

109TH CONGRESS  
1ST SESSION

# S. 1928

To reduce mandatory and discretionary spending in order to offset the cost of rebuilding the Gulf Region in the wake of Hurricane Katrina and Hurricane Rita.

---

## IN THE SENATE OF THE UNITED STATES

OCTOBER 27, 2005

Mr. ENSIGN (for himself, Mr. BROWNBACK, Mr. COBURN, Mr. DEMINT, Mr. GRAHAM, Mr. MCCAIN, Mr. SUNUNU, and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

---

## A BILL

To reduce mandatory and discretionary spending in order to offset the cost of rebuilding the Gulf Region in the wake of Hurricane Katrina and Hurricane Rita.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Spending Money Ac-  
5 countably to Rebuild After Tragedy Act” or the “SMART  
6 Act”.

1                   **TITLE I—CHANGES IN**  
2                   **DISCRETIONARY SPENDING**

3   **SEC. 101. REDUCTION IN FY2006 DISCRETIONARY SPEND-**  
4                   **ING.**

5           (a) **ACROSS-THE-BOARD RESCISSIONS.**—There is  
6 hereby rescinded an amount equal to 5.00 percent of—

7               (1) the budget authority provided (or obligation  
8 limitation imposed) for fiscal year 2006 for each dis-  
9 cretionary account in each fiscal year 2006 appro-  
10 priations Act (except any fiscal year 2005 supple-  
11 mental appropriation Act, the Department of Home-  
12 land Security Appropriations Act, 2006, and the De-  
13 partment of Defense Appropriations Act);

14              (2) the budget authority provided in any ad-  
15 vance appropriation for fiscal year 2006 for any dis-  
16 cretionary account in any prior fiscal year appro-  
17 priations Act; and

18              (3) the contract authority provided in fiscal  
19 year 2006 for any program subject to limitation con-  
20 tained in this joint resolution.

21           (b) **PROPORTIONATE APPLICATION.**—Any rescission  
22 made by subsection (a) shall be applied proportionately—

23               (1) to each discretionary account and each item  
24 of budget authority described in subsection (a); and



1 5303 and 5304 of title 5, United States Code, shall not  
2 take effect during fiscal year 2006.

3 (b) EXCEPTION FOR FEDERAL LAW ENFORCEMENT  
4 OFFICERS.—Adjustments in the rates of basic pay for em-  
5 ployees who are law enforcement officers (as defined under  
6 section 5541(3) of title 5, United States Code) shall take  
7 effect as though the adjustment in rates of basic pay for  
8 employees under the statutory pay systems under sections  
9 5303 and 5304 of that title for fiscal year 2006 is an in-  
10 crease of 3.1 percent and such adjustments for law en-  
11 forcement officers shall take effect as of the first day of  
12 the first applicable pay period beginning on or after Janu-  
13 ary 1, 2006.

14 **TITLE II—CHANGES IN**  
15 **MANDATORY SPENDING**

16 **SEC. 201. TWO-YEAR DELAY OF THE IMPLEMENTATION OF**  
17 **THE MEDICARE PART D PRESCRIPTION DRUG**  
18 **BENEFIT AND TWO-YEAR EXTENSION OF THE**  
19 **MEDICARE PRESCRIPTION DRUG DISCOUNT**  
20 **CARD AND TRANSITIONAL ASSISTANCE PRO-**  
21 **GRAM.**

22 (a) DELAY.—

23 (1) IN GENERAL.—Except as provided in sub-  
24 section (b), notwithstanding any other provision of  
25 law, the Secretary of Health and Human Services

1 shall delay implementation of title I of the Medicare  
2 Prescription Drug, Improvement, and Modernization  
3 Act of 2003 (Public Law 108–173), and the amend-  
4 ments made by such title, for 2 years until January  
5 1, 2008.

6 (2) APPLICABILITY.—Except as provided in  
7 subsection (b), during the two-year delay described  
8 in paragraph (1), the Social Security Act shall be  
9 applied and administered as if such title I (and the  
10 amendments made by such title) had not been en-  
11 acted.

