

# S. CON. RES. 70

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## CONCURRENT RESOLUTION

1        *Resolved by the Senate (the House of Representatives*  
2 *concurring),*

3 **SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET**  
4 **FOR FISCAL YEAR 2009.**

5        (a) DECLARATION.—Congress declares that this reso-  
6 lution is the concurrent resolution on the budget for fiscal  
7 year 2009 and that this resolution sets forth the appro-  
8 priate budgetary levels for fiscal years 2008 and 2010  
9 through 2013.

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

Sec. 1. Concurrent resolution on the budget for fiscal year 2009.

### TITLE I—RECOMMENDED LEVELS AND AMOUNTS

- Sec. 101. Recommended levels and amounts.
- Sec. 102. Social Security.
- Sec. 103. Postal Service discretionary administrative expenses.
- Sec. 104. Major functional categories.

### TITLE II—BUDGET PROCESS

#### Subtitle A—Direct Spending and Receipts

- Sec. 201. Senate point of order against legislation increasing long-term deficits.
- Sec. 202. Point of order—20 percent limit on new direct spending in reconcili-  
ation legislation.

#### Subtitle B—Discretionary Spending

- Sec. 211. Discretionary spending limits, program integrity initiatives, and other adjustments.
- Sec. 212. Point of order against advance appropriations.
- Sec. 213. Senate point of order against provisions of appropriations legislation that constitute changes in mandatory programs with net costs.
- Sec. 214. Discretionary administrative expenses of the Postal Service.

#### Subtitle C—Other Provisions

- Sec. 221. Application and effect of changes in allocations and aggregates.
- Sec. 222. Adjustments to reflect changes in concepts and definitions.
- Sec. 223. Debt disclosure requirement.
- Sec. 224. Debt disclosures.
- Sec. 225. Exercise of rulemaking powers.
- Sec. 226. Circuit breaker to protect social security.

#### TITLE III—RESERVE FUNDS

- Sec. 301. Deficit-neutral reserve fund to strengthen and stimulate the American economy and provide economic relief to American families.
- Sec. 302. Deficit-neutral reserve fund for improving education.
- Sec. 303. Deficit-neutral reserve fund for investments in America's infrastructure.
- Sec. 304. Deficit-neutral reserve fund to invest in clean energy, preserve the environment, and provide for certain settlements.
- Sec. 305. Deficit-neutral reserve fund for America's veterans and wounded servicemembers and for a post 9/11 GI bill.
- Sec. 306. Deficit-neutral reserve fund to improve America's health.
- Sec. 307. Sense of the Senate regarding Medicaid administrative regulations.
- Sec. 308. Deficit-neutral reserve fund for judicial pay and judgeships.
- Sec. 309. Deficit-neutral reserve fund for reforming the alternative minimum tax for individuals.
- Sec. 310. Deficit-neutral reserve fund for repealing the 1993 increase in the income tax on social security benefits.
- Sec. 311. Deficit-neutral reserve fund to improve energy efficiency and production.
- Sec. 312. Deficit-neutral reserve fund for immigration reform and enforcement.
- Sec. 313. Deficit-neutral reserve fund for border security, immigration enforcement, and criminal alien removal programs.
- Sec. 314. Deficit-neutral reserve fund for science parks.
- Sec. 315. Deficit-neutral reserve fund for 3-year extension of pilot program for national and state background checks on direct patient access employees of long-term care facilities or providers.
- Sec. 316. Deficit-neutral reserve fund for studying the effect of cooperation with local law enforcement.
- Sec. 317. Deficit-neutral reserve fund to terminate deductions from mineral revenue payments to States.
- Sec. 318. Deficit-neutral reserve fund for the establishment of State Internet sites for the disclosure of information relating to payments made under the State Medicaid program.
- Sec. 319. Deficit-neutral reserve fund for traumatic brain injury.
- Sec. 320. Deficit-neutral reserve fund to improve animal health and disease program.
- Sec. 321. Deficit-neutral reserve fund for implementation of Yellow Ribbon Reintegration Program for members of the National Guard and Reserve.

- Sec. 322. Deficit-neutral reserve fund for reimbursing States for the costs of housing undocumented criminal aliens.
- Sec. 323. Deficit-neutral reserve fund for acceleration of phased-in eligibility for concurrent receipt of benefits.
- Sec. 324. Deficit-neutral reserve fund for increased use of recovery audits.
- Sec. 325. Deficit-neutral reserve fund for food safety.
- Sec. 326. Deficit-neutral reserve fund for demonstration project regarding Medicaid coverage of low-income HIV-infected individuals.
- Sec. 327. Deficit-neutral reserve fund for reducing income threshold for refundable child tax credit to \$10,000 with no inflation adjustment.
- Sec. 328. Sense of the Senate regarding the diversion of funds set aside for USPTO.
- Sec. 329. Deficit-neutral reserve fund for education reform.
- Sec. 330. Deficit-neutral reserve fund for processing naturalization applications.
- Sec. 331. Deficit-neutral reserve fund for access to quality and affordable health insurance.
- Sec. 332. Deficit-neutral reserve fund for a 9/11 health program.
- Sec. 333. Deficit-neutral reserve fund to ban medicare advantage and prescription drug plan sales and marketing abuses.
- Sec. 334. Sense of the Senate regarding extending the “Moving to Work Agreement” between the Philadelphia Housing Authority and the U.S. Department of Housing and Urban Development under the same terms and conditions for a period of one year.
- Sec. 335. Sense of the Senate regarding a balanced budget amendment to the constitution of the United States.
- Sec. 336. Sense of the Senate regarding the need for comprehensive legislation to legalize the importation of prescription drugs from highly industrialized countries with safe pharmaceutical infrastructures.

1           **TITLE I—RECOMMENDED**  
 2           **LEVELS AND AMOUNTS**

3   **SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.**

4           The following budgetary levels are appropriate for  
 5 each of fiscal years 2008 through 2013:

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

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

10                   Fiscal year 2008: \$1,871,888,000,000.

11                   Fiscal year 2009: \$2,012,123,000,000.

12                   Fiscal year 2010: \$2,198,259,000,000.

1 Fiscal year 2011: \$2,404,151,000,000.

2 Fiscal year 2012: \$2,488,673,000,000.

3 Fiscal year 2013: \$2,613,013,000,000.

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

7 Fiscal year 2008: -\$7,652,000,000.

8 Fiscal year 2009: -\$85,001,000,000.

9 Fiscal year 2010: \$15,395,000,000.

10 Fiscal year 2011: -\$23,874,000,000.

11 Fiscal year 2012: -\$164,642,000,000.

12 Fiscal year 2013: -\$141,727,000,000.

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

16 Fiscal year 2008: \$2,579,255,000,000.

17 Fiscal year 2009: \$2,533,754,000,000.

18 Fiscal year 2010: \$2,555,400,000,000.

19 Fiscal year 2011: \$2,687,858,000,000.

20 Fiscal year 2012: \$2,731,412,000,000.

21 Fiscal year 2013: \$2,860,070,000,000.

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

25 Fiscal year 2008: \$2,476,755,000,000.

1 Fiscal year 2009: \$2,575,733,417,000.

2 Fiscal year 2010: \$2,616,367,415,000.

3 Fiscal year 2011: \$2,709,059,134,000.

4 Fiscal year 2012: \$2,722,339,034,000.

5 Fiscal year 2013: \$2,852,077,000,000.

6 (4) DEFICITS.—For purposes of the enforce-  
7 ment of this resolution, the amounts of the deficits  
8 are as follows:

9 Fiscal year 2008: \$604,867,000,000.

10 Fiscal year 2009: \$563,610,417,000.

11 Fiscal year 2010: \$418,108,415,000.

12 Fiscal year 2011: \$304,908,134,000.

13 Fiscal year 2012: \$233,666,034,000.

14 Fiscal year 2013: \$239,064,000,000.

15 (5) PUBLIC DEBT.—Pursuant to section  
16 301(a)(5) of the Congressional Budget Act of 1974,  
17 the appropriate levels of the public debt are as fol-  
18 lows:

19 Fiscal year 2008: \$9,618,792,000,000.

20 Fiscal year 2009: \$10,278,552,417,000.

21 Fiscal year 2010: \$10,805,195,832,000.

22 Fiscal year 2011: \$11,215,113,966,000.

23 Fiscal year 2012: \$11,580,563,000,000.

24 Fiscal year 2013: \$11,934,375,000,000.

1           (6) DEBT HELD BY THE PUBLIC.—The appro-  
2           priate levels of debt held by the public are as follows:

3           Fiscal year 2008: \$5,418,643,000,000.

4           Fiscal year 2009: \$5,803,409,417,000.

5           Fiscal year 2010: \$6,032,754,832,000.

6           Fiscal year 2011: \$6,129,282,966,000.

7           Fiscal year 2012: \$6,141,593,000,000.

8           Fiscal year 2013: \$6,153,706,000,000.

9   **SEC. 102. SOCIAL SECURITY.**

10          (a) SOCIAL SECURITY REVENUES.—For purposes of  
11          Senate enforcement under sections 302 and 311 of the  
12          Congressional Budget Act of 1974, the amounts of reve-  
13          nues of the Federal Old-Age and Survivors Insurance  
14          Trust Fund and the Federal Disability Insurance Trust  
15          Fund are as follows:

16          Fiscal year 2008: \$666,705,000,000.

17          Fiscal year 2009: \$695,876,000,000.

18          Fiscal year 2010: \$733,571,000,000.

19          Fiscal year 2011: \$772,468,000,000.

20          Fiscal year 2012: \$809,798,000,000.

21          Fiscal year 2013: \$845,044,000,000.

22          (b) SOCIAL SECURITY OUTLAYS.—For purposes of  
23          Senate enforcement under sections 302 and 311 of the  
24          Congressional Budget Act of 1974, the amounts of outlays  
25          of the Federal Old-Age and Survivors Insurance Trust

1 Fund and the Federal Disability Insurance Trust Fund  
 2 are as follows:

3           Fiscal year 2008: \$463,746,000,000.

4           Fiscal year 2009: \$493,607,000,000.

5           Fiscal year 2010: \$520,158,000,000.

6           Fiscal year 2011: \$540,487,000,000.

7           Fiscal year 2012: \$566,249,000,000.

8           Fiscal year 2013: \$595,544,000,000.

9           (c) SOCIAL SECURITY ADMINISTRATIVE EX-  
 10 PENSES.—In the Senate, the amounts of new budget au-  
 11 thority and budget outlays of the Federal Old-Age and  
 12 Survivors Insurance Trust Fund and the Federal Dis-  
 13 ability Insurance Trust Fund for administrative expenses  
 14 are as follows:

15           Fiscal year 2008:

16           (A)       New       budget       authority,  
 17           \$5,160,000,000.

18           (B) Outlays, \$4,989,000,000.

19           Fiscal year 2009:

20           (A)       New       budget       authority,  
 21           \$5,473,000,000.

22           (B) Outlays, \$5,476,000,000.

23           Fiscal year 2010:

24           (A)       New       budget       authority,  
 25           \$5,623,000,000.

1 (B) Outlays, \$5,581,000,000.

2 Fiscal year 2011:

3 (A) New budget authority,

4 \$5,788,000,000.

5 (B) Outlays, \$5,759,000,000.

6 Fiscal year 2012:

7 (A) New budget authority,

8 \$5,962,000,000.

9 (B) Outlays, \$5,932,000,000.

10 Fiscal year 2013:

11 (A) New budget authority,

12 \$6,147,000,000.

13 (B) Outlays, \$6,115,000,000.

14 **SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRA-**  
15 **TIVE EXPENSES.**

16 In the Senate, the amounts of new budget authority  
17 and budget outlays of the Postal Service for discretionary  
18 administrative expenses are as follows:

19 Fiscal year 2008:

20 (A) New budget authority, \$250,000,000.

21 (B) Outlays, \$237,000,000.

22 Fiscal year 2009:

23 (A) New budget authority, \$258,000,000.

24 (B) Outlays, \$258,000,000.

25 Fiscal year 2010:



1 (A) New budget authority, \$267,000,000.

2 (B) Outlays, \$267,000,000.

3 Fiscal year 2011:

4 (A) New budget authority, \$275,000,000.

5 (B) Outlays, \$275,000,000.

6 Fiscal year 2012:

7 (A) New budget authority, \$284,000,000.

8 (B) Outlays, \$284,000,000.

9 Fiscal year 2013:

10 (A) New budget authority, \$293,000,000.

11 (B) Outlays, \$293,000,000.

12 **SEC. 104. MAJOR FUNCTIONAL CATEGORIES.**

13 Congress determines and declares that the appro-  
14 priate levels of new budget authority and outlays for fiscal  
15 years 2008 through 2013 for each major functional cat-  
16 egory are:

17 (1) National Defense (050):

18 Fiscal year 2008:

19 (A) New budget authority,  
20 \$693,273,000,000.

21 (B) Outlays, \$604,289,000,000.

22 Fiscal year 2009:

23 (A) New budget authority,  
24 \$612,502,000,000.

25 (B) Outlays, \$645,437,000,000.

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Fiscal year 2010:  
(A) New budget authority,  
\$550,414,000,000.  
(B) Outlays, \$607,033,000,000.  
Fiscal year 2011:  
(A) New budget authority,  
\$557,026,000,000.  
(B) Outlays, \$577,925,000,000.  
Fiscal year 2012:  
(A) New budget authority,  
\$565,800,000,000.  
(B) Outlays, \$561,666,000,000.  
Fiscal year 2013:  
(A) New budget authority,  
\$576,223,000,000.  
(B) Outlays, \$570,503,000,000.  
(2) International Affairs (150):  
Fiscal year 2008:  
(A) New budget authority,  
\$38,608,000,000.  
(B) Outlays, \$33,771,000,000.  
Fiscal year 2009:  
(A) New budget authority,  
\$38,609,416,000.  
(B) Outlays, \$39,449,416,000.

1 Fiscal year 2010:

2 (A) New budget authority,  
3 \$35,663,000,000.

4 (B) Outlays, \$37,040,000,000.

5 Fiscal year 2011:

6 (A) New budget authority,  
7 \$36,322,000,000.

8 (B) Outlays, \$35,932,000,000.

9 Fiscal year 2012:

10 (A) New budget authority,  
11 \$36,866,000,000.

12 (B) Outlays, \$35,705,000,000.

13 Fiscal year 2013:

14 (A) New budget authority,  
15 \$37,024,000,000.

16 (B) Outlays, \$35,243,000,000.

17 (3) General Science, Space, and Technology

18 (250):

19 Fiscal year 2008:

20 (A) New budget authority,  
21 \$27,407,000,000.

22 (B) Outlays, \$26,456,000,000.

23 Fiscal year 2009:

24 (A) New budget authority,  
25 \$30,536,000,000.

1 (B) Outlays, \$28,987,000,000.

2 Fiscal year 2010:

3 (A) New budget authority,  
4 \$30,369,000,000.

5 (B) Outlays, \$30,490,000,000.

6 Fiscal year 2011:

7 (A) New budget authority,  
8 \$30,848,000,000.

9 (B) Outlays, \$31,167,000,000.

10 Fiscal year 2012:

11 (A) New budget authority,  
12 \$31,332,000,000.

13 (B) Outlays, \$31,650,000,000.

14 Fiscal year 2013:

15 (A) New budget authority,  
16 \$31,816,000,000.

17 (B) Outlays, \$31,635,000,000.

18 (4) Energy (270):

19 Fiscal year 2008:

20 (A) New budget authority,  
21 \$3,548,000,000.

22 (B) Outlays, \$1,681,000,000.

23 Fiscal year 2009:

24 (A) New budget authority,  
25 \$7,026,000,000.

1 (B) Outlays, \$2,843,000,000.

2 Fiscal year 2010:

3 (A) New budget authority,  
4 \$6,935,000,000.

5 (B) Outlays, \$4,533,000,000.

6 Fiscal year 2011:

7 (A) New budget authority,  
8 \$6,916,000,000.

9 (B) Outlays, \$5,481,000,000.

10 Fiscal year 2012:

11 (A) New budget authority,  
12 \$6,895,000,000.

13 (B) Outlays, \$5,981,000,000.

14 Fiscal year 2013:

15 (A) New budget authority,  
16 \$6,858,000,000.

17 (B) Outlays, \$6,159,000,000.

