

HR 4241

Deficit Reduction Act of 2005

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Economics and Public Finance

Introduced: Nov 7, 2005

Current Status: The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make

Latest Action: The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 4241. (Nov 18, 2005)

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Sponsor

Name: Rep. Nussle, Jim [R-IA-1]

Party: Republican • **State:** IA • **Chamber:** House

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Budget Committee	House	Reported Original Measure	Nov 8, 2005

Subjects & Policy Tags

Policy Area:

Economics and Public Finance

Related Bills

Bill	Relationship	Last Action
109 S 1932	Related bill	Feb 8, 2006: Became Public Law No: 109-171.
109 HRES 542	Procedurally related	Nov 17, 2005: Pursuant to the provisions of H. Res. 558, H. Res. 542 is laid on the table.
109 HRES 560	Procedurally related	Nov 17, 2005: Motion to reconsider laid on the table Agreed to without objection.

Deficit Reduction Act of 2005 - Title I: Committee on Agriculture - Agricultural Reconciliation Act of 2005 - **Subtitle A: Commodity Programs** - (Sec. 1101) Amends the Farm Security and Rural Investment Act of 2002 to direct the Secretary of Agriculture, for the 2006 and 2007 crop years (and the 2008 and 2009 crop years if direct payments are provided for those crop years), to reduce, by 1% for the crop year concerned, direct payments to the producers on a farm for a covered commodity or for peanuts. (States that no reduction shall be made if direct payments are made for the 2010 or any subsequent crop year of a covered commodity.)

(Sec. 1102) Gives producers of covered commodities or peanuts the option of receiving up to 40% of their direct payments in advance for the 2006 and 2007 crop years (and 50 % for the 2005 crop year). (Current law provides for up to 50% advance payments through the 2007 crop year.)

(Sec. 1103) Repeals authority for the upland cotton user marketing certificate program.

Subtitle B: Conservation - (Sec. 1201) Amends the Watershed Protection and Flood Prevention Act respecting the watershed rehabilitation program to: (1) reduce FY2007 authorizations of appropriations; (2) eliminate multi-year availability of funds; and (3) rescind funds previously made available but unobligated as of September 30, 2006.

(Sec. 1202) Amends the Food Security Act of 1985 to extend the conservation security program through FY2011. Revises Commodity Credit Corporation (CCC) funding limits for such program to: (1) increase the total limit, and extend funding limits to FY2015; and (2) establish specified limits for FY2006-FY2010, and for FY2006-FY2115.

(Sec. 1203) Amends the Federal Crop Insurance Act to eliminate FY2007 funding for the agricultural management assistance program.

Subtitle C: Energy - (Sec. 1301) Amends the Farm Security and Rural Investment Act of 2002 to eliminate FY2007 CCC funds for the renewable energy systems and energy efficiency improvements program.

Subtitle D: Rural Development - (Sec. 1401) Amends the Rural Electrification Act of 1936 respecting enhanced access to broadband telecommunication services in rural areas to: (1) eliminate FY2007 CCC funds; (2) eliminate multi-year availability of funds; and (3) rescind funds previously made available but unobligated as of September 30, 2006.

(Sec. 1402) Amends the Agricultural Risk Protection Act of 2000 respecting value-added agricultural product market development grants to: (1) eliminate FY2007 funding; (2) eliminate multi-year availability of funds; and (3) rescind funds previously made available but unobligated as of September 30, 2006.

(Sec. 1403) Amends the Consolidated Farm and Rural Development Rural Act respecting: (1) the rural business investment program to eliminate debenture funding after FY2006, eliminate multi-year availability of funds, and rescind funds previously made available but unobligated as of September 30, 2006; and (2) rural business strategic investment grants to eliminate multi-year availability of funds, and rescind funds previously made available but unobligated as of September 30, 2006.

(Sec. 1405) Amends the Farm Security and Rural Investment Act of 2002 respecting the rural firefighters and emergency personnel grant program to: (1) eliminate FY2007 funding; (2) eliminate multi-year availability of funds; and (3) rescind funds previously made available but unobligated as of September 30, 2006.

Subtitle E: Research - (Sec. 1501) Amends the Agricultural Research, Extension, and Education Reform Act of 1998

respecting the initiative for future food and agriculture systems to: (1) eliminate FY2007-FY2009 funding; and (2) limit the availability of FY2006 funds to the one year period beginning on October 1, 2005.

Subtitle F: Nutrition - (Sec. 1601) Amends the Food Stamp Act of 1977 to restrict FY2006-FY2010 food stamp program eligibility to only those households in which each member receives temporary assistance for needy families (TANF) cash benefits, with an exception for certain low-income households in which each member receives TANF noncash benefits which are used for shelter, food, health care, child care, job training, utilities, or transportation.

Extends funding for certain food stamp employment and training programs through FY2011.

Amends the Richard B. Russell National School Lunch Act to extend school lunch and breakfast program eligibility to a child who is a member of a household: (1) that has gross monthly income at or below 200% of the federal poverty level; and (2) in which each member receives TANF cash or in-kind benefits.

Extends commodity purchase authority for the emergency food assistance program through FY2011. Increases FY2006 purchase amounts, and requires that such increase be used for commodity distributions in States affected by Hurricanes Rita or Katrina.

(Sec. 1603) Amends the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to require that until September 30, 2010, an alien must reside in the United States at least seven years (currently, five years) to be eligible for food stamps, with a five-year eligibility exception for an alien who: (1) is 60 years or older, or who has a naturalization application approved or pending; and (2) is a member of a household receiving food stamps.

(Sec. 1604) Authorizes the Secretary to pay to state agencies 100% of the administrative costs incurred in the delivery of food stamp benefits under the disaster food stamp program initiated in response to Hurricanes Katrina and Rita.

Title II: Committee on Education and the Workforce - Subtitle A: Welfare Reform - Part 1: Short title; References - Personal Responsibility and Family Protection Act of 2005 - Part 2: TANF - (Sec. 2011) Amends part A (Temporary Assistance for Needy Families) (TANF) to modify state plan requirements to ensure that states require a parent or caretaker relative receiving TANF assistance to engage in work (as under current law) or alternative self-sufficiency activities, in accordance with a family self-sufficiency plan.

Replaces requirements for the individual responsibility plan with those for family self-sufficiency plans. Requires a state to establish a self-sufficiency plan for each family, and to monitor and review the participation in such plan of work-eligible family members.

Prescribes a penalty against states for failure to establish such plans.

(Sec. 2012) Eliminates the separate work participation rate requirements for two-parent families (thus applying the same lower rate to all families).

Increases minimum state work participation rates from 50% for FY2006 to 70% for FY2010. Revises requirements for calculation of participation rates and recalibration of the caseload reduction credit.

Repeals the state option to include individuals receiving assistance under a tribal family assistance plan or tribal work program. Prescribes requirements for a superachiever credit for states whose caseload for FY2001 has declined by at least 60% from that of FY1995. Increases the state's participation rate by the lesser of the superachiever credit or the number of percentage points by which the minimum participation rate for the fiscal year exceeds 50%.

