

In the Senate of the United States,

June 29, 2005.

Resolved, That the bill from the House of Representatives (H.R. 2361) entitled “An Act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

- 1 *That the following sums are appropriated, out of any*
- 2 *money in the Treasury not otherwise appropriated, for the*
- 3 *Department of the Interior, environment, and related agen-*
- 4 *cies for the fiscal year ending September 30, 2006, and for*
- 5 *other purposes, namely:*

1 *TITLE I—DEPARTMENT OF THE INTERIOR*2 *BUREAU OF LAND MANAGEMENT*3 *MANAGEMENT OF LANDS AND RESOURCES*

4 *For necessary expenses for protection, use, improve-*
5 *ment, development, disposal, cadastral surveying, classifica-*
6 *tion, acquisition of easements and other interests in lands,*
7 *and performance of other functions, including maintenance*
8 *of facilities, as authorized by law, in the management of*
9 *lands and their resources under the jurisdiction of the Bu-*
10 *reau of Land Management, including the general adminis-*
11 *tration of the Bureau, and assessment of mineral potential*
12 *of public lands pursuant to Public Law 96–487 (16 U.S.C.*
13 *3150(a)), \$867,045,000, to remain available until expended,*
14 *of which \$1,250,000 is for high priority projects, to be car-*
15 *ried out by the Youth Conservation Corps; and of which*
16 *\$3,000,000 shall be available in fiscal year 2006 subject to*
17 *a match by at least an equal amount by the National Fish*
18 *and Wildlife Foundation for cost-shared projects supporting*
19 *conservation of Bureau lands; and such funds shall be ad-*
20 *vanced to the Foundation as a lump sum grant without*
21 *regard to when expenses are incurred.*

22 *In addition, \$32,696,000 is for Mining Law Adminis-*
23 *tration program operations, including the cost of adminis-*
24 *istering the mining claim fee program; to remain available*
25 *until expended, to be reduced by amounts collected by the*

1 Bureau and credited to this appropriation from annual
2 mining claim fees so as to result in a final appropriation
3 estimated at not more than \$867,045,000, and \$2,000,000,
4 to remain available until expended, from communication
5 site rental fees established by the Bureau for the cost of ad-
6 ministering communication site activities.

7 WILDLAND FIRE MANAGEMENT

8 For necessary expenses for fire preparedness, suppres-
9 sion operations, fire science and research, emergency reha-
10 bilitation, hazardous fuels reduction, and rural fire assist-
11 ance by the Department of the Interior, \$766,564,000, to
12 remain available until expended, of which not to exceed
13 \$7,849,000 shall be for the renovation or construction of fire
14 facilities: Provided, That such funds are also available for
15 repayment of advances to other appropriation accounts
16 from which funds were previously transferred for such pur-
17 poses: Provided further, That persons hired pursuant to 43
18 U.S.C. 1469 may be furnished subsistence and lodging with-
19 out cost from funds available from this appropriation: Pro-
20 vided further, That notwithstanding 42 U.S.C. 1856d, sums
21 received by a bureau or office of the Department of the Inte-
22 rior for fire protection rendered pursuant to 42 U.S.C. 1856
23 et seq., protection of United States property, may be cred-
24 ited to the appropriation from which funds were expended
25 to provide that protection, and are available without fiscal
26 year limitation: Provided further, That using the amounts

1 *designated under this title of this Act, the Secretary of the*
2 *Interior may enter into procurement contracts, grants, or*
3 *cooperative agreements, for hazardous fuels reduction ac-*
4 *tivities, and for training and monitoring associated with*
5 *such hazardous fuels reduction activities, on Federal land,*
6 *or on adjacent non-Federal land for activities that benefit*
7 *resources on Federal land: Provided further, That the costs*
8 *of implementing any cooperative agreement between the*
9 *Federal Government and any non-Federal entity may be*
10 *shared, as mutually agreed on by the affected parties: Pro-*
11 *vided further, That notwithstanding requirements of the*
12 *Competition in Contracting Act, the Secretary, for purposes*
13 *of hazardous fuels reduction activities, may obtain max-*
14 *imum practicable competition among: (1) local private,*
15 *nonprofit, or cooperative entities; (2) Youth Conservation*
16 *Corps crews or related partnerships with State, local, or*
17 *non-profit youth groups; (3) small or micro-businesses; or*
18 *(4) other entities that will hire or train locally a significant*
19 *percentage, defined as 50 percent or more, of the project*
20 *workforce to complete such contracts: Provided further, That*
21 *in implementing this section, the Secretary shall develop*
22 *written guidance to field units to ensure accountability and*
23 *consistent application of the authorities provided herein:*
24 *Provided further, That funds appropriated under this head*
25 *may be used to reimburse the United States Fish and Wild-*

1 *life Service and the National Marine Fisheries Service for*
2 *the costs of carrying out their responsibilities under the En-*
3 *dangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to*
4 *consult and conference, as required by section 7 of such Act,*
5 *in connection with wildland fire management activities:*
6 *Provided further, That the Secretary of the Interior may*
7 *use wildland fire appropriations to enter into non-competi-*
8 *tive sole source leases of real property with local govern-*
9 *ments, at or below fair market value, to construct capital-*
10 *ized improvements for fire facilities on such leased prop-*
11 *erties, including but not limited to fire guard stations, re-*
12 *tardant stations, and other initial attack and fire support*
13 *facilities, and to make advance payments for any such lease*
14 *or for construction activity associated with the lease: Pro-*
15 *vided further, That the Secretary of the Interior and the*
16 *Secretary of Agriculture may authorize the transfer of funds*
17 *appropriated for wildland fire management, in an aggre-*
18 *gate amount not to exceed \$12,000,000, between the Depart-*
19 *ments when such transfers would facilitate and expedite*
20 *jointly funded wildland fire management programs and*
21 *projects: Provided further, That funds provided for wildfire*
22 *suppression shall be available for support of Federal emer-*
23 *gency response actions.*

1 *Treasury in accordance with the second paragraph of sub-*
2 *section (b) of title II of the Act of August 28, 1937 (50 Stat.*
3 *876).*

4 *FOREST ECOSYSTEM HEALTH AND RECOVERY FUND*
5 *(REVOLVING FUND, SPECIAL ACCOUNT)*

6 *In addition to the purposes authorized in Public Law*
7 *102–381, funds made available in the Forest Ecosystem*
8 *Health and Recovery Fund can be used for the purpose of*
9 *planning, preparing, implementing and monitoring salvage*
10 *timber sales and forest ecosystem health and recovery activi-*
11 *ties, such as release from competing vegetation and density*
12 *control treatments. The Federal share of receipts (defined*
13 *as the portion of salvage timber receipts not paid to the*
14 *counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et*
15 *seq., and Public Law 106–393) derived from treatments*
16 *funded by this account shall be deposited into the Forest*
17 *Ecosystem Health and Recovery Fund.*

18 *RANGE IMPROVEMENTS*

19 *For rehabilitation, protection, and acquisition of lands*
20 *and interests therein, and improvement of Federal range-*
21 *lands pursuant to section 401 of the Federal Land Policy*
22 *and Management Act of 1976 (43 U.S.C. 1701), notwith-*
23 *standing any other Act, sums equal to 50 percent of all*
24 *moneys received during the prior fiscal year under sections*
25 *3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.)*
26 *and the amount designated for range improvements from*

1 *grazing fees and mineral leasing receipts from Bankhead-*
2 *Jones lands transferred to the Department of the Interior*
3 *pursuant to law, but not less than \$10,000,000, to remain*
4 *available until expended: Provided, That not to exceed*
5 *\$600,000 shall be available for administrative expenses.*

6 *SERVICE CHARGES, DEPOSITS, AND FORFEITURES*

7 *For administrative expenses and other costs related to*
8 *processing application documents and other authorizations*
9 *for use and disposal of public lands and resources, for costs*
10 *of providing copies of official public land documents, for*
11 *monitoring construction, operation, and termination of fa-*
12 *cilities in conjunction with use authorizations, and for re-*
13 *habilitation of damaged property, such amounts as may be*
14 *collected under Public Law 94-579, as amended, and Public*
15 *Law 93-153, to remain available until expended: Provided,*
16 *That, notwithstanding any provision to the contrary of sec-*
17 *tion 305(a) of Public Law 94-579 (43 U.S.C. 1735(a)), any*
18 *moneys that have been or will be received pursuant to that*
19 *section, whether as a result of forfeiture, compromise, or set-*
20 *tlement, if not appropriate for refund pursuant to section*
21 *305(c) of that Act (43 U.S.C. 1735(c)), shall be available*
22 *and may be expended under the authority of this Act by*
23 *the Secretary to improve, protect, or rehabilitate any public*
24 *lands administered through the Bureau of Land Manage-*
25 *ment which have been damaged by the action of a resource*
26 *developer, purchaser, permittee, or any unauthorized per-*

1 *son, without regard to whether all moneys collected from*
2 *each such action are used on the exact lands damaged which*
3 *led to the action: Provided further, That any such moneys*
4 *that are in excess of amounts needed to repair damage to*
5 *the exact land for which funds were collected may be used*
6 *to repair other damaged public lands.*

7 MISCELLANEOUS TRUST FUNDS

8 *In addition to amounts authorized to be expended*
9 *under existing laws, there is hereby appropriated such*
10 *amounts as may be contributed under section 307 of the*
11 *Act of October 21, 1976 (43 U.S.C. 1701), and such*
12 *amounts as may be advanced for administrative costs, sur-*
13 *veys, appraisals, and costs of making conveyances of omit-*
14 *ted lands under section 211(b) of that Act, to remain avail-*
15 *able until expended.*

16 ADMINISTRATIVE PROVISIONS

17 *Appropriations for the Bureau of Land Management*
18 *shall be available for purchase, erection, and dismantlement*
19 *of temporary structures, and alteration and maintenance*
20 *of necessary buildings and appurtenant facilities to which*
21 *the United States has title; up to \$100,000 for payments,*
22 *at the discretion of the Secretary, for information or evi-*
23 *dence concerning violations of laws administered by the Bu-*
24 *reau; miscellaneous and emergency expenses of enforcement*
25 *activities authorized or approved by the Secretary and to*
26 *be accounted for solely on her certificate, not to exceed*

1 \$10,000: *Provided, That notwithstanding 44 U.S.C. 501,*
2 *the Bureau may, under cooperative cost-sharing and part-*
3 *nership arrangements authorized by law, procure printing*
4 *services from cooperators in connection with jointly pro-*
5 *duced publications for which the cooperators share the cost*
6 *of printing either in cash or in services, and the Bureau*
7 *determines the cooperator is capable of meeting accepted*
8 *quality standards.*

9 *UNITED STATES FISH AND WILDLIFE SERVICE*

10 *RESOURCE MANAGEMENT*

11 *For necessary expenses of the United States Fish and*
12 *Wildlife Service, as authorized by law, and for scientific*
13 *and economic studies, maintenance of the herd of long-*
14 *horned cattle on the Wichita Mountains Wildlife Refuge,*
15 *general administration, and for the performance of other*
16 *authorized functions related to such resources by direct ex-*
17 *penditure, contracts, grants, cooperative agreements and re-*
18 *imbursable agreements with public and private entities,*
19 *\$993,485,000, to remain available until September 30,*
20 *2007, except as otherwise provided herein: Provided, That*
21 *\$2,500,000 is for high priority projects, which shall be car-*
22 *ried out by the Youth Conservation Corps: Provided further,*
23 *That not to exceed \$18,130,000 shall be used for imple-*
24 *menting subsections (a), (b), (c), and (e) of section 4 of the*
25 *Endangered Species Act, as amended, for species that are*

1 *indigenous to the United States (except for processing peti-*
2 *tions, developing and issuing proposed and final regula-*
3 *tions, and taking any other steps to implement actions de-*
4 *scribed in subsection (c)(2)(A), (c)(2)(B)(i), or*
5 *(c)(2)(B)(ii), of which not to exceed \$12,852,000 shall be*
6 *used for any activity regarding the designation of critical*
7 *habitat, pursuant to subsection (a)(3), excluding litigation*
8 *support, for species listed pursuant to subsection (a)(1)*
9 *prior to October 1, 2005: Provided further, That of the*
10 *amount available for law enforcement, up to \$400,000, to*
11 *remain available until expended, may at the discretion of*
12 *the Secretary be used for payment for information, rewards,*
13 *or evidence concerning violations of laws administered by*
14 *the Service, and miscellaneous and emergency expenses of*
15 *enforcement activity, authorized or approved by the Sec-*
16 *retary and to be accounted for solely on her certificate: Pro-*
17 *vided further, That of the amount provided for environ-*
18 *mental contaminants, up to \$1,000,000 may remain avail-*
19 *able until expended for contaminant sample analyses: Pro-*
20 *vided further, That of the total amounts made available*
21 *under this heading, \$350,000 may be made available for*
22 *the mussel program at the White Sulphur Springs National*
23 *Fish Hatchery.*

24 *CONSTRUCTION*

25 *For construction, improvement, acquisition, or re-*
26 *moval of buildings and other facilities required in the con-*

1 *ervation, management, investigation, protection, and utili-*
2 *zation of fishery and wildlife resources, and the acquisition*
3 *of lands and interests therein; \$31,811,000, to remain avail-*
4 *able until expended: Provided, That funds made available*
5 *under the 2005 Consolidated Appropriations Act (Public*
6 *Law 108–447) for the Chase Lake and Arrowwood National*
7 *Wildlife Refuges, North Dakota, shall be transferred to*
8 *North Dakota State University to complete planning and*
9 *design for a Joint Interpretive Center.*

10 *LAND ACQUISITION*

11 *For expenses necessary to carry out the Land and*
12 *Water Conservation Fund Act of 1965, as amended (16*
13 *U.S.C. 460l–4 through 11), including administrative ex-*
14 *penses, and for acquisition of land or waters, or interest*
15 *therein, in accordance with statutory authority applicable*
16 *to the United States Fish and Wildlife Service, \$40,827,000*
17 *to be derived from the Land and Water Conservation Fund*
18 *and to remain available until expended.*

19 *LANDOWNER INCENTIVE PROGRAM*

20 *For expenses necessary to carry out the Land and*
21 *Water Conservation Fund Act of 1965, as amended (16*
22 *U.S.C. 460l–4 through 11), including administrative ex-*
23 *penses, and for private conservation efforts to be carried out*
24 *on private lands, \$25,000,000, to be derived from the Land*
25 *and Water Conservation Fund, and to remain available*
26 *until expended: Provided, That the amount provided herein*