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

19 Fiscal year 2008:

20 (A) New budget authority,  
21 \$32,560,000,000.

22 (B) Outlays, \$34,440,000,000.

23 Fiscal year 2009:

24 (A) New budget authority,  
25 \$39,835,000,000.

1 (B) Outlays, \$36,309,500,000.

2 Fiscal year 2010:

3 (A) New budget authority,  
4 \$34,730,000,000.

5 (B) Outlays, \$37,039,000,000.

6 Fiscal year 2011:

7 (A) New budget authority,  
8 \$35,424,000,000.

9 (B) Outlays, \$37,217,875,000.

10 Fiscal year 2012:

11 (A) New budget authority,  
12 \$36,111,000,000.

13 (B) Outlays, \$37,394,875,000.

14 Fiscal year 2013:

15 (A) New budget authority,  
16 \$36,812,000,000.

17 (B) Outlays, \$37,756,875,000.

18 (6) Agriculture (350):

19 Fiscal year 2008:

20 (A) New budget authority,  
21 \$22,423,000,000.

22 (B) Outlays, \$21,495,000,000.

23 Fiscal year 2009:

24 (A) New budget authority,  
25 \$21,377,000,000.

1 (B) Outlays, \$21,127,000,000.

2 Fiscal year 2010:

3 (A) New budget authority,  
4 \$21,532,000,000.

5 (B) Outlays, \$20,501,000,000.

6 Fiscal year 2011:

7 (A) New budget authority,  
8 \$21,665,000,000.

9 (B) Outlays, \$20,659,000,000.

10 Fiscal year 2012:

11 (A) New budget authority,  
12 \$21,994,000,000.

13 (B) Outlays, \$21,176,000,000.

14 Fiscal year 2013:

15 (A) New budget authority,  
16 \$22,307,000,000.

17 (B) Outlays, \$21,513,000,000.

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

19 Fiscal year 2008:

20 (A) New budget authority,  
21 \$11,516,000,000.

22 (B) Outlays, \$5,441,000,000.

23 Fiscal year 2009:

24 (A) New budget authority,  
25 \$9,350,000,000.

1 (B) Outlays, \$3,764,000,000.

2 Fiscal year 2010:

3 (A) New budget authority,  
4 \$11,133,000,000.

5 (B) Outlays, \$3,562,000,000.

6 Fiscal year 2011:

7 (A) New budget authority,  
8 \$7,713,000,000.

9 (B) Outlays, \$824,000,000.

10 Fiscal year 2012:

11 (A) New budget authority,  
12 \$8,028,000,000.

13 (B) Outlays, \$492,000,000.

14 Fiscal year 2013:

15 (A) New budget authority,  
16 \$8,254,000,000.

17 (B) Outlays, \$195,000,000.

18 (8) Transportation (400):

19 Fiscal year 2008:

20 (A) New budget authority,  
21 \$87,289,000,000.

22 (B) Outlays, \$81,370,000,000.

23 Fiscal year 2009:

24 (A) New budget authority,  
25 \$75,131,000,000.



1 (B) Outlays, \$83,311,000,000.

2 Fiscal year 2010:

3 (A) New budget authority,  
4 \$78,075,000,000.

5 (B) Outlays, \$85,504,000,000.

6 Fiscal year 2011:

7 (A) New budget authority,  
8 \$78,913,000,000.

9 (B) Outlays, \$86,779,000,000.

10 Fiscal year 2012:

11 (A) New budget authority,  
12 \$79,763,000,000.

13 (B) Outlays, \$88,515,000,000.

14 Fiscal year 2013:

15 (A) New budget authority,  
16 \$80,640,000,000.

17 (B) Outlays, \$90,534,000,000.

18 (9) Community and Regional Development

19 (450):

20 Fiscal year 2008:

21 (A) New budget authority,  
22 \$20,029,000,000.

23 (B) Outlays, \$27,819,000,000.

24 Fiscal year 2009:

1 (A) New budget authority,  
2 \$15,195,000,000.

3 (B) Outlays, \$24,486,700,000.

4 Fiscal year 2010:

5 (A) New budget authority,  
6 \$15,265,000,000.

7 (B) Outlays, \$22,115,400,000.

8 Fiscal year 2011:

9 (A) New budget authority,  
10 \$15,503,000,000.

11 (B) Outlays, \$18,240,900,000.

12 Fiscal year 2012:

13 (A) New budget authority,  
14 \$15,746,000,000.

15 (B) Outlays, \$16,186,800,000.

16 Fiscal year 2013:

17 (A) New budget authority,  
18 \$15,979,000,000.

19 (B) Outlays, \$15,872,800,000.

20 (10) Education, Training, Employment, and  
21 Social Services (500):

22 Fiscal year 2008:

23 (A) New budget authority,  
24 \$91,381,000,000.

25 (B) Outlays, \$90,912,000,000.

1 Fiscal year 2009:  
2 (A) New budget authority,  
3 \$94,679,670,000.  
4 (B) Outlays, \$91,253,020,000.  
5 Fiscal year 2010:  
6 (A) New budget authority,  
7 \$103,891,000,000.  
8 (B) Outlays, \$98,615,482,000.  
9 Fiscal year 2011:  
10 (A) New budget authority,  
11 \$106,486,000,000.  
12 (B) Outlays, \$103,806,534,000.  
13 Fiscal year 2012:  
14 (A) New budget authority,  
15 \$108,255,000,000.  
16 (B) Outlays, \$104,904,034,000.  
17 Fiscal year 2013:  
18 (A) New budget authority,  
19 \$101,660,000,000.  
20 (B) Outlays, \$103,626,000,000.  
21 (11) Health (550):  
22 Fiscal year 2008:  
23 (A) New budget authority,  
24 \$286,108,000,000.  
25 (B) Outlays, \$287,211,000,000.

1 Fiscal year 2009:  
2 (A) New budget authority,  
3 \$313,109,000,000.  
4 (B) Outlays, \$310,603,000,000.  
5 Fiscal year 2010:  
6 (A) New budget authority,  
7 \$324,863,000,000.  
8 (B) Outlays, \$325,576,000,000.  
9 Fiscal year 2011:  
10 (A) New budget authority,  
11 \$345,558,000,000.  
12 (B) Outlays, \$344,795,000,000.  
13 Fiscal year 2012:  
14 (A) New budget authority,  
15 \$368,273,000,000.  
16 (B) Outlays, \$367,110,000,000.  
17 Fiscal year 2013:  
18 (A) New budget authority,  
19 \$393,283,000,000.  
20 (B) Outlays, \$391,805,000,000.  
21 (12) Medicare (570):  
22 Fiscal year 2008:  
23 (A) New budget authority,  
24 \$390,458,000,000.  
25 (B) Outlays, \$390,454,000,000.

1 Fiscal year 2009:  
2 (A) New budget authority,  
3 \$420,389,000,000.  
4 (B) Outlays, \$420,150,000,000.  
5 Fiscal year 2010:  
6 (A) New budget authority,  
7 \$445,380,000,000.  
8 (B) Outlays, \$445,513,000,000.  
9 Fiscal year 2011:  
10 (A) New budget authority,  
11 \$494,477,000,000.  
12 (B) Outlays, \$494,305,000,000.  
13 Fiscal year 2012:  
14 (A) New budget authority,  
15 \$491,399,000,000.  
16 (B) Outlays, \$491,163,000,000.  
17 Fiscal year 2013:  
18 (A) New budget authority,  
19 \$551,039,000,000.  
20 (B) Outlays, \$551,161,000,000.  
21 (13) Income Security (600):  
22 Fiscal year 2008:  
23 (A) New budget authority,  
24 \$393,591,000,000.  
25 (B) Outlays, \$394,613,000,000.

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Fiscal year 2009:

(A) New budget authority,  
\$414,369,000,000.

(B) Outlays, \$419,023,200,000.

Fiscal year 2010:

(A) New budget authority,  
\$416,322,000,000.

(B) Outlays, \$418,871,200,000.

Fiscal year 2011:

(A) New budget authority,  
\$425,435,000,000.

(B) Outlays, \$426,242,100,000.

Fiscal year 2012:

(A) New budget authority,  
\$411,468,000,000.

(B) Outlays, \$411,597,000,000.

Fiscal year 2013:

(A) New budget authority,  
\$426,718,000,000.

(B) Outlays, \$426,611,400,000.

(14) Social Security (650):

Fiscal year 2008:

(A) New budget authority,  
\$19,378,000,000.

(B) Outlays, \$19,378,000,000.

1 Fiscal year 2009:  
2 (A) New budget authority,  
3 \$21,308,000,000.  
4 (B) Outlays, \$21,308,000,000.  
5 Fiscal year 2010:  
6 (A) New budget authority,  
7 \$23,794,000,000.  
8 (B) Outlays, \$23,794,000,000.  
9 Fiscal year 2011:  
10 (A) New budget authority,  
11 \$27,330,000,000.  
12 (B) Outlays, \$27,330,000,000.  
13 Fiscal year 2012:  
14 (A) New budget authority,  
15 \$30,342,000,000.  
16 (B) Outlays, \$30,342,000,000.  
17 Fiscal year 2013:  
18 (A) New budget authority,  
19 \$33,162,000,000.  
20 (B) Outlays, \$33,162,000,000.  
21 (15) Veterans Benefits and Services (700):  
22 Fiscal year 2008:  
23 (A) New budget authority,  
24 \$86,365,000,000.  
25 (B) Outlays, \$83,551,000,000.

1 Fiscal year 2009:  
2 (A) New budget authority,  
3 \$93,319,584,000.  
4 (B) Outlays, \$92,397,584,000.  
5 Fiscal year 2010:  
6 (A) New budget authority,  
7 \$95,615,000,000.  
8 (B) Outlays, \$95,399,000,000.  
9 Fiscal year 2011:  
10 (A) New budget authority,  
11 \$100,959,000,000.  
12 (B) Outlays, \$100,749,000,000.  
13 Fiscal year 2012:  
14 (A) New budget authority,  
15 \$97,782,000,000.  
16 (B) Outlays, \$97,064,000,000.  
17 Fiscal year 2013:  
18 (A) New budget authority,  
19 \$103,241,000,000.  
20 (B) Outlays, \$102,521,000,000.  
21 (16) Administration of Justice (750):  
22 Fiscal year 2008:  
23 (A) New budget authority,  
24 \$46,282,000,000.  
25 (B) Outlays, \$44,322,000,000.



1 Fiscal year 2009:  
2 (A) New budget authority,  
3 \$49,432,330,000.  
4 (B) Outlays, \$46,896,297,000.  
5 Fiscal year 2010:  
6 (A) New budget authority,  
7 \$48,018,000,000.  
8 (B) Outlays, \$49,714,333,000.  
9 Fiscal year 2011:  
10 (A) New budget authority,  
11 \$48,907,000,000.  
12 (B) Outlays, \$50,113,500,000.  
13 Fiscal year 2012:  
14 (A) New budget authority,  
15 \$49,819,000,000.  
16 (B) Outlays, \$50,089,000,000.  
17 Fiscal year 2013:  
18 (A) New budget authority,  
19 \$50,768,000,000.  
20 (B) Outlays, \$50,706,000,000.  
21 (17) General Government (800):  
22 Fiscal year 2008:  
23 (A) New budget authority,  
24 \$56,407,000,000.  
25 (B) Outlays, \$56,920,000,000.

1 Fiscal year 2009:

2 (A) New budget authority,  
3 \$24,477,000,000.

4 (B) Outlays, \$24,435,000,000.

5 Fiscal year 2010:

6 (A) New budget authority,  
7 \$19,972,000,000.

8 (B) Outlays, \$20,172,000,000.

9 Fiscal year 2011:

10 (A) New budget authority,  
11 \$20,395,000,000.

12 (B) Outlays, \$20,407,000,000.

13 Fiscal year 2012:

14 (A) New budget authority,  
15 \$20,796,000,000.

16 (B) Outlays, \$20,940,000,000.

17 Fiscal year 2013:

18 (A) New budget authority,  
19 \$21,107,000,000.

20 (B) Outlays, \$20,991,000,000.

21 (18) Net Interest (900):

22 Fiscal year 2008:

23 (A) New budget authority,  
24 \$349,462,000,000.

25 (B) Outlays, \$349,462,000,000.

1

Fiscal year 2009:

2

(A) New budget authority,

3

\$335,110,000,000.

4

(B) Outlays, \$335,110,000,000.

5

Fiscal year 2010:

6

(A) New budget authority,

7

\$372,253,000,000.

8

(B) Outlays, \$372,253,000,000.

9

Fiscal year 2011:

10

(A) New budget authority,

11

\$409,810,000,000.

12

(B) Outlays, \$409,810,000,000.

13

Fiscal year 2012:

14

(A) New budget authority,

15

\$435,762,000,000.

16

(B) Outlays, \$435,762,000,000.

17

Fiscal year 2013:

18

(A) New budget authority,

19

\$451,980,000,000.

20

(B) Outlays, \$451,980,000,000.

21

(19) Allowances (920):

22

Fiscal year 2008:

23

(A) New budget authority,

24

\$9,500,000,000.

25

(B) Outlays, \$9,500,000,000.

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Fiscal year 2009:

(A) New budget authority,

– \$14,941,000,000.

(B) Outlays, – \$4,099,300,000.

Fiscal year 2010:

(A) New budget authority,

– \$8,179,000,000.

(B) Outlays, – \$10,713,000,000.

Fiscal year 2011:

(A) New budget authority,

– \$8,466,000,000.

(B) Outlays, – \$9,360,775,000.

Fiscal year 2012:

(A) New budget authority,

– \$8,916,000,000.

(B) Outlays, – \$9,295,675,000.

Fiscal year 2013:

(A) New budget authority,

– \$9,110,000,000.

(B) Outlays, – \$10,206,075,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2008:

(A) New budget authority,

– \$86,330,000,000.

(B) Outlays, – \$86,330,000,000.

1

Fiscal year 2009:

2

(A) New budget authority,

3

–\$67,060,000,000.

4

(B) Outlays, –\$67,060,000,000.

5

Fiscal year 2010:

6

(A) New budget authority,

7

–\$70,645,000,000.

8

(B) Outlays, –\$70,645,000,000.

9

Fiscal year 2011:

10

(A) New budget authority,

11

–\$73,364,000,000.

12

(B) Outlays, –\$73,364,000,000.

13

Fiscal year 2012:

14

(A) New budget authority,

15

–\$76,104,000,000.

16

(B) Outlays, –\$76,104,000,000.

17

Fiscal year 2013:

18

(A) New budget authority,

19

–\$79,691,000,000.

20

(B) Outlays, –\$79,691,000,000.

1       **TITLE II—BUDGET PROCESS**  
2       **Subtitle A—Direct Spending and**  
3               **Receipts**

4       **SEC. 201. SENATE POINT OF ORDER AGAINST LEGISLATION**  
5               **INCREASING LONG-TERM DEFICITS.**

6           (a) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF  
7 PROPOSALS.—The Director of the Congressional Budget  
8 Office shall, to the extent practicable, prepare for each bill  
9 and joint resolution reported from committee (except  
10 measures within the jurisdiction of the Committee on Ap-  
11 propriations), and amendments thereto and conference re-  
12 ports thereon, an estimate of whether the measure would  
13 cause, relative to current law, a net increase in deficits  
14 in excess of \$0 in any of the 4 consecutive 10-year periods  
15 beginning with the first fiscal year that is 10 years after  
16 the budget year provided for in the most recently adopted  
17 concurrent resolution on the budget.

18           (b) POINT OF ORDER.—It shall not be in order in  
19 the Senate to consider any bill, joint resolution, amend-  
20 ment, motion, or conference report that would cause a net  
21 increase in deficits in excess of \$0 in any of the 4 consecu-  
22 tive 10-year periods described in subsection (a).

23           (c) SUPERMAJORITY WAIVER AND APPEAL IN THE  
24 SENATE.—

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

4 (2) APPEAL.—An affirmative vote of three-  
 5 fifths of the Members, duly chosen and sworn, shall  
 6 be required to sustain an appeal of the ruling of the  
 7 Chair on a point of order raised under this section.

8 (d) DETERMINATIONS OF BUDGET LEVELS.—For  
 9 purposes of this section, the levels of net deficit increases  
 10 shall be determined on the basis of estimates provided by  
 11 the Senate Committee on the Budget.