12 (b) EXTENSION.—

13 (1) IN GENERAL.—Except as provided in para-  
14 graph (2), notwithstanding any other provision of  
15 law, the Secretary of Health and Human Services  
16 shall continue to administer the Medicare prescrip-  
17 tion drug discount card and transitional assistance  
18 program under subpart 4 of part D of title XVIII  
19 of the Social Security Act (42 U.S.C. 1395w–141),  
20 as added by section 101 of title I of the Medicare  
21 Prescription Drug, Improvement, and Modernization  
22 Act of 2003 (Public Law 108–173), during 2006  
23 and 2007 under the terms and conditions that apply  
24 under such program during 2005.

1           (2) INCREASE IN AMOUNT OF TRANSITIONAL  
2 ASSISTANCE DURING EXTENSION PERIOD.—In ad-  
3 ministering the Medicare prescription drug discount  
4 card and transitional assistance program during  
5 2006 and 2007 pursuant to paragraph (1), the Sec-  
6 retary shall increase the amount of transitional as-  
7 sistance under section 1860D–31(g)(2)(A)(ii)(I) of  
8 the Social Security Act (42 U.S.C. 1395w–  
9 141(g)(2)(A)(ii)(I)) for each of 2006 and 2007 from  
10 \$600 to \$1,200.

11 **SEC. 202. ACCELERATION OF INCOME-RELATED REDUC-**  
12 **TION IN MEDICARE PART B PREMIUM SUB-**  
13 **SIDY.**

14       (a) Section 1839(i) of the Social Security Act (42  
15 U.S.C. 1395r(i)) is amended as follows—

16           (1) in paragraph (1), by striking “2006” and  
17 inserting “2005”;

18           (2) in paragraph (3)—

19               (A) in subparagraph (A)—

20                   (i) in the matter preceding clause (i),  
21 by striking “Subject to subparagraph (B),  
22 the” and inserting “The”; and

23                   (ii) in clause (i), by striking “subpara-  
24 graph (C)” and inserting “subparagraph  
25 (B)”;

1 (B) by striking subparagraph (B); and

2 (C) by redesignating subparagraph (C) as  
3 subparagraph (B);

4 (3) in paragraph (4)(B)(iii)(I), by striking  
5 “paragraph (3)(C)” and inserting “paragraph  
6 (3)(B)”; and

7 (4) in paragraph (5)(A)—

8 (A) in the matter preceding clause (i), by  
9 striking “2007” and inserting “2006”; and

10 (B) in clause (ii), by striking “2006” and  
11 inserting “2005”.

12 (b) The amendments made by subsection (a) shall  
13 take effect on the date of enactment of this Act.

14 **SEC. 203. OFFSET FOR HURRICANE KATRINA DAMAGE**  
15 **FUNDING.**

16 (a) REPEAL.—Section 1101(a)(16) of the Safe, Ac-  
17 countable, Flexible, Efficient Transportation Equity Act:  
18 A Legacy for Users (Public Law 109–59; 119 Stat. 1144)  
19 (referred to in this section as “SAFETEA–LU”), author-  
20 izing funding for high priority projects under section 117  
21 of title 23, United States Code, is repealed.

22 (b) RESCISSIONS.—

23 (1) HIGH PRIORITY PROJECTS.—The unobli-  
24 gated balance of any funds authorized under section  
25 1101 (a)(16) of SAFETEA–LU is rescinded.

1           (2) OTHER PROGRAMS.—The unobligated bal-  
2           ances of any funds authorized under SAFETEA-  
3           LU, or an amendment made by SAFETEA-LU, for  
4           the following programs are rescinded:

5                   (A) The high priority projects designated  
6                   under section 1702 of the SAFETEA-LU  
7                   (Public Law 109-59; 119 Stat. 1144) and car-  
8                   ried out using funds made available under sec-  
9                   tion 1101(a)(16) of that Act.

10                   (B) The set-asides designated under sec-  
11                   tion 104(d)(2)(E) of title 23, United States  
12                   Code.

13                   (C) The set-asides designated under the  
14                   highway bridge program under section 144(g)  
15                   of title 23, United States Code.

16                   (D) The designated projects under section  
17                   1301(m) of the SAFETEA-LU.

18                   (E) The designated projects under section  
19                   1302(e) of the SAFETEA-LU.