1 *is for a Landowner Incentive Program established by the*
2 *Secretary that provides matching, competitively awarded*
3 *grants to States, the District of Columbia, federally recog-*
4 *nized Indian tribes, Puerto Rico, Guam, the United States*
5 *Virgin Islands, the Northern Mariana Islands, and Amer-*
6 *ican Samoa, to establish or supplement existing landowner*
7 *incentive programs that provide technical and financial as-*
8 *sistance, including habitat protection and restoration, to*
9 *private landowners for the protection and management of*
10 *habitat to benefit federally listed, proposed, candidate, or*
11 *other at-risk species on private lands.*

12 *PRIVATE STEWARDSHIP GRANTS*

13 *For expenses necessary to carry out the Land and*
14 *Water Conservation Fund Act of 1965, as amended (16*
15 *U.S.C. 460l-4 through 11), including administrative ex-*
16 *penses, and for private conservation efforts to be carried out*
17 *on private lands, \$7,500,000, to be derived from the Land*
18 *and Water Conservation Fund, and to remain available*
19 *until expended: Provided, That the amount provided herein*
20 *is for the Private Stewardship Grants Program established*
21 *by the Secretary to provide grants and other assistance to*
22 *individuals and groups engaged in private conservation ef-*
23 *forts that benefit federally listed, proposed, candidate, or*
24 *other at-risk species.*

1 *COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND*

2 *For expenses necessary to carry out section 6 of the*
 3 *Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),*
 4 *as amended, \$80,000,000, of which \$34,347,000 is to be de-*
 5 *rived from the Cooperative Endangered Species Conserva-*
 6 *tion Fund and \$45,653,000 is to be derived from the Land*
 7 *and Water Conservation Fund and to remain available*
 8 *until expended.*

9 *NATIONAL WILDLIFE REFUGE FUND*

10 *For expenses necessary to implement the Act of October*
 11 *17, 1978 (16 U.S.C. 715s), \$14,414,000.*

12 *NORTH AMERICAN WETLANDS CONSERVATION FUND*

13 *For expenses necessary to carry out the provisions of*
 14 *the North American Wetlands Conservation Act, Public*
 15 *Law 101–233, as amended, \$39,500,000, to remain avail-*
 16 *able until expended.*

17 *NEOTROPICAL MIGRATORY BIRD CONSERVATION*

18 *For financial assistance for projects to promote the*
 19 *conservation of neotropical migratory birds in accordance*
 20 *with the Neotropical Migratory Bird Conservation Act,*
 21 *Public Law 106–247 (16 U.S.C. 6101–6109), \$4,000,000,*
 22 *to remain available until expended.*

23 *MULTINATIONAL SPECIES CONSERVATION FUND*

24 *For expenses necessary to carry out the African Ele-*
 25 *phant Conservation Act (16 U.S.C. 4201–4203, 4211–4213,*
 26 *4221–4225, 4241–4245, and 1538), the Asian Elephant*

1 *Conservation Act of 1997 (Public Law 105–96; 16 U.S.C.*
2 *4261–4266), the Rhinoceros and Tiger Conservation Act of*
3 *1994 (16 U.S.C. 5301–5306), the Great Ape Conservation*
4 *Act of 2000 (16 U.S.C. 6301), and the Marine Turtle Con-*
5 *servation Act of 2004 (Public Law 108–266; 16 U.S.C.*
6 *6601), \$6,500,000, to remain available until expended.*

7 *STATE AND TRIBAL WILDLIFE GRANTS*

8 *For wildlife conservation grants to States and to the*
9 *District of Columbia, Puerto Rico, Guam, the United States*
10 *Virgin Islands, the Northern Mariana Islands, American*
11 *Samoa, and federally recognized Indian tribes under the*
12 *provisions of the Fish and Wildlife Act of 1956 and the*
13 *Fish and Wildlife Coordination Act, for the development*
14 *and implementation of programs for the benefit of wildlife*
15 *and their habitat, including species that are not hunted or*
16 *fished, \$72,000,000, to be derived from the Land and Water*
17 *Conservation Fund, and to remain available until ex-*
18 *pended: Provided, That of the amount provided herein,*
19 *\$6,000,000 is for a competitive grant program for Indian*
20 *tribes not subject to the remaining provisions of this appro-*
21 *priation: Provided further, That the Secretary shall, after*
22 *deducting said \$6,000,000 and administrative expenses, ap-*
23 *portion the amount provided herein in the following man-*
24 *ner: (1) to the District of Columbia and to the Common-*
25 *wealth of Puerto Rico, each a sum equal to not more than*
26 *one-half of 1 percent thereof; and (2) to Guam, American*

1 *Samoa, the United States Virgin Islands, and the Common-*
2 *wealth of the Northern Mariana Islands, each a sum equal*
3 *to not more than one-fourth of 1 percent thereof: Provided*
4 *further, That the Secretary shall apportion the remaining*
5 *amount in the following manner: (1) one-third of which is*
6 *based on the ratio to which the land area of such State bears*
7 *to the total land area of all such States; and (2) two-thirds*
8 *of which is based on the ratio to which the population of*
9 *such State bears to the total population of all such States:*
10 *Provided further, That the amounts apportioned under this*
11 *paragraph shall be adjusted equitably so that no State shall*
12 *be apportioned a sum which is less than 1 percent of the*
13 *amount available for apportionment under this paragraph*
14 *for any fiscal year or more than 5 percent of such amount:*
15 *Provided further, That the Federal share of planning grants*
16 *shall not exceed 75 percent of the total costs of such projects*
17 *and the Federal share of implementation grants shall not*
18 *exceed 50 percent of the total costs of such projects: Provided*
19 *further, That the non-Federal share of such projects may*
20 *not be derived from Federal grant programs: Provided fur-*
21 *ther, That no State, territory, or other jurisdiction shall re-*
22 *ceive a grant unless it has developed a comprehensive wild-*
23 *life conservation plan, consistent with criteria established*
24 *by the Secretary of the Interior, that considers the broad*
25 *range of the State, territory, or other jurisdiction's wildlife*

1 *and associated habitats, with appropriate priority placed*
2 *on those species with the greatest conservation need and tak-*
3 *ing into consideration the relative level of funding available*
4 *for the conservation of those species: Provided further, That*
5 *any amount apportioned in 2006 to any State, territory,*
6 *or other jurisdiction that remains unobligated as of Sep-*
7 *tember 30, 2007, shall be reapportioned, together with funds*
8 *appropriated in 2008, in the manner provided herein: Pro-*
9 *vided further, That balances from amounts previously ap-*
10 *propriated under the heading “State Wildlife Grants” shall*
11 *be transferred to and merged with this appropriation and*
12 *shall remain available until expended.*

13 *ADMINISTRATIVE PROVISIONS*

14 *Appropriations and funds available to the United*
15 *States Fish and Wildlife Service shall be available for pur-*
16 *chase of not to exceed 61 passenger motor vehicles, of which*
17 *61 are for replacement only (including 22 for police-type*
18 *use); repair of damage to public roads within and adjacent*
19 *to reservation areas caused by operations of the Service; op-*
20 *tions for the purchase of land at not to exceed \$1 for each*
21 *option; facilities incident to such public recreational uses*
22 *on conservation areas as are consistent with their primary*
23 *purpose; and the maintenance and improvement of aquaria,*
24 *buildings, and other facilities under the jurisdiction of the*
25 *Service and to which the United States has title, and which*
26 *are used pursuant to law in connection with management,*

1 *and investigation of fish and wildlife resources: Provided,*
2 *That notwithstanding 44 U.S.C. 501, the Service may,*
3 *under cooperative cost sharing and partnership arrange-*
4 *ments authorized by law, procure printing services from co-*
5 *operators in connection with jointly produced publications*
6 *for which the cooperators share at least one-half the cost*
7 *of printing either in cash or services and the Service deter-*
8 *mines the cooperator is capable of meeting accepted quality*
9 *standards: Provided further, That, notwithstanding any*
10 *other provision of law, the Service may use up to*
11 *\$2,000,000 from funds provided for contracts for employ-*
12 *ment-related legal services: Provided further, That the Serv-*
13 *ice may accept donated aircraft as replacements for existing*
14 *aircraft: Provided further, That, notwithstanding any other*
15 *provision of law, the Secretary of the Interior may not*
16 *spend any of the funds appropriated in this Act for the*
17 *purchase of lands or interests in lands to be used in the*
18 *establishment of any new unit of the National Wildlife Ref-*
19 *uge System unless the purchase is approved in advance by*
20 *the House and Senate Committees on Appropriations in*
21 *compliance with the reprogramming procedures contained*
22 *in House Report 108–330.*

1 *NATIONAL PARK SERVICE*2 *OPERATION OF THE NATIONAL PARK SYSTEM*

3 *For expenses necessary for the management, operation,*
4 *and maintenance of areas and facilities administered by*
5 *the National Park Service (including special road mainte-*
6 *nance service to trucking permittees on a reimbursable*
7 *basis), and for the general administration of the National*
8 *Park Service, \$1,748,486,000, of which \$9,892,000 is for*
9 *planning and interagency coordination in support of Ever-*
10 *glades restoration and shall remain available until ex-*
11 *pende; of which \$98,100,000, to remain available until*
12 *September 30, 2007, is for maintenance, repair or rehabili-*
13 *tation projects for constructed assets, operation of the Na-*
14 *tional Park Service automated facility management soft-*
15 *ware system, and comprehensive facility condition assess-*
16 *ments; and of which \$2,500,000 is for the Youth Conserva-*
17 *tion Corps for high priority projects: Provided, That the*
18 *only funds in this account which may be made available*
19 *to support United States Park Police are those funds ap-*
20 *proved for emergency law and order incidents pursuant to*
21 *established National Park Service procedures, those funds*
22 *needed to maintain and repair United States Park Police*
23 *administrative facilities, and those funds necessary to reim-*
24 *burse the United States Park Police account for the*
25 *unbudgeted overtime and travel costs associated with special*

1 *events for an amount not to exceed \$10,000 per event subject*
2 *to the review and concurrence of the Washington head-*
3 *quarters office.*

4 *UNITED STATES PARK POLICE*

5 *For expenses necessary to carry out the programs of*
6 *the United States Park Police, \$80,411,000.*

7 *NATIONAL RECREATION AND PRESERVATION*

8 *For expenses necessary to carry out recreation pro-*
9 *grams, natural programs, cultural programs, heritage part-*
10 *nership programs, environmental compliance and review,*
11 *international park affairs, statutory or contractual aid for*
12 *other activities, and grant administration, not otherwise*
13 *provided for, \$56,729,000: Provided, That none of the funds*
14 *in this Act for the River, Trails and Conservation Assist-*
15 *ance program may be used for cash agreements, or for coop-*
16 *erative agreements that are inconsistent with the program's*
17 *final strategic plan.*

18 *HISTORIC PRESERVATION FUND*

19 *For expenses necessary in carrying out the Historic*
20 *Preservation Act of 1966, as amended (16 U.S.C. 470), and*
21 *the Omnibus Parks and Public Lands Management Act of*
22 *1996 (Public Law 104–333), \$74,500,000, to be derived*
23 *from the Historic Preservation Fund and to remain avail-*
24 *able until September 30, 2007, of which \$2,000,000 is for*
25 *Historically Black Colleges and Universities, of which*
26 *\$30,000,000 shall be for Save America's Treasures for pres-*

1 *ervation of nationally significant sites, structures, and arti-*
2 *facts: Provided, That not to exceed \$7,500,000 of the amount*
3 *provided for Save America's Treasures may be for Preserve*
4 *America grants to States, Tribes, and local communities for*
5 *projects that preserve important historic resources through*
6 *the promotion of heritage tourism: Provided further, That*
7 *any individual Save America's Treasures or Preserve*
8 *America grant shall be matched by non-Federal funds: Pro-*
9 *vided further, That individual projects shall only be eligible*
10 *for one grant: Provided further, That all projects to be fund-*
11 *ed shall be approved by the Secretary of the Interior in con-*
12 *sultation with the House and Senate Committees on Appro-*
13 *priations, and in consultation with the President's Com-*
14 *mittee on the Arts and Humanities prior to the commit-*
15 *ment of Save America's Treasures grant funds and with*
16 *the Advisory Council on Historic Preservation prior to the*
17 *commitment of Preserve America grant funds: Provided fur-*
18 *ther, That Save America's Treasures funds allocated for*
19 *Federal projects, following approval, shall be available by*
20 *transfer to appropriate accounts of individual agencies.*

21 *CONSTRUCTION*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For construction, improvements, repair or replacement*
24 *of physical facilities, including the modifications authorized*
25 *by section 104 of the Everglades National Park Protection*
26 *and Expansion Act of 1989, \$316,201,000, to remain avail-*

1 able until expended, of which \$17,000,000 for modified
2 water deliveries to Everglades National Park shall be de-
3 rived by transfer from unobligated balances in the “Land
4 Acquisition and State Assistance” account for Everglades
5 National Park land acquisitions, and of which \$500,000 for
6 the Mark Twain Boyhood Home National Historic Land-
7 mark shall be derived from the Historic Preservation Fund
8 pursuant to 16 U.S.C. 470a: Provided, That none of the
9 funds available to the National Park Service may be used
10 to plan, design, or construct any partnership project with
11 a total value in excess of \$5,000,000, without advance ap-
12 proval of the House and Senate Committees on Appropria-
13 tions: Provided further, That notwithstanding any other
14 provision of law, the National Park Service may not accept
15 donations or services associated with the planning, design,
16 or construction of such new facilities without advance ap-
17 proval of the House and Senate Committees on Appropria-
18 tions: Provided further, That funds provided under this
19 heading for implementation of modified water deliveries to
20 Everglades National Park shall be expended consistent with
21 the requirements of the fifth proviso under this heading in
22 Public Law 108–108: Provided further, That hereinafter
23 notwithstanding any other provision of law, procurements
24 for the Mount Rainier National Park Jackson Visitor Cen-
25 ter replacement and the rehabilitation of Paradise Inn and

1 *Annex may be issued which include the full scope of the*
2 *facility: Provided further, That the solicitation and contract*
3 *shall contain the clause “availability of funds” found at*
4 *48 CFR 52.232.18: Provided further, That none of the funds*
5 *provided in this or any other Act may be used for planning,*
6 *design, or construction of any underground security screen-*
7 *ing or visitor contact facility at the Washington Monument*
8 *until such facility has been approved in writing by the*
9 *House and Senate Committees on Appropriations.*

