiscal year 2007: \$629,333,000,000.

Fiscal year 2008: \$658,731,000,000.

Fiscal year 2009: \$689,620,000,000.

(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: \$396,159,000,000.

Fiscal year 2006: \$406,390,000,000.

Fiscal year 2007: \$419,424,000,000.

Fiscal year 2008: \$433,487,000,000.

Fiscal year 2009: \$450,288,000,000.

(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, \$4,249,000,000.

(B) Outlays, \$4,264,000,000.

Fiscal year 2006:

(A) New budget authority, \$4,352,000,000.

(B) Outlays, \$4,335,000,000.

Fiscal year 2007:

(A) New budget authority, \$4,477,000,000.

(B) Outlays, \$4,457,000,000.

Fiscal year 2008:

(A) New budget authority, \$4,617,000,000.

(B) Outlays, \$4,594,000,000.

Fiscal year 2009:

(A) New budget authority, \$4,762,000,000.

(B) Outlays, \$4,738,000,000.

##### SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 2005 through 2009 for each major functional category are:

(1) **National Defense (050):**

Fiscal year 2005:

(A) New budget authority, \$422,157,000,000.

(B) Outlays, \$449,442,000,000.

Fiscal year 2006:

(A) New budget authority, \$445,708,000,000.

(B) Outlays, \$442,157,000,000.

Fiscal year 2007:

(A) New budget authority, \$456,148,000,000.

(B) Outlays, \$441,732,000,000.

Fiscal year 2008:

(A) New budget authority, \$467,482,000,000.

(B) Outlays, \$451,564,000,000.

Fiscal year 2009:

(A) New budget authority, \$479,494,000,000.

(B) Outlays, \$463,106,000,000.

(2) **International Affairs (150):**

Fiscal year 2005:

(A) New budget authority, \$31,970,000,000.

(B) Outlays, \$34,032,000,000.

Fiscal year 2006:

(A) New budget authority, \$34,855,000,000.

(B) Outlays, \$33,192,000,000.

Fiscal year 2007:

(A) New budget authority, \$35,499,000,000.

(B) Outlays, \$31,746,000,000.

Fiscal year 2008:

(A) New budget authority, \$35,856,000,000.

(B) Outlays, \$31,640,000,000.

Fiscal year 2009:

(A) New budget authority, \$35,912,000,000.

(B) Outlays, \$32,059,000,000.

(3) **General Science, Space, and Technology (250):**

Fiscal year 2005:

(A) New budget authority, \$24,278,000,000.

(B) Outlays, \$23,752,000,000.

Fiscal year 2006:

(A) New budget authority, \$25,412,000,000.

(B) Outlays, \$24,863,000,000.

Fiscal year 2007:

(A) New budget authority, \$26,269,000,000.

(B) Outlays, \$25,613,000,000.

Fiscal year 2008:

(A) New budget authority, \$26,499,000,000.

(B) Outlays, \$25,914,000,000.

Fiscal year 2009:

(A) New budget authority, \$26,547,000,000.

(B) Outlays, \$26,095,000,000.

(4) **Energy (270):**

Fiscal year 2005:

(A) New budget authority, \$1,093,000,000.

(B) Outlays, –\$546,000,000.

Fiscal year 2006:

(A) New budget authority, \$2,762,000,000.

(B) Outlays, \$1,653,000,000.

Fiscal year 2007:

(A) New budget authority, \$2,781,000,000.

(B) Outlays, \$1,214,000,000.

Fiscal year 2008:

(A) New budget authority, \$2,501,000,000.

(B) Outlays, \$601,000,000.

Fiscal year 2009:

(A) New budget authority, \$2,082,000,000.

(B) Outlays, \$718,000,000.

(5) **Natural Resources and Environment (300):**

Fiscal year 2005:

(A) New budget authority, \$36,160,000,000.

(B) Outlays, \$31,191,000,000.

Fiscal year 2006:

(A) New budget authority, \$32,909,000,000.

(B) Outlays, \$33,529,000,000.

Fiscal year 2007:

(A) New budget authority, \$32,895,000,000.

(B) Outlays, \$34,099,000,000.

Fiscal year 2008:

(A) New budget authority, \$32,825,000,000.

(B) Outlays, \$33,879,000,000.

Fiscal year 2009:

(A) New budget authority, \$33,523,000,000.

(B) Outlays, \$33,974,000,000.

(6) **Agriculture (350):**

Fiscal year 2005:

(A) New budget authority, \$21,746,000,000.

(B) Outlays, \$20,976,000,000.

Fiscal year 2006:

(A) New budget authority, \$23,806,000,000.

(B) Outlays, \$22,574,000,000.

Fiscal year 2007:

(A) New budget authority, \$24,698,000,000.

(B) Outlays, \$23,509,000,000.

Fiscal year 2008:

(A) New budget authority, \$24,604,000,000.

(B) Outlays, \$23,483,000,000.

Fiscal year 2009:

(A) New budget authority, \$25,563,000,000.

(B) Outlays, \$24,623,000,000.

(7) **Commerce and Housing Credit (370):**

Fiscal year 2005:

(A) New budget authority, \$7,864,000,000.

(B) Outlays, \$2,935,000,000.

Fiscal year 2006:

(A) New budget authority, \$8,041,000,000.

(B) Outlays, \$2,593,000,000.

Fiscal year 2007:

(A) New budget authority, \$9,141,000,000.

(B) Outlays, \$3,406,000,000.

Fiscal year 2008:  
 (A) New budget authority, \$9,336,000,000.  
 (B) Outlays, \$2,550,000,000.

Fiscal year 2009:  
 (A) New budget authority, \$9,826,000,000.  
 (B) Outlays, \$2,766,000,000.

(8) Transportation (400):  
 Fiscal year 2005:  
 (A) New budget authority, \$69,985,000,000.  
 (B) Outlays, \$68,390,000,000.

Fiscal year 2006:  
 (A) New budget authority, \$70,923,000,000.  
 (B) Outlays, \$70,998,000,000.

Fiscal year 2007:  
 (A) New budget authority, \$71,428,000,000.  
 (B) Outlays, \$72,207,000,000.

Fiscal year 2008:  
 (A) New budget authority, \$71,760,000,000.  
 (B) Outlays, \$72,571,000,000.

Fiscal year 2009:  
 (A) New budget authority, \$72,241,000,000.  
 (B) Outlays, \$72,597,000,000.

(9) Community and Regional Development (450):  
 Fiscal year 2005:  
 (A) New budget authority, \$13,897,000,000.  
 (B) Outlays, \$14,986,000,000.

Fiscal year 2006:  
 (A) New budget authority, \$13,682,000,000.  
 (B) Outlays, \$15,220,000,000.

Fiscal year 2007:  
 (A) New budget authority, \$13,851,000,000.  
 (B) Outlays, \$14,321,000,000.

Fiscal year 2008:  
 (A) New budget authority, \$13,979,000,000.  
 (B) Outlays, \$13,818,000,000.

Fiscal year 2009:  
 (A) New budget authority, \$14,150,000,000.  
 (B) Outlays, \$13,913,000,000.

(10) Education, Training, Employment, and Social Services (500):  
 Fiscal year 2005:  
 (A) New budget authority, \$100,414,000,000.  
 (B) Outlays, \$89,304,000,000.