Replaces requirements for work activities and their computation with minimum hours of countable work (now called direct work activities) or of other specified qualified activities, including education and training.

Revises the penalties against individuals for failing to engage in work activities or other qualified activities.

(Sec. 2013) Modifies state plan requirements to require the plan document to describe strategies, methods, and programs for ending the dependence of needy families on government benefits and for promoting job preparation and work.

Requires each eligible state to report annually to the Secretary of Health and Human Services on performance improvement.

Requires the Secretary to develop uniform performance measures designed to assess the degree of effectiveness, and the degree of improvement, of state TANF programs in accomplishing the work-related purposes of TANF.

(Sec. 2014) Directs the Secretary and the Secretary of Labor to report jointly to Congress on common or conflicting data elements, definitions, performance measures, and reporting requirements in the Workforce Investment Act of 1998 and SSA title IV part A (TANF), and, as appropriate, any other program administered by the respective Secretary, to allow greater coordination between the welfare and workforce development systems.

(Sec. 2015) Promotion and Support of Responsible Fatherhood and Healthy Marriage Act of 2005 - Amends the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to add a new part C (Fatherhood Program) to promote responsible fatherhood.

Authorizes the Secretary to make grants for FY2006-FY2010, including: (1) full service and limited purpose grants to public and nonprofit community entities for demonstration service projects and activities designed to test the effectiveness of various approaches to accomplish specified objectives related to responsible, caring, and effective fatherhood; (2) other grants to eligible entities for two multicity, multistate projects demonstrating approaches to achieving such objectives; and (3) economic incentive grants to eligible entities for two to five related demonstration projects.

Authorizes the Secretary to carry out projects of national significance relating to fatherhood promotion.

Authorizes appropriations for FY2006-FY2010.

(Sec. 2016) Requires TANF programs to be mandatory partners with One-Stop Employment Training Centers created under the Workforce Investment Act of 1998, unless a state governor notifies the Secretaries of Health and Human Services and of Labor in writing of a decision not to make the state program mandatory.

(Sec. 2017) Expresses the sense of the Congress that a state welfare-to-work program should include a mentoring program.

(Sec. 2018) Prohibits a state to which a state family assistance grant is made from using any part of it to: (1) to contract with an entity that, directly or indirectly, provides any related service, activity, or function at a location outside the United States (offshoring); or (2) reduce employment in the United States through the use of one or more employees outside the United States.

Part 3: Child Care - Caring for Children Act of 2005 - (Sec. 2022) Amends the Child Care and Development Block Grant Act of 1990 (CCDBG) to assist states to provide child care to low-income parents, to encourage states to improve the

quality of child care available to families, and to promote school readiness.

(Sec. 2023) Authorizes increased appropriations for FY2006-FY2010.

(Sec. 2024) Revises state plan requirements for consumer education information to add child care provider education information, coordination, public private partnerships, child care service quality, and access to care for certain populations.

(Sec. 2025) Increases from 4% to 6% the minimum amount of funds for activities to improve the quality of child care services. Specifies permissible activities, including professional development of the child care workforce, activities to enhance early learning for young children, activities to increase the retention and compensation of child care providers, and other appropriate activities.

(Sec. 2026) Requires the monthly collection by a state of information about ethnicity and primary language, in addition to race, gender, and age, for reports to the Secretary.

(Sec. 2027) Revises requirements for the Secretary's biennial report to specified congressional committees of a summary and analysis of collected program information. Requires the report to contain an assessment, and where appropriate, recommendations for efforts that should be undertaken to improve the access of the public to quality and affordable child care in the United States.

(Sec. 2028) Defines limited English proficient with respect to an individual.

(Sec. 2029) Authorizes the Secretary, for a period up to June 30, 2006, and to an extent considered appropriate, to waive or modify, for any affected state, and any state serving significant numbers of individuals adversely affected by a Gulf Hurricane disaster, certain CCDBG requirements, including those relating to federal income limitations on eligibility to receive child care services.

Part 4: State and Local Flexibility - (Sec. 2041) Establishes a program of demonstration projects in a state or a portion of a state to coordinate multiple public assistance, workforce development, and other programs, for the purpose of supporting working individuals and families, helping families escape welfare dependency, promoting child well being, or helping build stronger families, using innovative approaches to strengthen service systems and provide more coordinated and effective service delivery.

Part 5: Effective Date - Sets forth the effective date of this subtitle.

Subtitle B: Higher Education - Higher Education Budget Reconciliation Act of 2005 - **Part 1: Amendments to the Higher Education Act of 1965** - Amends the Higher Education Act of 1965 (HEA) to revise HEA title IV student assistance program requirements.

(Sec. 2112) Eliminates the 50% rule with respect to distance education, where it currently limits the relative number of courses an institution of higher education (IHE) may offer by telecommunications, and the relative number of students who may be enrolled in such courses, for purposes of student assistance program eligibility. (Continues application of the 50% rule to correspondence courses.)

(Sec. 2113) Reauthorizes the Federal Family Education Loan (FFEL) program. Extends authority for federal insurance on student loans, and for the guaranteed loan and consolidated loan programs. Refers to loan processing and issuance fees rather than an administrative cost allowance.

(Sec. 2114) Increases loan limits. Revises requirements for counting consolidation loans against such limits.

(Sec. 2115) Repeals the change from a variable to a fixed interest rate, which is currently scheduled to take effect on July 1, 2006, for FFEL and Direct Loans (DL).

Allows borrowers the option to choose a fixed rate or a variable rate for consolidation loans made on or after July 1, 2006. Sets forth formulas for increased rates, with higher rates for consolidation of parent loans (PLUS).

Establishes a special allowance support level to be used in a formula for calculating excess interest to be recaptured by the Treasury.

(Sec. 2116) Provides for gradual reduction of loan origination fees paid by student borrowers.

Establishes a limited federal default fee.

Provides a limited fixed rate offset charge for consolidation loans.

(Sec. 2117) Revises consolidation loan requirements.

Requires the Secretary to offer direct consolidation loans to eligible borrowers who have been denied consolidation loans or consolidation loans with income-sensitive repayment terms by an eligible lender.

Eliminates: (1) spousal consolidation loans; (2) in-school consolidation loans; and (3) a requirement that single holder borrowers consolidate with that single loan holder (but does require them to notify that holder of their intent to consolidate).

Provides for similar terms and conditions for FFEL consolidation loans and DL consolidations loans.

(Sec. 2118) Provides for student loan deferments of up to three years for individuals serving on active duty or performing National Guard duty during a war or other military operation or emergency.