20                   (F) The designated projects under section  
21                   1306(d)(3) of SAFETEA-LU (23 U.S.C. 103  
22                   note; 119 Stat. 1144).

23                   (G) The set-asides designated under sec-  
24                   tion 1307(d) of SAFETEA-LU.

1           (H) The set-aside for designated projects  
2 that are part of the National Highway System  
3 established under the construction of ferry  
4 boats and ferry terminal facilities program  
5 under section 147(d) of title 23, United States  
6 Code.

7           (I) The pilot program under section 1807  
8 of SAFETEA-LU (23 U.S.C. 217 note; 119  
9 Stat. 1144).

10          (J) The demonstration projects under sec-  
11 tion 1907 of SAFETEA-LU.

12          (K) The designated projects under section  
13 1934 of SAFETEA-LU.

14          (L) The Going-to-the-Sun Road program,  
15 Glacier Park, Montana, under section 1940 of  
16 the SAFETEA-LU.

17          (M) The Great Lakes ITS implementation  
18 program under section 1943 of the SAFETEA-  
19 LU.

20          (N) The transportation construction and  
21 remediation program, Ottawa County, Okla-  
22 homa, under section 1944 of the SAFETEA-  
23 LU.

1           (O) The traffic circle construction pro-  
2           gram, Clarendon, Vermont, under section 1957  
3           of the SAFETEA-LU.

4           (P) The Denali access system program  
5           under section 309 of the Denali Commission  
6           Act of 1998 (42 U.S.C. 3121 note; 119  
7           Stat.1144).

8           (Q) The Interstate Route 95/Contee Road  
9           interchange study under section 1961 of the  
10          SAFETEA-LU.

11          (R) The multimodal facility improvements  
12          program for North Bay Ferry Service, Inc., at  
13          Port Sonora, Petaluma, California, under sec-  
14          tion 1962 of the SAFETEA-LU.

15          (S) The designated bus and bus related fa-  
16          cility projects under section 3044 of  
17          SAFETEA-LU.

18          (c) OBLIGATION AUTHORITY.—

19           (1) REDUCTION OF OBLIGATION CEILING FOR  
20           FISCAL YEARS 2006 THROUGH 2009.—Each obligation  
21           limitation established in paragraphs (2) through (5)  
22           of section 1102(a) of SAFETEA-LU is reduced by  
23           \$2,699,424,000.

24           (2) RESCISSION OF UNUSED OBLIGATION LIM-  
25           TATION FOR HIGH PRIORITY PROJECTS FOR FISCAL

1 YEAR 2005.—Any unused obligation limitation for  
2 fiscal year 2005 relating to a high priority project  
3 under SAFETEA-LU is rescinded.

4 (3) LEVEL OF OBLIGATION LIMITATIONS.—  
5 Each obligation limitation established in paragraphs  
6 (2) through (5) of section 8003(a) of SAFETEA-  
7 LU is reduced by \$2,699,424,000.

8 (d) EQUITY BONUS FORMULA.—Notwithstanding  
9 any other provision of law, in allocating funds under the  
10 equity bonus program under section 105 of title 23,  
11 United States Code, the Secretary of Transportation shall  
12 make the required calculations as if subsections (a) and  
13 (b) had not been enacted.

14 **TITLE III—MAKING GOVERN-**  
15 **MENT MORE RESPONSIVE TO**  
16 **THE AMERICAN PUBLIC**

17 **SEC. 301. SHORT TITLE.**

18 This title may be cited as the “Commission on the  
19 Accountability and Review of Federal Agencies Act”.

20 **SEC. 302. ESTABLISHMENT OF COMMISSION.**

21 (a) ESTABLISHMENT.—There is established the Com-  
22 mission on the Accountability and Review of Federal  
23 Agencies (hereafter in this title referred to as the “Com-  
24 mission”).

25 (b) MEMBERSHIP.—

1           (1) IN GENERAL.—The Commission shall con-  
2           sist of 12 members, of which, not later than 90 days  
3           after the date of enactment of this Act—

4                   (A) 4 shall be appointed by the President;

5                   (B) 2 shall be appointed by the Majority  
6           Leader of the Senate;

7                   (C) 2 shall be appointed by the Minority  
8           Leader of the Senate;

9                   (D) 2 shall be appointed by the Speaker of  
10          the House of Representatives; and

11                   (E) 2 shall be appointed by the Minority  
12          Leader of the House of Representatives.