Fiscal year 2006:  
 (A) New budget authority, \$95,314,000,000.  
 (B) Outlays, \$94,577,000,000.

Fiscal year 2007:  
 (A) New budget authority, \$95,628,000,000.  
 (B) Outlays, \$93,799,000,000.

Fiscal year 2008:  
 (A) New budget authority, \$95,858,000,000.  
 (B) Outlays, \$94,262,000,000.

Fiscal year 2009:  
 (A) New budget authority, \$96,168,000,000.  
 (B) Outlays, \$94,684,000,000.

(11) Health (550):  
 Fiscal year 2005:  
 (A) New budget authority, \$252,299,000,000.  
 (B) Outlays, \$247,712,000,000.

Fiscal year 2006:  
 (A) New budget authority, \$254,677,000,000.  
 (B) Outlays, \$255,618,000,000.

Fiscal year 2007:  
 (A) New budget authority, \$267,998,000,000.  
 (B) Outlays, \$27,754,000,000.

Fiscal year 2008:  
 (A) New budget authority, \$286,815,000,000.  
 (B) Outlays, \$286,525,000,000.

Fiscal year 2009:  
 (A) New budget authority, \$307,860,000,000.  
 (B) Outlays, \$305,533,000,000.

(12) Medicare (570):  
 Fiscal year 2005:  
 (A) New budget authority, \$287,513,000,000.  
 (B) Outlays, \$288,654,000,000.

Fiscal year 2006:  
 (A) New budget authority, \$322,517,000,000.  
 (B) Outlays, \$322,035,000,000.

Fiscal year 2007:  
 (A) New budget authority, \$361,999,000,000.  
 (B) Outlays, \$362,277,000,000.

Fiscal year 2008:  
 (A) New budget authority, \$386,753,000,000.  
 (B) Outlays, \$386,795,000,000.

Fiscal year 2009:  
 (A) New budget authority, \$412,922,000,000.  
 (B) Outlays, \$412,515,000,000.

(13) Income Security (600):  
 Fiscal year 2005:  
 (A) New budget authority, \$337,868,000,000.  
 (B) Outlays, \$342,111,000,000.

Fiscal year 2006:  
 (A) New budget authority, \$343,354,000,000.  
 (B) Outlays, \$346,782,000,000.

Fiscal year 2007:  
 (A) New budget authority, \$348,271,000,000.  
 (B) Outlays, \$350,920,000,000.

Fiscal year 2008:  
 (A) New budget authority, \$361,670,000,000.  
 (B) Outlays, \$363,674,000,000.

Fiscal year 2009:  
 (A) New budget authority, \$371,602,000,000.  
 (B) Outlays, \$373,123,000,000.

(14) Social Security (650):  
 Fiscal year 2005:  
 (A) New budget authority, \$15,214,000,000.  
 (B) Outlays, \$15,214,000,000.

Fiscal year 2006:  
 (A) New budget authority, \$16,779,000,000.  
 (B) Outlays, \$16,779,000,000.

Fiscal year 2007:  
 (A) New budget authority, \$18,269,000,000.  
 (B) Outlays, \$18,269,000,000.

Fiscal year 2008:  
 (A) New budget authority, \$20,218,000,000.  
 (B) Outlays, \$20,218,000,000.

Fiscal year 2009:  
 (A) New budget authority, \$22,229,000,000.  
 (B) Outlays, \$22,229,000,000.

(15) Veterans Benefits and Services (700):  
 Fiscal year 2005:  
 (A) New budget authority, \$71,546,000,000.  
 (B) Outlays, \$70,159,000,000.

Fiscal year 2006:  
 (A) New budget authority, \$68,196,000,000.  
 (B) Outlays, \$67,731,000,000.

Fiscal year 2007:  
 (A) New budget authority, \$66,209,000,000.  
 (B) Outlays, \$65,834,000,000.

Fiscal year 2008:  
 (A) New budget authority, \$69,326,000,000.  
 (B) Outlays, \$69,132,000,000.

Fiscal year 2009:  
 (A) New budget authority, \$69,888,000,000.  
 (B) Outlays, \$69,660,000,000.

(16) Administration of Justice (750):  
 Fiscal year 2005:  
 (A) New budget authority, \$41,841,000,000.  
 (B) Outlays, \$40,727,000,000.

Fiscal year 2006:  
 (A) New budget authority, \$39,490,000,000.  
 (B) Outlays, \$40,336,000,000.

Fiscal year 2007:  
 (A) New budget authority, \$40,099,000,000.  
 (B) Outlays, \$40,462,000,000.

Fiscal year 2008:  
 (A) New budget authority, \$40,870,000,000.  
 (B) Outlays, \$40,873,000,000.

Fiscal year 2009:  
 (A) New budget authority, \$41,206,000,000.  
 (B) Outlays, \$41,228,000,000.

(17) General Government (800):  
 Fiscal year 2005:  
 (A) New budget authority, \$16,182,000,000.  
 (B) Outlays, \$16,742,000,000.

Fiscal year 2006:  
 (A) New budget authority, \$17,503,000,000.  
 (B) Outlays, \$17,110,000,000.

Fiscal year 2007:  
 (A) New budget authority, \$17,611,000,000.  
 (B) Outlays, \$17,245,000,000.

Fiscal year 2008:  
 (A) New budget authority, \$17,190,000,000.  
 (B) Outlays, \$16,878,000,000.

Fiscal year 2009:  
 (A) New budget authority, \$17,256,000,000.  
 (B) Outlays, \$16,763,000,000.

(18) Net Interest (900):  
 Fiscal year 2005:  
 (A) New budget authority, \$270,115,000,000.  
 (B) Outlays, \$270,115,000,000.

Fiscal year 2006:  
 (A) New budget authority, \$317,196,000,000.  
 (B) Outlays, \$317,196,000,000.

Fiscal year 2007:

(A) New budget authority, \$361,739,000,000.  
 (B) Outlays, \$361,739,000,000.

Fiscal year 2008:  
 (A) New budget authority, \$394,951,000,000.  
 (B) Outlays, \$394,951,000,000.

Fiscal year 2009:  
 (A) New budget authority, \$422,613,000,000.  
 (B) Outlays, \$422,613,000,000.

(19) Allowances (920):  
 Fiscal year 2005:  
 (A) New budget authority, —\$11,486,000,000.  
 (B) Outlays, —\$4,584,000,000.

Fiscal year 2006:  
 (A) New budget authority, —\$779,000,000.  
 (B) Outlays, —\$3,627,000,000.

Fiscal year 2007:  
 (A) New budget authority, —\$987,000,000.  
 (B) Outlays, —\$2,329,000,000.

Fiscal year 2008:  
 (A) New budget authority, —\$993,000,000.  
 (B) Outlays, —\$2,091,000,000.

Fiscal year 2009:  
 (A) New budget authority, —\$998,000,000.  
 (B) Outlays, —\$1,542,000,000.

(20) Undistributed Offsetting Receipts (950):  
 Fiscal year 2005:  
 (A) New budget authority, —\$52,505,000,000.  
 (B) Outlays, —\$52,505,000,000.

Fiscal year 2006:  
 (A) New budget authority, —\$59,848,000,000.  
 (B) Outlays, —\$59,848,000,000.