10 *LAND AND WATER CONSERVATION FUND*

11 *(RESCISSION)*

12 *The contract authority provided for fiscal year 2006*
13 *by 16 U.S.C. 460l–10a is rescinded.*

14 *LAND ACQUISITION AND STATE ASSISTANCE*

15 *For expenses necessary to carry out the Land and*
16 *Water Conservation Act of 1965, as amended (16 U.S.C.*
17 *460l–4 through 11), including administrative expenses, and*
18 *for acquisition of lands or waters, or interest therein, in*
19 *accordance with the statutory authority applicable to the*
20 *National Park Service, \$86,005,000, to be derived from the*
21 *Land and Water Conservation Fund and to remain avail-*
22 *able until expended, of which \$30,000,000 is for the State*
23 *assistance program including \$1,587,000 for program ad-*
24 *ministration: Provided, That none of the funds provided for*
25 *the State assistance program may be used to establish a*
26 *contingency fund.*

1 ADMINISTRATIVE PROVISIONS

2 *Appropriations for the National Park Service shall be*
3 *available for the purchase of not to exceed 245 passenger*
4 *motor vehicles, of which 199 shall be for replacement only,*
5 *including not to exceed 193 for police-type use, 10 buses,*
6 *and 8 ambulances: Provided, That none of the funds appro-*
7 *priated to the National Park Service may be used to imple-*
8 *ment an agreement for the redevelopment of the southern*
9 *end of Ellis Island until such agreement has been submitted*
10 *to the Congress and shall not be implemented prior to the*
11 *expiration of 30 calendar days (not including any day in*
12 *which either House of Congress is not in session because*
13 *of adjournment of more than 3 calendar days to a day cer-*
14 *tain) from the receipt by the Speaker of the House of Rep-*
15 *resentatives and the President of the Senate of a full and*
16 *comprehensive report on the development of the southern*
17 *end of Ellis Island, including the facts and circumstances*
18 *relied upon in support of the proposed project: Provided fur-*
19 *ther, That in fiscal year 2006 and thereafter, appropria-*
20 *tions available to the National Park Service may be used*
21 *to maintain the following areas in Washington, District of*
22 *Columbia: Jackson Place, Madison Place, and Pennsyl-*
23 *vania Avenue between 15th and 17th Streets, Northwest.*

1 *None of the funds in this Act may be spent by the Na-*
2 *tional Park Service for activities taken in direct response*
3 *to the United Nations Biodiversity Convention.*

4 *The National Park Service may distribute to operating*
5 *units based on the safety record of each unit the costs of*
6 *programs designed to improve workplace and employee safe-*
7 *ty, and to encourage employees receiving workers' com-*
8 *pensation benefits pursuant to chapter 81 of title 5, United*
9 *States Code, to return to appropriate positions for which*
10 *they are medically able.*

11 *If the Secretary of the Interior considers the decision*
12 *of any value determination proceeding conducted under a*
13 *National Park Service concession contract issued prior to*
14 *November 13, 1998, to misinterpret or misapply relevant*
15 *contractual requirements or their underlying legal author-*
16 *ity, the Secretary may seek, within 180 days of any such*
17 *decision, the de novo review of the value determination by*
18 *the United States Court of Federal Claims, and that court*
19 *may make an order affirming, vacating, modifying or cor-*
20 *recting the determination.*

21 *In addition to other uses set forth in section 407(d)*
22 *of Public Law 105–391, franchise fees credited to a sub-*
23 *account shall be available for expenditure by the Secretary,*
24 *without further appropriation, for use at any unit within*
25 *the National Park System to extinguish or reduce liability*

1 *for Possessory Interest or leasehold surrender interest. Such*
2 *funds may only be used for this purpose to the extent that*
3 *the benefiting unit anticipated franchise fee receipts over*
4 *the term of the contract at that unit exceed the amount of*
5 *funds used to extinguish or reduce liability. Franchise fees*
6 *at the benefiting unit shall be credited to the sub-account*
7 *of the originating unit over a period not to exceed the term*
8 *of a single contract at the benefiting unit, in the amount*
9 *of funds so expended to extinguish or reduce liability.*

10 *UNITED STATES GEOLOGICAL SURVEY*
11 *SURVEYS, INVESTIGATIONS, AND RESEARCH*

12 *For expenses necessary for the United States Geological*
13 *Survey to perform surveys, investigations, and research cov-*
14 *ering topography, geology, hydrology, biology, and the min-*
15 *eral and water resources of the United States, its territories*
16 *and possessions, and other areas as authorized by 43 U.S.C.*
17 *31, 1332, and 1340; classify lands as to their mineral and*
18 *water resources; give engineering supervision to power per-*
19 *mittees and Federal Energy Regulatory Commission licens-*
20 *ees; administer the minerals exploration program (30*
21 *U.S.C. 641); to conduct inquiries into the economic condi-*
22 *tions affecting mining and materials processing industries*
23 *(30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related*
24 *purposes as authorized by law; and to publish and dissemi-*
25 *nate data relative to the foregoing activities; \$963,057,000,*

1 of which \$63,770,000 shall be available only for cooperation
2 with States or municipalities for water resources investiga-
3 tions; of which \$7,791,000 shall remain available until ex-
4 pended for satellite operations; of which \$21,720,000 shall
5 be available until September 30, 2007, for the operation and
6 maintenance of facilities and deferred maintenance; of
7 which \$1,600,000 shall be available until expended for de-
8 ferred maintenance and capital improvement projects that
9 exceed \$100,000 in cost; and of which \$174,280,000 shall
10 be available until September 30, 2007, for the biological re-
11 search activity and the operation of the Cooperative Re-
12 search Units: Provided, That from the amount provided for
13 the biological research activity, \$200,000 may be made
14 available to the University of Missouri-Columbia to estab-
15 lish a wetland ecology center of excellence: Provided further,
16 That none of the funds provided for the biological research
17 activity shall be used to conduct new surveys on private
18 property, unless specifically authorized in writing by the
19 property owner: Provided further, That no part of this ap-
20 propriation shall be used to pay more than one-half the cost
21 of topographic mapping or water resources data collection
22 and investigations carried on in cooperation with States
23 and municipalities.

24 ADMINISTRATIVE PROVISIONS

25 From within the amount appropriated for activities
26 of the United States Geological Survey such sums as are

1 *necessary shall be available for the purchase and replace-*
2 *ment of passenger motor vehicles; reimbursement to the*
3 *General Services Administration for security guard serv-*
4 *ices; contracting for the furnishing of topographic maps and*
5 *for the making of geophysical or other specialized surveys*
6 *when it is administratively determined that such proce-*
7 *dures are in the public interest; construction and mainte-*
8 *nance of necessary buildings and appurtenant facilities; ac-*
9 *quisition of lands for gauging stations and observation*
10 *wells; expenses of the United States National Committee on*
11 *Geology; and payment of compensation and expenses of per-*
12 *sons on the rolls of the Survey duly appointed to represent*
13 *the United States in the negotiation and administration*
14 *of interstate compacts: Provided, That activities funded by*
15 *appropriations herein made may be accomplished through*
16 *the use of contracts, grants, or cooperative agreements as*
17 *defined in 31 U.S.C. 6302 et seq.: Provided further, That*
18 *the United States Geological Survey may enter into con-*
19 *tracts or cooperative agreements directly with individuals*
20 *or indirectly with institutions or nonprofit organizations,*
21 *without regard to 41 U.S.C. 5, for the temporary or inter-*
22 *mittent services of students or recent graduates, who shall*
23 *be considered employees for the purpose of chapters 57 and*
24 *81 of title 5, United States Code, relating to compensation*
25 *for travel and work injuries, and chapter 171 of title 28,*

1 *United States Code, relating to tort claims, but shall not*
2 *be considered to be Federal employees for any other pur-*
3 *poses.*

4 *MINERALS MANAGEMENT SERVICE*

5 *ROYALTY AND OFFSHORE MINERALS MANAGEMENT*

6 *For expenses necessary for minerals leasing and envi-*
7 *ronmental studies, regulation of industry operations, and*
8 *collection of royalties, as authorized by law; for enforcing*
9 *laws and regulations applicable to oil, gas, and other min-*
10 *erals leases, permits, licenses and operating contracts; and*
11 *for matching grants or cooperative agreements; including*
12 *the purchase of not to exceed eight passenger motor vehicles*
13 *for replacement only, \$152,516,000, of which \$78,529,000*
14 *shall be available for royalty management activities; and*
15 *an amount not to exceed \$122,730,000, to be credited to this*
16 *appropriation and to remain available until expended,*
17 *from additions to receipts resulting from increases to rates*
18 *in effect on August 5, 1993, from rate increases to fee collec-*
19 *tions for Outer Continental Shelf administrative activities*
20 *performed by the Minerals Management Service (MMS)*
21 *over and above the rates in effect on September 30, 1993,*
22 *and from additional fees for Outer Continental Shelf ad-*
23 *ministrative activities established after September 30, 1993:*
24 *Provided, That to the extent \$122,730,000 in additions to*
25 *receipts are not realized from the sources of receipts stated*

1 above, the amount needed to reach \$122,730,000 shall be
2 credited to this appropriation from receipts resulting from
3 rental rates for Outer Continental Shelf leases in effect be-
4 fore August 5, 1993: Provided further, That \$3,000,000 for
5 computer acquisitions shall remain available until Sep-
6 tember 30, 2007: Provided further, That not to exceed
7 \$3,000 shall be available for reasonable expenses related to
8 promoting volunteer beach and marine cleanup activities:
9 Provided further, That notwithstanding any other provision
10 of law, \$15,000 under this heading shall be available for
11 refunds of overpayments in connection with certain Indian
12 leases in which the Director of MMS concurred with the
13 claimed refund due, to pay amounts owed to Indian
14 allottees or tribes, or to correct prior unrecoverable erro-
15 neous payments: Provided further, That in fiscal year 2006
16 and thereafter, MMS may under the royalty-in-kind pro-
17 gram, or under its authority to transfer oil to the Strategic
18 Petroleum Reserve, use a portion of the revenues from roy-
19 alty-in-kind sales, without regard to fiscal year limitation,
20 to pay for transportation to wholesale market centers or up-
21 stream pooling points, to process or otherwise dispose of
22 royalty production taken in kind, and to recover MMS
23 transportation costs, salaries, and other administrative
24 costs directly related to the royalty-in-kind program: Pro-
25 vided further, That MMS shall analyze and document the

1 *expected return in advance of any royalty-in-kind sales to*
2 *assure to the maximum extent practicable that royalty in-*
3 *come under the program is equal to or greater than royalty*
4 *income recognized under a comparable royalty-in-value*
5 *program.*

6 *OIL SPILL RESEARCH*

7 *For necessary expenses to carry out title I, section*
8 *1016, title IV, sections 4202 and 4303, title VII, and title*
9 *VIII, section 8201 of the Oil Pollution Act of 1990,*
10 *\$7,006,000, which shall be derived from the Oil Spill Liabil-*
11 *ity Trust Fund, to remain available until expended.*

12 *OFFICE OF SURFACE MINING RECLAMATION AND*
13 *ENFORCEMENT*

14 *REGULATION AND TECHNOLOGY*

15 *For necessary expenses to carry out the provisions of*
16 *the Surface Mining Control and Reclamation Act of 1977,*
17 *Public Law 95–87, as amended, including the purchase of*
18 *not to exceed 10 passenger motor vehicles, for replacement*
19 *only; \$110,435,000: Provided, That the Secretary of the In-*
20 *terior, pursuant to regulations, may use directly or through*
21 *grants to States, moneys collected in fiscal year 2006 for*
22 *civil penalties assessed under section 518 of the Surface*
23 *Mining Control and Reclamation Act of 1977 (30 U.S.C.*
24 *1268), to reclaim lands adversely affected by coal mining*
25 *practices after August 3, 1977, to remain available until*
26 *expended: Provided further, That appropriations for the Of-*

1 *Office of Surface Mining Reclamation and Enforcement may*
2 *provide for the travel and per diem expenses of State and*
3 *tribal personnel attending Office of Surface Mining Rec-*
4 *lamation and Enforcement sponsored training.*

5 *ABANDONED MINE RECLAMATION FUND*

6 *For necessary expenses to carry out title IV of the Sur-*
7 *face Mining Control and Reclamation Act of 1977, Public*
8 *Law 95–87, as amended, including the purchase of not more*
9 *than 10 passenger motor vehicles for replacement only,*
10 *\$188,014,000, to be derived from receipts of the Abandoned*
11 *Mine Reclamation Fund and to remain available until ex-*
12 *pended; of which up to \$10,000,000, to be derived from the*
13 *Federal Expenses Share of the Fund, shall be for supple-*
14 *mental grants to States for the reclamation of abandoned*
15 *sites with acid mine rock drainage from coal mines, and*
16 *for associated activities, through the Appalachian Clean*
17 *Streams Initiative: Provided, That grants to minimum pro-*
18 *gram States will be \$1,500,000 per State in fiscal year*
19 *2006: Provided further, That pursuant to Public Law 97–*
20 *365, the Department of the Interior is authorized to use up*
21 *to 20 percent from the recovery of the delinquent debt owed*
22 *to the United States Government to pay for contracts to*
23 *collect these debts: Provided further, That funds made avail-*
24 *able under title IV of Public Law 95–87 may be used for*
25 *any required non-Federal share of the cost of projects funded*
26 *by the Federal Government for the purpose of environ-*

1 *mental restoration related to treatment or abatement of acid*
2 *mine drainage from abandoned mines: Provided further,*
3 *That such projects must be consistent with the purposes and*
4 *priorities of the Surface Mining Control and Reclamation*
5 *Act: Provided further, That the State of Maryland may set*
6 *aside the greater of \$1,000,000 or 10 percent of the total*
7 *of the grants made available to the State under title IV of*
8 *the Surface Mining Control and Reclamation Act of 1977,*
9 *as amended (30 U.S.C. 1231 et seq.), if the amount set aside*
10 *is deposited in an acid mine drainage abatement and treat-*
11 *ment fund established under a State law, pursuant to which*
12 *law the amount (together with all interest earned on the*
13 *amount) is expended by the State to undertake acid mine*
14 *drainage abatement and treatment projects, except that be-*
15 *fore any amounts greater than 10 percent of its title IV*
16 *grants are deposited in an acid mine drainage abatement*
17 *and treatment fund, the State of Maryland must first com-*
18 *plete all Surface Mining Control and Reclamation Act pri-*
19 *ority one projects: Provided further, That amounts provided*
20 *under this heading may be used for the travel and per diem*
21 *expenses of State and tribal personnel attending Office of*
22 *Surface Mining Reclamation and Enforcement sponsored*
23 *training.*