(Sec. 2119) Provides for student loan forgiveness for service in areas of national need. (Replaces and expands the current program of loan forgiveness for child care providers.) Makes eligible those who serve under certain conditions as early childhood educators, nurses, foreign language specialists, librarians, highly qualified teachers of bilingual education or in low-income communities, first responders in low-income communities, child welfare workers, speech-language pathologists, or workers in other areas of national need designated by the Secretary.

(Sec. 2120) Increases the maximum annual limits for unsubsidized Stafford loans made to graduate students on or after July 1, 2007.

(Sec. 2121) Continues certain limitations on special allowance payments under HEA as amended by the Taxpayer-Teacher Protection Act of 2004 (TTPA), by eliminating specified termination dates under TTPA. Sets forth an additional limitation on special allowance payments for loans from the proceeds of tax-exempt issues.

Continues TTPA authorization of an increased maximum amount, and new borrower eligibility, for HEA's loan forgiveness program for school teachers who teach certain subjects in high-poverty schools. Expands such loan forgiveness program to include those who primarily teach reading. Sets guidelines for private school teachers to qualify for such forgiveness program.

(Sec. 2122) Increases from 0.5% to 1.0% the loan fee lenders to pay on loans for which the first disbursement is made on or after July 1, 2006.

(Sec. 2123) Revises administrative requirements for special insurance, and sets reinsurance rules for exceptional performance.

Reduces the percentages of defaulted loan collection amounts that guarantee agencies may retain.

Revises other administrative requirements, including ones relating to: (1) treatment of exempt claims; (2) reduction of insurance percentage; (3) revocation authority; (4) consolidation of defaulted loans; (5) voluntary flexible agreements; (6) repayment requirements in cases of fraud extended to parent loans; (7) the default reduction program, and financial and economic literacy education for borrowers; (8) credit bureau organization agreements; and (9) requirements for IHEs to be eligible lenders.

(Sec. 2124) Provides for mandatory funds for FY2006 to be available to the Secretary in a specified limited amount for: (1) administrative costs under the DL and FFEL student loan programs; and (2) account maintenance fees payable to guaranty agencies under FFEL.

Authorizes appropriations, but eliminates mandatory funding, for such administrative expenses in FY2007-FY2011.

Continues mandatory funding for FY2007-FY2011 for account maintenance fees payable to guaranty agencies under FFEL. Limits such fees to not more than 0.1% of the original principal amount of outstanding loans on which insurance was issued under FFEL.

(Sec. 2125) Revises guidelines for determining a student's eligibility for the simplified needs test (SNT) and automatic-zero expected family contribution (AZ-EFC).

Provides for simplifying the student aid application process. Directs the Secretary to develop an EZ-FAFSA paper form and a simplified electronic form for applicants eligible for SNT and AZ-EFC.

Includes under the definition of an independent student any student who is an orphan, in foster care, or a ward of the court, or was in foster care or a ward of the court until the individual reached the age of 18.

(Sec. 2126) Revises need analysis requirements to increase the dependent student income protection allowance.

Includes under special circumstances a student being a ward of the court before turning 18, a homeless or unaccompanied youth, or adopted at or after age 13.

Treats active duty members of the military as independent students.

Excludes consideration of distributions from certain qualified tuition programs and revises requirements for consideration of other such programs.

Excludes consideration of certain assistance provided by a state to offset a specific component of the cost of attendance, under specified conditions.

Exempts from consideration assets from any small business with 100 or fewer full-time or full-time equivalent employees that is owned or controlled by the family.

(Sec. 2127) Makes eligible for student assistance any instructional program that uses or recognizes direct assessment of student learning in place of credit hours or clock hours as the measure of student learning.

(Sec. 2128) Makes distance education eligible for student assistance.

(Sec. 2129) Revises requirements relating to student eligibility for title IV programs.

Requires any student who has pled guilty or no contest to (or been convicted of) a crime involving fraud in obtaining title IV funds to have fully repaid the funds to the Secretary or loan holder before being considered eligible again.

Includes incarcerated parents among those not eligible for title IV loans.

Prohibits any student subject to an involuntary civil commitment upon completion of a period of incarceration for a sexual offense from being eligible for a title IV loan.

Specifies that Pell Grants are the only title IV aid for which students from the Freely Associated States are eligible.

Specifies that a conviction for a drug-related offense affects a student's title IV eligibility only if it occurs during the period when the student is enrolled and receiving title IV student aid.

(Sec. 2130) Revises various requirements relating to institutional refunds.

Authorizes the Secretary to waive the Pell Grant amounts that students are otherwise required to give back when they withdraw from an IHE, if such withdrawals: (1) are by students residing in, employed in, or attending an IHE in a declared major disaster area, and whose attendance was interrupted because of the disaster's impact; and (2) end within the academic year during which the disaster occurred or during the next succeeding academic year.

(Sec. 2131) Establishes a college access initiative. Directs the Secretary to require each guaranty agency to gather information on programs and student aid available in the state in which it is designated. Requires such information to be made available for free to the public, particularly to traditionally underrepresented populations, via web sites, publications, and other state services.

(Sec. 2132) Directs the Secretary of Education to discharge or cancel the federal student loan indebtedness of spouses or parents of individuals who died (or die) or who became (or become) permanently and totally disabled from injuries suffered in the terrorist attacks on September 11, 2001.

Provides for such cancellation of: (1) the entire student loan debt of the spouse of such an individual who was a public servant; and (2) that portion of student loans incurred by a spouse or parent on behalf of any other such individual who was a victim.

(Sec. 2133) Directs the Secretary to enter into an agreement with the National Academy of Sciences to conduct an independent evaluation of distance education programs.

(Sec. 2134) Amends the Higher Education Amendments of 1998 to provide that certain amendments relating to disbursement of student loans shall be effective on and after July 1, 2006.

Part 2: Higher Education Relief - (Sec. 2142) Authorizes the Secretary of Education to waive or modify requirements under the Higher Education Act of 1965 (HEA) for student financial assistance programs, or other student or institutional eligibility requirements, as necessary to reflect changes in the financial condition of affected students and their families

resulting from a Gulf hurricane disaster.

(Sec. 2143) Cancels requirements for institutional repayment by affected colleges and universities affected by a Gulf hurricane disaster.

(Sec. 2144) Discharges and cancels student loan amounts for canceled enrollment periods for affected students.

(Sec. 2145) Provides for temporary deferment of student loan repayment for affected individuals.

(Sec. 2146) Provides that grant or loan funds received by an affected student for a canceled enrollment period shall not be counted against annual or aggregate grant and loan limits for that student.

(Sec. 2147) Authorizes the Secretary to waive the consecutive service requirements of the student loan forgiveness program for teachers whose employment is interrupted in schools in areas affected by a Gulf hurricane disaster.

(Sec. 2148) Directs the Secretary to make special efforts to notify affected students who qualify for a means-tested federal benefit program of their potential eligibility for a maximum Pell Grant and to disseminate informational materials regarding such eligibility.

(Sec. 2150) Terminates the Secretary's authority to issue waivers or modifications under this part at the conclusion of the 2005-2006 academic year, without affecting the continuing validity of any such waivers or modifications after such academic year.