Fiscal year 2007:  
 (A) New budget authority, —\$62,437,000,000.  
 (B) Outlays, —\$62,437,000,000.

Fiscal year 2008:  
 (A) New budget authority, —\$63,482,000,000.  
 (B) Outlays, —\$63,482,000,000.

Fiscal year 2009:  
 (A) New budget authority, —\$62,725,000,000.  
 (B) Outlays, —\$62,725,000,000.

## TITLE II—RECONCILIATION

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

(a) TAX RELIEF.—The Senate Committee on Finance shall report a reconciliation bill not later than September 30, 2004, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than \$12,311,000,000 for fiscal year 2005 and \$80,642,000,000 for the period of fiscal years 2005 through 2009, and to increase outlays by not more than \$2,000,000,000 for the period of fiscal years 2005 through 2009.

(b) INCREASE IN STATUTORY DEBT LIMIT.—The Committee on Finance shall report a reconciliation bill not later than September 30, 2004, that consists solely of changes in laws within its jurisdiction to increase the statutory debt limit by \$664,028,000,000.

## TITLE III—RESERVE FUNDS AND ADJUSTMENTS

### Subtitle A—Reserve Funds

### SEC. 301. RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

If the Committee on Finance or the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that provides health insurance or expands access to care for the uninsured (including a measure providing for tax deductions for the purchase of health insurance or other measures) and including legislation to reallocate and maintain expiring SCHIP funds rather than allowing such funds to revert to the Treasury, increases access to health insurance through lowering costs, and does not increase the costs of current health insurance coverage, 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, provided that such legislation would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

**SEC. 302. RESERVE FUND FOR HIGHER EDUCATION.**

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

(1) the reauthorization of the Higher Education Act of 1965, 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 \$1,000,000,000 in new budget authority and \$1,000,000,000 in outlays for fiscal year 2005, \$5,000,000,000 in new budget authority and \$5,000,000,000 in outlays for the period of fiscal years 2005 through 2009; and

(2) a measure 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 award year 2004–2005, 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 \$3,700,000,000 in new budget authority only for fiscal year 2005.

**SEC. 303. RESERVE FOR ENERGY LEGISLATION.**

If a measure, predominately within the jurisdiction of the Committee on Energy and Natural Resources of the Senate (including a bill or joint resolution, an amendment or a conference report), is considered in the Senate that provides for a national energy policy and does not reduce revenues by more than \$1,785,000,000 in 2005 and \$15,092,000,000 for the period of fiscal years 2005 through 2009, the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocation of new budget authority and outlays by the amount provided by that measure for that purpose, but not to exceed \$261,000,000 in new budget authority and \$221,000,000 in outlays for fiscal year 2005 and \$1,465,000,000 in new budget authority and \$1,465,000,000 in outlays for the period of fiscal years 2005 through 2009.

**SEC. 304. RESERVE FUND FOR GUARD AND RESERVE HEALTH CARE.**

If the Committee on Armed Services or the Committee on Appropriations reports a bill or joint resolution, or an amendment thereto is submitted that expands access to health care for members of the reserve component, the Chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, other appropriate aggregates, and the discretionary spending limits to reflect such legislation, providing that such legislation—

(1) would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009, or would offset such deficit increases through reduction of unobligated balances from Iraqi reconstruction; and

(2) does not exceed \$5,600,000,000 for the period of fiscal years 2005 through 2009.

**SEC. 305. RESERVE FUND FOR MONTGOMERY GI BILL BENEFITS.**

If the Committee on Armed Services or the Committee on Appropriations reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that increases benefit levels under the Montgomery GI Bill for members of the Selected Reserves, the Chairman of the Committee on the Budget may revise allocations of new budget authority and out-

lays, the revenue aggregates, other appropriate aggregates, and the discretionary spending limits to reflect such legislation, providing that such legislation—

(1) would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009; and

(2) does not exceed \$1,200,000,000 for the period of fiscal years 2005 through 2009.

**SEC. 306. RESERVE FOR FUNDING OF HOPE CREDIT.**

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that increases the Hope credit to \$4,000, makes the credit available for 4 years, and makes the credit refundable, the chairman of the Committee on the Budget may revise committee allocations for the Committee on Finance and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, if it would not increase the deficit for fiscal year 2005 or for the total of fiscal years 2005 through 2009.

**SEC. 307. RESERVE FUND FOR EXPANSION OF PEDIATRIC VACCINE DISTRIBUTION PROGRAM.**

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that expands the pediatric vaccine distribution program established under section 1928 of the Social Security Act (42 U.S.C. 1396s) to include coverage for children administered a vaccine at a public health clinic or Indian clinic and repeals the price cap for pre-1993 vaccines, 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, provided that such legislation would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

**SEC. 308. RESERVE FUND FOR ADDRESSING MINORITY HEALTH DISPARITIES.**

If the Committee on Appropriations of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that addresses minority health disparities through activities including those at the HHS Office of Minority Health, the Office of Civil Rights, the National Center on Minority Health and Health Disparities, the Minority HIV/AIDS initiative, health professions training, and through the Racial and Ethnic Approaches to Community Health at the Centers for Disease Control and provides not to exceed \$400,000,000 in new budget authority for fiscal year 2005, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays and other appropriate aggregates to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

**SEC. 309. RESERVE FOR POSTAL SERVICE REFORM.**

If the Committee on Governmental Affairs of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that reforms the United States Postal Service to improve its economic viability, the Chairman of the Committee on the Budget may revise committee allocations for the Committee on Governmental Affairs and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, if that measure would not increase the deficit for fiscal year 2005

and for the period of fiscal years 2005 through 2009.

**Subtitle B—Adjustments With Respect to Discretionary Spending****SEC. 311. ADJUSTMENT FOR SURFACE TRANSPORTATION.**

(a) IN GENERAL.—If the Committee on Transportation and Infrastructure of the House or the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, or the Committee on Commerce, Science, and Transportation of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or portions thereof in the highway and transit categories as defined in subparagraphs (B) and (C) of section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of—

(1) for fiscal year 2005, \$41,772,000,000; or

(2) for fiscal years 2005 through 2009, \$207,293,000,000;

the chairman of the Committee on the Budget may adjust the appropriate budget aggregates and increase the allocation of new budget authority to such committee for fiscal year 2005 and for the period of fiscal years 2005 through 2009 to the extent such excess 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 from the Committee on Finance.

(b) ADJUSTMENT FOR OUTLAYS.—(1) For fiscal year 2005, in the Senate, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of \$40,600,000,000 for fiscal year 2005, for programs, projects, and activities within the highway and transit categories as defined in subparagraphs (B) and (C) of section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the appropriate chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure 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 2005 pursuant to subsection (a).

(2) For fiscal year 2006, in the Senate, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of \$40,621,000,000 for fiscal year 2005, for programs, projects, and activities within the highway and transit categories as defined in subparagraphs (B) and (C) of section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 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 for the committee reporting such measure 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).