1 *ADMINISTRATIVE PROVISION*

2 *With funds available for the Technical Innovation and*
3 *Professional Services program in this Act, the Secretary*
4 *may transfer title for computer hardware, software and*
5 *other technical equipment to State and Tribal regulatory*
6 *and reclamation programs.*

7 *BUREAU OF INDIAN AFFAIRS*8 *OPERATION OF INDIAN PROGRAMS*

9 *For expenses necessary for the operation of Indian pro-*
10 *grams, as authorized by law, including the Snyder Act of*
11 *November 2, 1921 (25 U.S.C. 13), the Indian Self-Deter-*
12 *mination and Education Assistance Act of 1975 (25 U.S.C.*
13 *450 et seq.), as amended, the Education Amendments of*
14 *1978 (25 U.S.C. 2001–2019), and the Tribally Controlled*
15 *Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended,*
16 *\$1,971,132,000, to remain available until September 30,*
17 *2007 except as otherwise provided herein, of which not to*
18 *exceed \$86,462,000 shall be for welfare assistance payments*
19 *and notwithstanding any other provision of law, including*
20 *but not limited to the Indian Self-Determination Act of*
21 *1975, as amended, not to exceed \$134,609,000 shall be*
22 *available for payments to tribes and tribal organizations*
23 *for contract support costs associated with ongoing contracts,*
24 *grants, compacts, or annual funding agreements entered*
25 *into with the Bureau prior to or during fiscal year 2006,*

1 *as authorized by such Act, except that tribes and tribal or-*
2 *ganizations may use their tribal priority allocations for*
3 *unmet indirect contract support costs of ongoing contracts,*
4 *grants, or compacts, or annual funding agreements and for*
5 *unmet welfare assistance costs; and of which not to exceed*
6 *\$454,725,000 for school operations costs of Bureau-funded*
7 *schools and other education programs shall become available*
8 *on July 1, 2006, and shall remain available until Sep-*
9 *tember 30, 2007; and of which not to exceed \$61,667,000*
10 *shall remain available until expended for housing improve-*
11 *ment, road maintenance, attorney fees, litigation support,*
12 *the Indian Self-Determination Fund, land records improve-*
13 *ment, and the Navajo-Hopi Settlement Program: Provided,*
14 *That notwithstanding any other provision of law, including*
15 *but not limited to the Indian Self-Determination Act of*
16 *1975, as amended, and 25 U.S.C. 2008, not to exceed*
17 *\$44,718,000 within and only from such amounts made*
18 *available for school operations shall be available to tribes*
19 *and tribal organizations for administrative cost grants as-*
20 *sociated with ongoing grants entered into with the Bureau*
21 *prior to or during fiscal year 2005 for the operation of Bu-*
22 *reau-funded schools, and up to \$500,000 within and only*
23 *from such amounts made available for school operations*
24 *shall be available for the transitional costs of initial admin-*
25 *istrative cost grants to tribes and tribal organizations that*

1 *enter into grants for the operation on or after July 1, 2005,*
2 *of Bureau-operated schools: Provided further, That any for-*
3 *estry funds allocated to a tribe which remain unobligated*
4 *as of September 30, 2007, may be transferred during fiscal*
5 *year 2008 to an Indian forest land assistance account estab-*
6 *lished for the benefit of such tribe within the tribe's trust*
7 *fund account: Provided further, That any such unobligated*
8 *balances not so transferred shall expire on September 30,*
9 *2008.*

10 **CONSTRUCTION**

11 *For construction, repair, improvement, and mainte-*
12 *nance of irrigation and power systems, buildings, utilities,*
13 *and other facilities, including architectural and engineering*
14 *services by contract; acquisition of lands, and interests in*
15 *lands; and preparation of lands for farming, and for con-*
16 *struction of the Navajo Indian Irrigation Project pursuant*
17 *to Public Law 87-483, \$267,137,000, to remain available*
18 *until expended: Provided, That such amounts as may be*
19 *available for the construction of the Navajo Indian Irriga-*
20 *tion Project may be transferred to the Bureau of Reclama-*
21 *tion: Provided further, That not to exceed 6 percent of con-*
22 *tract authority available to the Bureau of Indian Affairs*
23 *from the Federal Highway Trust Fund may be used to cover*
24 *the road program management costs of the Bureau: Pro-*
25 *vided further, That any funds provided for the Safety of*
26 *Dams program pursuant to 25 U.S.C. 13 shall be made*

1 *available on a nonreimbursable basis: Provided further,*
2 *That for fiscal year 2006, in implementing new construc-*
3 *tion or facilities improvement and repair project grants in*
4 *excess of \$100,000 that are provided to tribally controlled*
5 *grant schools under Public Law 100–297, as amended, the*
6 *Secretary of the Interior shall use the Administrative and*
7 *Audit Requirements and Cost Principles for Assistance Pro-*
8 *grams contained in 43 CFR part 12 as the regulatory re-*
9 *quirements: Provided further, That such grants shall not*
10 *be subject to section 12.61 of 43 CFR; the Secretary and*
11 *the grantee shall negotiate and determine a schedule of pay-*
12 *ments for the work to be performed: Provided further, That*
13 *in considering applications, the Secretary shall consider*
14 *whether the Indian tribe or tribal organization would be*
15 *deficient in assuring that the construction projects conform*
16 *to applicable building standards and codes and Federal,*
17 *tribal, or State health and safety standards as required by*
18 *25 U.S.C. 2005(b), with respect to organizational and fi-*
19 *nancial management capabilities: Provided further, That if*
20 *the Secretary declines an application, the Secretary shall*
21 *follow the requirements contained in 25 U.S.C. 2504(f):*
22 *Provided further, That any disputes between the Secretary*
23 *and any grantee concerning a grant shall be subject to the*
24 *disputes provision in 25 U.S.C. 2507(e): Provided further,*
25 *That in order to ensure timely completion of replacement*

1 *school construction projects, the Secretary may assume con-*
 2 *trol of a project and all funds related to the project, if, with-*
 3 *in eighteen months of the date of enactment of this Act, any*
 4 *tribe or tribal organization receiving funds appropriated*
 5 *in this Act or in any prior Act, has not completed the plan-*
 6 *ning and design phase of the project and commenced con-*
 7 *struction of the replacement school: Provided further, That*
 8 *this Appropriation may be reimbursed from the Office of*
 9 *the Special Trustee for American Indians Appropriation*
 10 *for the appropriate share of construction costs for space ex-*
 11 *pansion needed in agency offices to meet trust reform imple-*
 12 *mentation.*

13 *INDIAN LAND AND WATER CLAIM SETTLEMENTS AND*
 14 *MISCELLANEOUS PAYMENTS TO INDIANS*

15 *For miscellaneous payments to Indian tribes and indi-*
 16 *viduals and for necessary administrative expenses,*
 17 *\$24,754,000, to remain available until expended, for imple-*
 18 *mentation of Indian land and water claim settlements pur-*
 19 *suant to Public Laws 99–264, 100–580, 101–618, 106–554,*
 20 *107–331, and 108–34, and for implementation of other land*
 21 *and water rights settlements.*

22 *INDIAN GUARANTEED LOAN PROGRAM ACCOUNT*

23 *For the cost of guaranteed and insured loans,*
 24 *\$6,348,000, of which \$701,000 is for administrative ex-*
 25 *penses, as authorized by the Indian Financing Act of 1974,*
 26 *as amended: Provided, That such costs, including the cost*

1 *of modifying such loans, shall be as defined in section 502*
2 *of the Congressional Budget Act of 1974: Provided further,*
3 *That these funds are available to subsidize total loan prin-*
4 *cipal, any part of which is to be guaranteed, not to exceed*
5 *\$118,884,000.*

6 *ADMINISTRATIVE PROVISIONS*

7 *The Bureau of Indian Affairs may carry out the oper-*
8 *ation of Indian programs by direct expenditure, contracts,*
9 *cooperative agreements, compacts and grants, either di-*
10 *rectly or in cooperation with States and other organiza-*
11 *tions.*

12 *Notwithstanding 25 U.S.C. 15, the Bureau of Indian*
13 *Affairs may contract for services in support of the manage-*
14 *ment, operation, and maintenance of the Power Division*
15 *of the San Carlos Irrigation Project.*

16 *Appropriations for the Bureau of Indian Affairs (ex-*
17 *cept the revolving fund for loans, the Indian loan guarantee*
18 *and insurance fund, and the Indian Guaranteed Loan Pro-*
19 *gram account) shall be available for expenses of exhibits,*
20 *and purchase of not to exceed 229 passenger motor vehicles,*
21 *of which not to exceed 187 shall be for replacement only.*

22 *Notwithstanding any other provision of law, no funds*
23 *available to the Bureau of Indian Affairs for central office*
24 *operations or pooled overhead general administration (ex-*
25 *cept facilities operations and maintenance) shall be avail-*
26 *able for tribal contracts, grants, compacts, or cooperative*

1 *agreements with the Bureau of Indian Affairs under the*
2 *provisions of the Indian Self-Determination Act or the*
3 *Tribal Self-Governance Act of 1994 (Public Law 103-413).*

4 *In the event any tribe returns appropriations made*
5 *available by this Act to the Bureau of Indian Affairs for*
6 *distribution to other tribes, this action shall not diminish*
7 *the Federal Government's trust responsibility to that tribe,*
8 *or the government-to-government relationship between the*
9 *United States and that tribe, or that tribe's ability to access*
10 *future appropriations.*

11 *Notwithstanding any other provision of law, no funds*
12 *available to the Bureau, other than the amounts provided*
13 *herein for assistance to public schools under 25 U.S.C. 452*
14 *et seq., shall be available to support the operation of any*
15 *elementary or secondary school in the State of Alaska.*

16 *Appropriations made available in this or any other*
17 *Act for schools funded by the Bureau shall be available only*
18 *to the schools in the Bureau school system as of September*
19 *1, 1996. No funds available to the Bureau shall be used to*
20 *support expanded grades for any school or dormitory be-*
21 *yond the grade structure in place or approved by the Sec-*
22 *retary of the Interior at each school in the Bureau school*
23 *system as of October 1, 1995. Funds made available under*
24 *this Act may not be used to establish a charter school at*
25 *a Bureau-funded school (as that term is defined in section*

1 1146 of the *Education Amendments of 1978* (25 U.S.C.
2 2026)), except that a charter school that is in existence on
3 the date of the enactment of this Act and that has operated
4 at a Bureau-funded school before September 1, 1999, may
5 continue to operate during that period, but only if the char-
6 ter school pays to the Bureau a pro rata share of funds
7 to reimburse the Bureau for the use of the real and personal
8 property (including buses and vans), the funds of the char-
9 ter school are kept separate and apart from Bureau funds,
10 and the Bureau does not assume any obligation for charter
11 school programs of the State in which the school is located
12 if the charter school loses such funding. Employees of Bu-
13 reau-funded schools sharing a campus with a charter school
14 and performing functions related to the charter school's op-
15 eration and employees of a charter school shall not be treat-
16 ed as Federal employees for purposes of chapter 171 of title
17 28, *United States Code*.

18 Notwithstanding any other provision of law, including
19 section 113 of title I of appendix C of Public Law 106-
20 113, if a tribe or tribal organization in fiscal year 2003
21 or 2004 received indirect and administrative costs pursuant
22 to a distribution formula based on section 5(f) of Public
23 Law 101-301, the Secretary shall continue to distribute in-
24 direct and administrative cost funds to such tribe or tribal
25 organization using the section 5(f) distribution formula.

1 *DEPARTMENTAL OFFICES*2 *INSULAR AFFAIRS*3 *ASSISTANCE TO TERRITORIES*

4 *For expenses necessary for assistance to territories*
5 *under the jurisdiction of the Department of the Interior,*
6 *\$76,683,000, of which: (1) \$69,802,000 shall be available*
7 *until expended for technical assistance, including mainte-*
8 *nance assistance, disaster assistance, insular management*
9 *controls, coral reef initiative activities, and brown tree*
10 *snake control and research; grants to the judiciary in Amer-*
11 *ican Samoa for compensation and expenses, as authorized*
12 *by law (48 U.S.C. 1661(c)); grants to the Government of*
13 *American Samoa, in addition to current local revenues, for*
14 *construction and support of governmental functions; grants*
15 *to the Government of the Virgin Islands as authorized by*
16 *law; grants to the Government of Guam, as authorized by*
17 *law; and grants to the Government of the Northern Mariana*
18 *Islands as authorized by law (Public Law 94-241; 90 Stat.*
19 *272); and (2) \$6,881,000 shall be available for salaries and*
20 *expenses of the Office of Insular Affairs: Provided, That all*
21 *financial transactions of the territorial and local govern-*
22 *ments herein provided for, including such transactions of*
23 *all agencies or instrumentalities established or used by such*
24 *governments, may be audited by the Government Account-*
25 *ability Office, at its discretion, in accordance with chapter*

1 35 of title 31, United States Code: Provided further, That
2 Northern Mariana Islands Covenant grant funding shall be
3 provided according to those terms of the Agreement of the
4 Special Representatives on Future United States Financial
5 Assistance for the Northern Mariana Islands approved by
6 Public Law 104–134: Provided further, That of the amounts
7 provided for technical assistance, sufficient funds shall be
8 made available for a grant to the Pacific Basin Develop-
9 ment Council: Provided further, That of the amounts pro-
10 vided for technical assistance, sufficient funding shall be
11 made available for a grant to the Close Up Foundation:
12 Provided further, That the funds for the program of oper-
13 ations and maintenance improvement are appropriated to
14 institutionalize routine operations and maintenance im-
15 provement of capital infrastructure with territorial partici-
16 pation and cost sharing to be determined by the Secretary
17 based on the grantee’s commitment to timely maintenance
18 of its capital assets: Provided further, That any appropria-
19 tion for disaster assistance under this heading in this Act
20 or previous appropriations Acts may be used as non-Fed-
21 eral matching funds for the purpose of hazard mitigation
22 grants provided pursuant to section 404 of the Robert T.
23 Stafford Disaster Relief and Emergency Assistance Act (42
24 U.S.C. 5170c).

