

the circuit courts of appeal are the final word in 99 percent of Federal cases that are appealed. That is why most of the judicial nomination battles of the past few years have involved circuit court nominees, not district court nominees.

I know the Senators from Mississippi, and others, feel strongly that Judge Southwick should be confirmed. I respect their beliefs, and I have listened to their arguments. But I hope they will recognize the controversy surrounding this nomination and encourage the White House to put forward a different nominee—someone who can gain bipartisan support in the Senate Judiciary Committee.

**BUDGET SCOREKEEPING REPORT**

Mr. CONRAD. Mr. President, I rise to submit to the Senate the second set of budget scorekeeping reports for the 2008 budget resolution. The reports, which cover fiscal years 2007 and 2008, were prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

The reports show the effects of congressional action through July 24, 2007, and includes legislation that was enacted and or cleared for the President's signature since I filed my first report last month. The new legislation includes: Public Law 110-42, an act to extend the authorities of the Andean

Trade Preference Act until February 29, 2008; Public Law 110-48, a bill to provide for the extension of transitional medical assistance, TMA, and the abstinence education program through the end of fiscal year 2007, and for other purposes; and H.J. Res. 44; pending Presidential action, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes. The estimates of budget authority, outlays, and revenues used in the reports are consistent with the technical and economic assumptions of S. Con Res. 21, the 2008 budget resolution.

For 2007, the estimates show that current level spending equals the budget resolution for both budget authority and outlays while current level revenues exceed the budget resolution by \$4.2 billion. For 2008, the estimates show that current level spending is below the budget resolution by \$928.1 billion for budget authority and \$586.7 billion for outlays while current level revenues exceed the budget resolution level by \$34.6 billion.

I ask unanimous consent that the letters and accompanying tables from CBO be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, July 26, 2007.  
Hon. KENT CONRAD,  
Chairman, Committee on the Budget, U.S. Senate,  
Washington, DC 20510

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2007 budget and is current through July 24, 2007. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as approved by the Senate and the House of Representatives.

Pursuant to section 204(a) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 of Table 2 of the report).

Since my last letter, dated June 27, 2007, the Congress has cleared and the President has signed:

An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008 (Public Law 110-42); and

A bill to provide for the extension of Transitional Medical Assistance (TMA) and the Abstinence Education Program through the end of the fiscal year 2007, and for other purposes (Public Law 110-48).

The effects of those actions are detailed on Table 2.

Sincerely,

ROBERT A. SUNSHINE,  
For Peter R. Orszag, Director.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2007, AS OF JULY 24, 2007

(In billions of dollars)

	Budget Resolution <sup>1</sup>	Current Level <sup>2</sup>	Current Level Over/Under (-) Resolution
<b>ON-BUDGET</b>			
Budget Authority .....	2,255.6	2,255.6	0.0
Outlays .....	2,268.6	2,268.6	0.0
Revenues .....	1,900.3	1,904.5	4.2
<b>OFF-BUDGET</b>			
Social Security Outlays <sup>3</sup> .....	441.7	441.7	0.0
Social Security Revenues .....	637.6	637.6	0.0

SOURCE: Congressional Budget Office.

<sup>1</sup>S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as adjusted pursuant to section 207(f), assumed approximately \$120.8 billion in budget authority and \$31.1 billion in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110-28 (see footnote 1 of table 2), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

<sup>2</sup>Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

<sup>3</sup>Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2007, AS OF JULY 24, 2007

(In millions of dollars)

	Budget authority	Outlays	Revenues
<b>Enacted in previous session:</b>			
Revenues:			
Permanents and other spending legislation .....	n.a.	n.a.	1,904,706
Appropriation legislation .....	1,347,423	1,297,059	n.a.
.....	1,480,453	1,543,072	n.a.
Offsetting receipts .....	-571,507	-571,507	n.a.
<b>Total, enacted in previous session .....</b>	<b>2,256,369</b>	<b>2,268,624</b>	<b>1,904,706</b>
<b>Enacted this session:</b>			
Appropriation Acts:			
U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28) 1/ .....	-794	9	-166
An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008 (P.L. 110-42) .....	0	0	-24
A bill to provide for the extension of Transitional Medical Assistance (TMA) and the Abstinence Education Program through the end of fiscal year 2007, and for other purposes (P.L. 110-48) .....	12	3	0
<b>Total, enacted this session .....</b>	<b>-782</b>	<b>12</b>	<b>-190</b>
<b>Entitlements and mandatories:</b>			
Budget resolution estimates of appropriated entitlements and other mandatory programs .....	-30	0	0
<b>Total Current Level 1, 2/ .....</b>	<b>2,255,557</b>	<b>2,268,636</b>	<b>1,904,516</b>
<b>Total Budget Resolution .....</b>	<b>2,376,360</b>	<b>2,299,752</b>	<b>1,900,340</b>
Adjustment to the budget resolution for emergency requirements 3/ .....	-120,803	-31,116	0
<b>Adjusted Budget Resolution .....</b>	<b>2,255,557</b>	<b>2,268,636</b>	<b>1,900,340</b>
<b>Current Level Over Adjusted Budget Resolution .....</b>	<b>0</b>	<b>0</b>	<b>4,176</b>
<b>Current Level Under Adjusted Budget Resolution .....</b>	<b>0</b>	<b>0</b>	<b>n.a.</b>

SOURCE: Congressional Budget Office

NOTES: n.a. = not applicable; P.L. = Public Law

<sup>1</sup> Pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2007, which are not included in the current level total, are as follows:

	Budget authority	Outlays	Revenues
U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28)	120,803	31,116	n.a.