13           (2) CHAIRPERSON AND VICE CHAIRPERSON.—  
14          The President shall designate a chairperson and vice  
15          chairperson from among the members of the Com-  
16          mission.

17          (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-  
18          bers shall be appointed for the life of the Commission. Any  
19          vacancy in the Commission shall not affect its powers, but  
20          shall be filled in the same manner as the original appoint-  
21          ment.

22          (d) MEETINGS.—

23                   (1) INITIAL MEETING.—Not later than 30 days  
24          after the date on which all members of the Commis-

1 sion have been appointed, the Commission shall hold  
2 its first meeting.

3 (2) SUBSEQUENT MEETINGS.—The Commission  
4 shall meet at the call of the chairperson.

5 (e) QUORUM.—A majority of the members of the  
6 Commission shall constitute a quorum, but a lesser num-  
7 ber of members may hold hearings.

8 **SEC. 303. DUTIES OF THE COMMISSION.**

9 (a) DEFINITIONS.—In this section, the following defi-  
10 nitions shall apply:

11 (1) AGENCY.—The term “agency” means—

12 (A) an Executive agency, as defined under  
13 section 105 of title 5, United States Code; and

14 (B) the Executive Office of the President.

15 (2) PROGRAM.—The term “program” means  
16 any activity or function of an agency.

17 (b) IN GENERAL.—The Commission shall—

18 (1) evaluate all agencies and programs within  
19 those agencies, using the criteria under subsection

20 (c); and

21 (2) submit to Congress—

22 (A) a plan with recommendations of the  
23 agencies and programs that should be realigned  
24 or eliminated; and

1 (B) proposed legislation to implement the  
2 plan described under subparagraph (A).

3 (c) CRITERIA.—

4 (1) DUPLICATIVE.—If 2 or more agencies or  
5 programs are performing the same essential function  
6 and the function can be consolidated or streamlined  
7 into a single agency or program, the Commission  
8 shall recommend that the agencies or programs be  
9 realigned.

10 (2) WASTEFUL OR INEFFICIENT.—The Com-  
11 mission may recommend the realignment or elimi-  
12 nation of any agency or program that has wasted  
13 Federal funds by—

14 (A) egregious spending;

15 (B) mismanagement of resources and per-  
16 sonnel; or

17 (C) use of such funds for personal benefit  
18 or the benefit of a special interest group.

19 (3) OUTDATED, IRRELEVANT, OR FAILED.—The  
20 Commission shall recommend the elimination of any  
21 agency or program that—

22 (A) has completed its intended purpose;

23 (B) has become irrelevant; or

24 (C) has failed to meet its objectives.

25 (d) SYSTEMATIC ASSESSMENT OF PROGRAMS.—

1           (1) IN GENERAL.—Not later than 1 year after  
2 the date of enactment of this Act, the President  
3 shall—

4           (A) establish a systematic method for as-  
5 sessing the effectiveness and accountability of  
6 agency programs; and

7           (B) submit, to the Commission, assess-  
8 ments of not less than 50 percent of all pro-  
9 grams covered under subsection (b)(1) that use  
10 the method established under subparagraph  
11 (A).

12           (2) METHOD OBJECTIVES.—The method estab-  
13 lished under paragraph (1) shall—

14           (A) recognize different types of Federal  
15 programs;

16           (B) assess programs based primarily on  
17 the achievement of performance goals (as de-  
18 fined under section 1115(f)(4) of title 31,  
19 United States Code); and

20           (C) assess programs based in part on the  
21 adequacy of the program’s performance meas-  
22 ures, financial management, and other factors  
23 determined by the President.

24           (3) DEVELOPMENT.—The method established  
25 under paragraph (1) shall not be implemented until

1 it has been reviewed and accepted by the Commis-  
2 sion.

3 (4) CONSIDERATION OF ASSESSMENTS.—The  
4 Commission shall consider assessments submitted  
5 under this subsection when evaluating programs  
6 under subsection (b)(1).

