as for coverage initiatives and provided that the committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2006 and for the period of fiscal years 2006 through 2010.

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN THE HOUSE.—(1)(A) In the House, except as provided in paragraph (2), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(B) Managers on the part of the House may not agree to a Senate amendment that would violate subparagraph (A) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(2) In the House, an advance appropriation may be provided for fiscal year 2007 or 2008 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $23,158,000,000 in new budget authority.

(3) In this subsection, the term "advance appropriation" means any new budget authority provided in a bill or joint resolution making general appropriations or any new budget authority provided in a bill or joint resolution continuing appropriations for fiscal year 2006 that first becomes available for any fiscal year after 2006.

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

(2) An advance appropriation may be provided for the fiscal years 2007 and 2008 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $23,158,000,000 in new budget authority in each year.

(3)(A) In the Senate, paragraph (1) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

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

(C) If a point of order is sustained under paragraph (1) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(4) In this subsection, the term "advance appropriation" means any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2006 that first becomes available for any fiscal year after 2006, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2007, that first becomes available for any fiscal year after 2007.

SEC. 402. EMERGENCY LEGISLATION.

(a) IN THE HOUSE.—

(1) EXEMPTION OF OVERSEAS CONTINGENCY OPERATIONS.—(A) In the House, if any bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that makes supplemental appropriations for fiscal year 2005 or fiscal year 2006 for contingency operations related to the global war on terrorism, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, 311, as appropriate, and 401 of the Congressional Budget Act of 1974 for the provisions of such measure that are designated pursuant to this subsection as making appropriations for such contingency operations.

(B) Amounts included in this resolution for the purpose set forth in subparagraph (A) shall be considered to be current law for purposes of the preparation of the current level of budget authority and outlays and the appropriate levels shall be adjusted upon the enactment of such bill.

(2) EXEMPTION OF EMERGENCY PROVISIONS.—In the House, if a bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that designates a provision as an emergency requirement pursuant to this subsection, then the new budget authority, new entitlement authority, outlays, and receipts resulting therefrom shall not count for purposes of sections 302, 303, 311, as appropriate, and 401 of the Congressional Budget Act of 1974.

(3) DESIGNATIONS.—In the House, if a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (c). If such legislation is to be considered by the House without being reported, then the committee shall cause the explanation to be published in the Congressional Record in advance of floor consideration.

(b) IN THE SENATE.—

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

(2) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to

this subsection, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974 and section 404 of this resolution (relating to discretionary spending limits in the Senate) and section 505 of the Concurrent Resolution on the Budget for Fiscal Year 2004, H. Con. Res. 95 (relating to the paygo requirement in the Senate).

(3) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (c).

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

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

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

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

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

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

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

(11) EXEMPTION OF OVERSEAS CONTINGENT OPERATIONS.—

(A) IN GENERAL.—In the Senate, if a bill, joint resolution, amendment, or a conference report makes supplemental appropriations for fiscal year 2006 for overseas con-

tingency operations related to the global war on terrorism, then the new budget authority, new entitlement authority, and outlays resulting from the provisions of such measure that are designated pursuant to this subsection as making appropriations for such contingency operations—

(i) shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974; and

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

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

(c) CRITERIA.—

(1) IN GENERAL.—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

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

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

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

(D) subject to paragraph (2), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

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

SEC. 403. EXTENSION OF SENATE ENFORCEMENT.

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

(b) IN GENERAL.—

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

(2) CONSIDERATION OF BUDGET LEGISLATION.—Section 303 of the Congressional Budget Act of 1974 shall be subject to the waiver and appeal requirements of subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974. For the purpose of Section 303, the year covered by the resolution shall be construed as the upcoming fiscal year only.

(3) APPLICATION TO RECONCILIATION.—This subsection shall not apply to any legislation reported pursuant to reconciliation directions contained in a concurrent resolution on the budget.

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

SEC. 404. DISCRETIONARY SPENDING LIMITS IN THE SENATE.

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

(1) for fiscal year 2006, $842,265,000,000 in new budget authority and $916,081,000,000 in outlays for the discretionary category;

(2) for fiscal year 2007, $866,038,000,000 in new budget authority for the discretionary category; and

(3) for fiscal year 2008, $887,005,000,000 in new budget authority for the discretionary category;

as adjusted in conformance with the adjustment procedures in subsection (d).