12 (e) SUNSET.—This section shall expire on September  
 13 30, 2017.

14 (f) REPEAL.—In the Senate, subsections (a) through  
 15 (d) and subsection (f) of section 203 of S. Con. Res. 21  
 16 (110th Congress) shall no longer apply.

17 **SEC. 202. POINT OF ORDER—20 PERCENT LIMIT ON NEW DI-**  
 18 **RECT SPENDING IN RECONCILIATION LEGIS-**  
 19 **LATION.**

20 (a)(1) In the Senate, it shall not be in order to con-  
 21 sider any reconciliation bill, joint resolution, motion,  
 22 amendment, or any conference report on, or an amend-  
 23 ment between the Houses in relation to, a reconciliation  
 24 bill pursuant to section 310 of the Congressional Budget  
 25 Act of 1974, that produces an increase in outlays, if—

1           (2) the effect of all the provisions in the juris-  
2           diction of any committee is to create gross new di-  
3           rect spending that exceeds 20 percent of the total  
4           savings instruction to the committee; or

5           (3) the effect of the adoption of an amendment  
6           would result in gross new direct spending that ex-  
7           ceeds 20 percent of the total savings instruction to  
8           the committee.

9           (b) A point of order under paragraph (1) may be  
10          raised by a Senator as provided in section 313(e) of the  
11          Congressional Budget Act of 1974.

12           (1) Paragraph (1) may be waived or suspended  
13          only by an affirmative vote of three-fifths of the  
14          Members, duly chosen and sworn. An affirmative  
15          vote of three-fifths of the Members of the Senate,  
16          duly chosen and sworn, shall be required to sustain  
17          an appeal of the ruling of the Chair on a point of  
18          order raised under paragraph (1).

19           (2) If a point of order is sustained under para-  
20          graph (1) against a conference report in the Senate,  
21          the report shall be disposed of as provided in section  
22          313(d) of the Congressional Budget Act of 1974.



## 1                   **Subtitle B—Discretionary** 2                   **Spending**

### 3   **SEC. 211. DISCRETIONARY SPENDING LIMITS, PROGRAM IN-** 4                   **TEGRITY INITIATIVES, AND OTHER ADJUST-** 5                   **MENTS.**

6           (a) SENATE POINT OF ORDER.—

7               (1) IN GENERAL.—Except as otherwise pro-  
8           vided in this section, it shall not be in order in the  
9           Senate to consider any bill or joint resolution (or  
10          amendment, motion, or conference report on that bill  
11          or joint resolution) that would cause the discre-  
12          tionary spending limits in this section to be exceed-  
13          ed.

14          (2) SUPERMAJORITY WAIVER AND APPEALS.—

15               (A) WAIVER.—This subsection may be  
16          waived or suspended in the Senate only by the  
17          affirmative vote of three-fifths of the Members,  
18          duly chosen and sworn.

19               (B) APPEALS.—Appeals in the Senate  
20          from the decisions of the Chair relating to any  
21          provision of this subsection shall be limited to  
22          1 hour, to be equally divided between, and con-  
23          trolled by, the appellant and the manager of the  
24          bill or joint resolution. An affirmative vote of  
25          three-fifths of the Members of the Senate, duly

1 chosen and sworn, shall be required to sustain  
2 an appeal of the ruling of the Chair on a point  
3 of order raised under this subsection.

4 (b) SENATE DISCRETIONARY SPENDING LIMITS.—In  
5 the Senate and as used in this section, the term “discre-  
6 tionary spending limit” means—

7 (1) for fiscal year 2008, \$1,055,478,000,000 in  
8 new budget authority and \$1,093,343,000,000 in  
9 outlays; and

10 (2) for fiscal year 2009, \$1,008,482,000,000 in  
11 new budget authority and \$1,108,449,000,000 in  
12 outlays;

13 as adjusted in conformance with the adjustment proce-  
14 dures in subsection (c).

15 (c) ADJUSTMENTS IN THE SENATE.—

16 (1) IN GENERAL.—After the reporting of a bill  
17 or joint resolution relating to any matter described  
18 in paragraph (2), or the offering of an amendment  
19 thereto or the submission of a conference report  
20 thereon—

21 (A) the Chairman of the Senate Committee  
22 on the Budget may adjust the discretionary  
23 spending limits, budgetary aggregates, and allo-  
24 cations pursuant to section 302(a) of the Con-  
25 gressional Budget Act of 1974, by the amount

1 of new budget authority in that measure for  
2 that purpose and the outlays flowing therefrom;  
3 and

4 (B) following any adjustment under sub-  
5 paragraph (A), the Senate Committee on Ap-  
6 propriations may report appropriately revised  
7 suballocations pursuant to section 302(b) of the  
8 Congressional Budget Act of 1974 to carry out  
9 this subsection.

10 (2) MATTERS DESCRIBED.—Matters referred to  
11 in paragraph (1) are as follows:

12 (A) CONTINUING DISABILITY REVIEWS  
13 AND SSI REDETERMINATIONS.—If a bill or joint  
14 resolution is reported making appropriations for  
15 fiscal year 2009 that appropriates  
16 \$264,000,000 for continuing disability reviews  
17 and Supplemental Security Income redeter-  
18 minations for the Social Security Administra-  
19 tion, and provides an additional appropriation  
20 of up to \$240,000,000 for continuing disability  
21 reviews and Supplemental Security Income re-  
22 determinations for the Social Security Adminis-  
23 tration, then the discretionary spending limits,  
24 allocation to the Senate Committee on Appro-  
25 priations, and aggregates may be adjusted by

1 the amounts provided in such legislation for  
2 that purpose, but not to exceed \$240,000,000  
3 in budget authority and outlays flowing there-  
4 from for fiscal year 2009.

5 (B) INTERNAL REVENUE SERVICE TAX EN-  
6 FORCEMENT.—If a bill or joint resolution is re-  
7 ported making appropriations for fiscal year  
8 2009 that appropriates \$6,997,000,000 for the  
9 Internal Revenue Service for enhanced tax en-  
10 forcement to address the Federal tax gap (taxes  
11 owed but not paid) and provides an additional  
12 appropriation of up to \$490,000,000 for the In-  
13 ternal Revenue Service for enhanced tax en-  
14 forcement to address the Federal tax gap, then  
15 the discretionary spending limits, allocation to  
16 the Senate Committee on Appropriations, and  
17 aggregates may be adjusted by the amounts  
18 provided in such legislation for that purpose,  
19 but not to exceed \$490,000,000 in budget au-  
20 thority and outlays flowing therefrom for fiscal  
21 year 2009.

22 (C) HEALTH CARE FRAUD AND ABUSE  
23 CONTROL.—If a bill or joint resolution is re-  
24 ported making appropriations for fiscal year  
25 2009 that appropriates up to \$198,000,000 to

1 the Health Care Fraud and Abuse Control pro-  
2 gram at the Department of Health and Human  
3 Services, then the discretionary spending limits,  
4 allocation to the Senate Committee on Appro-  
5 priations, and aggregates may be adjusted by  
6 the amounts provided in such legislation for  
7 that purpose, but not to exceed \$198,000,000  
8 in budget authority and outlays flowing there-  
9 from for fiscal year 2009.

10 (D) UNEMPLOYMENT INSURANCE IM-  
11 PROPER PAYMENT REVIEWS.—If a bill or joint  
12 resolution is reported making appropriations for  
13 fiscal year 2009 that appropriates \$10,000,000  
14 for in-person reemployment and eligibility as-  
15 sessments and unemployment insurance im-  
16 proper payment reviews, and provides an addi-  
17 tional appropriation of up to \$40,000,000 for  
18 in-person reemployment and eligibility assess-  
19 ments and unemployment insurance improper  
20 payment reviews, then the discretionary spend-  
21 ing limits, allocation to the Senate Committee  
22 on Appropriations, and aggregates may be ad-  
23 justed by the amounts provided in such legisla-  
24 tion for that purpose, but not to exceed

1           \$40,000,000 in budget authority and outlays  
2           flowing therefrom for fiscal year 2009.

3           (E) COMPARATIVE EFFECTIVENESS RE-  
4           SEARCH AT THE AGENCY FOR HEALTHCARE RE-  
5           SEARCH AND QUALITY.—If a bill or joint reso-  
6           lution is reported making appropriations for fis-  
7           cal year 2009 that appropriates \$30,000,000  
8           for comparative effectiveness research as au-  
9           thorized under section 1013 of the Medicare  
10          Prescription Drug, Improvement and Mod-  
11          ernization Act of 2003, and provides an addi-  
12          tional appropriation of up to \$70,000,000 for  
13          that purpose, then the discretionary spending  
14          limits, allocation to the Senate Committee on  
15          Appropriations, and aggregates may be ad-  
16          justed by the amounts provided in such legisla-  
17          tion for that purpose, but not to exceed  
18          \$70,000,000 in budget authority for fiscal year  
19          2009 and the outlays flowing therefrom.

20          (F) REDUCING WASTE IN DEFENSE CON-  
21          TRACTING.—If a bill or joint resolution is re-  
22          ported making appropriations for fiscal year  
23          2009 that appropriates up to \$100,000,000 to  
24          the Department of Defense for additional activi-  
25          ties to reduce waste, fraud, abuse, and overpay-

1           ments in defense contracting; achieve the legal  
2           requirement to submit auditable financial state-  
3           ments; or reduce waste by improving accounting  
4           for and ordering of spare parts; subject con-  
5           tracts performed outside the United States to  
6           the same ethics, control, and reporting require-  
7           ments as those performed domestically, then the  
8           discretionary spending limits, allocation to the  
9           Committee on Appropriations of the Senate,  
10          and aggregates may be adjusted by the  
11          amounts provided in such legislation for that  
12          purpose, but not to exceed \$100,000,000 in  
13          budget authority and outlays flowing therefrom  
14          for fiscal year 2009.

15           (3) ADJUSTMENTS FOR COSTS OF THE WARS IN  
16          IRAQ AND AFGHANISTAN.—The Chairman of the  
17          Senate Committee on the Budget may adjust the  
18          discretionary spending limits, allocations to the Sen-  
19          ate Committee on Appropriations, and aggregates  
20          for one or more—

21                   (A) bills reported by the Senate Committee  
22                   on Appropriations or passed by the House of  
23                   Representatives;

1 (B) joint resolutions or amendments re-  
2 ported by the Senate Committee on Appropria-  
3 tions;

4 (C) amendments between the Houses re-  
5 ceived from the House of Representatives or  
6 Senate amendments offered by the authority of  
7 the Senate Committee on Appropriations; or

8 (D) conference reports;

9 making appropriations for fiscal year 2008 or 2009  
10 for the wars in Iraq and Afghanistan, by the  
11 amounts provided in such legislation for those pur-  
12 poses (and so designated pursuant to this para-  
13 graph), up to \$108,056,000,000 in budget authority  
14 for fiscal year 2008 and the new outlays flowing  
15 therefrom, and up to \$70,000,000,000 in budget au-  
16 thority for fiscal year 2009 and the new outlays  
17 flowing therefrom.

18 (d) OVERSIGHT OF GOVERNMENT PERFORMANCE.—  
19 In the Senate, all committees are directed to review pro-  
20 grams within their jurisdictions to root out waste, fraud,  
21 and abuse in program spending, giving particular scrutiny  
22 to issues raised by Government Accountability Office re-  
23 ports. Based on these oversight efforts and committee per-  
24 formance reviews of programs within their jurisdictions,  
25 committees are directed to include recommendations for



1 improved governmental performance in their annual views  
2 and estimates reports required under section 301(d) of the  
3 Congressional Budget Act of 1974 to the Committees on  
4 the Budget.

5 (e) SUPPLEMENTAL APPROPRIATIONS FOR FISCAL  
6 YEAR 2008.—If legislation making supplemental appro-  
7 priations for fiscal year 2008 is enacted, the Chairman  
8 of the Senate Committee on the Budget shall make the  
9 appropriate adjustments in allocations, aggregates, discre-  
10 tionary spending limits, and other levels of new budget  
11 authority and outlays to reflect the difference between  
12 such measure and the corresponding levels assumed in this  
13 resolution.

14 (f) INAPPLICABILITY.—In the Senate, subsections  
15 (a), (b), (c), (e), and (f) of section 207 of S. Con. Res.  
16 21 (110th Congress) shall no longer apply.

17 **SEC. 212. POINT OF ORDER AGAINST ADVANCE APPROPRIA-**  
18 **TIONS.**

19 (a) IN GENERAL.—

20 (1) POINT OF ORDER.—Except as provided in  
21 subsection (b), it shall not be in order in the Senate  
22 to consider any bill, joint resolution, motion, amend-  
23 ment, or conference report that would provide an ad-  
24 vance appropriation.

1           (2) DEFINITION.—In this section, the term  
2           “advance appropriation” means any new budget au-  
3           thority provided in a bill or joint resolution making  
4           appropriations for fiscal year 2009 that first be-  
5           comes available for any fiscal year after 2009, or  
6           any new budget authority provided in a bill or joint  
7           resolution making general appropriations or con-  
8           tinuing appropriations for fiscal year 2010, that first  
9           becomes available for any fiscal year after 2010.

10          (b) EXCEPTIONS.—Advance appropriations may be  
11 provided—

12           (1) for fiscal years 2010 and 2011 for pro-  
13           grams, projects, activities, or accounts identified in  
14           the joint explanatory statement of managers accom-  
15           panying this resolution under the heading “Accounts  
16           Identified for Advance Appropriations” in an aggre-  
17           gate amount not to exceed \$29,352,000,000 in new  
18           budget authority in each year; and

19           (2) for the Corporation for Public Broad-  
20           casting.

21          (c) SUPERMAJORITY WAIVER AND APPEAL.—

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

1           (2) APPEAL.—An affirmative vote of three-  
2           fifths of the Members of the Senate, duly chosen and  
3           sworn, shall be required to sustain an appeal of the  
4           ruling of the Chair on a point of order raised under  
5           subsection (a).

6           (d) FORM OF POINT OF ORDER.—A point of order  
7           under subsection (a) may be raised by a Senator as pro-  
8           vided in section 313(e) of the Congressional Budget Act  
9           of 1974.

10          (e) CONFERENCE REPORTS.—When the Senate is  
11          considering a conference report on, or an amendment be-  
12          tween the Houses in relation to, a bill, upon a point of  
13          order being made by any Senator pursuant to this section,  
14          and such point of order being sustained, such material  
15          contained in such conference report shall be deemed  
16          stricken, and the Senate shall proceed to consider the  
17          question of whether the Senate shall recede from its  
18          amendment and concur with a further amendment, or con-  
19          cur in the House amendment with a further amendment,  
20          as the case may be, which further amendment shall consist  
21          of only that portion of the conference report or House  
22          amendment, as the case may be, not so stricken. Any such  
23          motion in the Senate shall be debatable. In any case in  
24          which such point of order is sustained against a conference  
25          report (or Senate amendment derived from such con-

1 ference report by operation of this subsection), no further  
 2 amendment shall be in order.

3 (f) INAPPLICABILITY.—In the Senate, section 206(a)  
 4 of S. Con. Res. 21 (110th Congress) shall no longer apply.

5 **SEC. 213. SENATE POINT OF ORDER AGAINST PROVISIONS**  
 6 **OF APPROPRIATIONS LEGISLATION THAT**  
 7 **CONSTITUTE CHANGES IN MANDATORY PRO-**  
 8 **GRAMS WITH NET COSTS.**

9 (a) IN GENERAL.—In the Senate, it shall not be in  
 10 order to consider any appropriations legislation, including  
 11 any amendment thereto, motion in relation thereto, or  
 12 conference report thereon, that includes any provision  
 13 which constitutes a change in a mandatory program pro-  
 14 ducing net costs, as defined in subsection (b), that would  
 15 have been estimated as affecting direct spending or re-  
 16 ceipts under section 252 of the Balanced Budget and  
 17 Emergency Deficit Control Act of 1985 (as in effect prior  
 18 to September 30, 2002) were they included in legislation  
 19 other than appropriations legislation. A point of order pur-  
 20 suant to this section shall be raised against such provision  
 21 or provisions as described in subsections (e) and (f).

