

H.R. 3502: Mr. NADLER.  
 H.R. 3582: Ms. ROS-LEHTINEN.  
 H.R. 3616: Mr. SIMMONS.  
 H.R. 3705: Mr. LEACH.  
 H.R. 3715: Mr. GERLACH.  
 H.R. 3776: Mr. GOODLATTE.  
 H.R. 3782: Mr. LEACH.  
 H.R. 3795: Mr. KIND and Mr. McNULTY.  
 H.R. 3868: Mr. CARTER and Mr. CALVERT.  
 H.R. 3889: Mr. ISTOOK, Mr. FILNER, Mr. SALAZAR, and Mr. SESSIONS.  
 H.R. 3944: Mr. HIGGINS, Mr. SALAZAR, and Mr. MCINTYRE.  
 H.R. 3973: Mrs. NAPOLITANO.  
 H.R. 3986: Mr. MENENDEZ.  
 H.R. 4029: Mr. CLAY, Mr. BRADY of Pennsylvania, and Ms. LEE.  
 H.R. 4032: Mr. MARCHANT, Mr. FOLEY, Mr. WELDON of Florida, and Mr. PRICE of Georgia.  
 H.R. 4050: Mr. SALAZAR.  
 H.R. 4079: Mr. ISTOOK.  
 H.R. 4089: Mr. KUHLE of New York.  
 H.R. 4093: Ms. GINNY BROWN-WAITE of Florida and Mr. HASTINGS of Washington.  
 H.R. 4098: Mr. MARSHALL, Ms. ROS-LEHTINEN, Mr. COLE of Oklahoma, Mr. WYNN, Mr. WAMP, Mr. STRICKLAND, Mr. BROWN of South Carolina, and Mr. CLAY.  
 H.R. 4126: Mr. CASE.  
 H.R. 4134: Mr. BRADLEY of New Hampshire.  
 H.R. 4145: Mr. HOLT, Mr. BONNER, Mr. EVERETT, Mr. ADERHOLT, Mr. CRAMER, Mr. BACHUS, Mr. SCHIFF, and Mr. KNOLLENBERG.  
 H.R. 4168: Mr. MURPHY, Mr. ALEXANDER, and Mrs. JO ANN DAVIS of Virginia.  
 H.R. 4194: Mr. LANGEVIN, Ms. WATSON, Mr. INSLEE, Mr. TIERNEY, Ms. DEGETTE, and Mr. UDALL of New Mexico.  
 H.R. 4200: Mr. GALLEGLY, Mr. MCHUGH, Mr. LUCAS, Mr. MORAN of Kansas, and Mr. MANZULLO.  
 H.R. 4232: Mr. McDERMOTT.  
 H.R. 4238: Mr. SAM JOHNSON of Texas and Ms. HARRIS.  
 H.R. 4239: Mrs. EMERSON and Mr. EDWARDS.  
 H. Con. Res. 42: Mr. MATHESON.  
 H. Con. Res. 52: Mr. ISTOOK.  
 H. Con. Res. 230: Mr. CAPUANO, Mr. STEARNS, Mr. BASS, Mr. MARKEY, Mr. SHIMKUS, Mr. KELLER, Mr. WESTMORELAND, Mr. INGLIS of South Carolina, Mr. MEEK of Florida, Mr. LEWIS of Kentucky, and Mr. GONZALEZ.  
 H. Con. Res. 268: Mrs. MUSGRAVE, Mr. BARRETT of South Carolina, Mr. REHBERG, Mr. UPTON, Mr. BEAUPREZ, Mr. PENCE, Mrs. JO ANN DAVIS of Virginia, and Mr. FLAKE.  
 H. Con. Res. 280: Mr. McNULTY and Mr. MEEKS of New York.  
 H. Con. Res. 284: Mr. BLUMENAUER and Mr. MEEKS of New York.  
 H. Con. Res. 285: Mr. WELDON of Florida and Mr. UPTON.  
 H. Res. 302: Mr. COSTA and Ms. NORTON.  
 H. Res. 335: Mr. BAIRD, Mr. EHLERS, and Mr. SHAYS.  
 H. Res. 458: Mr. CUMMINGS.  
 H. Res. 466: Mr. FITZPATRICK of Pennsylvania.  
 H. Res. 479: Mr. FRANK of Massachusetts and Mr. McDERMOTT.  
 H. Res. 505: Mr. HOLT, Mr. UDALL of Colorado, Ms. ZOE LOFGREN of California, Mr. CLYBURN, Mr. WAXMAN, Ms. CARSON, Mr. MICHAUD, Mr. WU, Mr. MENENDEZ, Mr. SHERMAN, Ms. DEGETTE, Mr. DOYLE, Ms. BALDWIN, Mr. CLEAVER, Mr. FATTAH, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. COSTELLO, Mr. DICKS, Ms. HOOLEY, Mr. OBERSTAR, Mr. OLVER, Mr. PASTOR, Mr. RUSH, Mr. VIS-CLOSKY, Ms. LINDA T. SANCHEZ of California, Mr. ENGEL, Mrs. MCCARTHY, Mr. EVANS, Mr. WEINER, Mr. LARSON of Connecticut, Mr. RYAN of Ohio, Mr. UDALL of New Mexico, Mr. BAIRD, Ms. BERKLEY, Mr. AL GREEN of Texas, and Ms. WATERS.  
 H. Res. 507: Mr. MORAN of Virginia.  
 H. Res. 535: Mr. CONYERS, Mr. McNULTY, Ms. SCHAKOWSKY, Mr. CROWLEY, Mr.