**SEC. 312. SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND RELATED ACTIVITIES FOR FISCAL YEAR 2005.**

If the President transmits a budget request for additional resources for activities in Iraq

and Afghanistan and if the Committee on Appropriations of the Senate reports legislation providing additional discretionary appropriations in excess of the levels assumed in this resolution for defense-related activities for fiscal year 2005, the chairman of the Committee on the Budget may revise the allocation (and all other appropriate levels and aggregates set out in this resolution) for that committee for such purpose but not to exceed: \$30,000,000,000 in new budget authority for fiscal year 2005 and the outlays that flow therefrom.

#### SEC. 313. ADJUSTMENT FOR WILDLAND FIRE SUPPRESSION.

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

(1) Due to the expansion of the wildland urban interface, severe drought conditions in many regions of the country, and the poor health of the Nation's forests and rangelands, the Forest Service and Department of the Interior regularly spend more than the amount appropriated for fire suppression, and then borrow from other accounts to pay for fire suppression.

(2) This borrowing has a negative effect on many Forest Service and Department of the Interior programs.

(3) This resolution provides an amount equal to the 10-year average for fire suppression in fiscal year 2005.

(4) The Senate recommends that the Forest Service and the Department of the Interior address cost containment within the fire suppression account, and report to Congress regarding how funds appropriated pursuant to this section are used.

(b) CAP ADJUSTMENT.—

(1) DEFINITION.—For this subsection, the term "base amount" refers to the average of the obligations of the preceding 10 years for wildfire suppression in the Forest Service and the Department of the Interior, calculated as of the date of the applicable year's budget request is submitted by the President to Congress.

(2) ADJUSTMENTS FOR FISCAL YEARS 2005 AND 2006.—If the amount appropriated for Wildland Fire Suppression in a fiscal year is not less than the base amount, then the chairman of the Committee on the Budget may adjust the appropriate allocations and other budgetary levels in the most recently agreed to concurrent resolution on the budget for any bill, joint resolution, amendment, motion, or conference report that provides additional funding for wildland fire suppression, but not to exceed—

(A) for the Forest Service—

(i) for fiscal year 2005, \$400,000,000; and

(ii) for fiscal year 2006, \$400,000,000; and

(B) for the Department of the Interior—

(i) for fiscal year 2005, \$100,000,000; and

(ii) for fiscal year 2006, \$100,000,000.

(3) SPECIAL RULE FOR FISCAL YEAR 2004.—If additional funding for wildland fire suppression for fiscal year 2004 is provided in a bill, joint resolution, amendment, motion, or conference report, then the chairman of the Committee on the Budget may determine that such amounts shall not be counted for the purposes of the Congressional Budget Act of 1974 and this resolution, provided that such amounts do not exceed—

(A) for the Forest Service, for fiscal year 2004, \$400,000,000; and

(B) for the Department of the Interior, for fiscal year 2004, \$100,000,000.

#### SEC. 314. RESERVE FUND FOR ELIMINATING SURVIVOR BENEFIT PLAN-SOCIAL SECURITY OFFSET.

If the Committee on Armed Services or the Committee on Appropriations reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that provides for an increase to the minimum Survivor Benefit Plan basic

annuity for surviving spouses age 62 and older, the Chairman of the Committee on the Budget shall revise the aggregates, functional totals, allocations, discretionary caps, and other appropriate levels and limits in this resolution by up to \$2,757,000,000 in budget authority and \$2,757,000,000 in outlays over the total of fiscal years 2005 through 2009.

#### 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) ACCOUNTS.—An advance appropriation may be provided for fiscal years 2006 and 2007 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.

(c) POINT OF ORDER.—

(1) WAIVER.—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 Congressional Budget Act of 1974.

(3) CONFERENCE REPORT.—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) ADVANCE APPROPRIATION.—In this section, the term "advance appropriation" means any discretionary new budget authority in a bill or joint resolution—

(1) making general appropriations or continuing appropriations for fiscal year 2005 that first becomes available for any fiscal year after 2005; or

(2) making general appropriations or continuing appropriations for fiscal year 2006 that first becomes available for any fiscal year after 2006.

##### SEC. 402. EXTENSION OF EMERGENCY RULE IN THE SENATE.

Section 502(c) of H. Con. Res. 95 (108th Cong., 1st Sess.) is amended to read as follows:

"(c) IN THE SENATE.—

"(1) AUTHORITY TO DESIGNATE.—In the Senate, 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.—In the Senate, 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 any concurrent resolution on the budget.

"(3) DESIGNATIONS.—

"(A) GUIDANCE.—In the Senate, 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. 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 in the defense category."

##### SEC. 403. 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 2005—

(A) \$819,673,000,000 in new budget authority and \$823,694,000,000 in outlays for the discretionary category;

(B) for the highway category, \$33,393,000,000 in outlays; and

(C) for the mass transit category, \$1,488,000,000 in new budget authority, and \$6,726,000,000 in outlays; and

(2) for fiscal year 2006 \$852,257,000,000 in new budget authority, and \$885,860,000,000 in outlays for the discretionary category.

(b) 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 resolution (including a concurrent resolution on the budget) or amendment, motion, or conference report thereon that would exceed any of the discretionary spending limits in this section.

(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.

(c) 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—

(A) an amount provided for transportation under section 311;

(B) an amount provided for the fiscal year 2005 supplemental appropriation pursuant to section 312; and

(C) an amount provided for fire suppression pursuant to section 313.

(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) to carry out this subsection.

#### SEC. 404. SCORING RULES.

(a) FUNDING FOR BIOSHIELD.—The chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, and allocations to the Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by \$2,528,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in fiscal year 2005 and subsequent years for Project Bioshield, for a bill, joint resolution, amendment, or conference report that makes appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005.

(b) ENERGY SAVINGS PERFORMANCE CONTRACT PROGRAM.—In recognition that the en-

ergy savings performance contract program recoups its costs through guaranteed savings without increasing budgetary outlays, the Congressional Budget Office shall score the energy savings performance contract program under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 801 et seq.) as zero. For the purposes of any point of order under any concurrent resolution on the budget and the Congressional Budget Act of 1974, the cost of the energy savings performance contract program under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 801 et seq.) shall be zero.

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

(a) In the Senate, 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 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) If the Committee on Appropriations reports a bill or resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that changes the nature of offsetting receipts collected from the Power Marketing Administration from mandatory to discretionary, the chairman of the Committee on the Budget may revise the appropriate allocations for such committee and other appropriate levels in this resolution.

#### SEC. 406. 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. 407. 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 of Representatives, 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.

#### SEC. 408. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term "applicable time period" means any 1 of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term "direct-spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms "direct-spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section 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.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) SUNSET.—This section shall expire on September 30, 2009.

#### **TITLE V—SENSE OF THE SENATE**

##### **SEC. 501. SENSE OF THE SENATE ON BUDGET PROCESS REFORM.**

It is the sense of the Senate that Congress and the President should work together to enact budget process reform legislation that would include mechanisms to restrain Government spending. Such legislation may include—

(1) deficit targets that, when exceeded, would result in across-the-board reductions in Federal spending except Social Security, Medicare, and Veterans' benefits;

(2) revision of the content of budget resolutions to increase their focus on aggregate levels, and to include easily understood enforcement tools such as—

(A) discretionary spending limits;

(B) pay-as-you-go; and

(C) explicit committee allocations;

(3) emergency spending procedures which budget for emergency needs;

(4) pay-as-you-go limitations which apply to non-budget expenditures;

(5) limitations on unauthorized appropriations; and

(6) enhanced rescission or constitutional line-item veto authority for the President.