<sup>2</sup> Excludes administrative expenses of the Social Security Administration, which are off-budget.

<sup>3</sup> S. Con. Res. 21, as adjusted pursuant to section 207(f), assumed \$120,803 million in budget authority and \$31,116 million in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110-28 (see footnote 1), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, July 26, 2007.

Hon. KENT CONRAD,  
Chairman, Committee on the Budget,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2008 budget and is current through July 24, 2007. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 21, the Concurrent Resolution on

the Budget for Fiscal Year 2008, as approved by the Senate and the House of Representatives.

Pursuant to section 204(a) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 of Table 2 of the report).

Since my last letter, dated June 27, 2007, the Congress has cleared and the President has signed:

An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008 (Public Law 110-42); and

A bill to provide for the extension of Transitional Medical Assistance (TMA) and the Abstinence Education Program through the end of the fiscal year 2007, and for other purposes (Public Law 110-48).

In addition, the Congress has cleared for the President's signature a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes (H.J. Res. 44).

The effects of those actions are detailed on Table 2.

Sincerely,

PETER R. ORSZAG,  
Director.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2008, AS OF JULY 24, 2007

(In billions of dollars)

	Budget Resolution <sup>1</sup>	Current Level <sup>2</sup>	Current Level Over/Under(—) Resolution
<b>ON-BUDGET</b>			
Budget Authority	2,350.3	1,422.2	–928.1
Outlays	2,353.9	1,767.2	–586.7
Revenues	2,015.8	2,050.4	34.6
<b>OFF-BUDGET</b>			
Social Security Outlays <sup>3</sup>	460.2	460.2	0.0
Social Security Revenues	669.0	669.0	0.0

SOURCE: Congressional Budget Office.

<sup>1</sup> S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as adjusted pursuant to section 207(f), assumed approximately \$0.6 billion in budget authority and \$48.6 billion in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110-28 (see footnote 1 of table 2), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Additionally, section 207(c)(2)(E) of S. Con. Res. 21 assumed \$145.2 billion in budget authority and \$65.8 billion in outlays for overseas deployment and related activities. Pending action by the Senate Committee on Appropriations, the Senate Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

<sup>2</sup> Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

<sup>3</sup> Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2008, AS OF JULY 24, 2007

(In millions of dollars)

	Budget Authority	Outlays	Revenues
<b>Enacted in previous session:</b>			
Revenues	n.a.	n.a.	2,050,796
Permanents and other spending legislation	1,410,115	1,351,590	n.a.
Appropriation legislation	0	419,862	n.a.
Offsetting receipts	–575,635	–575,635	n.a.
<b>Total, enacted in previous session</b>	<b>834,480</b>	<b>1,195,817</b>	<b>2,050,796</b>
<b>Enacted this session:</b>			
U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28) <sup>1</sup>	1	42	–335
An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008 (P.L. 110-42)	0	0	–41
A bill to provide for the extension of Transitional Medical Assistance (TMA) and the Abstinence Education Program through the end of fiscal year 2007, and for other purposes (P.L. 110-48)	96	99	0
<b>Total, enacted this session</b>	<b>97</b>	<b>141</b>	<b>–376</b>
<b>Passed, pending signature:</b>			
A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes (H.J. Res. 44, Pending Signature)	0	0	–2
<b>Entitlements and mandatories:</b>			
Budget resolution estimates of appropriated entitlements and other mandatory programs	587,601	571,260	0
<b>Total Current Level <sup>2</sup></b>	<b>1,422,178</b>	<b>1,767,218</b>	<b>2,050,418</b>
<b>Total Budget Resolution</b>	<b>2,496,053</b>	<b>2,468,314</b>	<b>2,015,841</b>
Adjustment to the budget resolution for emergency requirements <sup>3</sup>	–605	–48,639	n.a.
Adjustment to the budget resolution pursuant to section 207(c)(2)(E) <sup>4</sup>	–145,162	65,754	n.a.
<b>Adjusted Budget Resolution</b>	<b>2,350,286</b>	<b>2,353,921</b>	<b>2,015,841</b>
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	34,577
Current Level Under Adjusted Budget Resolution	928,108	586,703	n.a.

SOURCE: Congressional Budget Office

NOTES: n.a. = not applicable; P.L. = Public Law

<sup>1</sup> Pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2008, which are not included in the current level total, are as follows:

	Budget Authority	Outlays	Revenues
U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110-28)	605	48,639	n.a.

<sup>2</sup> Excludes administrative expenses of the Social Security Administration, which are off-budget.

<sup>3</sup> S. Con. Res. 21, as adjusted pursuant to section 207(t), assumed \$605 million in budget authority and \$48,639 million in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110-28 (see footnote 1), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

<sup>4</sup> Section 207(c)(2)(E) of S. Con. Res. 21 assumed \$145,162 million in budget authority and \$65,754 million in outlays for overseas deployment and related activities. Pending action by the Senate Committee on Appropriations, the Senate Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.