Subtitle C: Pensions - Amends the Employee Retirement Income Security Act of 1974 (ERISA) to increase certain premiums to be paid to the Pension Benefit Guaranty Corporation (PBGC). Provides for phasing-in increases of: (1) the annual flat-rate premium paid by all single-employer plans; and (2) the additional risk-based premium, which is to be paid by all underfunded plans. Sets forth a premium rate for certain terminated single-employer plans, with a special rule for plans terminated in bankruptcy reorganization.

Title III: Committee on Energy and Commerce - Subtitle A: Medicaid - Medicaid Reconciliation Act of 2005 - **Chapter 1: Payment for Prescription Drugs** - (Sec. 3101) Amends SSA title XIX (Medicaid) to replace the current federal upper (reimbursement) limit (FUL) requirement for prescription drugs that is based on average wholesale prices with a new FUL formula based on retail average manufacturer price (RAMP).

Requires a state which provides medical assistance for covered outpatient drugs to pay a dispensing fee for each covered outpatient drug.

Allows the Secretary of Health and Human Services (HHS) to develop a methodology to set the FUL based on the reported retail survey price instead of a percentage of RAMP or volume weighted average RAMP.

Exempts the Secretary's FUL and RAMP determinations from administrative or judicial review.

Directs the Comptroller General to study and report to Congress on: (1) the appropriateness in payment levels to pharmacies for dispensing fees under the Medicaid program; and (2) whether the estimated average payment amounts to pharmacies for covered outpatient drugs under the Medicaid program after implementation of this Act are below the average prices paid by pharmacies for acquiring such drugs.

Directs the Inspector General of the Department of HHS to report to Congress on the appropriateness of using RAMPs and retail survey prices, rather than the average manufacturer prices or other price measures, as the basis for

establishing a FUL for reimbursement for covered outpatient drugs under the Medicaid program.

(Sec. 3102) Requires states to submit to the Secretary utilization data and coding information for single source outpatient drugs administered by a physician on or after January 1, 2006, so that the Secretary is able to collect rebates for those drugs.

Requires states to submit to the Secretary utilization and coding information for multiple source drugs using National Drug Code codes, unless the Secretary specifies that an alternative coding system should be used.

Requires the Secretary to publish a list of the 20 physician administered multiple source drugs that the Secretary determines have the highest dollar volume of physician administered drugs dispensed under Medicaid.

(Sec. 3103) Modifies drug price reporting requirements for pharmaceutical manufacturers. Revises the definition of best price to include the lowest price for authorized generic or other drugs to be sold under a new drug application (NDA).

(Sec. 3104) Includes children's hospitals in the definition of covered entity to permit those hospitals access to drug prices under the Drug Pricing Program under the Public Health Service Act.

(Sec. 3105) Allows a prior authorization requirement for an atypical antipsychotic or antidepressant single source drug only where a drug use review board has determined, based on the strength of the scientific evidence and standards of practice, that placing the drug on prior approval or otherwise imposing restrictions on its use is not likely to harm patients or increase overall medical costs. Requires a prior authorization system to provide, in addition, that, if a response is not received to a request for authorization of such a drug within 24 hours after the prescription is transmitted, payment is made for a 30 day supply of the medication.

Chapter 2: Reform of Asset Transfer Rules - (Sec. 3111) Lengthens the look-back period to 60 months for income and assets disposed of by the individual after enactment of this Act.

Changes the start date of the ineligibility period for all transfers made on or after enactment of this Act, to the first day of a month during or after which assets have been transferred for less than fair market value (as under current law), or the date on which the individual is eligible for medical assistance under the state plan and is receiving certain nursing home or other related long-term care services, whichever is later, and which does not occur during any period of ineligibility as a result of an asset transfer policy.

Specifies the criteria by which an application for an undue hardship waiver would be approved (by codifying current Centers for Medicare and Medicaid Services guidance on state procedure).

Permits facilities in which institutionalized individuals reside to file undue hardship waiver applications on behalf of the individual, with the institutionalized individual's consent or the consent of his or her legal guardian.

Provides that if the pending application for undue hardship of nursing facility residents meets criteria specified by the Secretary, the state may provide for payments for nursing facility services to hold the bed for these individuals at a facility for up to 30 days while the application remains pending.

(Sec. 3112) Requires a state, as a condition for providing medical assistance for long-term care services, to require an individual's application or recertification for such assistance to disclose specified information, including: (1) any interest the individual or community spouse has in an annuity, regardless of whether the annuity is irrevocable or is treated as an asset; and (2) full information about any transaction during the previous 60-month period involving the transfer or disposal

of assets exceeding \$100,000.

Requires an applicant, on any application or recertification form, to designate the state as the remainder beneficiary in the first position under such an annuity or similar financial instrument for the total amount of any medical assistance paid on behalf of the individual.

(Sec. 3113) Requires that any transfer or allocation from an institutionalized spouse to meet an income need of a community spouse be made first from the institutionalized spouse's income (income-first method), and then secondly from the institutionalized spouse's resources only when that spouse's income is not available.

(Sec. 3114) Excludes from Medicaid eligibility for nursing facility or other long-term care services those individuals with an equity interest in their home of more than \$750,000. Requires an annual increase in such amount, beginning in 2011, based on the percentage increase in the consumer price index for all urban consumers.

Exempts from this exclusion any individuals whose spouse, or whose child under age 21 (or blind or permanently and totally disabled) lawfully resides in the individual's home.

Directs the Secretary to establish a process to waive application of this exclusion for demonstrated hardship cases.

(Sec. 3115) Allows state-licensed, registered, certified, or equivalent continuing care retirement communities or life communities to require in their admissions contracts that residents spend their resources, declared for the purpose of admission, on their care before they apply for Medicaid.

Considers certain entrance fees for continuing care retirement communities or life care communities to be countable resources available to the applicant for purposes of the Medicaid eligibility determination if certain conditions are met. Requires such fees, among other things, to be usable to pay for an individual's care if other resources or income are insufficient to do so.

Chapter 3: Flexibility in Cost-Sharing and Benefits - (Sec. 3121) Allows a state, at its option and through a state plan amendment, to impose premiums and cost-sharing for any group of individuals and for any type of services consistent with specified limitations, including waiver of premium for individuals with family income below 100% of the poverty level, and a 5% of family income cost-sharing limit for families below or above 100% of the poverty level. Specifies other types of beneficiaries exempt from premiums and services exempt from cost-sharing.

Allows states to: (1) condition the provision of medical assistance on the prepayment of premiums, and to terminate eligibility for such assistance for failure to pay a premium if that failure continues for at least 60 days; (2) waive premium payments in such cases where such payments would impose an undue hardship; and (3) permit Medicaid providers to require a Medicaid beneficiary to pay authorized cost-sharing as a condition for the provision of care or services.