22 (b) CHANGES IN MANDATORY PROGRAMS PRO-  
 23 DUCING NET COSTS.—A provision or provisions shall be  
 24 subject to a point of order pursuant to this section if—

1           (1) the provision would increase budget author-  
2           ity in at least 1 of the 9 fiscal years that follow the  
3           budget year and over the period of the total of the  
4           budget year and the 9 fiscal years following the  
5           budget year;

6           (2) the provision would increase net outlays  
7           over the period of the total of the 9 fiscal years fol-  
8           lowing the budget year; and

9           (3) the sum total of all changes in mandatory  
10          programs in the legislation would increase net out-  
11          lays as measured over the period of the total of the  
12          9 fiscal years following the budget year.

13          (c) DETERMINATION.—The determination of whether  
14          a provision is subject to a point of order pursuant to this  
15          section shall be made by the Committee on the Budget  
16          of the Senate.

17          (d) SUPERMAJORITY WAIVER AND APPEAL.—This  
18          section may be waived or suspended in the Senate only  
19          by an affirmative vote of three-fifths of the Members, duly  
20          chosen and sworn. An affirmative vote of three-fifths of  
21          the Members of the Senate, duly chosen and sworn, shall  
22          be required to sustain an appeal of the ruling of the Chair  
23          on a point of order raised under this section.

24          (e) GENERAL POINT OF ORDER.—It shall be in order  
25          for a Senator to raise a single point of order that several

1 provisions of a bill, resolution, amendment, motion, or con-  
2 ference report violate this section. The Presiding Officer  
3 may sustain the point of order as to some or all of the  
4 provisions against which the Senator raised the point of  
5 order. If the Presiding Officer so sustains the point of  
6 order as to some of the provisions (including provisions  
7 of an amendment, motion, or conference report) against  
8 which the Senator raised the point of order, then only  
9 those provisions (including provision of an amendment,  
10 motion, or conference report) against which the Presiding  
11 Officer sustains the point of order shall be deemed strick-  
12 en pursuant to this section. Before the Presiding Officer  
13 rules on such a point of order, any Senator may move to  
14 waive such a point of order as it applies to some or all  
15 of the provisions against which the point of order was  
16 raised. Such a motion to waive is amendable in accordance  
17 with rules and precedents of the Senate. After the Pre-  
18 siding Officer rules on such a point of order, any Senator  
19 may appeal the ruling of the Presiding Officer on such  
20 a point of order as it applies to some or all of the provi-  
21 sions on which the Presiding Officer ruled.

22 (f) FORM OF THE POINT OF ORDER.—When the Sen-  
23 ate is considering a conference report on, or an amend-  
24 ment between the Houses in relation to, a bill, upon a  
25 point of order being made by any Senator pursuant to this

1 section, and such point of order being sustained, such ma-  
2 terial contained in such conference report or amendment  
3 shall be deemed stricken, and the Senate shall proceed to  
4 consider the question of whether the Senate shall recede  
5 from its amendment and concur with a further amend-  
6 ment, or concur in the House amendment with a further  
7 amendment, as the case may be, which further amendment  
8 shall consist of only that portion of the conference report  
9 or House amendment, as the case may be, not so stricken.  
10 Any such motion shall be debatable. In any case in which  
11 such point of order is sustained against a conference re-  
12 port (or Senate amendment derived from such conference  
13 report by operation of this subsection), no further amend-  
14 ment shall be in order.

15 (g) EFFECTIVENESS.—This section shall not apply to  
16 any provision constituting a change in a mandatory pro-  
17 gram in appropriations legislation if such provision has  
18 been enacted in each of the 3 fiscal years prior to the  
19 budget year.

20 **SEC. 214. DISCRETIONARY ADMINISTRATIVE EXPENSES OF**  
21 **THE POSTAL SERVICE.**

22 In the Senate, notwithstanding section 302(a)(1) of  
23 the Congressional Budget Act of 1974 and section 2009a  
24 of title 39, United States Code, the joint explanatory  
25 statement accompanying the conference report on any con-

1 current resolution on the budget shall include in its alloca-  
 2 tions under section 302(a) of the Congressional Budget  
 3 Act of 1974 to the Committee on Appropriations amounts  
 4 for the discretionary administrative expenses of the Postal  
 5 Service.

## 6 **Subtitle C—Other Provisions**

### 7 **SEC. 221. APPLICATION AND EFFECT OF CHANGES IN ALLO-** 8 **CATIONS AND AGGREGATES.**

9 (a) APPLICATION.—Any adjustments of allocations  
 10 and aggregates made pursuant to this resolution shall—

11 (1) apply while that measure is under consider-  
 12 ation;

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

15 (3) be published in the Congressional Record as  
 16 soon as practicable.

17 (b) EFFECT OF CHANGED ALLOCATIONS AND AG-  
 18 GREGATES.—Revised allocations and aggregates resulting  
 19 from these adjustments shall be considered for the pur-  
 20 poses of the Congressional Budget Act of 1974 as alloca-  
 21 tions and aggregates contained in this resolution.

22 (c) BUDGET COMMITTEE DETERMINATIONS.—For  
 23 purposes of this resolution the levels of new budget au-  
 24 thority, outlays, direct spending, new entitlement author-  
 25 ity, revenues, deficits, and surpluses for a fiscal year or



1 period of fiscal years shall be determined on the basis of  
 2 estimates made by the Senate Committee on the Budget.

3 **SEC. 222. ADJUSTMENTS TO REFLECT CHANGES IN CON-**  
 4 **CEPTS AND DEFINITIONS.**

5 Upon the enactment of a bill or joint resolution pro-  
 6 viding for a change in concepts or definitions, the Chair-  
 7 man of the Senate Committee on the Budget may make  
 8 adjustments to the levels and allocations in this resolution  
 9 in accordance with section 251(b) of the Balanced Budget  
 10 and Emergency Deficit Control Act of 1985 (as in effect  
 11 prior to September 30, 2002).

12 **SEC. 223. DEBT DISCLOSURE REQUIREMENT.**

13 (a) IN GENERAL.—It shall not be in order to consider  
 14 a budget resolution in the Senate unless it contains a debt  
 15 disclosure section including all, and only, the following dis-  
 16 closures regarding debt:

17 **“SEC. \_\_\_\_ . DEBT DISCLOSURES.**

18 “(a) IN GENERAL.—The levels assumed in this budg-  
 19 et resolution allow the gross Federal debt of the nation  
 20 to rise/fall by \$\_\_\_\_\_ from the current year, fiscal  
 21 year 20\_\_\_\_, to the fifth year of the budget window, fiscal  
 22 year 20\_\_\_\_\_.

23 “(b) PER PERSON.—The levels assumed in this  
 24 budget resolution allow the gross Federal debt of the na-  
 25 tion to rise/fall by \$\_\_\_\_\_ on every United States cit-

1 ized from the current year, fiscal year 20\_\_\_\_ to the fifth  
2 year of the budget window, fiscal year 20\_\_\_\_.

3 “(c) SOCIAL SECURITY.—The levels assumed in this  
4 budget resolution project that \$\_\_\_\_\_ of the Social Se-  
5 curity surplus will be spent over the 5-year budget window,  
6 fiscal years 20\_\_\_\_–20\_\_\_\_, on things other than Social  
7 Security which represents \_\_\_\_ percent of the projected  
8 Social Security surplus over this period.”.

9 (b) SOCIAL SECURITY.—If any portion of the Social  
10 Security surplus is projected to be spent and/or the gross  
11 Federal debt in the fifth year of the budget window is  
12 greater than the debt projected in the current year, as de-  
13 scribed in the debt disclosure section described in sub-  
14 section (a) of this section, the report, print, or statement  
15 of managers accompanying the budget resolution shall  
16 contain a section that—

17 (1) details the circumstances making it in the  
18 national interest to allow Federal debt to increase  
19 rather than taking steps to reduce the debt; and

20 (2) provides a justification for allowing the sur-  
21 pluses in the Social Security Trust Fund to be spent  
22 on other functions of Government even as the baby  
23 boom generation retires, program costs are projected  
24 to rise dramatically, the debt owed to Social Security

1 is about to come due, and the Trust Fund is pro-  
2 jected to go insolvent.

3 (c) DEFINITIONS.—The term “gross Federal debt”  
4 described above represents nominal increases in gross  
5 Federal debt measured at the end of each fiscal year dur-  
6 ing the period of the budget, not debt as a percentage of  
7 gross domestic product, and not levels relative to baseline  
8 projections.

9 **SEC. 224. DEBT DISCLOSURES.**

10 (a) IN GENERAL.—The levels assumed in this budget  
11 resolution allow the gross Federal debt of the nation to  
12 rise by \$2,000,000,000,000 from the current year, fiscal  
13 year 2008, to the fifth year of the budget window, fiscal  
14 year 2013.

15 (b) PER PERSON.—The levels assumed in this budget  
16 resolution allow the gross Federal debt of the nation to  
17 rise by \$6,440 on every United States citizen from the  
18 current year, fiscal year 2008, to the fifth year of the  
19 budget window, fiscal year 2013.

20 (c) SOCIAL SECURITY.—The levels assumed in this  
21 budget resolution project \$800,000,000,000 of the Social  
22 Security surplus will be spent over the 5-year budget win-  
23 dow, fiscal years 2009–2013, on things other than Social  
24 Security, which represents 70 percent of the projected So-  
25 cial Security surplus over this period.

1 **SEC. 225. EXERCISE OF RULEMAKING POWERS.**

2 Congress adopts the provisions of this title—

3 (1) as an exercise of the rulemaking power of  
4 the Senate, and as such they shall be considered as  
5 part of the rules of the Senate and such rules shall  
6 supersede other rules only to the extent that they  
7 are inconsistent with such other rules; and

8 (2) with full recognition of the constitutional  
9 right of the Senate to change those rules at any  
10 time, in the same manner, and to the same extent  
11 as is the case of any other rule of the Senate.

12 **SEC. 226. CIRCUIT BREAKER TO PROTECT SOCIAL SECUR-**  
13 **RITY.**

14 (a) CIRCUIT BREAKER.—If in any year the Congres-  
15 sional Budget Office, in its report pursuant to section  
16 202(e)(1) of the Congressional Budget Act of 1974  
17 projects an on-budget deficit (excluding Social Security)  
18 for the budget year or any subsequent fiscal year covered  
19 by those projections, then the concurrent resolution on the  
20 budget for the budget year shall reduce on-budget deficits  
21 relative to the projections of Congressional Budget Office  
22 and put the budget on a path to achieve on-budget balance  
23 within 5 years, and shall include such provisions as are  
24 necessary to protect Social Security and facilitate deficit  
25 reduction, except it shall not contain any reduction in So-  
26 cial Security benefits.

1       (b) POINT OF ORDER.—If in any year the Congres-  
2 sional Budget Office, in its report pursuant to section  
3 202(e)(1) of the Congressional Budget Act of 1974  
4 projects an on-budget deficit for the budget year or any  
5 subsequent fiscal year covered by those projections, it shall  
6 not be in order in the Senate to consider a concurrent  
7 resolution on the budget for the budget year or any con-  
8 ference report thereon that fails to reduce on-budget defi-  
9 cits relative to the projections of Congressional Budget Of-  
10 fice and put the budget on a path to achieve on-budget  
11 balance within 5 years.

12       (c) AMENDMENTS TO BUDGET RESOLUTION.—If in  
13 any year the Congressional Budget Office, in its report  
14 pursuant to section 202(e)(1) of the Congressional Budget  
15 Act of 1974 projects an on-budget deficit for the budget  
16 year or any subsequent fiscal year covered by those projec-  
17 tions, it shall not be in order in the Senate to consider  
18 an amendment to a concurrent resolution on the budget  
19 that would increase on-budget deficits relative to the con-  
20 current resolution on the budget in any fiscal year covered  
21 by that concurrent resolution on the budget or cause the  
22 budget to fail to achieve on-budget balance within 5 years.

23       (d) SUSPENSION OF REQUIREMENT DURING WAR OR  
24 LOW ECONOMIC GROWTH.—

1           (1) LOW GROWTH.—If the most recent of the  
2 Department of Commerce’s advance, preliminary, or  
3 final reports of actual real economic growth indicate  
4 that the rate of real economic growth (as measured  
5 by the real gross domestic product) for each of the  
6 most recently reported quarter and the immediately  
7 preceding quarter is less than zero percent, this sec-  
8 tion is suspended.

9           (2) WAR.—If a declaration of war is in effect,  
10 this section is suspended.

11 (e) SUPERMAJORITY WAIVER AND APPEALS.—

12           (1) WAIVER.—Subsections (b) and (c) may be  
13 waived or suspended in the Senate only by an af-  
14 firmative vote of three-fifths of the Members, duly  
15 chosen and sworn.

16           (2) APPEALS.—Appeals in the Senate from the  
17 decisions of the Chair relating to any provision of  
18 this subsection shall be limited to 1 hour, to be  
19 equally divided between, and controlled by, the ap-  
20 pellant and the manager of the bill or joint resolu-  
21 tion, as the case may be. An affirmative vote of  
22 three-fifths of the Members of the Senate, duly cho-  
23 sen and sworn, shall be required to sustain an ap-  
24 peal of the ruling of the Chair on a point of order  
25 raised under this subsection.

1 (f) BUDGET YEAR.—In this section, the term “budg-  
 2 et year” shall have the same meaning as in section  
 3 250(c)(12) of the Balanced Budget and Emergency Def-  
 4 icit Control Act of 1985.

## 5 **TITLE III—RESERVE FUNDS**

6 **SEC. 301. DEFICIT-NEUTRAL RESERVE FUND TO STRENGTH-**  
 7 **EN AND STIMULATE THE AMERICAN ECON-**  
 8 **OMY AND PROVIDE ECONOMIC RELIEF TO**  
 9 **AMERICAN FAMILIES.**

10 (a) TAX RELIEF.—The Chairman of the Senate Com-  
 11 mittee on the Budget may revise the aggregates, alloca-  
 12 tions, and other appropriate levels in this resolution for  
 13 one or more bills, joint resolutions, amendments, motions,  
 14 or conference reports that would provide tax relief, includ-  
 15 ing extensions of expiring tax relief, reinstatement of ex-  
 16 pired tax relief, such as enhanced charitable giving from  
 17 individual retirement accounts, including life-income gifts,  
 18 and refundable tax relief and incentivizing utilization of  
 19 accumulated alternative minimum tax and research and  
 20 development credits, by the amounts provided in that leg-  
 21 islation for those purposes, provided that such legislation  
 22 would not increase the deficit over either the period of the  
 23 total of fiscal years 2008 through 2013 or the period of  
 24 the total of fiscal years 2008 through 2018.

1           (b) MANUFACTURING.—The Chairman of the Senate  
2 Committee on the Budget may revise the allocations, ag-  
3 gregates, and other appropriate levels in this resolution  
4 for one or more bills, joint resolutions, amendments, mo-  
5 tions, or conference reports, including tax legislation, that  
6 would revitalize the United States domestic manufacturing  
7 sector by increasing Federal research and development, by  
8 expanding the scope and effectiveness of manufacturing  
9 programs across the Federal government, by increasing ef-  
10 forts to train and retrain manufacturing workers, by in-  
11 creasing support for development of alternative fuels and  
12 leap-ahead automotive and energy technologies, or by es-  
13 tablishing tax incentives to encourage the continued pro-  
14 duction in the United States of advanced technologies and  
15 the infrastructure to support such technologies, by the  
16 amounts provided in that legislation for those purposes,  
17 provided that such legislation would not increase the def-  
18 icit over either the period of the total of fiscal years 2008  
19 through 2013 or the period of the total of fiscal years  
20 2008 through 2018.

21           (c) HOUSING.—The Chairman of the Senate Com-  
22 mittee on the Budget may revise the allocations of a com-  
23 mittee or committees, aggregates, and other levels in this  
24 resolution for one or more bills, joint resolutions, amend-  
25 ments, motions, or conference reports that would provide



1 housing assistance, which may include low income rental  
2 assistance, or establish an affordable housing fund fi-  
3 nanced by the housing government sponsored enterprises  
4 or other sources, by the amounts provided in such legisla-  
5 tion for those purposes, provided that such legislation  
6 would not increase the deficit over either the period of the  
7 total of fiscal years 2008 through 2013 or the period of  
8 the total of fiscal years 2008 through 2018.