7 (e) COMMON PERFORMANCE MEASURES.—Not later  
8 than 1 year after the date of enactment of this Act, the  
9 President shall identify common performance measures  
10 for programs covered in subsection (b)(1) that have simi-  
11 lar functions and, to the extent feasible, provide the Com-  
12 mission with data on such performance measures.

13 (f) REPORT.—

14 (1) IN GENERAL.—Not later than 2 years after  
15 the date of enactment of this Act, the Commission  
16 shall submit to the President and Congress a report  
17 that includes—

18 (A) the plan described under subsection  
19 (b)(2)(A), with supporting documentation for  
20 all recommendations; and

21 (B) the proposed legislation described  
22 under subsection (b)(2)(B).

23 (2) RELOCATION OF FEDERAL EMPLOYEES.—  
24 The proposed legislation under paragraph (1)(B)  
25 shall provide that if the position of an employee of

1 an agency is eliminated as a result of the implemen-  
2 tation of the plan under paragraph (1)(A), the af-  
3 fected agency shall make reasonable efforts to relo-  
4 cate such employee to another position within the  
5 agency or within another Federal agency.

6 **SEC. 304. POWERS OF THE COMMISSION.**

7 (a) HEARINGS.—The Commission or, at its direction,  
8 any subcommittee or member of the Commission, may, for  
9 the purpose of carrying out this title—

10 (1) hold such hearings, sit and act at such  
11 times and places, take such testimony, receive such  
12 evidence, and administer such oaths as any member  
13 of the Commission considers advisable;

14 (2) require, by subpoena or otherwise, the at-  
15 tendance and testimony of such witnesses as any  
16 member of the Commission considers advisable; and

17 (3) require, by subpoena or otherwise, the pro-  
18 duction of such books, records, correspondence,  
19 memoranda, papers, documents, tapes, and other  
20 evidentiary materials relating to any matter under  
21 investigation by the Commission.

22 (b) SUBPOENAS.—

23 (1) ISSUANCE.—Subpoenas issued under sub-  
24 section (a) shall bear the signature of the chair-  
25 person of the Commission and shall be served by any

1 person or class of persons designated by the chair-  
2 person for that purpose.

3 (2) ENFORCEMENT.—In the case of contumacy  
4 or failure to obey a subpoena issued under sub-  
5 section (a), the United States district court for the  
6 judicial district in which the subpoenaed person re-  
7 sides, is served, or may be found, may issue an order  
8 requiring such person to appear at any designated  
9 place to testify or to produce documentary or other  
10 evidence. Any failure to obey the order of the court  
11 may be punished by the court as a contempt of that  
12 court.

13 (c) INFORMATION FROM FEDERAL AGENCIES.—The  
14 Commission may secure directly from any Federal depart-  
15 ment or agency such information as the Commission con-  
16 siders necessary to carry out this Act. Upon request of  
17 the chairperson of the Commission, the head of such de-  
18 partment or agency shall furnish such information to the  
19 Commission.

20 (d) POSTAL SERVICES.—The Commission may use  
21 the United States mails in the same manner and under  
22 the same conditions as other departments and agencies of  
23 the Federal Government.

24 (e) GIFTS.—The Commission may accept, use, and  
25 dispose of gifts or donations of services or property.

1 **SEC. 305. COMMISSION PERSONNEL MATTERS.**

2 (a) COMPENSATION OF MEMBERS.—

3 (1) NON-FEDERAL MEMBERS.—Except as pro-  
4 vided under subsection (b), each member of the  
5 Commission who is not an officer or employee of the  
6 Federal Government shall not be compensated.

7 (2) FEDERAL OFFICERS OR EMPLOYEES.—All  
8 members of the Commission who are officers or em-  
9 ployees of the United States shall serve without com-  
10 pensation in addition to that received for their serv-  
11 ices as officers or employees of the United States.

12 (b) TRAVEL EXPENSES.—The members of the Com-  
13 mission shall be allowed travel expenses, including per  
14 diem in lieu of subsistence, at rates authorized for employ-  
15 ees of agencies under subchapter I of chapter 57 of title  
16 5, United States Code, while away from their homes or  
17 regular places of business in the performance of services  
18 for the Commission.