Directs the Comptroller General to study and report to Congress on the impact of Medicaid premiums and cost-sharing on access to, and utilization of, services.

(Sec. 3122) Allows states to impose higher cost-sharing amounts for non-preferred drugs within a class, and waive or reduce the cost-sharing otherwise applicable for lower-cost preferred drugs within such class in order to encourage the use of such lower-cost drugs.

Specifies limits for any increase in cost-sharing for non-preferred drugs for beneficiaries under certain income levels.

Prohibits a state from: (1) treating as a non-preferred drug any drug treated as a preferred drug under the TRICARE pharmacy benefit program; or (2) imposing cost-sharing that exceeds the cost-sharing imposed under TRICARE standards.

Prohibits a state from providing for increased cost-sharing unless it has implemented for outpatient prescription drugs a system for prior authorization and an appeals process for related determinations.

(Sec. 3123) Allows states, through state plan amendments, the option to impose cost-sharing on individuals for non-emergency services furnished in a hospital emergency department if certain conditions are met.

Establishes limitations on increased cost-sharing for non-emergency services provided in a hospital emergency department for the poorest beneficiaries.

Directs the Secretary to provide for grant payments to states for establishment of alternate non-emergency service providers or networks of such providers.

(Sec. 3124) Allows states, at their option through a state plan amendment, to provide Medicaid benefits to certain groups of beneficiaries through benchmark coverage (standard Blue Cross/Blue Shield preferred provider option service benefit plan, state employee health benefit plan, or certain health maintenance organization (HMO) plans), including dental coverage for children, or specified benchmark equivalent coverage.

(Sec. 3125) Authorizes a non-emergency medical transportation brokerage program, at state option, to provide transportation more cost-effectively to Medicaid-eligible individuals who need access to medical care or services and have no other means of transportation.

(Sec. 3126) Exempts women covered under the Medicaid breast or cervical cancer program from application of the previous sections of this chapter.

Chapter 4: Expanded Access to Certain Benefits - (Sec. 3131) Allows states to cover home and community-based services (HCBS) as an optional Medicaid benefit for individuals age 65 or over who meet specified criteria, without requiring a waiver.

(Sec. 3132) Allows states to cover, under the Medicaid program, payment for part or all of the cost of self-directed personal assistance services (other than room and board) based on a written plan of care to certain individuals who would otherwise require and receive Medicaid personal care services or HCBS under a waiver.

(Sec. 3133) Allows certain additional groups of individuals in states with state plan amendments approved after May 14, 1993, to be exempt from estate recovery requirements, if a plan amendment provides for a qualified state long-term care insurance partnership program.

(Sec. 3134) Directs the Secretary to establish a demonstration program under which a state Medicaid plan may provide for health opportunity accounts for alternative benefits beginning January 1, 2006.

Chapter 5: Other Provisions - (Sec. 3141) Amends SSA title XI to prescribe annual increases for FY2006-FY2007 in the cap on federal funding for the Medicaid programs in each of the Virgin Islands, Guam, the Northern Marianas, American Samoa, and Puerto Rico.

(Sec. 3142) Amends SSA title XIX (Medicaid) with respect to the prohibition on the use of voluntary contributions, and the

limitation on the use of provider-specific taxes to obtain federal financial participation under Medicaid. Specifies managed care organizations (MCOs) whose services shall be considered a separate class of health care items and services, including health maintenance organizations, preferred provider organizations, and other similar organizations the Secretary may specify. (Thus applies to both Medicaid and non-Medicaid MCOs any permissible state provider tax that would qualify the state for federal reimbursement.)

(Sec. 3143) Directs the Secretary to make Medicaid transformation payments to states during FY2007-FY2008 for the adoption of innovative methods to improve effectiveness and efficiency in providing Medicaid medical assistance, including implementation of a medication risk management program.

(Sec. 3144) Amends the list of third parties legally responsible for payment of a claim for a health care item or service to include: (1) pharmacy benefit managers; (2) a self-insured plan; and (3) other parties that are, by statute, contract, or agreement legally responsible for payment of a claim for a health care item or service.

Requires third parties to provide the state with coverage eligibility and claims data.

(Sec. 3145) Prohibits states from receiving federal reimbursement for medical assistance to an individual for whom satisfactory documentary evidence of U.S. citizenship or nationality is not presented.

(Sec. 3146) Revises requirements for the reimbursable Medicaid Targeted Case Management (TCM) benefit, specifying: (1) assessment, care plan development, and follow-up procedures; as well as (2) nonreimbursable activities.

(Sec. 3147) Declares that any provider of emergency services that does not have in effect a contract with a Medicaid managed care entity that establishes payment amounts for services furnished to an enrolled beneficiary must accept as payment in full the amounts (minus any payments for indirect costs of medical education and direct costs of graduate medical education) it could collect if the beneficiary received Medicaid other than through enrollment in such an entity.

(Sec. 3148) Requires the disregard, in the computation of a state's per capita income, of any significantly disproportionate employer pension contribution when determining the federal medical assistance percentage (FMAP) beginning FY2006, except in computing the per capita income for the continental United States, Alaska, and Hawaii.

Subtitle B: Katrina Health Care Relief - (Sec. 3201) Sets at 100% the federal matching rate for medical assistance, including child health assistance, furnished between August 28, 2005, and May 15, 2006, in areas impacted by Hurricane Katrina or to Katrina Survivors.

(Sec. 3202) Reauthorizes and makes appropriations for state high-risk health insurance pools for FY2006.

(Sec. 3203) Requires the Secretary to conduct a review of all Hurricane Katrina disaster areas and designate (as appropriate) them as either health professional shortage areas or medically underserved areas, and designate populations living there as medically underserved populations.

(Sec. 3204) Directs the Secretary to waive certain requirements applicable to the provision of health care in areas impacted by Hurricane Katrina.

(Sec. 3205) Requires the Secretary, when computing the FMAP for any year after 2006 for a state with a significant number of evacuees who were evacuated to, and live in, the state as a result of Hurricane Katrina as of October 1, 2005, to disregard such evacuees and any income attributable to them.

Subtitle C: Katrina and Rita Energy Relief - (Sec. 3301) Makes directly available to the Secretary for a one-time-only obligation and expenditure an additional \$1 billion for FY2006 for allocation under the Low-Income Home Energy Assistance Act of 1981, for the sole purpose of providing assistance to offset the anticipated higher energy costs caused by Hurricanes Katrina and Rita.

Subtitle D: Digital Television Transition - Digital Television Transition Act of 2005 - (Sec. 3402) Sets forth congressional findings favoring a hard deadline for the transition in the United States from analog (spectrum-based) to digital (satellite signal-based) television (DTV), and thereby allowing the return of spectrum for public safety and wireless use. (Currently, there exists a deadline loophole allowing broadcasters to delay spectrum return until more than 85% of television (TV) households have at least one TV with access to digital broadcast channels.)