9 (d) FLOOD INSURANCE REFORM.—The Chairman of  
10 the Senate Committee on the Budget may revise the allo-  
11 cations of a committee or committees, aggregates, and  
12 other levels in this resolution for one or more bills, joint  
13 resolutions, amendments, motions, or conference reports  
14 that would provide for flood insurance reform and mod-  
15 ernization, by the amounts provided in such legislation for  
16 those purposes, provided that such legislation would not  
17 increase the deficit over either the period of the total of  
18 fiscal years 2008 through 2013 or the period of the total  
19 of fiscal years 2008 through 2018.

20 (e) TRADE.—The Chairman of the Senate Committee  
21 on the Budget may revise the allocations, aggregates, and  
22 other levels in this resolution for one or more bills, joint  
23 resolutions, amendments, motions, or conference reports  
24 relating to trade agreements, preferences, sanctions, en-  
25 forcement, or customs, by the amounts provided in such

1 legislation for those purposes, provided that such legisla-  
2 tion would not increase the deficit over either the period  
3 of the total of fiscal years 2008 through 2013 or the pe-  
4 riod of the total of fiscal years 2008 through 2018.

5 (f) ECONOMIC RELIEF FOR AMERICAN FAMILIES.—  
6 The Chairman of the Senate Committee on the Budget  
7 may revise the allocations of a committee or committees,  
8 aggregates, and other appropriate levels in this resolution  
9 for one or more bills, joint resolutions, amendments, mo-  
10 tions, or conference reports which—

11 (1) reauthorizes the Temporary Assistance for  
12 Needy Families supplemental grants or makes im-  
13 provements to the Temporary Assistance for Needy  
14 Families program, child welfare programs, or the  
15 child support enforcement program;

16 (2) provides up to \$5,000,000,000 for the child  
17 care entitlement to States;

18 (3) provides up to \$40,000,000 for the emer-  
19 gency food assistance program established under the  
20 Emergency Food Assistance Act of 1983 (7 U.S.C.  
21 7501 et seq.);

22 (4) improves the unemployment compensation  
23 program; or

24 (5) reauthorizes the trade adjustment assist-  
25 ance programs;

1 by the amounts provided in such legislation for those pur-  
2 poses, provided that such legislation would not increase  
3 the deficit over either the period of the total of fiscal years  
4 2008 through 2013 or the period of the total of fiscal  
5 years 2008 through 2018.

6 (g) AMERICA'S FARMS AND ECONOMIC INVESTMENT  
7 IN RURAL AMERICA.—

8 (1) FARM BILL.—The Chairman of the Senate  
9 Committee on the Budget may revise the allocations,  
10 aggregates, and other appropriate levels in this reso-  
11 lution for one or more bills, joint resolutions, amend-  
12 ments, motions, or conference reports that provide  
13 for the reauthorization of the programs of the Food  
14 Security and Rural Investment Act of 2002 or prior  
15 Acts, authorize similar or related programs, provide  
16 for revenue changes, or any combination of the pre-  
17 ceding purposes, by the amounts provided in such  
18 legislation for those purposes up to \$15,000,000,000  
19 over the period of the total of fiscal years 2008  
20 through 2013, provided that such legislation would  
21 not increase the deficit over either the period of the  
22 total of fiscal years 2008 through 2013 or the period  
23 of the total of fiscal years 2008 through 2018.

24 (2) COUNTY PAYMENTS.—The Chairman of the  
25 Senate Committee on the Budget may revise the al-

1 locations of a committee or committees, aggregates,  
2 and other appropriate levels and limits in this reso-  
3 lution for one or more bills, joint resolutions, amend-  
4 ments, motions, or conference reports that provide  
5 for the reauthorization of the Secure Rural Schools  
6 and Community Self-Determination Act of 2000  
7 (Public Law 106–393), make changes to the Pay-  
8 ments in Lieu of Taxes Act of 1976 (Public Law  
9 94–565), or both, by the amounts provided by that  
10 legislation for those purposes, provided that such  
11 legislation would not increase the deficit over either  
12 the period of the total of fiscal years 2008 through  
13 2013 or the period of the total of fiscal years 2008  
14 through 2018.

15 **SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROV-**  
16 **ING EDUCATION.**

17 (a) **FEDERAL PELL GRANT.**—The Chairman of the  
18 Senate Committee on the Budget may revise the aggre-  
19 gates, allocations, and other appropriate levels in this reso-  
20 lution for one or more bills, joint resolutions, amendments,  
21 motions, or conference reports that would make higher  
22 education more accessible or more affordable, which may  
23 include increasing funding for the Federal Pell Grant pro-  
24 gram or increasing Federal student loan limits, facilitate  
25 modernization of school facilities through renovation or

1 construction bonds, reduce the cost of teachers' out-of-  
2 pocket expenses for school supplies, or provide tax incen-  
3 tives for highly-qualified teachers to serve in high-needs  
4 schools, by the amounts provided in such legislation for  
5 those purposes, provided that such legislation would not  
6 increase the deficit over either the period of the total of  
7 fiscal years 2008 through 2013 or the period of the total  
8 of fiscal years 2008 through 2018. The legislation may  
9 include tax benefits and other revenue provisions.

10 (b) IMPROVING EDUCATION.—The Chairman of the  
11 Senate Committee on the Budget may revise the alloca-  
12 tions of a committee or committees, aggregates, and other  
13 levels and limits in this resolution for one or more bills,  
14 joint resolutions, amendments, motions, or conference re-  
15 ports that would improve student achievement during sec-  
16 ondary education, including middle school completion,  
17 high school graduation and preparing students for higher  
18 education and the workforce, by the amounts provided in  
19 such legislation for such purpose, provided that such legis-  
20 lation would not increase the deficit over either the period  
21 of the total of fiscal years 2008 through 2013 or the pe-  
22 riod of the total of fiscal years 2008 through 2018.

1 **SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR INVEST-**  
2 **MENTS IN AMERICA'S INFRASTRUCTURE.**

3 The Chairman of the Senate Committee on the Budget  
4 et may revise the aggregates, allocations, and other appropriate  
5 levels and limits in this resolution for one or more  
6 bills, joint resolutions, amendments, motions, or conference  
7 reports that provide for a robust federal investment  
8 in America's infrastructure, which may include  
9 projects for transit, rail (including high-speed passenger  
10 rail), airport, seaport, public housing, energy, water, highway,  
11 bridge, or other infrastructure projects, by the  
12 amounts provided in that legislation for those purposes,  
13 provided that such legislation would not increase the deficit  
14 over either the period of the total of fiscal years 2008  
15 through 2013 or the period of the total of fiscal years  
16 2008 through 2018.

17 **SEC. 304. DEFICIT-NEUTRAL RESERVE FUND TO INVEST IN**  
18 **CLEAN ENERGY, PRESERVE THE ENVIRONMENT,**  
19 **AND PROVIDE FOR CERTAIN SETTLEMENTS.**  
20 **MENTS.**

21 (a) ENERGY AND THE ENVIRONMENT.—The Chairman  
22 of the Senate Committee on the Budget may revise  
23 the allocations of a committee or committees, aggregates,  
24 and other levels and limits in this resolution for one or  
25 more bills, joint resolutions, amendments, motions, or conference  
26 reports that would decrease greenhouse gas emis-

1 sions, reduce our Nation's dependence on imported energy,  
2 produce green jobs, or preserve or protect national parks,  
3 oceans, or coastal areas, by the amounts provided in such  
4 legislation for those purposes, provided that such legisla-  
5 tion would not increase the deficit over either the period  
6 of the total of fiscal years 2008 through 2013 or the pe-  
7 riod of the total of fiscal years 2008 through 2018. The  
8 legislation may include tax legislation such as a proposal  
9 to extend for 5 years energy tax incentives like the produc-  
10 tion tax credit for electricity produced from renewable re-  
11 sources, the biodiesel production tax credit, or the Clean  
12 Renewable Energy Bond program, to provide a tax credit  
13 for clean burning wood stoves, a tax credit for production  
14 of cellulosic ethanol, a tax credit for plug-in hybrid vehi-  
15 cles, or provisions to encourage energy efficient buildings,  
16 products, and power plants. Tax legislation under this sec-  
17 tion may be paid for by adjustments to sections 167(h)(1)  
18 of the Internal Revenue Code of 1986 as it relates to inte-  
19 grated oil companies.

20 (b) SETTLEMENTS.—The Chairman of the Senate  
21 Committee on the Budget may revise the allocations of  
22 a committee or committees, aggregates, and other appro-  
23 priate levels in this resolution for one or more bills, joint  
24 resolutions, amendments, motions, or conference reports  
25 that would fulfill the purposes of the San Joaquin River

1 Restoration Settlement Act or implement a Navajo Nation  
 2 water rights settlement and other provisions authorized by  
 3 the Northwestern New Mexico Rural Water Projects Act,  
 4 by the amounts provided by that legislation for those pur-  
 5 poses, provided that such legislation would not increase  
 6 the deficit over either the period of the total of fiscal years  
 7 2008 through 2013 or the period of the total of fiscal  
 8 years 2008 through 2018.

9 **SEC. 305. DEFICIT-NEUTRAL RESERVE FUND FOR AMER-**  
 10 **ICA'S VETERANS AND WOUNDED**  
 11 **SERVICEMEMBERS AND FOR A POST 9/11 GI**  
 12 **BILL.**

13 (a) VETERANS AND WOUNDED SERVICEMEMBERS.—  
 14 The Chairman of the Senate Committee on the Budget  
 15 may revise the allocations of a committee or committees,  
 16 aggregates, and other appropriate levels in this resolution  
 17 for one or more bills, joint resolutions, amendments, mo-  
 18 tions, or conference reports which would—

19 (1) enhance medical care, disability evaluations,  
 20 or disability benefits for wounded or disabled mili-  
 21 tary personnel or veterans;

22 (2) provide for or increase benefits to Filipino  
 23 veterans of World War II, their survivors and de-  
 24 pendants;



1           (3) allow for the transfer of education benefits  
2           from servicemembers to family members or veterans  
3           (including the elimination of the offset between Sur-  
4           vivor Benefit Plan annuities and veterans' depend-  
5           ency and indemnity compensation);

6           (4) providing for the continuing payment to  
7           members of the Armed Forces who are retired or  
8           separated from the Armed Forces due to a combat-  
9           related injury after September 11, 2001, of bonuses  
10          that such members were entitled to before the retire-  
11          ment or separation and would continue to be entitled  
12          to such members were not retired or separated; or

13          (5) enhance programs and activities to increase  
14          the availability of health care and other veterans  
15          services for veterans living in rural areas;

16 by the amounts provided in such legislation for those pur-  
17 poses, provided that such legislation does not include in-  
18 creased fees charged to veterans for pharmacy co-pay-  
19 ments, annual enrollment, or third-party insurance pay-  
20 ment offsets, and further provided that such legislation  
21 would not increase the deficit over either the period of the  
22 total of fiscal years 2008 through 2013 or the period of  
23 the total of fiscal years 2008 through 2018.

24          (b) POST 9/11 GI BILL.—The Chairman of the Sen-  
25 ate Committee on the Budget may revise the allocations

1 of a committee or committees, aggregates, and other ap-  
2 propriate levels in this resolution for one or more bills,  
3 joint resolutions, amendments, motions, or conference re-  
4 ports which would enhance educational benefits of service  
5 members and veterans with service on active duty in the  
6 Armed Forces on or after September 11, 2001, by the  
7 amounts provided in such legislation for those purposes,  
8 provided that such legislation would not increase the def-  
9 icit over either the period of the total of fiscal years 2008  
10 through 2013 or the period of the total of fiscal years  
11 2008 through 2018.

12 **SEC. 306. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE**  
13 **AMERICA'S HEALTH.**

14 (a) SCHIP.—The Chairman of the Senate Com-  
15 mittee on the Budget may revise the allocations, aggre-  
16 gates, and other appropriate levels in this resolution for  
17 a bill, joint resolution, amendment, motion, or conference  
18 report that provides up to \$50,000,000,000 in outlays over  
19 the period of the total of fiscal years 2008 through 2013  
20 for reauthorization of SCHIP, if such legislation main-  
21 tains coverage for those currently enrolled in SCHIP, con-  
22 tinues efforts to enroll uninsured children who are already  
23 eligible for SCHIP or Medicaid but are not enrolled, or  
24 supports States in their efforts to move forward in cov-  
25 ering more children or pregnant women, by the amounts

1 provided in that legislation for those purposes, provided  
2 that the outlay adjustment shall not exceed  
3 \$50,000,000,000 in outlays over the period of the total  
4 of fiscal years 2008 through 2013, and provided that such  
5 legislation would not increase the deficit over either the  
6 period of the total of fiscal years 2008 through 2013 or  
7 the period of the total of fiscal years 2008 through 2018.

8 (b) MEDICARE IMPROVEMENTS.—

9 (1) PHYSICIAN PAYMENTS.—The Chairman of  
10 the Senate Committee on the Budget may revise the  
11 aggregates, allocations, and other appropriate levels  
12 in this resolution for a bill, joint resolution, amend-  
13 ment, motion, or conference report that increases  
14 the reimbursement rate for physician services under  
15 section 1848(d) of the Social Security Act and that  
16 includes financial incentives for physicians to im-  
17 prove the quality and efficiency of items and services  
18 furnished to Medicare beneficiaries through the use  
19 of consensus-based quality measures, by the  
20 amounts provided in such legislation for those pur-  
21 poses, provided that such legislation would not in-  
22 crease the deficit over either the period of the total  
23 of fiscal years 2008 through 2013 or the period of  
24 the total of fiscal years 2008 through 2018.

1           (2) OTHER IMPROVEMENTS TO MEDICARE.—

2           The Chairman of the Senate Committee on the  
3           Budget may revise the aggregates, allocations, and  
4           other appropriate levels in this resolution for a bill,  
5           joint resolution, amendment, motion, or conference  
6           report that makes improvements to the Medicare  
7           program, which may include improvements to the  
8           prescription drug benefit under Medicare Part D,  
9           adjustments to the Medicare Savings Program, and  
10          reductions in beneficiary cost-sharing for preventive  
11          benefits under Medicare Part B, or measures to en-  
12          courage physicians to train in primary care  
13          residencies and attract more physicians and other  
14          health care providers to States that face a shortage  
15          of health care providers, by the amounts provided in  
16          such legislation for those purposes up to  
17          \$10,000,000,000, provided that such legislation  
18          would not increase the deficit over either the period  
19          of the total of fiscal years 2008 through 2013 or the  
20          period of the total of fiscal years 2008 through  
21          2018.

22          (3) ELECTRONIC PRESCRIBING.—The Chairman  
23          of the Senate Committee on the Budget may revise  
24          the allocations, aggregates, and other levels in this  
25          resolution for one or more bills, joint resolutions,

1 amendments, motions, or conference reports that  
2 promote the deployment and use of electronic pre-  
3 scribing technologies through financial incentives, in-  
4 cluding grants and bonus payments, and potential  
5 adjustments in the Medicare reimbursement mecha-  
6 nisms for physicians, by the amounts provided in  
7 such legislation for those purposes, provided that  
8 such legislation would not increase the deficit over  
9 either the period of the total of fiscal years 2008  
10 through 2013 or the period of the total of fiscal  
11 years 2008 through 2018.

12 (4) RURAL EQUITY PAYMENT POLICIES.—The  
13 Chairman of the Senate Committee on the Budget  
14 may revise the aggregates, allocations, and other ap-  
15 propriate levels in this resolution for a bill, joint res-  
16 olution, amendment, motion, or conference report  
17 that—

18 (A) preserves existing Medicare payment  
19 provisions supporting America’s rural health  
20 care delivery system; and

21 (B) promotes Medicare payment policies  
22 that increase access to quality health care in  
23 isolated and underserved rural areas,

24 by the amounts provided in such legislation for those  
25 purposes, provided that such legislation would not

1 increase the deficit over either the period of the total  
2 of fiscal years 2008 through 2013 or the period of  
3 the total of fiscal years 2008 through 2018.