ETHERIDGE, Mrs. MCCARTHY, Mr. NADLER, Mr. GRIJALVA, Mr. HIGGINS, Mr. WEINER, Mrs. MALONEY, Mr. WEXLER, Mr. DOGGETT, Mr. McDERMOTT, Ms. ZOE LOFGREN of California, Mr. EMANUEL, Mr. MENENDEZ, Mr. BERMAN, Mr. FALCOMA VAEGA, Mr. McCOTTER, Mrs. CAPPS, Mr. KIRK, and Mr. LEACH.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2048: Mr. BARTLETT of Maryland.  
 H.R. 3146: Mr. PRICE of Georgia.

#### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1751

OFFERED BY: Mr. FLAKE

AMENDMENT NO. 1: Add at the end the following:

#### SEC. \_\_\_\_ COLLATERAL REVIEW IN CAPITAL CASES.

(a) REVIEW BY ATTORNEY GENERAL.—

(1) APPLICABILITY.—Section 2261 of title 28, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) COUNSEL.—This chapter is applicable if—

“(1) the Attorney General of the United States certifies that a State has established a mechanism for providing counsel in postconviction proceedings as provided in section 2265; and

“(2) counsel was appointed pursuant to that mechanism, petitioner validly waived counsel, petitioner retained counsel, or petitioner was found not to be indigent.”.

(2) SCOPE OF PRIOR REPRESENTATION.—Section 2261(d) of title 28, United States Code, is amended by striking “or on direct appeal”.

(3) CERTIFICATION AND JUDICIAL REVIEW.—

(A) IN GENERAL.—Chapter 154 of title 28, United States Code, is amended by striking section 2265 and inserting the following:

#### “§ 2265. Certification and judicial review

“(a) CERTIFICATION.—

“(1) IN GENERAL.—If requested by an appropriate State official, the Attorney General of the United States shall determine—

“(A) whether the State has established a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by indigent prisoners who have been sentenced to death;

“(B) the date on which the mechanism described in subparagraph (A) was established; and

“(C) whether the State provides standards of competency for the appointment of counsel in proceedings described in subparagraph (A).

“(2) EFFECTIVE DATE.—The date the mechanism described in paragraph (1)(A) was established shall be the effective date of the certification under this subsection.

“(3) REQUIREMENTS.—

“(A) IN GENERAL.—To qualify for certification under paragraph (1)—

“(i) any mechanism described in subsection (1)(A) that was created on or after the effective date of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132) shall be created by statute, rule of the court of last resort, or rule of an agency authorized by State law to promulgate statewide rules of court and must meet the requirements of section 2261(c); and

“(ii) for any mechanism described in subsection (1)(A) that was created prior to the effective date of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132), all or part of the qualifying mechanism and standards may have been created by published policies, practices, and standards of the court of last resort or of a statewide judicial administrative agency, and the State must have substantially complied with the requirements of this section and section 2261 in providing qualified counsel to indigent prisoners sentenced to death who did not validly waive counsel.

“(B) ONLY EXPRESS REQUIREMENTS.—There are no requirements for certification or for application of this chapter other than those expressly stated in this chapter.

“(b) REGULATIONS.—The Attorney General shall promulgate regulations to implement the certification procedure under subsection (a).

“(c) REVIEW OF CERTIFICATION.—

“(1) IN GENERAL.—The determination by the Attorney General regarding whether to certify a State under this section is subject to review exclusively as provided under chapter 158 of this title.