19 (c) STAFF.—

20 (1) IN GENERAL.—The chairperson of the Com-  
21 mission may, without regard to the civil service laws  
22 and regulations, appoint and terminate an executive  
23 director and such other additional personnel as may  
24 be necessary to enable the Commission to perform  
25 its duties. The employment of an executive director  
26 shall be subject to confirmation by the Commission.

1           (2) COMPENSATION.—Upon the approval of the  
2 chairperson, the executive director may fix the com-  
3 pensation of the executive director and other per-  
4 sonnel without regard to chapter 51 and subchapter  
5 III of chapter 53 of title 5, United States Code, re-  
6 lating to classification of positions and General  
7 Schedule pay rates, except that the rate of pay for  
8 the executive director and other personnel may not  
9 exceed the maximum rate payable for a position at  
10 GS–15 of the General Schedule under section 5332  
11 of such title.

12           (3) PERSONNEL AS FEDERAL EMPLOYEES.—

13           (A) IN GENERAL.—The executive director  
14 and any personnel of the Commission who are  
15 employees shall be employees under section  
16 2105 of title 5, United States Code, for pur-  
17 poses of chapters 63, 81, 83, 84, 85, 87, 89,  
18 89A, 89B, and 90 of that title.

19           (B) MEMBERS OF COMMISSION.—Subpara-  
20 graph (A) shall not be construed to apply to  
21 members of the Commission.

22           (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
23 Federal Government employee may be detailed to the  
24 Commission without reimbursement, and such detail shall

1 be without interruption or loss of civil service status or  
2 privilege.

3 (e) **PROCUREMENT OF TEMPORARY AND INTERMIT-**  
4 **TENT SERVICES.**—The chairperson of the Commission  
5 may procure temporary and intermittent services under  
6 section 3109(b) of title 5, United States Code, at rates  
7 for individuals which do not exceed the daily equivalent  
8 of the annual rate of basic pay prescribed for level V of  
9 the Executive Schedule under section 5316 of such title.

10 **SEC. 306. TERMINATION OF THE COMMISSION.**

11 The Commission shall terminate 90 days after the  
12 date on which the Commission submits the report under  
13 section 303(f).

14 **SEC. 307. CONGRESSIONAL CONSIDERATION OF REFORM**  
15 **PROPOSALS.**

16 (a) **DEFINITIONS.**—In this section:

17 (1) **IMPLEMENTATION BILL.**—The term “imple-  
18 mentation bill” means only a bill which is introduced  
19 as provided under subsection (b), and contains the  
20 proposed legislation included in the report submitted  
21 to Congress under section 303, without modification.

22 (2) **CALENDAR DAY.**—The term “calendar day”  
23 means a calendar day other than one on which ei-  
24 ther House is not in session because of an adjourn-  
25 ment of more than 3 days to a date certain.

1 (b) INTRODUCTION; REFERRAL; AND REPORT OR  
2 DISCHARGE.—

3 (1) INTRODUCTION.—On the first calendar day  
4 on which both Houses are in session, on or imme-  
5 diately following the date on which the report is sub-  
6 mitted to Congress under section 303, a single im-  
7 plementation bill shall be introduced (by request)—

8 (A) in the Senate by the majority leader of  
9 the Senate, for himself and the minority leader  
10 of the Senate, or by Members of the Senate  
11 designated by the majority leader and minority  
12 leader of the Senate; and

13 (B) in the House of Representatives by the  
14 Speaker of the House of Representatives, for  
15 himself and the minority leader of the House of  
16 Representatives, or by Members of the House of  
17 Representatives designated by the Speaker and  
18 minority leader of the House of Representa-  
19 tives.

20 (2) REFERRAL.—The implementation bills in-  
21 troduced under paragraph (1) shall be referred to  
22 any appropriate committee of jurisdiction in the  
23 Senate and any appropriate committee of jurisdic-  
24 tion in the House of Representatives. A committee  
25 to which an implementation bill is referred under

1 this paragraph may review and comment on such  
2 bill, may report such bill to the respective House,  
3 and may not amend such bill.