(b) ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.—

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

(2) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—If a bill or joint resolution is reported making appropriations for fiscal year 2006 that appropriates $6,447,000,000 for enhanced tax enforcement to address the "Federal tax gap" for the Internal Revenue Service, and provides an additional appropriation of $446,000,000 for enhanced tax enforcement to address the "Federal tax gap" for the Internal Revenue Service, then the allocation to the Senate Committee on Appropriations shall be increased by $446,000,000 in budget authority and outlays flowing from the budget authority for fiscal year 2006.

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

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

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

(1) IN GENERAL.—Except as otherwise provided in this subsection, it shall not be in order in the Senate to consider any

bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

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

(3) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(d) PROCEDURE FOR ADJUSTMENTS.—

(1) IN GENERAL.—

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

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

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

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

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

(2) AMOUNTS OF ADJUSTMENTS.—The adjustment referred to in paragraph (1) shall be an amount provided for the fiscal year 2006 pursuant to subsection (b).

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

SEC. 405. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

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

(1) apply while that measure is under consideration;

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

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

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

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels, including adjustments necessary, and in the House separate allocations, to reflect the timing of responses to reconciliation directives pursuant to sections 201 and 202 of this resolution.

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

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

(b) PELL GRANTS.—

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

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

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

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

(a) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.—The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill or joint resolution reported from committee (except measures within the jurisdiction of the Committee on Appropriations), or amendments thereto or conference reports thereon, an estimate of whether the measure would cause, relative to current law, a net increase in direct spending in excess of $5 billion in any of the four 10-year periods beginning in fiscal year 2016 through fiscal year 2055.

(b) POINT OF ORDER.—In the Senate, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that would cause a net increase in direct spending in excess of $5 billion in any of the four 10-year periods beginning in 2016 through 2055.

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

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

(e) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net direct spending shall be determined on the basis of estimates provided by the Committee on the Budget of the Senate.

(f) APPLICATION TO RECONCILIATION.—This section shall not apply to any legislation reported pursuant to reconciliation directions contained in a concurrent resolution on the budget.

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

SEC. 408. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House and the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 409. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

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

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

SEC. 410. TREATMENT OF ALLOCATIONS IN THE HOUSE.

(a) IN GENERAL.—In the House, the Committee on Appropriations may make a separate suballocation for appropriations for the legislative branch for the first fiscal year of this resolution. Such suballocation shall be deemed to be made under section 302(b) of the Congressional Budget Act of 1974 and shall be treated as such a suballocation for all purposes under section 302 of such Act.

(b) DISPLAY OF COMMITTEE ALLOCATIONS.—An allocation to a committee under section 302(a) of the Congressional Budget Act of 1974 may display an amount to reflect a committee's instruction under the reconciliation process, but it shall not constitute an allocation within the meaning of section 302 of such Act. Changes in

levels of direct spending achieved in a reconciliation bill submitted pursuant to title II of this resolution shall not be included in current levels of new budget authority and outlays for purposes of enforcing an allocation under 302(a) of such Act.

SEC. 411. SPECIAL PROCEDURES TO ACHIEVE SAVINGS IN MANDATORY SPENDING THROUGH FY2014.

(a) SENSE OF CONGRESS.—The Congress finds that—

(1) the share of the budget consumed by mandatory spending has been growing since the mid-1970s, and now is about 54 percent;

(2) this portion of the budget is continuing to grow, crowding out other priorities and threatening overall budget control;

(3) mandatory spending is intrinsically difficult to control;

(4) these programs are subject to a variety of factors outside the control of Congress, such as demographics, economic conditions, and medical prices;

(5) Congress should make an effort at least every other year, to review mandatory spending;

(6) the reconciliation process set forth in the Congressional Budget Act of 1974 is a viable tool to reduce the rate of growth in mandatory spending; and

(7) concurrent resolutions on the budget for fiscal years 2007 through 2010 should include reconciliation instructions to committees, every other year, pursuant to section 310(a) of the Congressional Budget Act of 1974 to achieve significant savings in mandatory spending.

TITLE V—SENSE OF THE SENATE

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

It is the sense of the Senate that Congress should—

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

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

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

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