

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6 hereby rescinded an amount equal to 5.00 percent of—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.

○