4 (5) MEDICARE LOW-INCOME PROGRAMS.—The  
5 Chairman of the Senate Committee on the Budget  
6 may revise the aggregates, allocations, and other ap-  
7 propriate levels in this resolution for a bill, joint res-  
8 olution, amendment, motion, or conference report  
9 that makes improvements to the Medicare Savings  
10 Program and the Medicare part D low-income sub-  
11 sidy program, which may include the provisions  
12 that—

13 (A) provide for an increase in the asset al-  
14 lowance under the Medicare Part D low-income  
15 subsidy program so that individuals with very  
16 limited incomes, but modest retirement savings,  
17 can obtain the assistance that the Medicare  
18 Prescription Drug, Improvement, and Mod-  
19 ernization Act of 2003 was intended to deliver  
20 with respect to the payment of premiums and  
21 cost-sharing under the Medicare part D pre-  
22 scription drug benefit;

23 (B) provide for an update in the income  
24 and asset allowances under the Medicare Sav-

1            ings Program and provide for an annual infla-  
2            tionary adjustment for those allowances; and

3            (C) improve outreach and enrollment  
4            under the Medicare Savings Program and the  
5            Medicare part D low-income subsidy program to  
6            ensure that low-income senior citizens and other  
7            low-income Medicare beneficiaries receive the  
8            low-income assistance for which they are eligible  
9            in accordance with the improvements provided  
10           for in such legislation,

11           by the amounts provided in such legislation for those  
12           purposes, provided that such legislation would not  
13           increase the deficit over either the period of the total  
14           of fiscal years 2008 through 2013 or the period of  
15           the total of fiscal years 2008 through 2018.

16           (c) HEALTH CARE QUALITY, EFFECTIVENESS, EFFI-  
17           CIENCY, AND TRANSPARENCY.—

18           (1) COMPARATIVE EFFECTIVENESS RE-  
19           SEARCH.—The Chairman of the Senate Committee  
20           on the Budget may revise the allocations of a com-  
21           mittee or committees, aggregates, and other appro-  
22           priate levels in this resolution for one or more bills,  
23           joint resolutions, amendments, motions, or con-  
24           ference reports that establish a new Federal or pub-  
25           lic-private initiative for comparative effectiveness re-

1 search, by the amounts provided in such legislation  
2 for those purposes, provided that such legislation  
3 would not increase the deficit over either the period  
4 of the total of fiscal years 2008 through 2013 or the  
5 period of the total of fiscal years 2008 through  
6 2018.

7 (2) IMPROVING THE HEALTH CARE SYSTEM.—  
8 The Chairman of the Senate Committee on the  
9 Budget may revise the allocations, aggregates, and  
10 other levels in this resolution for a bill, joint resolu-  
11 tion, motion, amendment, or conference report  
12 that—

13 (A) creates a framework and parameters  
14 for the use of Medicare data for the purpose of  
15 conducting research, public reporting, and other  
16 activities to evaluate health care safety, effec-  
17 tiveness, efficiency, quality, and resource utili-  
18 zation in Federal programs and the private  
19 health care system; and

20 (B) includes provisions to protect bene-  
21 ficiary privacy and to prevent disclosure of pro-  
22 prietary or trade secret information with re-  
23 spect to the transfer and use of such data;

24 provided that such legislation would not increase the  
25 deficit over either the period of the total of fiscal



1 years 2008 through 2013 or the period of the total  
2 of fiscal 2008 through 2018.

3 (3) HEALTH INFORMATION TECHNOLOGY AND  
4 ADHERENCE TO BEST PRACTICES.—

5 (A) HEALTH INFORMATION TECH-  
6 NOLOGY.—The Chairman of the Committee on  
7 the Budget of the Senate may revise the alloca-  
8 tions of a committee or committees, aggregates,  
9 and other appropriate levels and limits in this  
10 resolution for 1 or more bills, joint resolutions,  
11 amendments, motions, or conference reports  
12 that provide incentives or other support for  
13 adoption of modern information technology, in-  
14 cluding incentives or other supports for the  
15 adoption of electronic prescribing technology, to  
16 improve quality and protect privacy in health  
17 care, such as activities by the Department of  
18 Defense and the Department of Veterans Af-  
19 fairs to integrate their electronic health record  
20 data, by the amounts provided in such legisla-  
21 tion for that purpose, provided that such legis-  
22 lation would not increase the deficit over either  
23 the period of the total of fiscal years 2008  
24 through 2013 or the period of the total of fiscal  
25 years 2008 through 2018.

1 (B) ADHERENCE TO BEST PRACTICES.—

2 The Chairman of the Committee on the Budget  
3 of the Senate may revise the allocations of a  
4 committee or committees, aggregates, and other  
5 appropriate levels and limits in this resolution  
6 for 1 or more bills, joint resolutions, amend-  
7 ments, motions, or conference reports that pro-  
8 vide incentives for Medicare providers or sup-  
9 pliers to comply with, where available and medi-  
10 cally appropriate, clinical protocols identified as  
11 best practices, by the amounts provided in such  
12 legislation for that purpose, provided in the  
13 Senate that such legislation would not increase  
14 the deficit over either the period of the total of  
15 fiscal years 2008 through 2013 or the period of  
16 the total of fiscal years 2008 through 2018.

17 (d) FOOD AND DRUG ADMINISTRATION.—

18 (1) REGULATION.—The Chairman of the Sen-  
19 ate Committee on the Budget may revise the alloca-  
20 tions, aggregates, and other appropriate levels in  
21 this resolution for a bill, joint resolution, motion,  
22 amendment, or conference report that authorizes the  
23 Food and Drug Administration to regulate products  
24 and assess user fees on manufacturers and import-  
25 ers of those products to cover the cost of the Food

1 and Drug Administration's regulatory activities, by  
2 the amounts provided in that legislation for those  
3 purposes, provided that such legislation would not  
4 increase the deficit over either the period of the total  
5 of fiscal years 2008 through 2013 or the period of  
6 the total of fiscal years 2008 through 2018.

7 (2) DRUG IMPORTATION.—The Chairman of the  
8 Senate Committee on the Budget may revise the ag-  
9 gregates, allocations, and other levels in this resolu-  
10 tion for a bill, joint resolution, motion, amendment,  
11 or conference report that permits the safe importa-  
12 tion of prescription drugs approved by the Food and  
13 Drug Administration from a specified list of coun-  
14 tries, by the amounts provided in such legislation for  
15 those purposes, provided that such legislation would  
16 not increase the deficit over either the period of the  
17 total of fiscal years 2008 through 2013 or the period  
18 of the total of fiscal years 2008 through 2018.

19 (e) MEDICAID.—

20 (1) RULES OR ADMINISTRATIVE ACTIONS.—The  
21 Chairman of the Senate Committee on the Budget  
22 may revise the allocations, aggregates, and other ap-  
23 propriate levels in this resolution for a bill, joint res-  
24 olution, amendment, motion, or conference report  
25 that includes provisions regarding the final rule pub-

1 lished on May 29, 2007, on pages 29748 through  
2 29836 of volume 72, Federal Register (relating to  
3 parts 433, 447, and 457 of title 42, Code of Federal  
4 Regulations) or any other rule or other administra-  
5 tive action that would affect the Medicaid program  
6 or SCHIP in a similar manner, or place restrictions  
7 on coverage of or payment for graduate medical edu-  
8 cation, rehabilitation services, or school-based ad-  
9 ministration, school-based transportation, or optional  
10 case management services under title XIX of the So-  
11 cial Security Act, or includes provisions regarding  
12 administrative guidance issued in August 2007 af-  
13 fecting SCHIP or any other administrative action  
14 that would affect SCHIP in a similar manner, so  
15 long as no provision in such bill, joint resolution,  
16 amendment, motion or conference report shall be  
17 construed as prohibiting the Secretary of Health and  
18 Human Services from promulgating or implementing  
19 any rule, action, or guidance designed to prevent  
20 fraud and protect the integrity of the Medicaid pro-  
21 gram or SCHIP or reduce inappropriate spending  
22 under such programs, by the amounts provided in  
23 that legislation for those purposes, provided that  
24 such legislation would not increase the deficit over  
25 either the total of the period of fiscal years 2008

1 through 2013 or the total of the period of fiscal  
2 years 2008 through 2018.

3 (2) TRANSITIONAL MEDICAL ASSISTANCE.—The  
4 Chairman of the Senate Committee on the Budget  
5 may revise the allocations of a committee or commit-  
6 tees, aggregates, and other appropriate levels in this  
7 resolution for one or more bills, joint resolutions,  
8 amendments, motions or conference reports that ex-  
9 tend the Transitional Medical Assistance program,  
10 included in title XIX of the Social Security Act, by  
11 the amounts provided in such legislation for those  
12 purposes, provided that such legislation would not  
13 increase the deficit over either the total of the period  
14 of fiscal years 2008 through 2013 or the total of the  
15 period of fiscal years 2008 through 2018.

16 (f) OTHER IMPROVEMENTS IN HEALTH.—The Chair-  
17 man of the Senate Committee on the Budget may revise  
18 the allocations of a committee or committees, aggregates,  
19 and other appropriate levels in this resolution for one or  
20 more bills, joint resolutions, amendments, motions, or con-  
21 ference reports which—

22 (1) make health insurance coverage more af-  
23 fordable or available to small businesses and their  
24 employees, through pooling arrangements that pro-

1       vide appropriate consumer protections, and through  
2       reducing barriers to cafeteria plans;

3               (2) improve health care, provide quality health  
4       insurance for the uninsured and underinsured, and  
5       protect individuals with current health coverage;

6               (3) reauthorize the special diabetes program for  
7       Indians and the special diabetes programs for Type  
8       1 diabetes;

9               (4) improve long-term care, enhance the safety  
10      and dignity of patients, encourage appropriate use of  
11      institutional and community-based care, promote  
12      quality care, or provide for the cost-effective use of  
13      public resources; or

14              (5) provide parity between health insurance cov-  
15      erage of mental health benefits and benefits for  
16      medical and surgical services, including parity in  
17      public programs;

18      by the amounts provided in such legislation for those pur-  
19      poses, provided that such legislation would not increase  
20      the deficit over either the period of the total of fiscal years  
21      2008 through 2013 or the period of the total of fiscal  
22      years 2008 through 2018.

23              (g) PEDIATRIC DENTAL CARE.—The Chairman of  
24      the Committee on the Budget of the Senate may revise  
25      the aggregates, allocations, and other appropriate levels

1 in this resolution for a bill, joint resolution, amendment,  
2 motion, or conference report that would provide for im-  
3 proved access to pediatric dental care for children from  
4 low-income families, by the amounts provided in such leg-  
5 islation for such purpose, provided that such legislation  
6 would not increase the deficit over either the period of the  
7 total of fiscal years 2008 through 2013 or the period of  
8 the total of fiscal years 2008 through 2018.

9 **SEC. 307. SENSE OF THE SENATE REGARDING MEDICAID**  
10 **ADMINISTRATIVE REGULATIONS.**

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

13 (1) The Medicaid program provides essential  
14 health care and long-term care services to approxi-  
15 mately 60,000,000 low-income children, pregnant  
16 women, parents, individuals with disabilities, and  
17 senior citizens. It is a Federal guarantee that en-  
18 sures the most vulnerable will have access to needed  
19 medical services.

20 (2) Medicaid provides critical access to long-  
21 term care and other services for the elderly and indi-  
22 viduals living with disabilities, and is the single larg-  
23 est provider of long-term care services. Medicaid also  
24 pays for personal care and other supportive services  
25 that are typically not provided by private health in-

1 insurance or Medicare, but are necessary to enable in-  
2 dividuals with spinal cord injuries, developmental  
3 disabilities, neurological degenerative diseases, seri-  
4 ous and persistent mental illnesses, HIV/AIDS, and  
5 other chronic conditions to remain in the commu-  
6 nity, to work, and to maintain independence.

7 (3) Medicaid supplements the Medicare pro-  
8 gram for about 7,500,000 low-income elderly or dis-  
9 abled Medicare beneficiaries, assisting them with  
10 their Medicare premiums and co-insurance, wrap-  
11 around benefits, and the costs of nursing home care  
12 that Medicare does not cover. The Medicaid program  
13 spends over \$100,000,000,000 on uncovered Medi-  
14 care services.

15 (4) Medicaid provides health insurance for more  
16 than one-quarter of America's children and is the  
17 largest purchaser of maternity care, paying for more  
18 than one-third of all the births in the United States  
19 each year. Medicaid also provides critical access to  
20 care for children with disabilities, covering more  
21 than 70 percent of poor children with disabilities.

22 (5) More than 21,000,000 women depend on  
23 Medicaid for their health care. Women comprise the  
24 majority of seniors (64 percent) on Medicaid. Half  
25 of nonelderly women with permanent mental or



1 physical disabilities have health coverage through  
2 Medicaid. Medicaid provides treatment for low-in-  
3 come women diagnosed with breast or cervical can-  
4 cer in every State.

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

12 (7) Medicaid funds help ensure access to care  
13 for all Americans. Medicaid is the single largest  
14 source of revenue for the Nation's safety net hos-  
15 pitals, health centers, and nursing homes, and is  
16 critical to the ability of these providers to adequately  
17 serve all Americans.

18 (8) Medicaid serves a major role in ensuring  
19 that the number of Americans without health insur-  
20 ance, approximately 47,000,000 in 2006, is not sub-  
21 stantially higher. The system of Federal matching  
22 for State Medicaid expenditures ensures that Fed-  
23 eral funds will grow as State spending increases in  
24 response to unmet needs, enabling Medicaid to help

1       buffer the drop in private coverage during recessions.  
2

3           (9) The Bush Administration has issued several  
4 regulations that shift Medicaid cost burdens onto  
5 States and put at risk the continued availability of  
6 much-needed services. The regulations relate to Federal  
7 payments to public providers, and for graduate  
8 medical education, rehabilitation services, school-  
9 based administration, school-based transportation,  
10 optional case management services.

11       (b) SENSE OF THE SENATE.—It is the sense of the  
12 Senate that administrative regulations should not—

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

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

23           (3) undermine the Federal guarantee of health  
24 insurance coverage Medicaid provides, which would

1 threaten not only the health care safety net of the  
2 United States, but the entire health care system.

3 **SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR JUDICIAL**  
4 **PAY AND JUDGESHIPS.**

5 The Chairman of the Senate Committee on the Budg-  
6 et may revise the allocations of a committee or commit-  
7 tees, aggregates, and other levels in this resolution for one  
8 or more bills, joint resolutions, amendments, motions, or  
9 conference reports that would authorize salary adjust-  
10 ments for justices and judges of the United States or in-  
11 crease the number of Federal judgeships, by the amounts  
12 provided in such legislation for those purposes, provided  
13 that such legislation would not increase the deficit over  
14 either the period of the total of fiscal years 2008 through  
15 2013 or the period of the total of fiscal years 2008  
16 through 2018.

17 **SEC. 309. DEFICIT-NEUTRAL RESERVE FUND FOR REFORM-**  
18 **ING THE ALTERNATIVE MINIMUM TAX FOR**  
19 **INDIVIDUALS.**

20 The Chairman of the Senate Committee on the Budg-  
21 et may revise the allocations of a committee or commit-  
22 tees, aggregates, and other levels in this resolution for one  
23 or more bills, joint resolutions, amendments, motions, or  
24 conference reports that would reinstate the pre-1993 rates  
25 for the alternative minimum tax for individuals, by the

1 amounts provided in such legislation for such purpose,  
2 provided that such legislation would not increase the def-  
3 icit over either the period of the total of fiscal years 2008  
4 through 2013 or the period of the total of fiscal years  
5 2008 through 2018.

6 **SEC. 310. DEFICIT-NEUTRAL RESERVE FUND FOR REPEAL-**  
7 **ING THE 1993 INCREASE IN THE INCOME TAX**  
8 **ON SOCIAL SECURITY BENEFITS.**

9 The Chairman of the Senate Committee on the Budg-  
10 et may revise the allocations of a committee or commit-  
11 tees, aggregates, and other levels in this resolution for one  
12 or more bills, joint resolutions, amendments, motions, or  
13 conference reports that would repeal the 1993 increase in  
14 the income tax on Social Security benefits, by the amounts  
15 provided in such legislation for such purpose, provided  
16 that such legislation would not increase the deficit over  
17 either the period of the total of fiscal years 2008 through  
18 2013 or the period of the total of fiscal years 2008  
19 through 2018.