1 *vided further, That amounts otherwise appropriated by this*
2 *Act for administrative expenses in operating accounts for*
3 *bureaus and offices of the Department of the Interior are*
4 *reduced by \$12,000,000 and, not later than 30 days after*
5 *the date of enactment of this Act, the Director of the Office*
6 *of Management and Budget shall submit to the Committees*
7 *on Appropriations of the House of Representatives and the*
8 *Senate a listing by account of the pro rata reduction in*
9 *such accounts made pursuant to this provision.*

10 *WORKING CAPITAL FUND*

11 *For the acquisition of a departmental financial and*
12 *business management system, \$22,555,000, to remain avail-*
13 *able until expended.*

14 *PAYMENTS IN LIEU OF TAXES*

15 *For expenses necessary to implement the Act of October*
16 *20, 1976, as amended (31 U.S.C. 6901–6907),*
17 *\$235,000,000, of which not to exceed \$400,000 shall be*
18 *available for administrative expenses: Provided, That no*
19 *payment shall be made to otherwise eligible units of local*
20 *government if the computed amount of the payment is less*
21 *than \$100.*

22 *CENTRAL HAZARDOUS MATERIALS FUND*

23 *For necessary expenses of the Department of the Inte-*
24 *rior and any of its component offices and bureaus for the*
25 *remedial action, including associated activities, of haz-*
26 *ardous waste substances, pollutants, or contaminants pur-*

1 *suant to the Comprehensive Environmental Response, Com-*
2 *ensation, and Liability Act, as amended (42 U.S.C. 9601*
3 *et seq.), \$9,855,000, to remain available until expended:*
4 *Provided, That hereafter, notwithstanding 31 U.S.C. 3302,*
5 *sums recovered from or paid by a party in advance of or*
6 *as reimbursement for remedial action or response activities*
7 *conducted by the Department pursuant to section 107 or*
8 *113(f) of such Act, shall be credited to this account, to be*
9 *available until expended without further appropriation:*
10 *Provided further, That hereafter such sums recovered from*
11 *or paid by any party are not limited to monetary payments*
12 *and may include stocks, bonds or other personal or real*
13 *property, which may be retained, liquidated, or otherwise*
14 *disposed of by the Secretary and which shall be credited*
15 *to this account.*

16 *OFFICE OF THE SOLICITOR*

17 *SALARIES AND EXPENSES*

18 *For necessary expenses of the Office of the Solicitor,*
19 *\$55,652,000.*

20 *OFFICE OF INSPECTOR GENERAL*

21 *SALARIES AND EXPENSES*

22 *For necessary expenses of the Office of Inspector Gen-*
23 *eral, \$39,116,000.*

1 *OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS*
2 *FEDERAL TRUST PROGRAMS*

3 *For the operation of trust programs for Indians by di-*
4 *rect expenditure, contracts, cooperative agreements, com-*
5 *pacts, and grants, \$191,593,000, to remain available until*
6 *expended, of which not to exceed \$58,000,000 shall be avail-*
7 *able for historical accounting: Provided, That funds for*
8 *trust management improvements and litigation support*
9 *may, as needed, be transferred to or merged with the Bureau*
10 *of Indian Affairs, "Operation of Indian Programs" ac-*
11 *count; the Office of the Solicitor, "Salaries and Expenses"*
12 *account; and the Departmental Management, "Salaries and*
13 *Expenses" account: Provided further, That funds made*
14 *available to Tribes and Tribal organizations through con-*
15 *tracts or grants obligated during fiscal year 2006, as au-*
16 *thorized by the Indian Self-Determination Act of 1975 (25*
17 *U.S.C. 450 et seq.), shall remain available until expended*
18 *by the contractor or grantee: Provided further, That, not-*
19 *withstanding any other provision of law, the statute of limi-*
20 *tations shall not commence to run on any claim, including*
21 *any claim in litigation pending on the date of the enact-*
22 *ment of this Act, concerning losses to or mismanagement*
23 *of trust funds, until the affected tribe or individual Indian*
24 *has been furnished with an accounting of such funds from*
25 *which the beneficiary can determine whether there has been*

1 *a loss: Provided further, That, notwithstanding any other*
2 *provision of law, the Secretary shall not be required to pro-*
3 *vide a quarterly statement of performance for any Indian*
4 *trust account that has not had activity for at least 18*
5 *months and has a balance of \$1.00 or less: Provided further,*
6 *That the Secretary shall issue an annual account statement*
7 *and maintain a record of any such accounts and shall per-*
8 *mit the balance in each such account to be withdrawn upon*
9 *the express written request of the account holder: Provided*
10 *further, That, not to exceed \$50,000 is available for the Sec-*
11 *retary to make payments to correct administrative errors*
12 *of either disbursements from or deposits to Individual In-*
13 *dian Money or Tribal accounts after September 30, 2002:*
14 *Provided further, That erroneous payments that are recov-*
15 *ered shall be credited to and remain available in this ac-*
16 *count for this purpose.*

17 *INDIAN LAND CONSOLIDATION*

18 *For consolidation of fractional interests in Indian*
19 *lands and expenses associated with redetermining and re-*
20 *distributing escheated interests in allotted lands, and for*
21 *necessary expenses to carry out the Indian Land Consolida-*
22 *tion Act of 1983, as amended, by direct expenditure or coop-*
23 *erative agreement, \$34,514,000, to remain available until*
24 *expended, and which may be transferred to the Bureau of*
25 *Indian Affairs and Departmental Management accounts:*
26 *Provided, That funds provided under this heading may be*

1 *aircraft: Provided further, That no programs funded with*
2 *appropriated funds in the “Departmental Management”,*
3 *“Office of the Solicitor”, and “Office of Inspector General”*
4 *may be augmented through the Working Capital Fund: Pro-*
5 *vided further, That the annual budget justification for De-*
6 *partmental Management shall describe estimated Working*
7 *Capital Fund charges to bureaus and offices, including the*
8 *methodology on which charges are based: Provided further,*
9 *That departures from the Working Capital Fund estimates*
10 *contained in the Departmental Management budget jus-*
11 *tification shall be presented to the Committees on Appro-*
12 *priations for approval: Provided further, That the Secretary*
13 *shall provide a semi-annual report to the Committees on*
14 *Appropriations on reimbursable support agreements be-*
15 *tween the Office of the Secretary and the National Business*
16 *Center and the bureaus and offices of the Department, in-*
17 *cluding the amounts billed pursuant to such agreements.*

18 *GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR*

19 *SEC. 101. Appropriations made in this title shall be*
20 *available for expenditure or transfer (within each bureau*
21 *or office), with the approval of the Secretary, for the emer-*
22 *gency reconstruction, replacement, or repair of aircraft,*
23 *buildings, utilities, or other facilities or equipment dam-*
24 *aged or destroyed by fire, flood, storm, or other unavoidable*
25 *causes: Provided, That no funds shall be made available*

1 *under this authority until funds specifically made available*
2 *to the Department of the Interior for emergencies shall have*
3 *been exhausted: Provided further, That all funds used pur-*
4 *suant to this section are hereby designated as an emergency*
5 *requirement pursuant to section 402 of H. Con. Res. 95*
6 *(109th Congress), and must be replenished by a supple-*
7 *mental appropriation which must be requested as promptly*
8 *as possible.*

9 *SEC. 102. The Secretary may authorize the expendi-*
10 *ture or transfer of any no year appropriation in this title,*
11 *in addition to the amounts included in the budget programs*
12 *of the several agencies, for the suppression or emergency*
13 *prevention of wildland fires on or threatening lands under*
14 *the jurisdiction of the Department of the Interior; for the*
15 *emergency rehabilitation of burned-over lands under its ju-*
16 *risdiction; for emergency actions related to potential or ac-*
17 *tual earthquakes, floods, volcanoes, storms, or other un-*
18 *avoidable causes; for contingency planning subsequent to*
19 *actual oil spills; for response and natural resource damage*
20 *assessment activities related to actual oil spills; for the pre-*
21 *vention, suppression, and control of actual or potential*
22 *grasshopper and Mormon cricket outbreaks on lands under*
23 *the jurisdiction of the Secretary, pursuant to the authority*
24 *in section 1773(b) of Public Law 99–198 (99 Stat. 1658);*
25 *for emergency reclamation projects under section 410 of*

1 *Public Law 95–87; and shall transfer, from any no year*
2 *funds available to the Office of Surface Mining Reclamation*
3 *and Enforcement, such funds as may be necessary to permit*
4 *assumption of regulatory authority in the event a primacy*
5 *State is not carrying out the regulatory provisions of the*
6 *Surface Mining Act: Provided, That appropriations made*
7 *in this title for wildland fire operations shall be available*
8 *for the payment of obligations incurred during the pre-*
9 *ceding fiscal year, and for reimbursement to other Federal*
10 *agencies for destruction of vehicles, aircraft, or other equip-*
11 *ment in connection with their use for wildland fire oper-*
12 *ations, such reimbursement to be credited to appropriations*
13 *currently available at the time of receipt thereof: Provided*
14 *further, That for wildland fire operations, no funds shall*
15 *be made available under this authority until the Secretary*
16 *determines that funds appropriated for “wildland fire oper-*
17 *ations” shall be exhausted within 30 days: Provided further,*
18 *That all funds used pursuant to this section are hereby des-*
19 *ignated as an emergency requirement pursuant to section*
20 *402 of H. Con. Res. 95 (109th Congress), and must be re-*
21 *plenished by a supplemental appropriation which must be*
22 *requested as promptly as possible: Provided further, That*
23 *such replenishment funds shall be used to reimburse, on a*
24 *pro rata basis, accounts from which emergency funds were*
25 *transferred.*

1 *SEC. 103. Appropriations made to the Department of*
2 *the Interior in this title shall be available for services as*
3 *authorized by 5 U.S.C. 3109, when authorized by the Sec-*
4 *retary, in total amount not to exceed \$500,000; hire, main-*
5 *tenance, and operation of aircraft; hire of passenger motor*
6 *vehicles; purchase of reprints; payment for telephone service*
7 *in private residences in the field, when authorized under*
8 *regulations approved by the Secretary; and the payment of*
9 *dues, when authorized by the Secretary, for library member-*
10 *ship in societies or associations which issue publications to*
11 *members only or at a price to members lower than to sub-*
12 *scribers who are not members.*

13 *SEC. 104. No funds provided in this title may be ex-*
14 *pended by the Department of the Interior for the conduct*
15 *of offshore preleasing, leasing and related activities placed*
16 *under restriction in the President's moratorium statement*
17 *of June 12, 1998, in the areas of northern, central, and*
18 *southern California; the North Atlantic; Washington and*
19 *Oregon; and the eastern Gulf of Mexico south of 26 degrees*
20 *north latitude and east of 86 degrees west longitude.*

21 *SEC. 105. No funds provided in this title may be ex-*
22 *pended by the Department of the Interior to conduct offshore*
23 *oil and natural gas preleasing, leasing and related activi-*
24 *ties in the eastern Gulf of Mexico planning area for any*
25 *lands located outside Sale 181, as identified in the final*

1 *Outer Continental Shelf 5-Year Oil and Gas Leasing Pro-*
2 *gram, 1997–2002.*

3 *SEC. 106. No funds provided in this title may be ex-*
4 *pended by the Department of the Interior to conduct oil and*
5 *natural gas preleasing, leasing and related activities in the*
6 *Mid-Atlantic and South Atlantic planning areas.*

7 *SEC. 107. Appropriations made in this Act under the*
8 *headings Bureau of Indian Affairs and Office of Special*
9 *Trustee for American Indians and any unobligated bal-*
10 *ances from prior appropriations Acts made under the same*
11 *headings shall be available for expenditure or transfer for*
12 *Indian trust management and reform activities, except that*
13 *total funding for historical accounting activities shall not*
14 *exceed amounts specifically designated in this Act for such*
15 *purpose.*

16 *SEC. 108. Notwithstanding any other provision of law,*
17 *in fiscal years 2006 through 2010, for the purpose of reduc-*
18 *ing the backlog of Indian probate cases in the Department*
19 *of the Interior, the hearing requirements of chapter 10 of*
20 *title 25, United States Code, are deemed satisfied by a pro-*
21 *ceeding conducted by an Indian probate judge, appointed*
22 *by the Secretary without regard to the provisions of title*
23 *5, United States Code, governing the appointments in the*
24 *competitive service, for such period of time as the Secretary*
25 *determines necessary: Provided, That the basic pay of an*

1 *Indian probate judge so appointed may be fixed by the Sec-*
2 *retary without regard to the provisions of chapter 51, and*
3 *subchapter III of chapter 53 of title 5, United States Code,*
4 *governing the classification and pay of General Schedule*
5 *employees, except that no such Indian probate judge may*
6 *be paid at a level which exceeds the maximum rate payable*
7 *for the highest grade of the General Schedule, including lo-*
8 *cality pay.*

9 *SEC. 109. Notwithstanding any other provision of law,*
10 *the Secretary of the Interior is authorized to redistribute*
11 *any Tribal Priority Allocation funds, including tribal base*
12 *funds, to alleviate tribal funding inequities by transferring*
13 *funds to address identified, unmet needs, dual enrollment,*
14 *overlapping service areas or inaccurate distribution meth-*
15 *odologies. No tribe shall receive a reduction in Tribal Pri-*
16 *ority Allocation funds of more than 10 percent in fiscal*
17 *year 2006. Under circumstances of dual enrollment, over-*
18 *lapping service areas or inaccurate distribution methodolo-*
19 *gies, the 10 percent limitation does not apply.*

20 *SEC. 110. (a)(1) For fiscal year 2006 and each suc-*
21 *ceeding fiscal year, any funds made available by this Act*
22 *for the Southwest Indian Polytechnic Institute and Haskell*
23 *Indian Nations University for postsecondary programs of*
24 *the Bureau of Indian Affairs in excess of the amount made*
25 *available for those postsecondary programs for fiscal year*

1 2005 shall be allocated in direct proportion to the need of
2 the schools, as determined in accordance with the postsec-
3 ondary funding formula adopted by the Office of Indian
4 Education Programs.

5 (2) For fiscal year 2007 and each succeeding fis-
6 cal year, the Bureau of Indian Affairs shall use the
7 postsecondary funding formula adopted by the Office
8 of Indian Education Programs based on the needs of
9 the Southwest Indian Polytechnic Institute and Has-
10 kell Indian Nations University to justify the amounts
11 submitted as part of the budget request of the Depart-
12 ment of the Interior.