“(2) VENUE.—The Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over matters under paragraph (1), subject to review by the Supreme Court under section 2350 of this title.

“(3) STANDARD OF REVIEW.—The determination by the Attorney General regarding whether to certify a State under this section shall be conclusive, unless manifestly contrary to the law and an abuse of discretion.”.

(B) CLERICAL AMENDMENT.—The table of sections for chapter 154 of title 28, United States Code, is amended by striking the item related to section 2265 and inserting the following:

“2265. Certification and judicial review.”.

(b) TIME LIMITS.—Section 2266(b)(1)(A) of title 28, United States Code, is amended by striking “180 days after the date on which the application is filed.” and inserting “450 days after the date on which the application is filed, or 60 days after the date on which the case is submitted for decision, whichever is earlier.”.

(c) TOLLING.—Section 2263(b) of title 28, United States Code, is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2) the following:

“(1) if counsel is offered to a State prisoner under section 2261(c)(1), during the period prior to such offer;”.

(d) SCOPE OF REVIEW.—Section 2264 of title 28, United States Code, is amended by redesignating subsection (b) as subsection (d) and inserting after subsection (a) the following:

“(b) VALIDITY OF CONVICTION.—A court, justice, or judge shall not have jurisdiction to consider a claim in an application under this chapter unless the claim concerns the validity of the conviction of the applicant for the underlying offense for which the applicant was sentenced to death. For a claim involving the offense of murder, conviction for the underlying offense means conviction for murder in any degree.

“(c) RELIEF.—For any claim brought under this section, relief shall not be granted, unless the denial of relief—

“(1) is contrary to, or would entail an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

“(2) would entail an unreasonable determination of a factual matter.”.

(e) PRIORITY TO CAPITAL CASES.—Section 2251 of title 28, United States Code, is amended—

(1) in the first undesignated paragraph by striking “A justice” and inserting the following:

“(a) IN GENERAL.—

“(1) PENDING MATTERS.—A justice”;

(2) in the second undesignated paragraph, by striking “After the” and inserting the following:

“(b) NO FURTHER PROCEEDINGS.—After the”;

(3) in subsection (a), as so designated by paragraph (1), by adding at the end the following:

“(2) MATTER NOT PENDING.—

“(A) IN GENERAL.—A habeas corpus proceeding is not pending, for this purpose, until the application is filed.

“(B) APPLICATION FOR COUNSEL.—If a State prisoner sentenced to death applies for appointment of counsel pursuant to section 408(q)(4)(B) of the Controlled Substances Act (21 U.S.C. 848(q)(4)(B)) in a court that would have jurisdiction to entertain a habeas application regarding that sentence, that court may stay execution of the sentence of death, but such a prefiling stay shall terminate not later than 60 days after counsel is appointed or the application for appointment of counsel is withdrawn or denied.”; and

(4) by adding at the end the following:

“(c) STAY OF MATTERS.—

“(1) SCOPE OF AUTHORITY TO STAY.—This section, section 2262, and section 2101 are the exclusive sources of authority for Federal courts to stay sentences of death entered by State courts.

“(2) PRIORITY OF CASES.—Any case in which a stay of a sentence of death has been entered pursuant to this section shall have priority over all noncapital cases.

“(3) PLAN FOR CASES.—Every Federal court that hears capital habeas corpus cases shall adopt a plan to ensure that such cases are completed in the minimum amount of time that is consistent with due process.

“(4) MENTAL CONDITION.—A Federal court shall not stay a capital habeas proceeding on the basis of the mental condition of the petitioner unless the petitioner is incompetent to be executed.”.

(f) ADDITIONAL PROVISIONS.—

(1) UNIFORM REVIEW STANDARD.—Section 107(c) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 2261 note) is amended by striking “Chapter 154 of title 28, United States Code (as amended by subsection (a))” and inserting “This title and the amendments made by this title”.

(2) FINALITY OF REVIEW.—Section 2244(b)(3)(E) of title 28, United States Code, is amended by striking “the subject of a petition” and all that follows through the end of the subparagraph and inserting the following: “reheard in the court of appeals or reviewed by writ of certiorari.”.

(3) CLEMENCY AND PARDON DECISIONS.—

(A) IN GENERAL.—Chapter 85 of title 28, United States Code, is amended by adding at the end the following:

“§ 1370. State clemency and pardon decisions

“(a) IN GENERAL.—Except as provided under subsection (b), and notwithstanding any other provision of law, no Federal court shall have jurisdiction to hear any cause or claim arising from the exercise of a State’s executive clemency or pardon power, or the process or procedures used under such power.