##### **SEC. 502. SENSE OF THE SENATE ON BUDGET PROCESS REFORM WITH REGARD TO THE CREATION OF BIPARTISAN COMMISSIONS TO COMBAT WASTE, FRAUD, AND ABUSE AND TO PROMOTE SPENDING EFFICIENCY.**

(a) WASTE, FRAUD, AND ABUSE.—It is the sense of the Senate that legislation should be enacted that would create a bipartisan commission for the purpose of—

(1) submitting recommendations on ways to eliminate waste, fraud, and abuse; and

(2) to provide recommendations on ways in which to achieve cost savings through enhancing program efficiencies in all discretionary and entitlement programs.

The findings of the commission should be made on an annual basis, and should be presented in conjunction with the submission of the President's budget request to Congress.

(b) EFFICIENCY.—It is the sense of the Senate that a bipartisan commission should be established to—

(1) audit Federal domestic agencies, and programs within such agencies, with the express purpose of providing Congress with recommendations, and legislation;

(2) implement those recommendations; and

(3) realign or eliminate government agencies and programs that are duplicative, inefficient, outdated, irrelevant, or have failed to accomplish their intended purpose.

The findings of the commission should be made on an annual basis, and should be presented in conjunction with the submission of the President's budget request to Congress.

##### **SEC. 503. SENSE OF THE SENATE ON THE RELATIONSHIP BETWEEN ANNUAL DEFICIT SPENDING AND INCREASES IN DEBT SERVICE COSTS.**

It is the sense of the Senate that the Congressional Budget Office shall consult with the Committee on the Budget of the Senate in order to prepare a report containing a discussion of—

(1) the relationship between annual deficit spending and increases in debt service costs;

(2) the relationship between incremental increases in discretionary spending and debt service costs; and

(3) the feasibility of providing estimates of debt service costs in the cost estimates prepared pursuant to section 308 of the Congressional Budget Act of 1974.

##### **SEC. 504. SENSE OF THE SENATE REGARDING THE COSTS OF THE MEDICARE PRESCRIPTION DRUG PROGRAM.**

It is the sense of the Senate that the Committee on Finance of the Senate should re-

port a bill that consists of changes in laws within its jurisdiction sufficient to ensure that spending within part D of the Medicare Prescription Drug Benefit program in fiscal years 2005 through 2013 does not exceed the total of \$409,000,000,000 as estimated by the Congressional Budget Office.

##### **SEC. 505. SENSE OF THE SENATE REGARDING PAY PARITY.**

It is the sense of the Senate that—

(1) compensation for civilian and military employees of the United States, without whom we cannot successfully serve and protect our citizens and taxpayers, must be sufficient to support our critical efforts to recruit, retain, and reward quality people effectively and responsibly; and

(2) to achieve this objective, the rate of increase in the compensation of civilian employees should be equal to that proposed for the military in the President's Fiscal Year 2005 Budget.

##### **SEC. 506. SENSE OF THE SENATE ON RETURNING STABILITY TO PAYMENTS UNDER MEDICARE PHYSICIAN FEE SCHEDULE.**

(a) FINDINGS.—The Senate finds that—

(1) the fees Medicare pays physicians and other health professionals were reduced by 5.4 percent across-the-board in 2002.

(2) action by Congress in early 2003 narrowly averted a 4.4-percent across-the-board reduction in such fees that year;

(3) in the fall of 2003, congressional action was once again needed to prevent an across-the-board reduction of 4.5 percent in such fees for 2004, as well as an anticipated further reduction in 2005;

(4) based on current projections, estimates suggest that, absent any action, fees will be significantly reduced across-the-board in 2006 and each year thereafter until at least 2010;

(5) the prospect of continued payment reductions under the Medicare physician fee schedule for the foreseeable future threatens to destabilize an important element of the program, namely physician participation and willingness to accept Medicare patients;

(6) there are major flaws in the formula Medicare uses to reimburse physicians which result in steep cuts that adversely impact Medicare beneficiaries' access to care; and

(7) CMS should use its authority to exclude Medicare-covered drugs and biologics from the physician formula and accurately reflect in the formula the direct and indirect cost of increases due to coverage decisions, administrative actions, and rules and regulations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, while recent actions by Congress have helped address the immediate reductions in reimbursement, further action by Congress is urgently needed to put in place a new formula or mechanism for updating Medicare physician fees in 2006 and thereafter, in order to ensure—

(1) the long-term stability of the Medicare payment system for physicians and other health care professionals, such that payment rates keep pace with practice cost increases; and

(2) future access to physicians' services for Medicare beneficiaries.

##### **SEC. 507. SENSE OF THE SENATE REGARDING THE USE OF FEDERAL FUNDS TO SUPPORT AMERICAN COMPANIES AND AMERICAN WORKERS.**

(a) FINDINGS.—The Senate finds that—

(1) the United States has lost more than 2,200,000 manufacturing jobs since 2000;

(2) the Bureau of Labor Statistics reported that 239,454 workers in a variety of sectors of the United States economy lost their jobs as a result of mass layoffs in January 2004;

(3) there are millions of long-term unemployed Americans who have been unable to find work; and

(4) the Buy American Act requires the Federal Government to support American companies and American workers by buying American-made goods.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this resolution assume that—

(1) Federal departments and agencies will, to the maximum extent possible, purchase goods and services from American companies; and

(2) Federal departments and agencies will ensure that, to the maximum extent possible, the work required by Federal contracts for goods and services will be performed in the United States.

##### **SEC. 508. SENSE OF THE SENATE REGARDING CLOSING THE "TAX GAP".**

(a) FINDINGS.—The Senate finds that—

(1) the Internal Revenue Service estimates that the gross tax gap (the difference between the amount of taxes owed by taxpayers and the amount actually collected) is now estimated to be in excess of \$300,000,000,000 annually;

(2) the Internal Revenue Service reports that the rate of voluntary and timely compliance from taxpayers in paying what they owe is approximately 85 percent;

(3) this overwhelming majority of honest and hardworking taxpayers are forced to make up the shortfall that results from taxpayers who fail to pay what they owe voluntarily;

(4) a former Commissioner of Internal Revenue has estimated that honest taxpayers are paying "15 percent more" than necessary if the tax gap were closed;

(5) the current Commissioner of Internal Revenue is concerned that increasing numbers of taxpayers believe that people are less likely to report their income taxes accurately and more inclined to take a chance that they will not be audited; and

(6) that an increase in enforcement efforts on taxes already due and owing can generate significant additional revenues without raising taxes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Internal Revenue Service should be provided the resources necessary to increase enforcement activities that would be concentrated on efforts to reduce the tax gap substantially by the end of fiscal year 2009.

##### **SEC. 509. SENSE OF THE SENATE AMENDMENT ON DRUG COMPARATIVENESS STUDIES.**

It is the sense of the Senate that the overall discretionary levels set in this resolution assume \$75,000,000 in new budget authority in fiscal year 2005 and new outlays that flow from this budget authority in fiscal year 2005 and subsequent years, to fund new research and ongoing literature surveys in the Agency for Health Care Research and Quality. These activities will be designed to improve scientific evidence related to the comparative effectiveness and safety of prescription drugs and other treatments and to disseminate the findings and underlying data from such research to health care practitioners, consumers, and health care purchasers.