(Sec. 3403) Amends the Communications Act of 1934 to: (1) make such deadline December 31, 2008; and (2) remove the 85% exception. Directs the Federal Communications Commission (FCC) to: (1) release by December 31, 2006, an FCC report and order assigning all full-power broadcast TV stations authorized in the DTV service a channel; (2) release by July 31, 2007, any reconsideration of such report and order; and (3) between July 31, 2007, and January 1, 2009, not adopt any further changes to such channels unless doing so is necessary for public safety or to prevent a delay in the end of broadcasting by full-power stations in the analog TV service. Requires FCC status reports to specified congressional committees. Directs the FCC to terminate all licenses for full-power stations in the analog TV service, and require the cessation of broadcasting by such stations in the analog TV service by January 1, 2009.

(Sec. 3404) Provides deadlines for the FCC auction of analog spectrum recovered during the DTV transition period. Requires the FCC to study and report to Congress on the participation in the auction process of women, minorities, and small businesses.

(Sec. 3405) Provides for the allocation of specified analog spectrum auction proceeds into the following funds (established in the Treasury), to be used to assist in the transition to DTV: (1) the Digital Television Conversion Fund; (2) the Public Safety Interoperable Communications Fund; (3) the NYC 9/11 Digital Transition Fund; and (4) the Low Power Digital-to-Analog Conversion Fund.

Amends the National Telecommunications and Information Administration Organization Act to direct the Assistant Secretary of Commerce for Communications and Information (Assistant Secretary) to use funds from the Digital Television Conversion Fund to implement and administer a program through which U.S. households may obtain, upon request, up to two coupons that can be applied toward the purchase of digital-to-analog converter boxes. Makes the value of each coupon \$40. Sets forth provisions concerning coupon redemption and reimbursement to retailers to whom coupons are presented. Requires: (1) the auditing of retailer reimbursements; and (2) program progress reports from the Assistant Secretary to specified congressional committees. Provides required energy standards for converter boxes purchased with such coupons.

(Sec. 3406) Directs the Assistant Secretary to use funds from the Public Safety Interoperable Communications Fund to carry out a grant program to assist public safety agencies in the acquisition of, deployment of, or training for the use of interoperable communications systems that utilize, or enable interoperability with systems that can utilize, reallocated public safety spectrum for radio communications. Provides a three-year grant term, and requires grant program reports, on a state-by-state basis, from the Assistant Secretary to specified congressional committees.

(Sec. 3407) Directs the Assistant Secretary to use funds from the NYC 9/11 Digital Transition Fund to reimburse the Metropolitan Television Alliance (formed by New York City TV broadcast licensees to locate new shared broadcasting

facilities as a result of the attacks of September 11, 2001) for costs incurred in the design and deployment of a temporary DTV broadcast system in the New York City area to ensure an adequate DTV signal there.

(Sec. 3408) Prohibits any full-power TV station licensee that operates between 698 (currently, 746) and 806 megahertz from operating at that frequency after the end of the DTV service transition period. Allows a low-power TV station, TV translator station, or TV booster station to operate above 698 megahertz on a secondary basis in accordance with FCC rules, including those governing completion of the DTV service transition for low-power broadcasters.

Directs the Assistant Secretary to use funds from the Low Power Digital-to-Analog Conversion Fund to implement and administer a program through which each eligible low-power TV station may receive compensation toward the purchase cost of a digital-to-analog conversion device that enables it to convert the incoming digital station of its corresponding full-power TV station to analog format transmission on the low-power TV station's analog channel.

(Sec. 3409) Provides consumer education requirements for the FCC with respect to analog TV service. Requires manufacturers to place in a conspicuous place on analog TV receivers a notice that such receiver has only an analog broadcast tuner, that after December 31, 2008, TV broadcasters will broadcast only in digital format, and that, after such date, a converter box or cable or satellite service will be required to receive digital programming. Directs the FCC and the National Telecommunications and Information Administration to engage in a public outreach program to educate consumers regarding the DTV transition, and to report semiannually to specified congressional committees on such program. Requires additional public disclosures relating to the approach of the DTV deadline and related matters. Directs the FCC to provide certain requirements with respect to TV reception devices that have, or are sold in a bundle with, display screens.

(Sec. 3410) Outlines signal conversion requirements for cable operators and satellite service providers with respect to carriage of the primary video stream of a TV station transmitting broadcast programming exclusively in the DTV service in a local market.

(Sec. 3411) Requires the FCC, within 45 days after the date of enactment of this Act, to initiate a rulemaking to assess the necessity of rechanneling the spectrum located between 767-773 megahertz and 797-803 megahertz to accommodate broadband applications. Requires such rulemaking to be completed within 180 days.

(Sec. 3412) Expresses the sense of Congress that the FCC should disseminate wireless communications licenses consistent with specified findings, and should utilize existing authority which requires the FCC to promote the following objectives: (1) the development and rapid deployment of new technologies, products, and services for the public; (2) promoting economic opportunity and competition and ensuring the public availability of new technologies; (3) recovery for the public of a portion of the value of spectrum made available for commercial use; and (4) efficient and intensive use of the electromagnetic spectrum.

(Sec. 3413) Directs the FCC to: (1) commence a proceeding no later than June 1, 2006, to reevaluate the band plan for the auction of the unauctioned portions of the lower 700 megahertz band (currently designated as Blocks A, B, and E); and (2) reconfigure the band plan to license spectrum for Block B according to Cellular Market Areas and Rural Service Areas to facilitate the offering of competitive wireless services by regional and smaller wireless carriers.

Title IV: Committee on Financial Services - Subtitle A: Deposit Insurance Reform - Federal Deposit Insurance Reform Act of 2005 - (Sec. 4002) Amends the Federal Deposit Insurance Act (FDIA) to merge the Bank Insurance Fund and the Savings Association Insurance Fund into the Deposit Insurance Fund (DIF).

(Sec. 4003) Amends the FDIA to: (1) increase the standard maximum amount of deposit insurance coverage from \$100,000 to \$130,000, coupled with a five-year cost-of-living adjustment index; (2) double the standard maximum deposit insurance for certain retirement accounts; and (3) increase the maximum amount of deposit insurance coverage for instate municipal deposits according to a specified formula, but not to exceed \$2 million.

Revises the requirement that the Federal Deposit Insurance Corporation (FDIC) provide pass-through deposit insurance for the deposits of any employee benefit plan. Repeals the exception from such coverage requirement for any insured depository institution which, at the time such deposits are accepted, may not accept brokered deposits. Excepts from such coverage requirement, instead, any insured depository institution that is neither well-capitalized nor adequately capitalized, which may not accept such deposits.

Amends the Federal Credit Union Act to: (1) change the insured amount of deposits to a net insured amount, according to a specified formula; (2) the maximum amount of deposit insurance coverage for instate municipal deposits according to a specified formula, but not to exceed \$2 million; (3) double the standard maximum deposit insurance for certain retirement accounts; and (4) require the National Credit Union Administrator to provide pass-through share insurance of up to \$130,000, adjusted for cost-of-living, for the deposits or shares of any employee benefit plan.