“(b) EXCEPTION.—This section does not affect the jurisdiction of the Supreme Court to review any decision of the highest court of a State that involves a cause or claim arising from the exercise of a State’s executive clemency or pardon power, or the process or procedures used under such power.”.

(B) CLERICAL AMENDMENT.—The table of sections for chapter 85 of title 28, United States Code, is amended by adding at the end the following:

“1370. State clemency and pardon decisions.”.

(g) APPLICATION TO PENDING CASES.—

(1) IN GENERAL.—Except as otherwise provided in this section, this section and the amendments made by this section shall apply to cases pending on and after the date of enactment of this Act.

(2) TIME LIMITS.—In a case pending on the date of enactment of this Act, if the amendments made by this section establish a time limit for taking certain action, the period of which began on the date of an event that occurred prior to the date of enactment of this Act, the period of such time limit shall instead begin on the date of enactment of this Act.

H.R. 4241

OFFERED BY: MR. FLAKE

AMENDMENT NO. 1: At the end of title III, add the following new subtitle:

**Subtitle E—Medicare**

**SEC. 3501. DELAY IN IMPLEMENTATION OF MEDICARE PRESCRIPTION DRUG PROGRAM FOR ALL BUT LOWEST-INCOME SUBSIDY ELIGIBLE INDIVIDUALS.**

(a) IN GENERAL.—Section 1860D-1(a) of the Social Security Act (42 U.S.C. 1395w-101(a)) is amended by adding at the end the following new paragraph:

“(4) LIMITATION DURING 2006 AND 2007.—

“(A) IN GENERAL.—With respect to benefits during 2006 and 2007, no individual shall be treated as a part D eligible individual unless the individual is described in section 1860D-14(a)(1).

“(B) TRANSITION.—For individuals who would be part D eligible individuals but for subparagraph (A), the enrollment-related provisions of this part (and related provisions of part C) shall be applied as if any dates otherwise specified had been delayed for 2 years.”.

(b) CONTINUATION OF DRUG DISCOUNT CARD PROGRAM FOR NONQUALIFYING INDIVIDUALS.—Section 1860D-31(a)(2) of such Act (42 U.S.C. 1395w-141(a)(2)) is amended by adding at the end the following new subparagraph:

“(D) CONTINUATION FOR CERTAIN INDIVIDUALS.—Notwithstanding any other provision of this section, this section shall continue to operate during 2006 and 2007 in the same manner it operated during 2005 in the case of discount card eligible individuals who would be part D eligible individuals during such period but for the application of section 1860D-14(a)(4)(A).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as if included in the enactment of Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173).

H.R. 4241

OFFERED BY: MR. FLAKE

AMENDMENT NO. 2: At the end of title III, add the following new subtitle:

**Subtitle E—Medicare**

**SEC. 3501. ONE-YEAR DELAY IN THE IMPLEMENTATION OF THE VOLUNTARY PRESCRIPTION DRUG BENEFIT PROGRAM.**

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall provide for a one-year delay in the enrollment of individuals in prescription drug plans and MA-PD plans under title XVIII of the Social Security Act. In effecting such delay, the Secretary shall provide for an appropriate delay in contracts with such plans and in open enrollment periods.

**SEC. 3502. ONE-YEAR EXTENSION OF THE MEDICARE PRESCRIPTION DRUG DISCOUNT CARD AND TRANSITIONAL ASSISTANCE PROGRAM; CONTINUATION OF MEDICAID PRESCRIPTION DRUG BENEFITS.**

(a) CONTINUATION OF DRUG DISCOUNT CARD PROGRAM.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall continue to provide for the medicare prescription drug discount card and transitional assistance program under subpart 4 of part D of title XVIII of the Social Security Act during 2006 under the same terms and conditions that apply during 2005.

(b) CONTINUATION OF MEDICAID COVERAGE OF PRESCRIPTION DRUGS.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall continue to provide for coverage of prescription drugs under the medicaid program during 2006 under section 1927 of the Social Security Act (42 U.S.C. 1396r-8) under the same terms and conditions that apply during 2005.