13 *SEC. 111. Notwithstanding any other provision of law,*
14 *in conveying the Twin Cities Research Center under the au-*
15 *thority provided by Public Law 104–134, as amended by*
16 *Public Law 104–208, the Secretary may accept and retain*
17 *land and other forms of reimbursement: Provided, That the*
18 *Secretary may retain and use any such reimbursement*
19 *until expended and without further appropriation: (1) for*
20 *the benefit of the National Wildlife Refuge System within*
21 *the State of Minnesota; and (2) for all activities authorized*
22 *by Public Law 100–696; 16 U.S.C. 460zz.*

23 *SEC. 112. The Secretary of the Interior may use or*
24 *contract for the use of helicopters or motor vehicles on the*
25 *Sheldon and Hart National Wildlife Refuges for the purpose*

1 *of capturing and transporting horses and burros. The provi-*
2 *sions of subsection (a) of the Act of September 8, 1959 (18*
3 *U.S.C. 47(a)) shall not be applicable to such use. Such use*
4 *shall be in accordance with humane procedures prescribed*
5 *by the Secretary.*

6 *SEC. 113. Funds provided in this Act for Federal land*
7 *acquisition by the National Park Service for Shenandoah*
8 *Valley Battlefields National Historic District and Ice Age*
9 *National Scenic Trail may be used for a grant to a State,*
10 *a local government, or any other land management entity*
11 *for the acquisition of lands without regard to any restric-*
12 *tion on the use of Federal land acquisition funds provided*
13 *through the Land and Water Conservation Fund Act of*
14 *1965 as amended.*

15 *SEC. 114. None of the funds made available by this*
16 *Act may be obligated or expended by the National Park*
17 *Service to enter into or implement a concession contract*
18 *which permits or requires the removal of the underground*
19 *lunchroom at the Carlsbad Caverns National Park.*

20 *SEC. 115. None of the funds in this or any other Act*
21 *can be used to compensate the Special Master and the Spe-*
22 *cial Master-Monitor, and all variations thereto, appointed*
23 *by the United States District Court for the District of Co-*
24 *lumbia in the Cobell v. Norton litigation at an annual rate*
25 *that exceeds 200 percent of the highest Senior Executive*

1 *Service rate of pay for the Washington-Baltimore locality*
2 *pay area.*

3 *SEC. 116. The Secretary of the Interior may use discre-*
4 *tionary funds to pay private attorneys fees and costs for*
5 *employees and former employees of the Department of the*
6 *Interior reasonably incurred in connection with Cobell v.*
7 *Norton to the extent that such fees and costs are not paid*
8 *by the Department of Justice or by private insurance. In*
9 *no case shall the Secretary make payments under this sec-*
10 *tion that would result in payment of hourly fees in excess*
11 *of the highest hourly rate approved by the District Court*
12 *for the District of Columbia for counsel in Cobell v. Norton.*

13 *SEC. 117. (a) IN GENERAL.—Nothing in section 134*
14 *of the Department of the Interior and Related Agencies Ap-*
15 *propriations Act, 2002 (115 Stat. 443) affects the decision*
16 *of the United States Court of Appeals for the 10th Circuit*
17 *in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).*

18 *(b) USE OF CERTAIN INDIAN LAND.—Nothing in this*
19 *section permits the conduct of gaming under the Indian*
20 *Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land*
21 *described in section 123 of the Department of the Interior*
22 *and Related Agencies Appropriations Act, 2001 (114 Stat.*
23 *944), or land that is contiguous to that land, regardless of*
24 *whether the land or contiguous land has been taken into*
25 *trust by the Secretary of the Interior.*

1 *SEC. 118. No funds appropriated for the Department*
2 *of the Interior by this Act or any other Act shall be used*
3 *to study or implement any plan to drain Lake Powell or*
4 *to reduce the water level of the lake below the range of water*
5 *levels required for the operation of the Glen Canyon Dam.*

6 *SEC. 119. Notwithstanding the limitation in subpara-*
7 *graph (2)(B) of section 18(a) of the Indian Gaming Regu-*
8 *latory Act (25 U.S.C. 2717(a)), the total amount of all fees*
9 *imposed by the National Indian Gaming Commission for*
10 *fiscal year 2007 shall not exceed \$12,000,000.*

11 *SEC. 120. Notwithstanding any implementation of the*
12 *Department of the Interior's trust reorganization or re-*
13 *engineering plans, or the implementation of the "To Be"*
14 *Model, funds appropriated for fiscal year 2006 shall be*
15 *available to the tribes within the California Tribal Trust*
16 *Reform Consortium and to the Salt River Pima-Maricopa*
17 *Indian Community, the Confederated Salish and Kootenai*
18 *Tribes of the Flathead Reservation and the Chippewa Cree*
19 *Tribe of the Rocky Boys Reservation through the same*
20 *methodology as funds were distributed in fiscal year 2003.*
21 *This Demonstration Project shall continue to operate sepa-*
22 *rate and apart from the Department of the Interior's trust*
23 *reform and reorganization and the Department shall not*
24 *impose its trust management infrastructure upon or alter*
25 *the existing trust resource management systems of the above*

1 *referenced tribes having a self-governance compact and op-*
2 *erating in accordance with the Tribal Self-Governance Pro-*
3 *gram set forth in 25 U.S.C. 458aa–458hh: Provided, That*
4 *the California Trust Reform Consortium and any other*
5 *participating tribe agree to carry out their responsibilities*
6 *under the same written and implemented fiduciary stand-*
7 *ards as those being carried by the Secretary of the Interior:*
8 *Provided further, That they demonstrate to the satisfaction*
9 *of the Secretary that they have the capability to do so: Pro-*
10 *vided further, That the Department shall provide funds to*
11 *the tribes in an amount equal to that required by 25 U.S.C.*
12 *458cc(g)(3), including funds specifically or functionally re-*
13 *lated to the provision of trust services to the tribes or their*
14 *members.*

15 *SEC. 121. Notwithstanding any provision of law, in-*
16 *cluding 42 U.S.C. 4321 et. seq., nonrenewable grazing per-*
17 *mits authorized in the Jarbidge Field Office, Bureau of*
18 *Land Management within the past 9 years, shall be re-*
19 *newed. The Animal Unit Months contained in the most re-*
20 *cently expired nonrenewable grazing permit, authorized be-*
21 *tween March 1, 1997, and February 28, 2003, shall con-*
22 *tinue in effect under the renewed permit. Nothing in this*
23 *section shall be deemed to extend the nonrenewable permits*
24 *beyond the standard 1-year term.*

1 *SEC. 122. Notwithstanding any other provision of law,*
2 *the Secretary of the Interior is authorized to acquire lands,*
3 *waters, or interests therein including the use of all or part*
4 *of any pier, dock, or landing within the State of New York*
5 *and the State of New Jersey, for the purpose of operating*
6 *and maintaining facilities in the support of transportation*
7 *and accommodation of visitors to Ellis, Governors, and Lib-*
8 *erty Islands, and of other program and administrative ac-*
9 *tivities, by donation or with appropriated funds, including*
10 *franchise fees (and other monetary consideration), or by ex-*
11 *change; and the Secretary is authorized to negotiate and*
12 *enter into leases, subleases, concession contracts or other*
13 *agreements for the use of such facilities on such terms and*
14 *conditions as the Secretary may determine reasonable.*

15 *SEC. 123. Notwithstanding any other provision of law,*
16 *the National Park Service final winter use rules published*
17 *in Part VII of the Federal Register for November 10, 2004,*
18 *69 Fed. Reg. 65348 et seq., shall be in force and effect for*
19 *the winter use season of 2005–2006 that commences on or*
20 *about December 15, 2005.*

21 *SEC. 124. Section 1121(d) of the Education Amend-*
22 *ments of 1978 (25 U.S.C. 2001(d)) is amended by striking*
23 *paragraph (7) and inserting the following:*

24 *“(7) APPROVAL OF INDIAN TRIBES.—The Sec-*
25 *retary shall not terminate, close, consolidate, contract,*

1 *transfer to another authority, or take any other ac-*
2 *tion relating to an elementary school or secondary*
3 *school (or any program of such a school) of an Indian*
4 *tribe without the approval of the governing body of*
5 *any Indian tribe that would be affected by such an*
6 *action.”.*

7 *SEC. 125. (a) U.S.S. ARIZONA MEMORIAL PARKING*
8 *FEE.—Notwithstanding any other provision of law, the*
9 *Secretary of the Interior is authorized to charge a fee for*
10 *visitor parking at the U.S.S. Arizona Memorial and to re-*
11 *tain and expend the revenues, without further appropria-*
12 *tion, for the lease of administrative facilities within or near*
13 *the area at the memorial administered by the National*
14 *Park Service.*

15 *(b) AUTHORITY FOR AGREEMENTS.—The Secretary of*
16 *the Interior is further authorized to enter into agreements*
17 *with public and private entities for the purpose of stream-*
18 *lining visitor services by providing visitor information and*
19 *admission tickets for National Park Service-administered*
20 *sites and other attractions in the vicinity, including but*
21 *not limited to the U.S.S. Missouri, the Pacific Air Museum*
22 *of Pearl Harbor, and the U.S.S. Bowfin submarine mu-*
23 *seum.*

24 *SEC. 126. Section 108(e) of the Act entitled “An Act*
25 *to establish the Kalaupapa National Historical Park in the*

1 *State of Hawaii, and for other purposes” (16 U.S.C. 410jj–*
2 *7) is amended by striking “twenty-five years from” and in-*
3 *serting “on the date that is 45 years after”.*

4 *SEC. 127. Section 402(b) of the Surface Mining Con-*
5 *trol and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is*
6 *amended by striking “September 30, 2005,” and inserting*
7 *“June 30, 2006.”.*

8 *SEC. 128. (a) For necessary expenses for the Memorial*
9 *to Martin Luther King, Jr., there is hereby made available*
10 *to the Secretary of the Interior \$10,000,000, to remain*
11 *available until expended, for activities authorized by section*
12 *508 of the Omnibus Parks and Public Lands Management*
13 *Act of 1996 (40 U.S.C. 8903 note; Public Law 104–333).*

14 *(b) Section 508(c) of the Omnibus Parks and Public*
15 *Lands Management Act of 1996 (40 U.S.C. 8903 note; Pub-*
16 *lic Law 104–333) is amended by striking the second sen-*
17 *tence.*

18 *(c) Notwithstanding any other provision of this Act,*
19 *the amount reduced in title I in the second proviso under*
20 *the heading Departmental Management, Salaries and Ex-*
21 *penses, is further reduced by \$10,000,000.*

1 *at rates for individuals not to exceed the per diem rate*
2 *equivalent to the maximum rate payable for senior level po-*
3 *sitions under 5 U.S.C. 5376; hire of passenger motor vehi-*
4 *cles; hire, maintenance, and operation of aircraft; purchase*
5 *of reprints; library memberships in societies or associations*
6 *which issue publications to members only or at a price to*
7 *members lower than to subscribers who are not members;*
8 *construction, alteration, repair, rehabilitation, and renova-*
9 *tion of facilities, not to exceed \$85,000 per project; and not*
10 *to exceed \$9,000 for official reception and representation*
11 *expenses, \$2,333,416,000, to remain available until Sep-*
12 *tember 30, 2007, including administrative costs of the*
13 *brownfields program under the Small Business Liability*
14 *Relief and Brownfields Revitalization Act of 2002.*

15 *OFFICE OF INSPECTOR GENERAL*

16 *For necessary expenses of the Office of Inspector Gen-*
17 *eral in carrying out the provisions of the Inspector General*
18 *Act of 1978, as amended, and for construction, alteration,*
19 *repair, rehabilitation, and renovation of facilities, not to*
20 *exceed \$85,000 per project, \$36,955,000, to remain available*
21 *until September 30, 2007.*

22 *BUILDINGS AND FACILITIES*

23 *For construction, repair, improvement, extension, al-*
24 *teration, and purchase of fixed equipment or facilities of,*

1 *or for use by, the Environmental Protection Agency,*
2 *\$40,218,000, to remain available until expended.*

3 *HAZARDOUS SUBSTANCE SUPERFUND*

4 *(INCLUDING TRANSFERS OF FUNDS)*

5 *For necessary expenses to carry out the Comprehensive*
6 *Environmental Response, Compensation, and Liability Act*
7 *of 1980 (CERCLA), as amended, including sections*
8 *111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and*
9 *for construction, alteration, repair, rehabilitation, and ren-*
10 *ovation of facilities, not to exceed \$85,000 per project;*
11 *\$1,256,165,000, to remain available until expended, con-*
12 *sisting of such sums as are available in the Trust Fund*
13 *upon the date of enactment of this Act as authorized by*
14 *section 517(a) of the Superfund Amendments and Reau-*
15 *thorization Act of 1986 (SARA) and up to \$1,256,165,000*
16 *as a payment from general revenues to the Hazardous Sub-*
17 *stance Superfund for purposes as authorized by section*
18 *517(b) of SARA, as amended: Provided, That funds appro-*
19 *priated under this heading may be allocated to other Fed-*
20 *eral agencies in accordance with section 111(a) of*
21 *CERCLA: Provided further, That of the funds appropriated*
22 *under this heading, \$13,536,000 shall be transferred to the*
23 *“Office of Inspector General” appropriation to remain*
24 *available until September 30, 2007, and \$30,606,000 shall*

1 *be transferred to the “Science and Technology” appropria-*
2 *tion to remain available until September 30, 2007.*

3 *LEAKING UNDERGROUND STORAGE TANK PROGRAM*

4 *For necessary expenses to carry out leaking under-*
5 *ground storage tank cleanup activities authorized by section*
6 *205 of the Superfund Amendments and Reauthorization Act*
7 *of 1986, and for construction, alteration, repair, rehabilita-*
8 *tion, and renovation of facilities, not to exceed \$85,000 per*
9 *project, \$73,027,000, to remain available until expended.*

10 *OIL SPILL RESPONSE*

11 *For expenses necessary to carry out the Environmental*
12 *Protection Agency’s responsibilities under the Oil Pollution*
13 *Act of 1990, \$15,863,000, to be derived from the Oil Spill*
14 *Liability trust fund, to remain available until expended.*

15 *STATE AND TRIBAL ASSISTANCE GRANTS*

16 *(INCLUDING RESCISSION OF FUNDS)*

17 *For environmental programs and infrastructure as-*
18 *sistance, including capitalization grants for State revolving*
19 *funds and performance partnership grants, \$3,453,550,000,*
20 *to remain available until expended, of which*
21 *\$1,100,000,000 shall be for making capitalization grants for*
22 *the Clean Water State Revolving Funds under title VI of*
23 *the Federal Water Pollution Control Act, as amended (the*
24 *“Act”); \$850,000,000 shall be for capitalization grants for*
25 *the Drinking Water State Revolving Funds under section*