(Sec. 4004) Amends the FDIA to replace assessment guidelines for achieving and maintaining a designated reserve ratio (DRR) and for independent treatment of deposit insurance funds. Requires the FDIC Board of Directors (Board) to set assessments as it determines appropriate, including a maximum base rate for assessments at one basis point for insured depository institutions in the lowest-risk category. (Thus, eliminates the current minimum 23 basis point cliff rate.)

Reduces from five years to three years the mandatory assessment recordkeeping period.

Increases penalties from \$100 to 1% of assessments per day for failure of a depository institution assessed more than \$10,000 to make timely assessment payments.

Revises guidelines governing the risk-based assessment system to make the portion of deposits attributable to lifeline accounts subject to half the assessment rate that would otherwise be applicable.

(Sec. 4005) Replaces the current 1.25% DRR used to recapitalize undercapitalized insurance funds with a reserve ratio range of 1.15% to 1.4% of estimated insured deposits, subject to specified factors and annual redetermination.

(Sec. 4006) Directs the Board to collect information from all appropriate sources in determining risk of DIF losses.

(Sec. 4007) Revises requirements for FDIC repayment of overpaid assessments and refunds of any balance in the insurance fund in excess of the DRR.

Prescribes guidelines governing: (1) the payment of mandatory dividends to insured depository institutions whenever the DIF reserve ratio exceeds specified percentages of the estimated insured deposits required to maintain the DRR in effect at the time; and (2) a one-time credit based upon the December 31, 1996, assessment base of each eligible depository institution, as compared to the combined aggregate assessment base of all such institutions. Restricts the amount of such credit for depository institutions that exhibit financial, operational, or compliance weakness, including undercapitalization.

Requires the Board to establish an ongoing system of credits (ongoing credit pool) to be applied against future assessments on the same basis as such dividends.

(Sec. 4008) Requires the Board to establish and implement a DIF restoration plan whenever its reserve ratio is projected to fall, or actually falls, below the DRR. Prescribes requirements for such plans, notably restoration to the DRR level within ten years.

(Sec. 4009) Requires the FDIC to prescribe final regulations, within 270 days after enactment of this Act, establishing the DRR, implementing increases in deposit insurance coverage, implementing the dividend requirement and the one-time assessment credit, and providing for premium assessments.

(Sec. 4110) Requires studies and reports to Congress by: (1) the Comptroller General and the FDIC on the effectiveness of the prompt corrective action program administered by federal banking agencies as well as the accuracy of FDIC risk assessments made, and the appropriateness of FDIC organizational structure in light of its regulatory mission; (2) the FDIC and the National Credit Union Administration on the feasibility of establishing a voluntary deposit insurance system for deposits in excess of the maximum amount of deposit insurance, and of privatizing all deposit insurance at insured depository institutions and credit unions; (3) the FDIC on the feasibility of using actual domestic deposits rather than estimated insured deposits in calculating and designating the DRR; and (4) the FDIC on the reserve methodology and loss accounting it used between January 1, 1992, and December 31, 2004, with respect to insured depository institutions in a troubled condition.

(Sec. 4011) Directs the FDIC to conduct a biannual survey and report to Congress on efforts by insured depository institutions to bring into the conventional finance system those individuals and families who have rarely, if ever, held a checking account, a savings account, or other type of transaction or check cashing account at an insured depository institution ("unbanked individuals").

(Sec. 4012) Establishes the Deposit Insurance Fund for use by the FDIC with respect to insured depository institutions whose deposits are insured by the Deposit Insurance Fund.

Authorizes the FDIC to borrow from the federal home loan banks, with the concurrence of the Federal Housing Finance Board, such funds as it considers necessary for DIF use.

(Sec. 4013) Amends specified federal statutes to make technical and conforming amendments to reflect the changes made by this Act.

Subtitle B: FHA Asset Disposition - FHA Asset Disposition Act of 2005 - (Sec. 4103) Provides for Federal Housing Administration (FHA) asset disposition.

Subjects the discount sale of multifamily real property during FY2006-FY2010, by the Secretary of Housing and Urban Development (HUD), to the availability of appropriations to the extent that the property value exceeds the sale proceeds.

States that such transaction is not subject to the availability of appropriations if the multifamily real property is sold during that period for an amount equal to or greater than the property market value.

Subjects a discount loan sale during FY2006-FY2010 to the availability of appropriations to the extent that the loan value exceeds the sale proceeds.

States that such transaction is not subject to the availability of appropriations if the discount loan sale is sold, during such fiscal years, for an amount equal to or greater than the loan market value.

(Sec. 4104) Amends the Departments of Veterans Affairs and Housing And Urban Development, and Independent

Agencies Appropriations Act, 1997 to state that a grant provided during FY2006-FY2010 for the necessary costs of rehabilitation, demolition, or construction on HUD-owned multifamily properties (with a view to disposing of them) shall be available only to the extent that appropriations are made in advance for such purposes, and shall not be derived from the General Insurance Fund.

Amends the Housing and Community Development Amendments of 1978 to limit discretionary assistance by the Secretary of HUD for upfront grants during FY2006-FY2010 for the necessary cost of rehabilitation and other related development costs of multifamily housing projects, to the extent that budget authority is made available for such use in advance in appropriation Acts.

Title V: Committee on Judiciary - Subtitle A: Visa Fees - (Sec. 5101) Amends the Immigration and Nationality Act to direct the Secretaries of State and Homeland Security to impose a \$1,500 fee on employers for nonimmigrant visa applications and extensions for intracompany transferees.

Subtitle B: Circuit and District Judgeships - Federal Judgeship Act of 2005 - (Sec. 5202) Directs the President to appoint one additional circuit judge for the first circuit court of appeals, two additional circuit judges for the second circuit court of appeals, one additional circuit judge for the sixth circuit court of appeals, and five additional circuit judges for the ninth circuit court of appeals, whose official duty station shall be in California. Directs the President to appoint one temporary circuit judge for the eighth circuit court of appeals and two temporary circuit judges for the ninth circuit court of appeals, whose official duty station shall be in California.

(Sec. 5203) Directs the President to appoint additional district judges in judicial districts in Alabama, Arizona, California, Colorado, Florida, Idaho, Illinois, Indiana, Missouri, Nebraska, Nevada, New Mexico, New York, Oregon, South Carolina, Texas, Virginia, and Washington. Directs the President to appoint temporary judges in judicial districts in Alabama, Arizona, California, Colorado, Florida, Iowa, Minnesota, New Jersey, New Mexico, Ohio, Oregon, and Utah.

Provides for permanent judicial appointments in the district of Hawaii, the district of Kansas, and the eastern district of Missouri. Extends the term of a temporary judgeship in the northern district of Ohio from 15 to 20 years.