##### **SEC. 510. SENSE OF THE SENATE REGARDING FUNDING FOR PORT SECURITY.**

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

(1) In the United States, the system of maritime commerce, including seaports and other ports, is a critical element of the United States economic, social, and environmental infrastructure.

(2) In 2001, ports in the United States handled approximately 5,400 ships, the majority of which were owned by foreign persons and crewed by nationals of foreign countries, that made a total of more than 60,000 calls at such ports.

(3) In a typical year, more than 17,000,000 cargo containers are handled at ports in the United States.

(4) Maritime commerce is the primary mode of transportation for international trade, with ships carrying more than 80 percent of such trade, by volume.

(5) Disruption of trade flowing through United States ports could have a catastrophic impact on both the United States and the world economies.

(6) In addition to the economic importance of United States ports, such ports form a critical link in the United States national security structure, and are necessary to ensure that United States military material can be effectively and quickly shipped to any location where such material is needed.

(7) Terrorist groups, including extremist groups such as al Qaeda, are likely to consider, formulate, and execute plans to conduct a terrorist strike against one or more of the ports in the United States.

(8) Terrorists have conducted attacks against maritime commerce in the past, including the October 2002 attack on the French oil tanker LIMBERG and the October 2000 attack on the USS COLE in Yemen.

(9) It is critical that port security be enhanced and improved through the adoption of better formulated security procedures, the adoption of new regulations and law, and investment in long-term capital improvements to the structure of the United States most critical ports.

(10) Effective funding to provide adequate security at United States ports requires a commitment to provide Federal funds over multiple years to fund long-term capital improvement projects.

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

(1) the budget of the United States should provide adequate funding for port security projects and not less than the amount of such funding that is adequate to implement an effective port security plan;

(2) the implementation of the budget of the United States should permit the provision of Federal funds over multiple years to fund long-term security improvement projects at ports in the United States; and

(3) the Secretary of Homeland Security should, as soon as practicable, develop a funding plan for port security that permits funding over multiple years for such projects.

#### SEC. 511. SENSE OF THE SENATE REGARDING TRIBAL COLLEGES AND UNIVERSITIES.

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

(1) American Indians from 250 federally recognized tribes nationwide attend tribal colleges 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, yet they 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 the 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.

(3) While Congress has been increasing annual appropriations for tribal colleges in recent years, the President's fiscal year 2005

budget recommends a \$5,500,000 decrease in institutional operating funds. This represents the third consecutive year that the President's budget proposed decreases that Congress must restore.

(4) Because of congressional budget restorations, the tribal colleges funded through titles I and II of the Tribally Controlled College or University Assistance Act are within \$19,000,000 of full funding at their authorized level.

(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 priority 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, and the National Science Foundation Tribal College Program; and

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

#### SEC. 512. FINDINGS AND SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the United States is in the grip of pervasively higher home energy prices;

(2) high natural gas, heating oil, and propane prices are, in general, having an effect that is rippling through the United States economy and are, in particular, impacting home energy bills;

(3) while persons in many sectors can adapt to natural gas, heating oil, and propane price increases, persons in some sectors simply cannot;

(4) elderly and disabled citizens who are living on fixed incomes, the working poor, and other low-income individuals face hardships wrought by high home energy prices;

(5) the energy burden for persons among the working poor often exceeds 20 percent of those persons' incomes under normal conditions;

(6) under current circumstances, home energy prices are unnaturally high, and these are not normal circumstances;

(7) while critically important and encouraged, State energy assistance and charitable assistance funds have been overwhelmed by the crisis caused by the high home energy prices;

(8) the Federal Low-Income Home Energy Assistance Program (referred to in this section as "LIHEAP") and the companion weatherization assistance program (referred to in this section as "WAP"), are the Federal Government's primary means to assist eligible low-income individuals in the United States to shoulder the burdens caused by their home cooling and heating needs;

(9) in 2003, LIHEAP reached only 15 percent of the persons in the United States who were eligible for assistance under the program;

(10) since LIHEAP's inception, its inflation-adjusted buying power has eroded by 58 percent; and

(11) current Federal funding for LIHEAP is not sufficient to meet the cooling and heating needs of low-income families.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume—

(1) an adequate increase in funding for each of fiscal years 2005 and 2006 to carry out the LIHEAP program;

(2) an adequate increase in funding for fiscal year 2005 and an adequate increase in funding for fiscal year 2006 to carry out the WAP program;

(3) appropriations, for these programs, of sufficient additional funds to realistically

address the cooling and heating needs of low-income families; and

(4) advance appropriations of the necessary funds to ensure the smooth operation of the programs during times of peak demand.

#### SEC. 513. SENSE OF THE SENATE SUPPORTING FUNDING RESTORATION FOR AGRICULTURE RESEARCH AND EXTENSION.

(a) FINDINGS.—Congress finds that—

(1) funding for 33 programs administered by the Cooperative State Research, Education, and Extension Service of the Department of Agriculture were each reduced by 10 percent in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2004 (118 Stat. 9);

(2) those cuts are already hurting a wide range of proven programs that help people, communities, and businesses;

(3) the cuts have put at risk important advances made in all 50 States and United States territories, including—

(A) combating obesity through programs such as the Expanded Food and Nutrition Education Program;

(B) expanding environmentally-minded pest management programs;

(C) ensuring food safety; and

(D) educating farmers and ranchers about new sustainable agricultural practices;

(4) the National Research Initiative is the flagship competitive grants program funded through the Cooperative State Research, Education, and Extension Service;

(5) because of limited funding the Service is able to fund only a small fraction of the meritorious research proposals that the Service receives under the National Research Initiative program; and

(6) base funding at the Service that supports the research infrastructure has fallen steadily over the past decade.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that levels in this concurrent resolution assume that in making appropriations and revenue decisions, the Senate supports—

(1) the restoration of the 33 accounts of the Cooperative State Research, Education, and Extension Service;

(2) the fiscal year 2005 funding of the National Research Initiative; and

(3) the fiscal year 2005 funding of competitive research programs of the Cooperative State Research, Education, and Extension Service in an amount that is adequate to—

(A) fight obesity and stave off chronic diseases;

(B) combat insects and animal and plant diseases;

(C) establish new crops, improved livestock, and economic opportunities for producers; and

(D) keep pathogens and other dangers out of the air, water, soil, plants, and animals.

#### SEC. 514. RESERVE FUND FOR HOMELAND SECURITY GRANT PROGRAM, ASSISTANCE TO FIREFIGHTER GRANTS, AND PORT SECURITY GRANTS.

The Chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, allocations to the Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by up to \$1,545,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in 2005 and subsequent years, for a bill, amendment, motion, or conference report that provides additional fiscal year 2005 discretionary appropriations, in excess of the levels provided in this resolution, for the programs at the Department of Homeland Security.

**SEC. 515. STATE HOMELAND SECURITY GRANT PROGRAM.**

It is the sense of the Senate that, of the funds for the Department of Homeland Security, \$800,000,000 shall be allocated for the State Homeland Security Grant program; \$250,000,000 for the Assistance to Firefighters Grant program; and \$275,000,000 for Port Security Grants. It is further the sense of the Senate that the State Homeland Security Grant Program shall be increased by \$220,000,000 in order to provide for a more equitable formula for distributing funds.