H.R. 4241

OFFERED BY: MR. FLAKE

AMENDMENT NO. 3: At the end of title III, add the following new subtitle:

**Subtitle E—Medicare**

**SEC. 3501. TWO-YEAR DELAY IN THE IMPLEMENTATION OF THE VOLUNTARY PRESCRIPTION DRUG BENEFIT PROGRAM.**

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall provide for a two-year delay in the enrollment of individuals in prescription drug plans and MA-PD plans under title XVIII of the Social Security Act. In effecting such delay, the Secretary shall provide for an appropriate delay in contracts with such plans and in open enrollment periods.

**SEC. 3502. TWO-YEAR EXTENSION OF THE MEDICARE PRESCRIPTION DRUG DISCOUNT CARD AND TRANSITIONAL ASSISTANCE PROGRAM; CONTINUATION OF MEDICAID PRESCRIPTION DRUG BENEFITS.**

(a) CONTINUATION OF DRUG DISCOUNT CARD PROGRAM.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall continue to provide for the medicare prescription drug discount card and transitional assistance program under subpart 4 of part D of title XVIII of the Social Security Act during 2006 and 2007 under the same terms and conditions that apply during 2005.

(b) CONTINUATION OF MEDICAID COVERAGE OF PRESCRIPTION DRUGS.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall continue to provide for coverage of prescription drugs under the medicaid program during 2006 and 2007 under section 1927 of the Social Security Act (42 U.S.C. 1396r-8) under the same terms and conditions that apply during 2005.

H.R. 4241

OFFERED BY: MR. FLAKE

AMENDMENT NO. 4: At the end of title VII of the bill, insert the following:

**SEC. 7002. TRANSPORTATION FUNDING FLEXIBILITY.**

(a) HIGHWAY BRIDGE PROGRAM.—Section 144(g)(1) of title 23, United States Code, is amended by adding at the end the following:

“(D) FUNDING FLEXIBILITY.—If a State is provided funds under subparagraph (A) for a project described in subparagraph (A), the State may use all or any portion of such funds to carry out such project or any other project eligible for assistance under this section that the State designates.”.

(b) PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE.—Section 1301 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law

109-59) is amended by adding at the end the following:

“(n) FUNDING FLEXIBILITY.—If a State is provided funds under this section for a project described in the table contained in subsection (m), the State may use all or any portion of such funds to carry out such project or any other project eligible for assistance under this section that the State designates.”.

(c) NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAM.—Section 1302 such Act is amended by adding at the end the following:

“(f) FUNDING FLEXIBILITY.—If a State is provided funds under this section for a project described in the table contained in subsection (e), the State may use all or any portion of such funds to carry out such project or any other project eligible for assistance under this section that the State designates.”.

(d) HIGH PRIORITY PROJECTS PROGRAM.—Section 117 of title 23, United States Code, is amended by adding at the end the following:

“(i) FUNDING FLEXIBILITY.—If a State is provided funds under this section for a project described in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59), the State may use all or any portion of such funds to carry out such project or any other project eligible for assistance under the surface transportation program in section 133 that the State designates.”.

(e) TRANSPORTATION IMPROVEMENTS.—Section 1934 of such Act is amended by adding at the end the following:

“(d) FUNDING FLEXIBILITY.—If a State is provided funds under this section for a project described in the table contained in subsection (c), the State may use all or any portion of such funds to carry out such project or any other project eligible for assistance under the surface transportation program in section 133 of title 23, United States Code, that the State designates.”.

(f) PROJECTS FOR BUS AND BUS-RELATED FACILITIES AND CLEAN FUNDS GRANT PROGRAM.—Section 3044 of such Act is amended by adding at the end the following:

“(d) FUNDING FLEXIBILITY.—If a recipient is provided funds under this section or section 5308 of title 49, United States Code, or both, for a project described in the table contained in subsection (a), the recipient may use all or any portion of such funds to carry out such project or any other project eligible for assistance under this section or section 5308 of such title, other than a project to fund any operations of buses or bus-related facilities.”.

#### SEC. 7003. SENSE OF CONGRESS.

It is the sense of Congress that State departments of transportation should take project descriptions in section 144(g)(1)(A) of title 23, United States Code, and in the tables contained in sections 1301, 1302, 1702, 1934, and 3044 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) into consideration if such projects involve improving transportation safety.

#### SEC. 7004. ACROSS-THE-BOARD RESCISSIONS.

(a) FISCAL YEAR 2006.—

(1) IN GENERAL.—On September 30, 2006, there is rescinded \$4,718,047,269 of the unobligated balances of funds apportioned before such date to the States for the Interstate maintenance, national highway system, bridge, congestion mitigation and air quality improvement, surface transportation (other than the STP set-aside programs), metropolitan planning, minimum guarantee, Appalachian development highway system, recreational trails, safe routes to school, freight intermodal connectors, coordinated border infrastructure, high risk rural road, high priority projects, and transportation improvements programs and each of the STP set-aside programs.

