

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

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

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

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

(1) apply while that measure is under consideration;

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

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

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

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

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

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

SEC. 406. DIRECT SPENDING LIMITATION.

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

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

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

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

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

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

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

SEC. 407. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

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

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

SUBMITTED RESOLUTIONS

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

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

S. RES. 398

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Foreign Intelligence Surveillance Act of 1978, his failure to inform the full congressional intelligence committees as required by law, and his efforts to mislead the American people about the authorities relied upon by his Administration to conduct wiretaps and about the legality of the program.

SENATE RESOLUTION 399—DESIGNATING MARCH 25, 2006, AS “GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY”

Mr. SPECTER (for himself, Mr. SARBANES, Mr. ALLEN, Mr. BENNETT, Mr. BIDEN, Mrs. BOXER, Mr. CARPER, Mr. CHAFFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. CRAIG, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. INHOFE, Mr. INOUE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. OBAMA, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SCHUMER, Mr. SMITH, Ms. SNOWE, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. THOMAS, Mr. VOINOVICH, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 399

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that “it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you”;

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete, which provided the Axis land war with its first major setback, setting off a chain of events that significantly affected the outcome of World War II;

Whereas the price for Greece in holding our common values in their region was high, as hundreds of thousands of civilians were killed in Greece during World War II;

Whereas, throughout the 20th century, Greece was 1 of only 3 countries in the world, beyond the former British Empire, that allied with the United States in every major international conflict;

Whereas President George W. Bush, in recognizing Greek Independence Day, said, “Greece and America have been firm allies in the great struggles for liberty. Americans will always remember Greek heroism and Greek sacrifice for the sake of freedom . . . [and] as the 21st Century dawns, Greece and America once again stand united; this time in the fight against terrorism. The United States deeply appreciates the role Greece is playing in the war against terror. . . . America and Greece are strong allies, and we’re strategic partners.”;

Whereas President Bush stated that Greece’s successful “law enforcement operations against a terrorist organization [November 17] responsible for three decades of terrorist attacks underscore the important contributions Greece is making to the global war on terrorism”;

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested over \$10,000,000,000 in the region;

Whereas Greece was extraordinarily responsive to requests by the United States during the war in Iraq, as Greece immediately granted unlimited access to its airspace and the base in Souda Bay, and many ships of the United States that delivered troops, cargo, and supplies to Iraq were refueled in Greece;

Whereas, in August 2004, the Olympic games came home to Athens, Greece, the land of their ancient birthplace 2,500 years ago and the city of their modern revival in 1896;

Whereas Greece received world-wide praise for its extraordinary handling during the 2004 Olympics of over 14,000 athletes from 202 countries and over 2,000,000 spectators and journalists, which it did so efficiently, securely, and with its famous Greek hospitality;

Whereas the unprecedented security effort in Greece for the first Olympics after the attacks on the United States on September 11, 2001, included a record-setting expenditure of over \$1,390,000,000 and assignment of over 70,000 security personnel, as well as the utilization of an 8-country Olympic Security Advisory Group that included the United States;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas the Government of Greece has had extraordinary success in recent years in furthering cross-cultural understanding and reducing tensions between Greece and Turkey;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and other ideals have forged a close bond between these 2 nations and their peoples;

Whereas March 25, 2006, marks the 185th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate this anniversary with the Greek people and to reaffirm the democratic principles from which these 2 great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2006, as “Greek Independence Day: A National Day of Celebration of Greek and American Democracy”;

and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 400—EXPRESSING THE SENSE OF THE SENATE ON THE CONSTITUTIONAL REFORM PROCESS IN BOSNIA AND HERZEGOVINA

Mr. BIDEN (for himself, Mr. SMITH, Mr. LUGAR, and Mr. DURBIN) submitted the following resolution, which was considered and agreed to:

S. RES. 400

Whereas the General Framework Agreement for Peace in Bosnia and Herzegovina

(commonly referred to as the “Dayton Peace Accords”) was agreed to at Wright Patterson Air Force Base in Dayton, Ohio, on November 21, 1995;

Whereas the signing of the Dayton Peace Accords was a historic accomplishment that was made possible through the strong leadership of the United States;

Whereas the signing of the Dayton Peace Accords ended a brutal 3½-year conflict marked by aggression and genocide in which many tens of thousands lost their lives;

Whereas the Dayton Peace Accords created a framework for a common state in Bosnia and Herzegovina, but was crafted amidst the exigencies of war and included many compromises imposed by the need for quick action to preserve human life;

Whereas in the 10 years since the signing of the Dayton Peace Accords, there has been considerable progress in building a peaceful society in Bosnia and Herzegovina;

Whereas this progress in building a peaceful society has been facilitated by both the citizens of the country and the international community;

Whereas, during the 9 years that the peacekeepers of the North Atlantic Treaty Organization worked to keep order in Bosnia and Herzegovina, their forces suffered no intentional casualties and never fired a single shot in combat;

Whereas Bosnia and Herzegovina has demonstrated a willingness to contribute to the work of the international community and sent 36 troops to assist in efforts to stabilize the country of Iraq;

Whereas the full incorporation of Bosnia and Herzegovina into the Euro-Atlantic community is in the national interest of the United States;

Whereas, past accomplishments notwithstanding, the citizens of Bosnia and Herzegovina continue to face significant challenges on their road toward further Euro-Atlantic integration;

Whereas the Council of Europe’s Venice Commission has concluded that the current constitutional arrangements of Bosnia and Herzegovina are neither efficient nor rational, and that the state-level institutions need to become more effective and democratic if Bosnia and Herzegovina is to move toward membership in the European Union;

Whereas Secretary of State Condoleezza Rice has said that the people of Bosnia and Herzegovina need “a stronger, energetic state capable of advancing the public good” and pledged that the United States will remain a dedicated partner to Bosnia and Herzegovina as it moves toward further Euro-Atlantic integration;

Whereas leaders of Bosnia and Herzegovina have already agreed to significant reforms of the budget process, intelligence services, criminal prosecution offices, justice ministry, border and customs services, and defense sector;

Whereas, on November 22, 2005, political leaders of Bosnia and Herzegovina met in Washington and signed a Commitment to Pursue Constitutional Reform in which members pledged to continue working toward the creation of stronger and more efficient democratic institutions; and

Whereas it is imperative that changes to the constitution of Bosnia and Herzegovina be agreed to by April 2006 to take effect prior to national elections in October 2006: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it is time for Bosnia and Herzegovina to work toward the creation of a state with more functional, self-sustaining institutions;

(2) any agreement on constitutional reform in Bosnia and Herzegovina should advance the principles of democracy and tolerance;