20 **SEC. 311. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE**  
21 **ENERGY EFFICIENCY AND PRODUCTION.**

22 (a) IN GENERAL.—Subject to subsection (b), the  
23 Chairman of the Senate Committee on the Budget may  
24 revise the allocations, aggregates, and other levels in this  
25 resolution by the amounts provided by a bill, joint resolu-

1 tion, amendment, motion, or conference report that would  
2 encourage—

3 (1) consumers to replace old conventional wood  
4 stoves with new clean wood, pellet, or corn stoves  
5 certified by the Environmental Protection Agency;

6 (2) consumers to install smart electricity meters  
7 in homes and businesses;

8 (3) the capture and storage of carbon dioxide  
9 emissions from coal projects; and

10 (4) the development of oil and natural gas re-  
11 sources beneath the outer Continental Shelf in areas  
12 not covered by a Presidential or Congressional mora-  
13 torium.

14 (b) **DEFICIT NEUTRALITY.**—Subsection (a) applies  
15 only if the legislation described in subsection (a) would  
16 not increase the deficit over the period of the total of fiscal  
17 years 2008 through 2013 or the period of the total of fis-  
18 cal years 2008 through 2018.

19 **SEC. 312. DEFICIT-NEUTRAL RESERVE FUND FOR IMMIGRA-**  
20 **TION REFORM AND ENFORCEMENT.**

21 (a) **IN GENERAL.**—The Chairman of the Committee  
22 on the Budget of the Senate may revise the allocations  
23 of a committee or committees, aggregates, and other levels  
24 in this resolution for 1 or more bills, joint resolutions,  
25 amendments, motions, or conference reports, by the

1 amounts provided in such legislation for the purposes de-  
2 scribed in paragraphs (1) through (7), that—

3           (1) provide for increased border security, en-  
4           forcement of immigration laws, greater staffing, and  
5           immigration reform measures;

6           (2) increase criminal and civil penalties against  
7           employers who hire undocumented immigrants;

8           (3) prohibit employers who hire undocumented  
9           immigrants from receiving Federal contracts;

10           (4) provide funding for the enforcement of the  
11           employer sanctions described in paragraphs (2) and  
12           (3) and other employer sanctions for hiring undocu-  
13           mented immigrants;

14           (5) deploy an appropriate number of National  
15           Guard troops to the southern or northern border of  
16           the United States provided that—

17                   (A) the Secretary of Defense certifies that  
18                   the deployment would not negatively impact the  
19                   safety of American forces in Iraq and Afghani-  
20                   stan; and

21                   (B) the Governor of the National Guard's  
22                   home State certifies that the deployment would  
23                   not have a negative impact on the safety and  
24                   security of that State;

1           (6) evaluate the Federal, State, and local prison  
2           populations that are noncitizens in order to identify  
3           removable criminal aliens; or

4           (7) implement the exit data portion of the US-  
5           VISIT entry and exit data system at airports, sea-  
6           ports, and land ports of entry.

7           (b) LIMITATION.—The authority under subsection (a)  
8           may not be used unless the legislation described in sub-  
9           section (a) would not increase the deficit over—

10           (1) the total period comprised of fiscal years  
11           2008 through 2013; or

12           (2) the total period comprised of fiscal years  
13           2008 through 2018.

14 **SEC. 313. DEFICIT-NEUTRAL RESERVE FUND FOR BORDER**  
15 **SECURITY, IMMIGRATION ENFORCEMENT,**  
16 **AND CRIMINAL ALIEN REMOVAL PROGRAMS.**

17           (a) IN GENERAL.—The Chairman of the Committee  
18           on the Budget of the Senate may revise the allocations  
19           of 1 or more committees, aggregates, and other appro-  
20           priate levels in this resolution by the amounts authorized  
21           to be appropriated for the programs described in para-  
22           graphs (1) through (6) in 1 or more bills, joint resolutions,  
23           amendments, motions, or conference reports that funds  
24           border security, immigration enforcement, and criminal  
25           alien removal programs, including programs that—

1           (1) expand the zero tolerance prosecution policy  
2           for illegal entry (commonly known as “Operation  
3           Streamline”) to all 20 border sectors;

4           (2) complete the 700 miles of pedestrian fence-  
5           ing required under section 102(b)(1) of the Illegal  
6           Immigration Reform and Immigrant Responsibility  
7           Act of 1996 (8 U.S.C. 1103 note);

8           (3) deploy up to 6,000 National Guard mem-  
9           bers to the southern border of the United States;

10          (4) evaluate the 27 percent of the Federal,  
11          State, and local prison populations who are nonciti-  
12          zens in order to identify removable criminal aliens;

13          (5) train and reimburse State and local law en-  
14          forcement officers under Memorandums of Under-  
15          standing entered into under section 287(g) of the  
16          Immigration and Nationality Act (8 U.S.C.  
17          1357(g)); or

18          (6) implement the exit data portion of the US-  
19          VISIT entry and exit data system at airports, sea-  
20          ports, and land ports of entry.

21          (b) LIMITATION.—The authority under subsection (a)  
22          may not be used unless the appropriations in the legisla-  
23          tion described in subsection (a) would not increase the def-  
24          icit over—



1           (1) the 6-year period comprised of fiscal years  
2           2008 through 2013; or

3           (2) the 11-year period comprised of fiscal years  
4           2008 through 2018.

5 **SEC. 314. DEFICIT-NEUTRAL RESERVE FUND FOR SCIENCE**

6                           **PARKS.**

7           The Chairman of the Senate Committee on the Budg-  
8           et may revise the allocations of a committee or commit-  
9           tees, aggregates, and other levels in this resolution for one  
10          or more bills, joint resolutions, amendments, motions, or  
11          conference reports that would provide grants and loan  
12          guarantees for the development and construction of  
13          science parks to promote the clustering of innovation  
14          through high technology activities, by the amounts pro-  
15          vided in such legislation for such purpose, provided that  
16          such legislation would not increase the deficit over either  
17          the period of the total of fiscal years 2008 through 2013  
18          or the period of the total of fiscal years 2008 through  
19          2018.

1 **SEC. 315. DEFICIT-NEUTRAL RESERVE FUND FOR 3-YEAR**  
2 **EXTENSION OF PILOT PROGRAM FOR NA-**  
3 **TIONAL AND STATE BACKGROUND CHECKS**  
4 **ON DIRECT PATIENT ACCESS EMPLOYEES OF**  
5 **LONG-TERM CARE FACILITIES OR PRO-**  
6 **VIDERS.**

7 If the Senate Committee on Finance reports a bill  
8 or joint resolution or an amendment is offered thereto or  
9 a conference report is submitted thereon, that provides for  
10 a 3-year extension of the pilot program for national and  
11 State background checks on direct patient access employ-  
12 ees of long-term care facilities or providers under section  
13 307 of the Medicare Prescription Drug, Improvement, and  
14 Modernization Act of 2003 (42 U.S.C. 1395aa note) and  
15 removes the limit on the number of participating States  
16 under such pilot program, the Chairman of the Senate  
17 Committee on the Budget may revise the aggregates, allo-  
18 cations, and other appropriate levels in this resolution by  
19 the amounts provided in such legislation for those pur-  
20 poses up to \$160,000,000, provided that such legislation  
21 would not increase the deficit over either the period of the  
22 total of fiscal years 2008 through 2013 or the period of  
23 the total of fiscal years 2008 through 2018.

1 **SEC. 316. DEFICIT-NEUTRAL RESERVE FUND FOR STUDY-**  
2 **ING THE EFFECT OF COOPERATION WITH**  
3 **LOCAL LAW ENFORCEMENT.**

4 (a) IN GENERAL.—The Chairman of the Committee  
5 on the Budget of the Senate may revise the allocations  
6 of a committee or committees, aggregates, and other levels  
7 in this resolution for 1 or more bills, joint resolutions,  
8 amendments, motions, or conference reports, by the  
9 amounts provided in such legislation for the purposes de-  
10 scribed in this subsection, that would require an assess-  
11 ment of the impact of local ordinances that prohibit co-  
12 operation with the Department of Homeland Security,  
13 with respect to—

14 (1) the effectiveness of law enforcement, success  
15 rates of criminal prosecutions, reporting of criminal  
16 activity by immigrant victims of crime, and level of  
17 public safety;

18 (2) changes in the number of reported incidents  
19 or complaints of racial profiling; or

20 (3) wrongful detention of United States Citi-  
21 zens and Lawful Permanent Residents.

22 (b) LIMITATION.—The authority under subsection (a)  
23 may not be used unless the legislation described in sub-  
24 section (a) would not increase the deficit over—

25 (1) the total period comprised of fiscal years  
26 2008 through 2013; or

1           (2) the total period comprised of fiscal years  
2           2008 through 2018.

3 **SEC. 317. DEFICIT-NEUTRAL RESERVE FUND TO TERMI-**  
4           **NATE DEDUCTIONS FROM MINERAL REV-**  
5           **ENUE PAYMENTS TO STATES.**

6           (a) IN GENERAL.—Subject to subsection (b), the  
7 Chairman of the Senate Committee on the Budget may  
8 revise the allocations, aggregates, and other levels in this  
9 resolution by the amounts provided by a bill, joint resolu-  
10 tion, amendment, motion, or conference report that would  
11 terminate the authority to deduct certain amounts from  
12 mineral revenues payable to States under the second un-  
13 designated paragraph of the matter under the heading  
14 “ADMINISTRATIVE PROVISIONS” under the heading “MIN-  
15 ERALS MANAGEMENT SERVICE” of title I of the Depart-  
16 ment of the Interior, Environment, and Related Agencies  
17 Appropriations Act, 2008 (Public Law 110–161; 121 Stat.  
18 2109).

19           (b) DEFICIT NEUTRALITY.—Subsection (a) applies  
20 only if the legislation described in subsection (a) would  
21 not increase the deficit over the period of the total of fiscal  
22 years 2008 through 2013 or the period of the total of fis-  
23 cal years 2008 through 2018.

1 **SEC. 318. DEFICIT-NEUTRAL RESERVE FUND FOR THE ES-**  
2 **TABLISHMENT OF STATE INTERNET SITES**  
3 **FOR THE DISCLOSURE OF INFORMATION RE-**  
4 **LATING TO PAYMENTS MADE UNDER THE**  
5 **STATE MEDICAID PROGRAM.**

6 If the Senate Committee on Finance reports a bill  
7 or joint resolution or an amendment is offered thereto or  
8 a conference report is submitted thereon, that provides for  
9 States to disclose, through a publicly accessible Internet  
10 site, each hospital, nursing facility, outpatient surgery  
11 center, intermediate care facility for the mentally re-  
12 tarded, institution for mental diseases, or other institu-  
13 tional provider that receives payment under the State  
14 Medicaid program, the total amount paid to each such  
15 provider each fiscal year, the number of patients treated  
16 by each such provider, and the amount of dollars paid per  
17 patient to each such provider, and provided that the Com-  
18 mittee is within its allocation as provided under section  
19 302(a) of the Congressional Budget Act of 1974, the  
20 Chairman of the Senate Committee on the Budget may  
21 make the appropriate adjustments in the allocations and  
22 aggregates to reflect such legislation if any such measure  
23 would not increase the deficit over either the total of the  
24 period of fiscal years 2008 through 2013 or the total of  
25 the period of fiscal years 2008 through 2018.

1 **SEC. 319. DEFICIT-NEUTRAL RESERVE FUND FOR TRAU-**  
2 **MATIC BRAIN INJURY.**

3 The Chairman of the Senate Committee on the Budg-  
4 et may revise the allocations, aggregates, and other levels  
5 in this resolution for one or more bills, joint resolutions,  
6 amendments, motions, or conference reports that provide  
7 at least \$9,000,000 for fiscal year 2009 to funds trau-  
8 matic brain injury programs under sections 393A, 393B,  
9 1252, and 1253 of the Public Health Service Act, if such  
10 legislation would not increase the deficit over either the  
11 period of the total of fiscal years 2008 through 2013 or  
12 the period of the total of fiscal years 2008 through 2018.

13 **SEC. 320. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE**  
14 **ANIMAL HEALTH AND DISEASE PROGRAM.**

15 (a) IN GENERAL.—Subject to subsection (b), the  
16 Chairman of the Senate Committee on the Budget may  
17 revise the allocations, aggregates, and other levels in this  
18 resolution by the amounts provided by a bill, joint resolu-  
19 tion, amendment, motion, or conference report that would  
20 ensure that the animal health and disease program estab-  
21 lished under section 1433 of the National Agricultural Re-  
22 search, Extension, and Teaching Policy Act of 1977 (7  
23 U.S.C. 3195) is fully funded.

24 (b) DEFICIT NEUTRALITY.—Subsection (a) applies  
25 only if the legislation described in subsection (a) would  
26 not increase the deficit over the period of the total of fiscal

1 years 2008 through 2013 or the period of the total of fis-  
 2 cal years 2008 through 2018.

3 **SEC. 321. DEFICIT-NEUTRAL RESERVE FUND FOR IMPLE-**  
 4 **MENTATION OF YELLOW RIBBON RE-**  
 5 **INTEGRATION PROGRAM FOR MEMBERS OF**  
 6 **THE NATIONAL GUARD AND RESERVE.**

7 The Chairman of the Senate Committee on the Budget  
 8 et may revise the aggregates, allocations, and other appro-  
 9 priate levels in this resolution for one more bills, joint res-  
 10 olutions, amendments, motions, or conference reports that  
 11 would provide for the implementation of the Yellow Ribbon  
 12 Reintegration Program for members of the National  
 13 Guard and Reserve under section 582 of the National De-  
 14 fense Authorization Act for Fiscal Year 2008 (Public Law  
 15 110–181), by the amounts provided in such legislation for  
 16 that purpose, provided that such legislation would not in-  
 17 crease the deficit over the total of the period of fiscal years  
 18 2008 through 2013.

19 **SEC. 322. DEFICIT-NEUTRAL RESERVE FUND FOR REIM-**  
 20 **BURSING STATES FOR THE COSTS OF HOUS-**  
 21 **ING UNDOCUMENTED CRIMINAL ALIENS.**

22 The Chairman of the Committee on the Budget of  
 23 the Senate may revise the aggregates, allocations, and  
 24 other appropriate levels in this resolution for 1 or more  
 25 bills, joint resolutions, amendments, motions, or con-

1 ference reports that would reimburse States and units of  
2 local government for costs incurred to house undocu-  
3 mented criminal aliens, by the amounts provided in such  
4 legislation for those purposes, provided that such legisla-  
5 tion would not increase the deficit over either the period  
6 of the total of fiscal years 2008 through 2013 or the pe-  
7 riod of the total of fiscal years 2008 through 2018.

8 **SEC. 323. DEFICIT-NEUTRAL RESERVE FUND FOR ACCEL-**  
9 **ERATION OF PHASED-IN ELIGIBILITY FOR**  
10 **CONCURRENT RECEIPT OF BENEFITS.**

11 The Chairman of the Senate Committee on the Budg-  
12 et may revise the allocations, aggregates, and other appro-  
13 priate levels and limits in this resolution for a bill, joint  
14 resolution, amendment, motion, or conference report that  
15 provides for changing the date by which eligibility of mem-  
16 bers of the Armed Forces for concurrent receipt of retired  
17 pay and veterans' disability compensation under section  
18 1414 of title 10, United States Code, is fully phased in  
19 from December 31, 2013, to September 30, 2008, by the  
20 amounts provided in that legislation for those purposes,  
21 provided that such legislation would not increase the def-  
22 icit over either the period of the total of fiscal years 2008  
23 through 2013 or the period of the total of fiscal years  
24 2008 through 2018.



1 **SEC. 324. DEFICIT-NEUTRAL RESERVE FUND FOR IN-**  
2 **CREASED USE OF RECOVERY AUDITS.**

3 The Chairman of the Senate Committee on the Budg-  
4 et may revise the allocations of a committee or commit-  
5 tees, aggregates, and other levels in this resolution for one  
6 or more bills, joint resolutions, amendments, motions, or  
7 conference reports that achieves savings by requiring that  
8 agencies increase their use of recovery audits authorized  
9 under subchapter VI of chapter 35 of title 31, United  
10 States Code, (commonly referred to as the Erroneous Pay-  
11 ments Recovery Act of 2001) and uses such savings to  
12 reduce the deficit, by the amounts provided in such legisla-  
13 tion for such purpose, provided that such legislation would  
14 not increase the deficit over either the period of the total  
15 of fiscal years 2008 through 2013 or the period of the  
16 total of fiscal years 2008 through 2018.