(2) ALLOCATION AMONG STATES.—The Secretary shall determine each State's share of the amount to be rescinded by paragraph (1) by multiplying \$4,718,047,269 by the ratio of the aggregate amount apportioned to such State for fiscal year 2006 for all the programs referred to in paragraph (1) to the aggregate amount apportioned to all States for such fiscal year for those programs.

(3) CALCULATIONS.—To determine the allocation of the amount to be rescinded for a State under paragraph (2) among the programs referred to in paragraph (1), the Secretary of Transportation shall make the following calculations:

(A) The Secretary shall multiply such amount to be rescinded by the ratio that the aggregate amount of unobligated funds available to the State on September 30, 2006, for each such program bears to the aggregate amount of unobligated funds available to the State on September 30, 2006, for all such programs.

(B) The Secretary shall multiply such amount to be rescinded by the ratio that the aggregate of the amount apportioned to the State for each such program for fiscal year 2006 bears to the aggregate amount apportioned to the State for all such programs for fiscal year 2006.

(4) ALLOCATION AMONG PROGRAMS.—

(A) IN GENERAL.—The Secretary, in consultation with the State, shall rescind for the State from each program referred to in paragraph (1) the amount determined for the program under paragraph (3)(A).

(B) SPECIAL RULE.—

(i) RESTORATION OF FUNDS FOR COVERED PROGRAMS.—If the rescission calculated under paragraph (3)(A) for a covered program exceeds the amount calculated for the covered program under paragraph (3)(B), the State shall immediately restore to the apportionment account for the covered program from the unobligated balances of programs referred to in paragraph (1) (other than covered programs) the amount of funds required so that the net rescission from the covered program does not exceed the amount calculated for the covered program under paragraph (3)(B).

(ii) TREATMENT OF RESTORED FUNDS.—Any funds restored under clause (i) shall be deemed to be the funds that were rescinded for the purposes of obligation.

(C) COVERED PROGRAM DEFINED.—In subparagraph (B), the term “covered program” means a program authorized under sections 130 and 152 of title 23, United States Code, paragraph (2) or (3) of section 133(d) of that title, section 144 of that title, section 149 of that title, or section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59).

(5) LIMITATION ON RECALCULATION OF EQUITY BONUS PROGRAM.—Notwithstanding any other provision of law, the amounts determined, and the amounts allocated, under section 105 of title 23, United States Code, for fiscal year 2006 shall not be recalculated to take into account a rescission made pursuant to this subsection.

(6) STP SET-ASIDE PROGRAM DEFINED.—In this subsection, the term “STP set-aside program” means the amount set aside under section 133(d) of title 23, United States Code, for each of transportation enhancement activities and the division between urbanized areas of over 200,000 population and other areas.

(b) FISCAL YEAR 2007, 2008, AND 2009.—

(1) IN GENERAL.—Subject to paragraph (2), there is rescinded 10 percent of each amount authorized to be appropriated for each of fiscal years 2007, 2008, and 2009 by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59), including any amendment made by such Act, and including any amount authorized to be appropriated for the equity bonus program under section 105 of title 23, United States Code, but excluding any amount authorized to be appropriated for the highway safety improvement program.

(2) TIMING.—A rescission made by paragraph (1) of an amount authorized to be appropriated for a fiscal year shall take effect on October 1 of such fiscal year before any apportionment or allocation of such amount and before such amount is subject to any set aside or subtraction.

(3) LIMITATION ON RECALCULATION OF EQUITY BONUS PROGRAM.—Notwithstanding any other provision of law, the amounts determined, and the amounts allocated, under section 105 of title 23, United States Code, for a fiscal year shall not be recalculated to take into account a rescission made by this subsection.

(c) SEPTEMBER 30, 2009.—Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) is amended in subsection (a) by inserting after “high risk rural road,” the following: “high priority projects, transportation improvements.”.

(d) REPORTS.—Not later than the 60th day following the date of each rescission made by subsection (a) or (b), the Secretary of Transportation, in consultation with the Director of the Office of Management and Budget shall submit to the appropriate committees of Congress a report containing the amount rescinded for each program referred to in subsection (a) and the amount rescinded for each program or activity for which there is a rescission made by subsection (b).