**SEC. 516. STRATEGIC PETROLEUM RESERVE.**

It is the sense of the Senate that the increased funding for the Homeland Security Department programs shall come from the cancellation of planned future deliveries of oil to the Strategic Petroleum Reserve.

**SEC. 517. SENSE OF THE SENATE CONCERNING A NATIONAL ANIMAL IDENTIFICATION PROGRAM.**

(a) FINDINGS.—The Senate finds that—

(1) animal identification is important for operational management, herd health, and increased trade opportunities;

(2) animal identification is a critical component of the animal health infrastructure of the United States;

(3) it is vital to the well-being of all people in the United States to protect animal agriculture in the United States by safeguarding animal health;

(4) the ability to collect information in a timely manner is critical to an effective response to an imminent threat to animal health or food safety.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume that in making appropriations and revenue decisions, the Senate supports—

(1) the development and implementation of a national animal identification program recognizing the need for resources to carry out the implementation of the plan;

(2) the provision by the Secretary of Agriculture of a time-line for the development and implementation of the program as soon as practicable after the date of approval of this concurrent resolution;

(3) the provision by the Secretary of Agriculture to ensure the Animal and Plant Health Inspection Service, State animal health agencies, and agricultural producers are provided funds necessary to implement a national animal identification program; and

(4) the establishment of a program that is not overly burdensome to agricultural producers and ensures the privacy of information of agricultural producers.

**SEC. 518. SENSE OF THE SENATE REGARDING CONTRIBUTIONS TO THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS, AND MALARIA.**

(a) FINDINGS.—The Senate finds that—

(1) the United States—

(A) helped establish The Global Fund to Fight AIDS, Tuberculosis, and Malaria (referred to in this section as the "Fund");

(B) provided its first donation; and

(C) provides leadership to the Fund under Fund Board Chairman Tommy Thompson, Secretary of the Department of Health and Human Services;

(2) as a complement to the President's historic 15-country AIDS initiative, the Fund provides resources to fight AIDS, tuberculosis, malaria, and related diseases around the world;

(3) section 202 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2004 (22 U.S.C. 7622) authorizes contributions to the Fund to the extent that United States contributions do not exceed 33 percent of all contributions to the Fund, allowing the United States to contribute \$1 for every \$2 contributed by other sources.

(4) during fiscal years 2001 through 2003, the United States provided \$623,000,000 of the total contributions of \$1,900,000,000 to the Fund, which represents approximately 1/3 of total contributions to the Fund;

(5) Congress has appropriated \$547,000,000 to the Fund for fiscal year 2004, which has been matched by confirmed pledges of \$994,000,000, and is slightly more than 1/3 of total pledges, with additional pledges expected;

(6) over the life of the Fund, Congress has appropriated sufficient amounts to match contributions from other sources to The Global Fund to Fight AIDS, Tuberculosis, and Malaria on a 1-to-2 basis; and

(7) transparency and accountability are critical to fund grant-making and the United States should work with foreign governments and international organizations to support the Fund's efforts to use its contributions most effectively.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this concurrent resolution and subsequent appropriations Acts should provide sufficient funds to continue matching contributions from other sources to The Global Fund to Fight AIDS, Tuberculosis, and Malaria on a 1-to-2 basis.

**SEC. 519. SENSE OF THE SENATE CONCERNING CHILD NUTRITION FUNDING.**

(a) FINDINGS.—The Senate finds that—

(1) Federal child nutrition programs have long played a critical role in providing children in the United States with quality nutrition from birth through secondary school;

(2) recognizing the value of these benefits to children in the United States, Congress has an enduring tradition of bipartisan support for these programs;

(3) children in the United States are increasingly at nutritional risk due to poor dietary habits, lack of access to nutritious foods, and obesity and diet-related diseases associated with poor dietary intake;

(4) many children in the United States who would benefit from Federal child nutrition programs do not receive benefits due to financial or administrative barriers; and

(5) Federal child nutrition programs are expected to be reauthorized in the One Hundred Eighth Congress.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume that in making appropriations and revenue decisions, the Senate supports the retention in the conference report for this concurrent resolution of the additional funds provided in this concurrent resolution for the reauthorization of Federal child nutrition programs.

**SEC. 520. SENSE OF THE SENATE REGARDING COMPENSATION FOR EXPOSURE TO TOXIC SUBSTANCES AT THE DEPARTMENT OF ENERGY.**

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

(1) The Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) (referred to in this section as the "EEOICPA") is intended to ensure the timely payment of uniform and adequate compensation to covered employees suffering from occupational illnesses incurred during their work for the Department of Energy.

(2) The Department of Labor is responsible for implementing the provisions under subtitle B of the EEOICPA, relating to claims for radiation related cancers, beryllium disease, and silicosis. The Department of Labor has, within its area of responsibility, processed over 95 percent of the 52,000 claims it has received, and is processing these claims in an average of 73 days.

(3) As of the date of enactment of this resolution, the Department of Health and Human Services has not promulgated the regulations required under section 3626 of the

EEOICPA for allowing claimants to petition to be members of the Special Exposure Cohort. Special Exposure Cohorts provide a presumption in favor of the claimant for radiation related cancers if—

(A) it is not feasible to estimate radiation dose with sufficient accuracy; and

(B) there is a reasonable likelihood that the health of the class of workers may have been endangered.

(4) The Department of Energy, which is responsible for implementing subtitle D of the EEOICPA, relating to occupational illness caused by exposure to toxic substances at Department of Energy facilities, finalized its regulations on August 14, 2002. The Department of Energy has processed 1 percent of the 22,000 claims received through the Department of Energy physicians panels since its regulations were made final.

(5) The Department of Energy has no willing payor for up to 50 percent of the claims that its physicians panels determine to be related to exposure to a toxic substance at the Department of Energy. As a consequence, many claimants with a positive determination from the physicians panel will be denied benefits. Many States, including Alaska, Colorado, Iowa, Kentucky, Missouri, Ohio, New Mexico, Idaho, and Nevada, may not have a willing payor.

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

(1) claims for occupational illness, which are determined to be caused by exposure to toxic substances at Department of Energy facilities under subtitle D of the EEOICPA, should be promptly, equitably, and efficiently compensated;

(2) administrative and technical changes should be made to the EEOICPA to—

(A) improve claims processing and review by physicians panels to ensure cost-effective and efficient consideration and determination of workers' claims;

(B) provide for membership in additional special exposure cohorts; and

(C) address eligibility issues at facilities with residual radiation; and

(3) the President and Congress should work together at the earliest opportunity to develop a plan that effectively resolves the issue of a lack of a willing payor for many claims that are determined under subtitle D of the EEOICPA to be related to exposure to a toxic substance at Department of Energy facilities.

**SEC. 521. SENSE OF THE SENATE REGARDING TAX INCENTIVES FOR CERTAIN RURAL COMMUNITIES.**

It is the sense of the Senate that if tax relief measures are passed in accordance with the assumptions in this resolution in this session of Congress, such legislation should include—

(1) tax and other financial incentives, similar to those included in the New Homestead Act (S. 602), to help rural communities fight the economic decimation caused by chronic out-migration by giving such communities the tools they need to attract individuals to live and work, or to start and grow a business, in such rural areas, and

(2) revenue provisions which fully offset the cost of such tax and other financial incentives.