1 1452 of the Safe Drinking Water Act, as amended, except
2 that, notwithstanding section 1452(n) of the Safe Drinking
3 Water Act, as amended, none of the funds made available
4 under this heading in this Act, or in previous appropria-
5 tions Acts, shall be reserved by the Administrator for health
6 effects studies on drinking water contaminants; \$50,000,000
7 shall be for architectural, engineering, planning, design,
8 construction and related activities in connection with the
9 construction of high priority water and wastewater facili-
10 ties in the area of the United States-Mexico Border, after
11 consultation with the appropriate border commission;
12 \$40,000,000 shall be for grants to the State of Alaska to
13 address drinking water and waste infrastructure needs of
14 rural and Alaska Native Villages: Provided, That, of these
15 funds: (1) the State of Alaska shall provide a match of 25
16 percent; (2) no more than 5 percent of the funds may be
17 used for administrative and overhead expenses; and (3) not
18 later than October 1, 2005 the State of Alaska shall make
19 awards consistent with the State-wide priority list estab-
20 lished in 2004 for all water, sewer, waste disposal, and
21 similar projects carried out by the State of Alaska that are
22 funded under section 221 of the Federal Water Pollution
23 Control Act (33 U.S.C. 1301) or the Consolidated Farm and
24 Rural Development Act (7 U.S.C. 1921 et seq.) which shall
25 allocate not less than 25 percent of the funds provided for

1 *projects in regional hub communities; \$200,000,000 shall*
2 *be for making grants for the construction of drinking water,*
3 *wastewater and storm water infrastructure and for water*
4 *quality protection in accordance with the terms and condi-*
5 *tions specified for such grants in the joint explanatory*
6 *statement of the managers accompanying this Act, and, for*
7 *purposes of these grants, each grantee shall contribute not*
8 *less than 45 percent of the cost of the project unless the*
9 *grantee is approved for a waiver by the Agency;*
10 *\$90,000,000 shall be to carry out section 104(k) of the Com-*
11 *prehensive Environmental Response, Compensation, and*
12 *Liability Act of 1980 (CERCLA), as amended, including*
13 *grants, interagency agreements, and associated program*
14 *support costs, of which \$200,000 may be made available*
15 *for a brownfields assessment of the Fortuna Radar Site;*
16 *\$1,000,000 for cost-shared grants for school bus retrofit and*
17 *replacement projects that reduce diesel emissions;*
18 *\$1,500,000 may be for the expansion of the wastewater*
19 *treatment plant in Lake Havasu City, Arizona; \$1,000,000*
20 *may be for the expansion of the wastewater treatment plant*
21 *in Avondale, Arizona; and \$1,122,550,000 shall be for*
22 *grants, including associated program support costs, to*
23 *States, federally recognized tribes, interstate agencies, tribal*
24 *consortia, and air pollution control agencies for multi-*
25 *media or single media pollution prevention, control and*

1 *abatement and related activities, including activities pursu-*
2 *ant to the provisions set forth under this heading in Public*
3 *Law 104–134, and for making grants under section 103 of*
4 *the Clean Air Act for particulate matter monitoring and*
5 *data collection activities subject to terms and conditions*
6 *specified by the Administrator, of which \$50,000,000 shall*
7 *be for carrying out section 128 of CERCLA, as amended,*
8 *\$19,344,000 shall be for Environmental Information Ex-*
9 *change Network grants, including associated program sup-*
10 *port costs, and \$16,856,000 shall be for making competitive*
11 *targeted watershed grants: Provided further, That for fiscal*
12 *year 2006, State authority under section 302(a) of Public*
13 *Law 104–182 shall remain in effect: Provided further, That*
14 *notwithstanding section 603(d)(7) of the Federal Water Pol-*
15 *lution Control Act, the limitation on the amounts in a State*
16 *water pollution control revolving fund that may be used by*
17 *a State to administer the fund shall not apply to amounts*
18 *included as principal in loans made by such fund in fiscal*
19 *year 2005 and prior years where such amounts represent*
20 *costs of administering the fund to the extent that such*
21 *amounts are or were deemed reasonable by the Adminis-*
22 *trator, accounted for separately from other assets in the*
23 *fund, and used for eligible purposes of the fund, including*
24 *administration: Provided further, That for fiscal year 2006,*
25 *and notwithstanding section 518(f) of the Act, the Adminis-*

1 *trator is authorized to use the amounts appropriated for*
2 *any fiscal year under section 319 of that Act to make grants*
3 *to Indian tribes pursuant to sections 319(h) and 518(e) of*
4 *that Act: Provided further, That for fiscal year 2006, not-*
5 *withstanding the limitation on amounts in section 518(e)*
6 *of the Act, up to a total of 1½ percent of the funds appro-*
7 *priated for State Revolving Funds under title VI of that*
8 *Act may be reserved by the Administrator for grants under*
9 *section 518(c) of that Act: Provided further, That no funds*
10 *provided by this legislation to address the water, wastewater*
11 *and other critical infrastructure needs of the colonias in*
12 *the United States along the United States-Mexico border*
13 *shall be made available to a county or municipal govern-*
14 *ment unless that government has established an enforceable*
15 *local ordinance, or other zoning rule, which prevents in that*
16 *jurisdiction the development or construction of any addi-*
17 *tional colonia areas, or the development within an existing*
18 *colonia the construction of any new home, business, or other*
19 *structure which lacks water, wastewater, or other necessary*
20 *infrastructure: Provided further, That, notwithstanding*
21 *any other provision of law, heretofore and hereafter, after*
22 *consultation with the House and Senate Committees on Ap-*
23 *propriations and for the purpose of making technical cor-*
24 *rections, the Administrator is authorized to award grants*
25 *under this heading to entities and for purposes other than*

1 *those listed in the joint explanatory statements of the man-*
2 *agers accompanying the Agency's appropriations Acts for*
3 *the construction of drinking water, wastewater and*
4 *stormwater infrastructure and for water quality protection:*
5 *Provided further, That from unobligated prior year funds*
6 *in appropriation accounts available to the Environmental*
7 *Protection Agency, \$58,000,000 is hereby rescinded: Pro-*
8 *vided further, That such rescissions shall be taken solely*
9 *from amounts associated with grants, contracts, and inter-*
10 *agency agreements whose availability under the original pe-*
11 *riod for obligation for such grant, contract, or interagency*
12 *agreement has expired.*

13 *ADMINISTRATIVE PROVISIONS*

14 *For fiscal year 2006, notwithstanding 31 U.S.C.*
15 *6303(1) and 6305(1), the Administrator of the Environ-*
16 *mental Protection Agency, in carrying out the Agency's*
17 *function to implement directly Federal environmental pro-*
18 *grams required or authorized by law in the absence of an*
19 *acceptable tribal program, may award cooperative agree-*
20 *ments to federally-recognized Indian Tribes or Intertribal*
21 *consortia, if authorized by their member Tribes, to assist*
22 *the Administrator in implementing Federal environmental*
23 *programs for Indian Tribes required or authorized by law,*
24 *except that no such cooperative agreements may be awarded*

1 *from funds designated for State financial assistance agree-*
2 *ments.*

3 *The Administrator of the Environmental Protection*
4 *Agency is authorized to collect and obligate pesticide reg-*
5 *istration service fees in accordance with section 33 of the*
6 *Federal Insecticide, Fungicide, and Rodenticide Act (as*
7 *added by subsection (f)(2) of the Pesticide Registration Im-*
8 *provement Act of 2003), as amended.*

9 *Notwithstanding section 104(k)(4)(B)(i)(IV) of the*
10 *Comprehensive Environmental Response, Compensation,*
11 *and Liability Act of 1980 (42 U.S.C. 9604(k)(4)(B)(i)(IV)),*
12 *beginning in fiscal year 2006 and thereafter, appropriated*
13 *funds may be used to award grants or loans under section*
14 *104(k) of CERCLA to eligible entities that satisfy all of the*
15 *elements set forth in CERCLA section 101(40) to qualify*
16 *as a bona fide prospective purchaser except that the date*
17 *of acquisition of the property was prior to the date of enact-*
18 *ment of the Small Business Liability Relief and Brownfield*
19 *Revitalization Act of 2001.*

20 *For fiscal years 2006 through 2011, the Administrator*
21 *may, after consultation with the Office of Personnel Man-*
22 *agement, make not to exceed five appointments in any fiscal*
23 *year under the authority provided in 42 U.S.C. 209 for the*
24 *Office of Research and Development.*

1 *Beginning in fiscal year 2006 and thereafter, and not-*
2 *withstanding section 306 of the Toxic Substances Control*
3 *Act, the Federal share of the cost of radon program activi-*
4 *ties implemented with Federal assistance under section 306*
5 *shall not exceed 60 percent in the third and subsequent*
6 *grant years.*

7 *None of the funds provided in this Act or any other*
8 *Act may be used by the Environmental Protection Agency*
9 *(EPA) to publish proposed or final regulations pursuant*
10 *to the requirements of section 428(b) of Division G of Public*
11 *Law 108–199 until the Administrator of the Environmental*
12 *Protection Agency, in coordination with other appropriate*
13 *Federal agencies, has completed and published a technical*
14 *study to look at safety issues, including the risk of fire and*
15 *burn to consumers in use, associated with compliance with*
16 *the regulations. Not later than six months after the date*
17 *of enactment of this Act, the Administrator shall complete*
18 *and publish the technical study.*

19 *Beginning in fiscal year 2006 and thereafter, notwith-*
20 *standing any other provision of law, recipients of grants*
21 *provided under section 104(k) of the Comprehensive Envi-*
22 *ronmental Response, Compensation, and Liability Act of*
23 *1980 (42 U.S.C. 9604(k)) may use the grant funds for rea-*
24 *sonable administrative expenses, as determined by the Ad-*
25 *ministrator of the Environmental Protection Agency.*

1 *SEC. 201. (a) The Administrator of the Environmental*
2 *Protection Agency shall conduct a thorough review of all*
3 *third-party intentional human dosing studies to identify or*
4 *quantify toxic effects currently submitted to the Agency*
5 *under FIFRA to ensure that they:*

6 (1) *address a clearly defined regulatory objective;*

7 (2) *address a critical regulatory endpoint by en-*
8 *hancing the Agency's scientific data bases;*

9 (3) *were designed and being conducted in a*
10 *manner that ensured the study was adequate scientif-*
11 *ically to answer the question and ensured the safety*
12 *of volunteers;*

13 (4) *was designed to produce societal benefits that*
14 *outweigh any anticipated risks to participants;*

15 (5) *adhered to all recognized ethical standards*
16 *and procedures in place at the time the study was*
17 *conducted; and*

18 (6) *are consistent with section 12(a)(2)(P) of the*
19 *Federal Insecticide, Fungicide, and Rodenticide Act*
20 *and all other applicable laws.*

21 (b) *The Administrator shall, within 60 days of the en-*
22 *actment of this Act, report to the House and Senate Com-*
23 *mittees on Appropriations; the Senate Committee on Agri-*
24 *culture, Nutrition and Forestry; and the House Committee*
25 *on Agriculture on the results of the review required under*

1 *subsection (a) and any actions taken pursuant to the re-*
 2 *view.*

3 *(c) Within 180 days of the enactment of this Act, the*
 4 *Administrator shall issue a final rule that addresses apply-*
 5 *ing ethical standards to third-party studies involving inten-*
 6 *tional human dosing to identify or quantify toxic effects.*

7 *SEC. 202. None of the funds made available in this*
 8 *Act may be used by the Administrator of the Environmental*
 9 *Protection Agency—*

10 *(1) to accept, consider, or rely on third-party in-*
 11 *tentional dosing human studies for pesticides; or*

12 *(2) to conduct intentional dosing human studies*
 13 *for pesticides.*

14 *TITLE III—RELATED AGENCIES*

15 *DEPARTMENT OF AGRICULTURE*

16 *FOREST SERVICE*

17 *FOREST AND RANGELAND RESEARCH*

18 *For necessary expenses of forest and rangeland re-*
 19 *search as authorized by law, \$280,892,000, to remain avail-*
 20 *able until expended: Provided, That of the funds provided,*
 21 *\$58,434,000 is for the forest inventory and analysis pro-*
 22 *gram.*

23 *STATE AND PRIVATE FORESTRY*

24 *For necessary expenses of cooperating with and pro-*
 25 *viding technical and financial assistance to States, terri-*
 26 *ories, possessions, and others, and for forest health manage-*

1 ment, including treatments of pests, pathogens, and
2 invasive or noxious plants and for restoring and rehabili-
3 tating forests damaged by pests or invasive plants, coopera-
4 tive forestry, and education and land conservation activi-
5 ties and conducting an international program as author-
6 ized, \$254,615,000, to remain available until expended, as
7 authorized by law of which \$62,632,000 is to be derived
8 from the Land and Water Conservation Fund.