4 (3) REPORT OR DISCHARGE.—If a committee to  
5 which an implementation bill is referred has not re-  
6 ported such bill by the end of the 15th calendar day  
7 after the date of the introduction of such bill, such  
8 committee shall be immediately discharged from fur-  
9 ther consideration of such bill, and upon being re-  
10 ported or discharged from the committee, such bill  
11 shall be placed on the appropriate calendar.

12 (c) FLOOR CONSIDERATION.—

13 (1) IN GENERAL.—When the committee to  
14 which an implementation bill is referred has re-  
15 ported, or has been discharged under subsection  
16 (b)(3), it is at any time thereafter in order (even  
17 though a previous motion to the same effect has  
18 been disagreed to) for any Member of the respective  
19 House to move to proceed to the consideration of the  
20 implementation bill, and all points of order against  
21 the implementation bill (and against consideration of  
22 the implementation bill) are waived. The motion is  
23 highly privileged in the House of Representatives  
24 and is privileged in the Senate and is not debatable.  
25 The motion is not subject to amendment, or to a

1 motion to postpone, or to a motion to proceed to the  
2 consideration of other business. A motion to recon-  
3 sider the vote by which the motion is agreed to or  
4 disagreed to shall not be in order. If a motion to  
5 proceed to the consideration of the implementation  
6 bill is agreed to, the implementation bill shall remain  
7 the unfinished business of the respective House until  
8 disposed of.

9 (2) AMENDMENTS.—An implementation bill  
10 may not be amended in the Senate or the House of  
11 Representatives.

12 (3) DEBATE.—Debate on the implementation  
13 bill, and on all debatable motions and appeals in  
14 connection therewith, shall be limited to not more  
15 than 10 hours, which shall be divided equally be-  
16 tween those favoring and those opposing the resolu-  
17 tion. A motion further to limit debate is in order and  
18 not debatable. An amendment to, or a motion to  
19 postpone, or a motion to proceed to the consider-  
20 ation of other business, or a motion to recommit the  
21 implementation bill is not in order. A motion to re-  
22 consider the vote by which the implementation bill is  
23 agreed to or disagreed to is not in order.

24 (4) VOTE ON FINAL PASSAGE.—Immediately  
25 following the conclusion of the debate on an imple-

1       mentation bill, and a single quorum call at the con-  
2       clusion of the debate if requested in accordance with  
3       the rules of the appropriate House, the vote on final  
4       passage of the implementation bill shall occur.

5           (5) RULINGS OF THE CHAIR ON PROCEDURE.—  
6       Appeals from the decisions of the Chair relating to  
7       the application of the rules of the Senate or the  
8       House of Representatives, as the case may be, to the  
9       procedure relating to an implementation bill shall be  
10      decided without debate.

11       (d) COORDINATION WITH ACTION BY OTHER  
12      HOUSE.—If, before the passage by 1 House of an imple-  
13      mentation bill of that House, that House receives from  
14      the other House an implementation bill, then the following  
15      procedures shall apply:

16           (1) NONREFERRAL.—The implementation bill  
17      of the other House shall not be referred to a com-  
18      mittee.

19           (2) VOTE ON BILL OF OTHER HOUSE.—With  
20      respect to an implementation bill of the House re-  
21      ceiving the implementation bill—

22           (A) the procedure in that House shall be  
23      the same as if no implementation bill had been  
24      received from the other House; but

1 (B) the vote on final passage shall be on  
2 the implementation bill of the other House.

3 (e) RULES OF SENATE AND HOUSE OF REPRESENTA-  
4 TIVES.—This section is enacted by Congress—

5 (1) as an exercise of the rulemaking power of  
6 the Senate and House of Representatives, respec-  
7 tively, and as such it is deemed a part of the rules  
8 of each House, respectively, but applicable only with  
9 respect to the procedure to be followed in that  
10 House in the case of an implementation bill de-  
11 scribed in subsection (a), and it supersedes other  
12 rules only to the extent that it is inconsistent with  
13 such rules; and

14 (2) with full recognition of the constitutional  
15 right of either House to change the rules (so far as  
16 relating to the procedure of that House) at any time,  
17 in the same manner, and to the same extent as in  
18 the case of any other rule of that House.

19 **SEC. 308. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated for each of  
21 the fiscal years 2006 through 2008, such sums as may  
22 be necessary for carrying out this Act.

○