**SEC. 522. SENSE OF THE SENATE CONCERNING SUMMER FOOD PILOT PROJECTS.**

It is the sense of the Senate that the levels in this concurrent resolution assume that in making appropriations and revenue decisions in Function 600 (Income Security), the Senate supports the provision, to the Food and Nutrition Service and other appropriate agencies within the Department of Agriculture, of \$15,000,000 for fiscal year 2005, and \$127,000,000 for the period of fiscal years 2005

through 2009, to enable those agencies to expand the summer food pilot projects established under section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) to all States of the United States and to all service institutions (including service institutions described in section 13(a)(7) of that Act).

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

#### CONGRESSIONAL GOLD MEDAL TO DR. DOROTHY HEIGHT

Mr. FRIST. Mr. President, before we close tonight, I wanted to make a couple of comments. One has to do with a wonderful ceremony that we had today in the Rotunda where the Congressional Gold Medal ceremony honoring Dr. Dorothy Height was conducted.

These ceremonies are a wonderful time in the sense that it allows each of us to go back as individuals and really celebrate, whether it is points in history, great leaders, icons, or pioneers, and indeed today in recognizing Dr. Dorothy Height we had all of those—a true icon, a pioneer, a leader, a hero, a woman who has had an indelible impact on not only one generation but multiple generations. In addition, today was her 92nd birthday.

It had a special meaning for me in that just about a month ago I had the opportunity to lead a delegation of 10 Senators, including the distinguished Senator who occupies the chair at this juncture, on a civil rights pilgrimage through Alabama, and it continued on up into Tennessee.

Over that period of several days, we had the opportunity to walk in the steps of true giants. I had the opportunity to spend some time today with, indeed, one of those giants of an era of which we are true beneficiaries, and that was Dr. Dorothy Height. She was the only woman among the big six who planned and led the civil rights movement, an extraordinary American, a woman who was truly fearless in a time of fear, a woman who was an optimist when the future was bleak, a woman who brought people together when others were fighting to keep society apart.

As we sat in that wonderful Rotunda today, thinking about the great history and great patriots who are portrayed in the Rotunda, with the large dome above, you could not help but think how appropriate it was for her to join those patriots in the struggle she led, in large part the struggle for equality and that endowment of that right of life and liberty and pursuit of happiness.

It was wonderful to be able to participate in that ceremony. I wanted, as we wait to close here shortly, to once again honor Dr. Dorothy Height for her tremendous leadership over many years.

She said, right before the end of that ceremony, in her closing remarks, until the Good Lord is done with her, she has a lot more to do and people can expect her to continue to do a lot along the way.

#### OCEANS AND HUMAN HEALTH ACT

Mr. FRIST. Mr. President, at this juncture I ask unanimous consent that the Senate now proceed to consideration of calendar No. 403, S. 1218.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1218) to provide for Presidential support and coordination of interagency ocean science programs and development and coordination of a comprehensive and integrated United States research and monitoring program.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1278

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

[(This Act may be cited as the "Oceans and Human Health Act".]

#### SEC. 2. FINDINGS AND PURPOSES.

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

[(1) The rich biodiversity of marine organisms provides society with an essential biomedical resource, a promising source of novel compounds with therapeutic potential, and a potentially important contribution to the national economy.

[(2) The diversity of ocean life and research on the health of marine organisms, including marine mammals and other sentinel species, helps scientists in their efforts to investigate and understand human physiology and biochemical processes, as well as providing a means for monitoring the health of marine ecosystems.

[(3) The oceans drive climate and weather factors causing severe weather events and shifts in temperature and rainfall patterns that affect the density and distribution of disease-causing organisms and the ability of public health systems to address them.

[(4) The oceans act as a route of exposure for human disease and illnesses through ingestion of contaminated seafood and direct contact with seawater containing toxins and disease-causing organisms.

[(5) During the past two decades, the incidence of harmful blooms of algae has increased around the world, contaminating shellfish, causing widespread fish kills, threatening marine environmental quality and resulting in substantial economic losses to coastal communities.

[(6) Existing Federal programs and resources support research in a number of these areas, but gaps in funding, coordination, and outreach have impeded national progress in addressing ocean health issues.

[(7) National investment in a coordinated program of research and monitoring would improve understanding of marine ecosystems, allow prediction and prevention of

marine public health problems and assist in realizing the potential of the oceans to contribute to the development of effective new treatments of human diseases and a greater understanding of human biology.

[(b) PURPOSES.—The purposes of this Act are to provide for—

[(1) Presidential support and coordination of interagency ocean science programs; and

[(2) development and coordination of a comprehensive and integrated United States research and monitoring program that will assist this Nation and the world to understand, use and respond to the role of the oceans in human health.

#### SEC. 3. NATIONAL SCIENCE AND TECHNOLOGY COUNCIL.

[(a) DIRECTOR OF OFFICE OF SCIENCE AND TECHNOLOGY POLICY TO CHAIR COUNCIL.—Section 207(a) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6616(a)) is amended—

[(1) by striking "CHAIRMAN OF FEDERAL COORDINATING COUNCIL FOR SCIENCE, ENGINEERING, AND TECHNOLOGY" in the subsection heading and inserting "CHAIR OF THE NATIONAL SCIENCE AND TECHNOLOGY COUNCIL"; and

[(2) by striking paragraph (1) and inserting the following:

["(1) serve as Chair of the National Science and Technology Council; and".]

[(b) FUNCTIONS.—Section 401 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6651) is amended to read as follows:

#### ["SEC. 401. FUNCTIONS OF COUNCIL.

["(a) IN GENERAL.—The National Science and Technology Council (hereinafter referred to as the 'Council') shall consider problems and developments in the fields of science, engineering, and technology and related activities affecting more than one Federal agency, and shall recommend policies and other measures designed to—

["(1) provide more effective planning and administration of Federal scientific, engineering, and technology programs;

["(2) identify research needs, including areas requiring additional emphasis;

["(3) achieve more effective use of the scientific, engineering, and technological resources and facilities of Federal agencies, including elimination of unwarranted duplication; and

["(4) further international cooperation in science, engineering and technology.

["(b) COORDINATION.—The Council may be assigned responsibility for developing long-range and coordinated plans for scientific and technical research which involve the participation of more than 2 agencies. Such plans shall—

["(1) identify research approaches and priorities which most effectively advance scientific understanding and provide a basis for policy decisions;

["(2) provide for effective cooperation and coordination of research among Federal agencies; and

["(3) encourage domestic and, as appropriate, international cooperation among government, industry and university scientists.

["(c) OTHER DUTIES.—The Council shall perform such other related advisory duties as shall be assigned by the President or by the Chair of the Council.

["(d) ASSISTANCE OF OTHER AGENCIES.—For the purpose of carrying out the provisions of this section, each Federal agency represented on the Council shall furnish necessary assistance to the Council. Such assistance may include—

["(1) detailing employees to the Council to perform such functions, consistent with the purposes of this section, as the Chairman of the Council may assign to them; and

["(2) undertaking upon the request of the Chair, such special studies for the Council as