(Sec. 5204) Establishes a federal judicial district in the Virgin Islands. Defines the jurisdiction of the courts of the Virgin Islands, including jurisdiction over tax matters.

Subtitle C: Bankruptcy Judgeships - Enhanced Bankruptcy Judgeship Act of 2005 - (Sec. 5302) Authorizes additional bankruptcy judgeships in judicial districts in Arkansas, California, Florida, Georgia, Kentucky, Maryland, Michigan, New York, Pennsylvania, Tennessee, Texas, and Utah. Authorizes temporary bankruptcy judgeships in Florida, Indiana, Mississippi, Nevada, North Carolina, and Ohio.

(Sec. 5304) Converts certain temporary bankruptcy judgeships in judicial districts in Delaware, Illinois, Puerto Rico, Georgia, Maryland, Michigan, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Tennessee into permanent positions.

Expresses the sense of Congress that bankruptcy judges in the eastern district of California should conduct bankruptcy proceedings on a daily basis in Bakersfield, California.

Subtitle D: Ninth Circuit Reorganization - Judicial Administration and Improvements Act of 2005 - (Sec. 5403) Amends the federal judicial code to divide the ninth judicial circuit into the new ninth circuit (to be composed of California, Guam, Hawaii, and the Northern Mariana Islands) and the twelfth circuit (to be composed of Alaska, Arizona, Idaho,

Montana, Nevada, Oregon, and Washington).

(Sec. 5405) Directs that the new ninth circuit hold regular sessions in Honolulu, Pasadena, and San Francisco and that the twelfth circuit hold regular sessions in Las Vegas, Missoula, Phoenix, Portland, and Seattle.

(Sec. 5406) Assigns active circuit judges of the former ninth circuit to the new ninth circuit or the twelfth circuit depending upon the location of their duty station prior to the effective date of this Act.

(Sec. 5407) Allows senior circuit judges of the former ninth circuit to elect assignment to either the new ninth circuit or the twelfth circuit after notification of their election to the Director of the Administrative Office of the U.S. Courts.

(Sec. 5409) Specifies the disposition of cases pending in the former ninth circuit prior to the effective date of this Act, as follows: (1) proceedings in matters that have been submitted for decision shall continue without regard to this Act; (2) matters not yet submitted for decision shall be transferred to the court to which they would have been submitted under this Act; and (3) pending petitions for rehearing en banc shall be considered by the court of appeals to which the petition would have been submitted if this Act had been in full force and effect at the time that the appeal or other proceeding was filed.

(Sec. 5410) Authorizes the temporary assignment of circuit and district court judges of the former ninth circuit in the new ninth and twelfth circuits.

(Sec. 5412) Directs that the former ninth circuit shall cease to exist for administrative purposes two years after the enactment of this Act.

Subtitle E: Authorization of Appropriations - Authorizes appropriations for FY2006-FY2009 to carry out subtitles B, C, and D.

Title VI: Committee on Resources - Subtitle A: Miscellaneous Amendments Relating to Mining - (Sec. 6101)

Amends the Revised Statutes to modify guidelines governing mining claims upon veins or lodes bearing specified deposits. Includes (currently excluded) claims located before exposure of the vein or lode.

Declares that: (1) prior to issuance of a patent, timely payment of the claim maintenance fee secures the rights of the holder of a mining claim, mill site, or tunnel site, both prior to and after discovery of valuable mineral deposits, to use and occupy public lands for mineral exploration and reclamation activities; and (2) no other fees or fair market value assessments shall be applied to such activities but certain location and maintenance fees and patent prices.

Revises patent requirements to prescribe a processing fee for claim sites.

Modifies guidelines governing: (1) mining district regulations by miners; (2) recordation of mining claims and abandonment; (3) claim maintenance and location fees; (4) work requirements for unpatented claims; and (5) small miner claim maintenance fees.

Prescribes guidelines for administration and enforcement.

Exempts from the revised mining laws under this Act oil shale claims subject to claim maintenance fees under Energy Policy Act of 1992.

(Sec. 6102) Amends the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 to repeal the limitation on the use of funds to accept or process patent applications for a mining or mill site claim.

Amends the Revised Statutes to increase from \$5 per acre to \$1,000 per acre or fair market value, whichever is greater, the payments for: (1) patents; (2) placer claims; and (3) patents for nonmineral lands.

Revises mineral development work requirements to increase the value of work necessary to make a patent application from \$500 to \$7,500.

Prescribes requirements for: (1) alternative valuable mineral deposit criteria; (2) mineral examinations; (3) disposition of proceeds; (4) patent issuance; and (5) small miner patent adjudication and prerequisite mineral development wor

Actions Timeline

- **Nov 18, 2005:** The previous question was ordered pursuant to the rule. (consideration: CR H10645, CR 11/17/2005 H10544)
- **Nov 18, 2005:** Passed/agreed to in House: On passage Passed by recorded vote: 217 - 215 (Roll no. 601).(text: CR 11/17/2005 H10545-10617)
- **Nov 18, 2005:** On passage Passed by recorded vote: 217 - 215 (Roll no. 601). (text: CR 11/17/2005 H10545-10617)
- **Nov 18, 2005:** Motion to reconsider laid on the table Agreed to without objection.
- **Nov 18, 2005:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 4241.
- **Nov 17, 2005:** Rules Committee Resolution H. Res. 560 Reported to House. Rule provides for consideration of H.R. 4241 with 2 hours of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Sec. 2. During consideration of H.R. 4241 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker. Measure will be considered read. A specified amendment is in order. Sec. 3. After passage of H.R. 4241, it shall be in order to take from the Speaker's table S. 1932 and to consider the Senate bill in the House. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 4241 as passed by the House. All
- **Nov 17, 2005:** Rule H. Res. 560 passed House.
- **Nov 17, 2005:** Considered under the provisions of rule H. Res. 560. (consideration: CR H10545-10645; text of measure as reported in House: CR H10545-10617)
- **Nov 17, 2005:** Rule provides for consideration of H.R. 4241 with 2 hours of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Sec. 2. During consideration of H.R. 4241 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker. Measure will be considered read. A specified amendment is in order. Sec. 3. After passage of H.R. 4241, it shall be in order to take from the Speaker's table S. 1932 and to consider the Senate bill in the House. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 4241 as passed by the House. All
- **Nov 17, 2005:** DEBATE - The House proceeded with two hours of debate on H.R. 4241.
- **Nov 9, 2005:** Rules Committee Resolution H. Res. 542 Reported to House. Rule provides for consideration of H.R. 4241 with 2 hours of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions.
- **Nov 7, 2005:** Introduced in House
- **Nov 7, 2005:** The House Committee on The Budget reported an original measure, H. Rept. 109-276, by Mr. Nussle.
- **Nov 7, 2005:** The House Committee on The Budget reported an original measure, H. Rept. 109-276, by Mr. Nussle.
- **Nov 7, 2005:** Placed on the Union Calendar, Calendar No. 151.