17 **SEC. 325. DEFICIT-NEUTRAL RESERVE FUND FOR FOOD**  
18 **SAFETY.**

19 The Chairman of the Senate Committee on the Budg-  
20 et may revise the allocations of a committee or commit-  
21 tees, aggregates, and other levels in this resolution for one  
22 or more bills, joint resolutions, amendments, motions, or  
23 conference reports that would expand the level of Food  
24 and Drug Administration and Department of Agriculture  
25 food safety inspection services, develop risk-based ap-  
26 proaches to the inspection of domestic and imported food

1 products, provide for infrastructure and information tech-  
2 nology systems to enhance the safety of the food supply,  
3 expand scientific capacity and training programs, invest  
4 in improved surveillance and testing technologies, provide  
5 for foodborne illness awareness and education programs,  
6 and enhance the Food and Drug Administration's recall  
7 authority, by the amounts provided in such legislation for  
8 such purposes, provided that such legislation would not  
9 increase the deficit over either the period of the total of  
10 fiscal years 2008 through 2013 or the period of the total  
11 of fiscal years 2008 through 2018.

12 **SEC. 326. DEFICIT-NEUTRAL RESERVE FUND FOR DEM-**  
13 **ONSTRATION PROJECT REGARDING MED-**  
14 **ICAID COVERAGE OF LOW-INCOME HIV-IN-**  
15 **FECTED INDIVIDUALS.**

16 The Chairman of the Senate Committee on the Budg-  
17 et may revise the allocations of a committee or commit-  
18 tees, aggregates, and other appropriate levels in this reso-  
19 lution for one or more bills, joint resolutions, amendments,  
20 motions or conference reports that provide for a dem-  
21 onstration project under which a State may apply under  
22 section 1115 of the Social Security Act (42 U.S.C. 1315)  
23 to provide medical assistance under a State Medicaid pro-  
24 gram to HIV-infected individuals who are not eligible for  
25 medical assistance under such program under section

1 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C.  
 2 1396a(a)(10)(A)(i)), by the amounts provided in that leg-  
 3 islation for those purposes, provided that such legislation  
 4 would not increase the deficit over either the total of the  
 5 period of fiscal years 2008 through 2013 or the total of  
 6 the period of fiscal years 2008 through 2018.

7 **SEC. 327. DEFICIT-NEUTRAL RESERVE FUND FOR REDUC-**  
 8 **ING INCOME THRESHOLD FOR REFUNDABLE**  
 9 **CHILD TAX CREDIT TO \$10,000 WITH NO IN-**  
 10 **FLATION ADJUSTMENT.**

11 The Chairman of the Senate Committee on the Budg-  
 12 et may revise the allocations, aggregates, and other levels  
 13 in this resolution by the amounts provided by a bill, joint  
 14 resolution, amendment, motion, or conference report that  
 15 would reduce the income threshold for the refundable child  
 16 tax credit under section 24 of the Internal Revenue Code  
 17 of 1986 to \$10,000 for taxable years 2009 and 2010 with  
 18 no inflation adjustment, provided that such legislation  
 19 would not increase the deficit over either the period of the  
 20 total of fiscal years 2008 through 2013 or the period of  
 21 the total of fiscal years 2008 through 2018.

22 **SEC. 328. SENSE OF THE SENATE REGARDING THE DIVER-**  
 23 **SION OF FUNDS SET ASIDE FOR USPTO.**

24 It is the sense of the Senate that none of the funds  
 25 recommended by this resolution, or appropriated or other-

1 wise made available under any other Act, to the United  
2 States Patent and Trademark Office shall be diverted, re-  
3 directed, transferred, or used for any other purpose than  
4 for which such funds were intended.

5 **SEC. 329. DEFICIT-NEUTRAL RESERVE FUND FOR EDU-**  
6 **CATION REFORM.**

7 The Chairman of the Senate Committee on the Budg-  
8 et may revise the aggregates, allocations, and other appro-  
9 priate levels in this resolution for one or more bills, joint  
10 resolutions, amendments, motions, or conference reports  
11 that promote flexibility in existing Federal education pro-  
12 grams, restore State and local authority in education, en-  
13 sure that public schools are held accountable for results  
14 to parents and the public, and prevent discrimination  
15 against homeschoolers, by the amounts provided in such  
16 legislation for those purposes, provided that such legisla-  
17 tion would not increase the deficit over either the period  
18 of the total of fiscal years 2008 through 2013 or the pe-  
19 riod of the total of fiscal years 2008 through 2018.

20 **SEC. 330. DEFICIT-NEUTRAL RESERVE FUND FOR PROC-**  
21 **ESSING NATURALIZATION APPLICATIONS.**

22 The Chairman of the Senate Committee on the Budg-  
23 et may revise the allocations of a committee or commit-  
24 tees, aggregates, and other levels in this resolution for one  
25 or more bills, joint resolutions, amendments, motions, or

1 conference reports that would provide for the adjudication  
2 of name check and security clearances by October 1, 2008  
3 by the Federal Bureau of Investigations for individuals  
4 who have submitted or submit applications for naturaliza-  
5 tion before March 1, 2008 or provide for the adjudication  
6 of applications, including the interviewing and swearing-  
7 in of applicants, by October 1, 2008 by the Department  
8 of Homeland Security/U.S. Citizenship and Immigration  
9 Services for individuals who apply or have applied for nat-  
10 uralization before March 1, 2008, by the amounts pro-  
11 vided in such legislation for such purpose, provided that  
12 such legislation would not increase the deficit over either  
13 the period of the total of fiscal years 2008 through 2013  
14 or the period of the total of fiscal years 2008 through  
15 2018.

16 **SEC. 331. DEFICIT-NEUTRAL RESERVE FUND FOR ACCESS**  
17 **TO QUALITY AND AFFORDABLE HEALTH IN-**  
18 **SURANCE.**

19 The Chairman of the Senate Committee on the Budg-  
20 et may revise the allocations, aggregates, and other levels  
21 in this resolution for one or more bills, joint resolutions,  
22 amendments, motions, or conference reports that—

23 (1) promotes choice and competition to drive  
24 down costs and improve access to health care for all  
25 Americans without increasing taxes;

1           (2) strengthens health care quality by pro-  
2 moting wellness and empowering consumers with ac-  
3 curate and comprehensive information on quality  
4 and cost;

5           (3) protects Americans' economic security from  
6 catastrophic events by expanding insurance options  
7 and improving health insurance portability; and

8           (4) promotes the advanced research and devel-  
9 opment of new treatments and cures to enhance  
10 health care quality;

11 if such legislation would not increase the deficit over either  
12 the period of the total of fiscal years 2008 through 2013  
13 or the period of the total of fiscal years 2008 through  
14 2018.

15 **SEC. 332. DEFICIT-NEUTRAL RESERVE FUND FOR A 9/11**  
16 **HEALTH PROGRAM.**

17       If the Chairman of the Senate Committee on Health,  
18 Education, Labor, and Pensions reports out legislation to  
19 establish a program, including medical monitoring and  
20 treatment, addressing the adverse health impacts linked  
21 to the September 11, 2001 attacks, and if the Committee  
22 on Health, Education, Labor, and Pensions makes a find-  
23 ing that previously spent World Trade Center Health Pro-  
24 gram funds were used to provide screening, monitoring

1 and treatment services, and directly related program sup-  
2 port, the Chairman of the Senate Budget Committee may  
3 revise the aggregates, allocations, and other appropriate  
4 levels in this resolution, if such legislation would not in-  
5 crease the deficit over either the period of the total of fis-  
6 cal years 2008 through 2013 or the period of the total  
7 of fiscal years 2008 through 2018.

8 **SEC. 333. DEFICIT-NEUTRAL RESERVE FUND TO BAN MEDI-**  
9 **CARE ADVANTAGE AND PRESCRIPTION DRUG**  
10 **PLAN SALES AND MARKETING ABUSES.**

11 The Chairman of the Senate Committee on the Budg-  
12 et may revise the allocations of a committee or commit-  
13 tees, aggregates, and other levels in this resolution for one  
14 or more bills, joint resolutions, amendments, motions, or  
15 conference reports that would limit inappropriate or abu-  
16 sive marketing tactics by private insurers and their agents  
17 offering Medicare Advantage or Medicare prescription  
18 drug plans by enacting any or all of the recommendations  
19 agreed to by leaders of the health insurance industry on  
20 March 3, 2008, including prohibitions on cold calling and  
21 telephone solicitations for in-home sales appointments  
22 with Medicare beneficiaries, free meals and inducements  
23 at sales events, cross-selling of non-health products, and  
24 up-selling of Medicare insurance products without prior  
25 consent of beneficiaries, by the amounts provided in such

1 legislation for such purpose, provided that such legislation  
2 would not increase the deficit over either the period of the  
3 total of fiscal years 2008 through 2013 or the period of  
4 the total of fiscal years 2008 through 2018.

5 **SEC. 334. SENSE OF THE SENATE REGARDING EXTENDING**  
6 **THE “MOVING TO WORK AGREEMENT” BE-**  
7 **TWEEN THE PHILADELPHIA HOUSING AU-**  
8 **THORITY AND THE U.S. DEPARTMENT OF**  
9 **HOUSING AND URBAN DEVELOPMENT UNDER**  
10 **THE SAME TERMS AND CONDITIONS FOR A**  
11 **PERIOD OF ONE YEAR.**

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

14 (1) The current “Moving to Work Agreement”  
15 between the Philadelphia Housing Authority and the  
16 U.S. Department of Housing and Urban Develop-  
17 ment is set to expire on March 31, 2008.

18 (2) The Philadelphia Housing Authority has  
19 used this agreement to leverage private and public  
20 resources to develop mixed-income communities that  
21 address the needs of the very poor while reshaping  
22 entire communities, and estimates that it will lose  
23 \$50,000,000 as a result of the agreement expiring.

24 (3) The U.S. Department of Housing and  
25 Urban Development has refused to grant Philadel-



1       phia Housing Authority a 1-year extension of its  
2       current agreement under the same terms and condi-  
3       tions.

4           (4) The U.S. Department of Housing and  
5       Urban Development alleges that Philadelphia Hous-  
6       ing Authority is in violation of fair housing require-  
7       ments.

8           (5) The Philadelphia Housing Authority denies  
9       this assertion and is challenging the matter in Fed-  
10      eral District Court.

11          (6) That there is a suspicion of retaliation with  
12      regard to the U.S. Department of Housing and  
13      Urban Development's refusal to grant a one-year ex-  
14      tension of Philadelphia Housing Authorities current  
15      agreement under the same terms and conditions.

16      (b) SENSE OF THE SENATE.—It is the sense of the  
17      Senate that it was discovered that two senior level officials  
18      at the U.S. Department of Housing and Urban Develop-  
19      ment had the following email exchange, referring to Phila-  
20      delphia Housing Authority Executive Director Carl R.  
21      Greene—

22          (1) Then-Assistant Secretary for Public and In-  
23      dian Housing Orlando J. Cabrera wrote, “Would  
24      you like me to make his life less happy? If so, how?”

1           (2) Assistant Secretary for Fair Housing and  
2 Equal Opportunity Kim Kendrick wrote, “Take  
3 away all of his Federal dollars?”

4           (3) Then-Assistant Secretary for Public and In-  
5 dian Housing Orlando J. Cabrera wrote, “Let me  
6 look into that possibility.”

7           (A) That these emails were the subject of  
8 questioning by Senator Casey to U.S. Depart-  
9 ment of Housing and Urban Development Sec-  
10 retary Alphonso Jackson at a March 12, 2008  
11 hearing before the Senate Committee on Bank-  
12 ing, Housing and Urban Affairs; and by Sen-  
13 ator Specter to Secretary Jackson at a March  
14 13, 2008 hearing before the Senate Appropria-  
15 tions Subcommittee on Transportation, Hous-  
16 ing and Urban Development and Related Agen-  
17 cies.

18           (B) That the Philadelphia Housing  
19 Authority’s allegation of retaliation appears to  
20 be substantiated by these newly discovered  
21 emails.

22           (C) That the expiration of the current  
23 agreement is imminent and will negatively im-  
24 pact 84,000 low-income residents of Philadel-  
25 phia.

1           (4) It is the sense of the Senate that Philadel-  
 2           phia Housing Authority should be granted a one-  
 3           year extension of its “Moving to Work Agreement”  
 4           with the U.S. Department of Housing and Urban  
 5           Development under the same terms and conditions  
 6           as the current agreement.

7 **SEC. 335. SENSE OF THE SENATE REGARDING A BALANCED**  
 8                           **BUDGET AMENDMENT TO THE CONSTITU-**  
 9                           **TION OF THE UNITED STATES.**

10           (a) FINDINGS.—The Senate finds that—

11                   (1) On January 26, 1996, the House of Rep-  
 12                   resentatives passed H.J. Res. 1, the Balanced Budg-  
 13                   et Amendment to the Constitution of the United  
 14                   States, by the necessary two-thirds majority (300–  
 15                   132);

16                   (2) On June 6, 1996, the Senate fell three  
 17                   votes short of the two-thirds majority vote needed to  
 18                   pass the Balanced Budget Amendment; and

19                   (3) Since the House of Representatives and  
 20                   Senate last voted on the Balanced Budget Amend-  
 21                   ment, the debt held by the public has grown from  
 22                   \$3,700,000,000,000           to           more           than  
 23                   \$5,000,000,000,000.

24           (b) SENSE OF THE SENATE.—It is the sense of the  
 25           Senate that a Balanced Budget Amendment to the Con-

1 stitution of the United States should be voted on at ear-  
2 liest opportunity.

3 **SEC. 336. SENSE OF THE SENATE REGARDING THE NEED**  
4 **FOR COMPREHENSIVE LEGISLATION TO LE-**  
5 **GALIZE THE IMPORTATION OF PRESCRIP-**  
6 **TION DRUGS FROM HIGHLY INDUSTRIALIZED**  
7 **COUNTRIES WITH SAFE PHARMACEUTICAL**  
8 **INFRASTRUCTURES.**

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

11 (1) The United States is the world's largest  
12 market for pharmaceuticals, yet consumers still pay  
13 the world's highest prices.

14 (2) In 2000, Congress took action to legalize  
15 the importation of prescription drugs from other  
16 countries by United States wholesalers and phar-  
17 macists, and before such a program can go into ef-  
18 fect, the Secretary of Health and Human Services  
19 (HHS) must certify that the program would have no  
20 adverse impact on safety and that it would reduce  
21 costs for American consumers.

22 (3) Since 2000, no Secretary of HHS has made  
23 the certification required to permit the implementa-  
24 tion of a program for importation of prescription  
25 drugs.

1           (4) In July 2006, the Senate approved by a  
2           vote of 68–32 an amendment to the Department of  
3           Homeland Security Appropriations Act, 2007, that  
4           prohibits Customs and Border Protection from pre-  
5           venting individuals not in the business of importing  
6           prescription drugs from carrying them across the  
7           border with Canada.

8           (5) In July 2007, the Senate adopted language  
9           similar to the 2007 amendment in the Department  
10          of Homeland Security Appropriations Act, 2008.

11          (6) In October 2007, the Senate adopted lan-  
12          guage in the Departments of Labor, Health and  
13          Human Services, and Education, and Related Agen-  
14          cies Appropriations Act, 2008, that prohibits anti-re-  
15          importation activities within HHS.

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

18                (1) the leadership of the Senate should bring to  
19                the floor for full debate in 2008 comprehensive legis-  
20                lation that legalizes the importation of prescription  
21                drugs from highly industrialized countries with safe  
22                pharmaceutical infrastructures and creates a regu-  
23                latory pathway to ensure that such drugs are safe;

24                (2) such legislation should be given an up or  
25                down vote on the floor of the Senate; and

1           (3) previous Senate approval of 3 amendments  
2           in support of prescription drug importation shows  
3           the Senate's strong support for passage of com-  
4           prehensive importation legislation.

          Passed the Senate March 14 (legislative day, March  
13), 2008.

Attest:

*Secretary.*



110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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**S. CON. RES. 70**

**CONCURRENT RESOLUTION**

Setting forth the congressional budget for the  
United States Government for fiscal year 2009  
and including the appropriate budgetary levels  
for fiscal years 2008 and 2010 through 2013.