9 NATIONAL FOREST SYSTEM

10 (INCLUDING TRANSFERS OF FUNDS)

11 For necessary expenses of the Forest Service, not other-
12 wise provided for, for management, protection, improve-
13 ment, and utilization of the National Forest System,
14 \$1,377,656,000, to remain available until expended, which
15 shall include 50 percent of all moneys received during prior
16 fiscal years as fees collected under the Land and Water Con-
17 servation Fund Act of 1965, as amended, in accordance
18 with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided,
19 That unobligated balances under this heading available at
20 the start of fiscal year 2006 shall be displayed by budget
21 line item in the fiscal year 2007 budget justification: Pro-
22 vided further, That of the funds provided under this heading
23 for Forest Products, \$5,000,000 shall be allocated to the
24 Alaska Region, in addition to its normal allocation for the
25 purposes of preparing additional timber for sale, to estab-
26 lish a 3-year timber supply and such funds may be trans-

1 *ferred to other appropriations accounts as necessary to*
2 *maximize accomplishment: Provided further, That within*
3 *funds available for the purpose of implementing the Valles*
4 *Caldera Preservation Act, notwithstanding the limitations*
5 *of section 107(e)(2) of the Valles Caldera Preservation Act*
6 *(Public Law 106–248), for fiscal year 2006, the Chair of*
7 *the Board of Trustees of the Valles Caldera Trust may re-*
8 *ceive, upon request, compensation for each day (including*
9 *travel time) that the Chair is engaged in the performance*
10 *of the functions of the Board, except that compensation shall*
11 *not exceed the daily equivalent of the annual rate in effect*
12 *for members of the Senior Executive Service at the ES–1*
13 *level, and shall be in addition to any reimbursement for*
14 *travel, subsistence and other necessary expenses incurred by*
15 *the Chair in the performance of the Chair’s duties.*

16 *WILDLAND FIRE MANAGEMENT*

17 *(INCLUDING TRANSFERS OF FUNDS)*

18 *For necessary expenses for forest fire presuppression*
19 *activities on National Forest System lands, for emergency*
20 *fire suppression on or adjacent to such lands or other lands*
21 *under fire protection agreement, hazardous fuels reduction*
22 *on or adjacent to such lands, and for emergency rehabilita-*
23 *tion of burned-over National Forest System lands and*
24 *water, \$1,745,531,000, to remain available until expended:*
25 *Provided, That such funds including unobligated balances*
26 *under this heading, are available for repayment of advances*

1 *from other appropriations accounts previously transferred*
2 *for such purposes: Provided further, That any unobligated*
3 *balances remaining may be transferred to the “National*
4 *Forest System” account and available without further ap-*
5 *propriation to fund vegetative treatments that improve con-*
6 *dition class: Provided further, That such funds shall be*
7 *available to reimburse State and other cooperating entities*
8 *for services provided in response to wildfire and other emer-*
9 *gencies or disasters to the extent such reimbursements by*
10 *the Forest Service for non-fire emergencies are fully repaid*
11 *by the responsible emergency management agency: Provided*
12 *further, That not less than 50 percent of any unobligated*
13 *balances remaining (exclusive of amounts for hazardous*
14 *fuels reduction) at the end of fiscal year 2005 shall be trans-*
15 *ferred to the fund established pursuant to section 3 of Public*
16 *Law 71–319 (16 U.S.C. 576 et seq.) if necessary to reim-*
17 *burse the fund for unpaid past advances: Provided further,*
18 *That, notwithstanding any other provision of law,*
19 *\$8,000,000 of funds appropriated under this appropriation*
20 *shall be used for Fire Science Research in support of the*
21 *Joint Fire Science Program: Provided further, That all au-*
22 *thorities for the use of funds, including the use of contracts,*
23 *grants, and cooperative agreements, available to execute the*
24 *Forest and Rangeland Research appropriation, are also*
25 *available in the utilization of these funds for Fire Science*

1 *Research: Provided further, That funds provided shall be*
2 *available for emergency rehabilitation and restoration, haz-*
3 *ardous fuels reduction activities in the urban-wildland*
4 *interface, support to Federal emergency response, and wild-*
5 *fire suppression activities of the Forest Service: Provided*
6 *further, That of the funds provided, \$281,000,000 is for haz-*
7 *ardous fuels reduction activities, \$2,000,000 is for rehabili-*
8 *tation and restoration, \$18,385,000 is for research activities*
9 *and to make competitive research grants pursuant to the*
10 *Forest and Rangeland Renewable Resources Research Act,*
11 *as amended (16 U.S.C. 1641 et seq.), \$40,179,000 is for*
12 *State fire assistance, \$7,889,000 is for volunteer fire assist-*
13 *ance, \$6,974,000 is for forest health activities on Federal*
14 *lands and \$4,598,000 is for forest health activities on State*
15 *and private lands: Provided further, That amounts in this*
16 *paragraph may be transferred to the “State and Private*
17 *Forestry”, “National Forest System”, and “Forest and*
18 *Rangeland Research” accounts to fund State fire assistance,*
19 *volunteer fire assistance, forest health management, forest*
20 *and rangeland research, vegetation and watershed manage-*
21 *ment, heritage site rehabilitation, and wildlife and fish*
22 *habitat management and restoration: Provided further,*
23 *That transfers of any amounts in excess of those authorized*
24 *in this paragraph, shall require approval of the House and*
25 *Senate Committees on Appropriations in compliance with*

1 *reprogramming procedures contained in the report accom-*
2 *panying this Act: Provided further, That funds provided*
3 *under this heading for hazardous fuels treatments may be*
4 *transferred to and made a part of the “National Forest Sys-*
5 *tem” account at the sole discretion of the Chief of the Forest*
6 *Service thirty days after notifying the House and the Sen-*
7 *ate Committees on Appropriations: Provided further, That*
8 *the costs of implementing any cooperative agreement be-*
9 *tween the Federal Government and any non-Federal entity*
10 *may be shared, as mutually agreed on by the affected par-*
11 *ties: Provided further, That in addition to funds provided*
12 *for State Fire Assistance programs, and subject to all au-*
13 *thorities available to the Forest Service under the State and*
14 *Private Forestry Appropriation, up to \$15,000,000 may be*
15 *used on adjacent non-Federal lands for the purpose of pro-*
16 *tecting communities when hazard reduction activities are*
17 *planned on national forest lands that have the potential to*
18 *place such communities at risk: Provided further, That in-*
19 *cluded in funding for hazardous fuel reduction is*
20 *\$5,000,000 for implementing the Community Forest Res-*
21 *toration Act, Public Law 106–393, title VI, and any por-*
22 *tion of such funds shall be available for use on non-Federal*
23 *lands in accordance with authorities available to the Forest*
24 *Service under the State and Private Forestry Appropria-*
25 *tion: Provided further, That the Secretary of the Interior*

1 *and the Secretary of Agriculture may authorize the transfer*
2 *of funds appropriated for wildland fire management, in an*
3 *aggregate amount not to exceed \$12,000,000, between the*
4 *Departments when such transfers would facilitate and expe-*
5 *dite jointly funded wildland fire management programs*
6 *and projects: Provided further, That of the funds provided*
7 *for hazardous fuels reduction, not to exceed \$5,000,000, may*
8 *be used to make grants, using any authorities available to*
9 *the Forest Service under the State and Private Forestry ap-*
10 *propriation, for the purpose of creating incentives for in-*
11 *creased use of biomass from national forest lands.*

12 *CAPITAL IMPROVEMENT AND MAINTENANCE*

13 *For necessary expenses of the Forest Service, not other-*
14 *wise provided for, \$409,751,000, to remain available until*
15 *expended for construction, reconstruction, maintenance and*
16 *acquisition of buildings and other facilities, and for con-*
17 *struction, reconstruction, repair, decommissioning, and*
18 *maintenance of forest roads and trails by the Forest Service*
19 *as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101*
20 *and 205: Provided, That up to \$15,000,000 of the funds*
21 *provided herein for road maintenance shall be available for*
22 *the decommissioning of roads, including unauthorized roads*
23 *not part of the transportation system, which are no longer*
24 *needed: Provided further, That no funds shall be expended*
25 *to decommission any system road until notice and an op-*
26 *portunity for public comment has been provided on each*

1 *decommissioning project: Provided further, That of funds*
2 *provided, \$3,000,000 is provided for needed rehabilitation*
3 *and restoration work at Jarbidge Canyon, Nevada: Pro-*
4 *vided further, That the Secretary of Agriculture may au-*
5 *thorize the transfer of up to \$1,350,000 as necessary to the*
6 *Department of the Interior, Bureau of Land Management*
7 *and Fish and Wildlife Service when such transfers would*
8 *facilitate and expedite needed rehabilitation work on Bu-*
9 *reau of Land Management lands, and for the Fish and*
10 *Wildlife Service to implement terms and conditions identi-*
11 *fied in the Biological Opinion.*

12

LAND ACQUISITION

13 *For expenses necessary to carry out the provisions of*
14 *the Land and Water Conservation Fund Act of 1965, as*
15 *amended (16 U.S.C. 460l-4 through 11), including admin-*
16 *istrative expenses, and for acquisition of land or waters,*
17 *or interest therein, in accordance with statutory authority*
18 *applicable to the Forest Service, \$44,925,000, to be derived*
19 *from the Land and Water Conservation Fund and to re-*
20 *main available until expended: Provided further, That, sub-*
21 *ject to valid existing rights, all land and interests in land*
22 *acquired in the Thunder Mountain area of the Payette Na-*
23 *tional Forest (including patented claims and land that are*
24 *encumbered by unpatented claims or previously appro-*
25 *priated funds under this section, or otherwise relinquished*
26 *by a private party) are withdrawn from mineral entry or*

1 *appropriation under Federal mining laws, and from leas-*
 2 *ing claims under Federal mineral and geothermal leasing*
 3 *laws.”.*

4 *ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL*
 5 *ACTS*

6 *For acquisition of lands within the exterior boundaries*
 7 *of the Cache, Uinta, and Wasatch National Forests, Utah;*
 8 *the Toiyabe National Forest, Nevada; and the Angeles, San*
 9 *Bernardino, Sequoia, and Cleveland National Forests, Cali-*
 10 *ornia, as authorized by law, \$1,069,000, to be derived from*
 11 *forest receipts.*

12 *ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES*

13 *For acquisition of lands, such sums, to be derived from*
 14 *funds deposited by State, county, or municipal govern-*
 15 *ments, public school districts, or other public school authori-*
 16 *ties, and for authorized expenditures from funds deposited*
 17 *by non-Federal parties pursuant to Land Sale and Ex-*
 18 *change Acts, pursuant to the Act of December 4, 1967, as*
 19 *amended (16 U.S.C. 484a), to remain available until ex-*
 20 *pended.*

21 *RANGE BETTERMENT FUND*

22 *For necessary expenses of range rehabilitation, protec-*
 23 *tion, and improvement, 50 percent of all moneys received*
 24 *during the prior fiscal year, as fees for grazing domestic*
 25 *livestock on lands in National Forests in the 16 Western*
 26 *States, pursuant to section 401(b)(1) of Public Law 94–*

1 *grams and other Forest Service programs; notwithstanding*
2 *other provisions of law, existing aircraft being replaced*
3 *may be sold, with proceeds derived or trade-in value used*
4 *to offset the purchase price for the replacement aircraft; (2)*
5 *services pursuant to 7 U.S.C. 2225, and not to exceed*
6 *\$100,000 for employment under 5 U.S.C. 3109; (3) pur-*
7 *chase, erection, and alteration of buildings and other public*
8 *improvements (7 U.S.C. 2250); (4) acquisition of land, wa-*
9 *ters, and interests therein pursuant to 7 U.S.C. 428a; (5)*
10 *for expenses pursuant to the Volunteers in the National For-*
11 *est Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6)*
12 *the cost of uniforms as authorized by 5 U.S.C. 5901–5902;*
13 *and (7) for debt collection contracts in accordance with 31*
14 *U.S.C. 3718(c).*

15 *None of the funds made available under this Act shall*
16 *be obligated or expended to abolish any region, to move or*
17 *close any regional office for National Forest System admin-*
18 *istration of the Forest Service, Department of Agriculture*
19 *without the consent of the House and Senate Committees*
20 *on Appropriations.*

21 *Any appropriations or funds available to the Forest*
22 *Service may be transferred to the Wildland Fire Manage-*
23 *ment appropriation for forest firefighting, emergency reha-*
24 *bilitation of burned-over or damaged lands or waters under*
25 *its jurisdiction, and fire preparedness due to severe burning*

1 *conditions upon notification of the House and Senate Com-*
2 *mittees on Appropriations and if and only if all previously*
3 *appropriated emergency contingent funds under the head-*
4 *ing “Wildland Fire Management” have been released by the*
5 *President and apportioned and all wildfire suppression*
6 *funds under the heading “Wildland Fire Management” are*
7 *obligated.*

8 *Funds appropriated to the Forest Service shall be*
9 *available for assistance to or through the Agency for Inter-*
10 *national Development and the Foreign Agricultural Service*
11 *in connection with forest and rangeland research, technical*
12 *information, and assistance in foreign countries, and shall*
13 *be available to support forestry and related natural resource*
14 *activities outside the United States and its territories and*
15 *possessions, including technical assistance, education and*
16 *training, and cooperation with United States and inter-*
17 *national organizations.*

18 *None of the funds made available to the Forest Service*
19 *under this Act shall be subject to transfer under the provi-*
20 *sions of section 702(b) of the Department of Agriculture Or-*
21 *ganic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b, except*
22 *that in fiscal year 2006 the Forest Service may transfer*
23 *funds to the “National Forest System” account from other*
24 *agency accounts to enable the agency’s law enforcement pro-*
25 *gram to pay full operating costs including overhead.*

1 *None of the funds available to the Forest Service may*
2 *be reprogrammed without the advance approval of the*
3 *House and Senate Committees on Appropriations in ac-*
4 *cordance with the reprogramming procedures contained in*
5 *the report accompanying this Act.*

6 *Not more than \$72,646,000 of funds available to the*
7 *Forest Service may be transferred to the Working Capital*
8 *Fund of the Department of Agriculture. Nothing in this sec-*
9 *tion shall prohibit or limit the use of reimbursable agree-*
10 *ments requested by the Forest Service in order to obtain*
11 *services from the Department of Agriculture's National In-*
12 *formation Technology Center.*

13 *Funds available to the Forest Service shall be available*
14 *to conduct a program of not less than \$2,500,000 for high*
15 *priority projects within the scope of the approved budget*
16 *which shall be carried out by the Youth Conservation Corps.*

17 *Of the funds available to the Forest Service, \$2,500 is*
18 *available to the Chief of the Forest Service for official recep-*
19 *tion and representation expenses.*

20 *Pursuant to sections 405(b) and 410(b) of Public Law*
21 *101-593, of the funds available to the Forest Service,*
22 *\$3,300,000 may be advanced in a lump sum to the National*
23 *Forest Foundation to aid conservation partnership projects*
24 *in support of the Forest Service mission, without regard*
25 *to when the Foundation incurs expenses, for administrative*

1 *expenses or projects on or benefitting National Forest Sys-*
2 *tem lands or related to Forest Service programs: Provided,*
3 *That of the Federal funds made available to the Founda-*
4 *tion, no more than \$350,000 shall be available for adminis-*
5 *trative expenses: Provided further, That the Foundation*
6 *shall obtain, by the end of the period of Federal financial*
7 *assistance, private contributions to match on at least one-*
8 *for-one basis funds made available by the Forest Service:*
9 *Provided further, That the Foundation may transfer Fed-*
10 *eral funds to a non-Federal recipient for a project at the*
11 *same rate that the recipient has obtained the non-Federal*
12 *matching funds: Provided further, That authorized invest-*
13 *ments of Federal funds held by the Foundation may be*
14 *made only in interest-bearing obligations of the United*
15 *States or in obligations guaranteed as to both principal and*
16 *interest by the United States.*

17 *Pursuant to section 2(b)(2) of Public Law 98-244,*
18 *\$2,650,000 of the funds available to the Forest Service shall*
19 *be available for matching funds to the National Fish and*
20 *Wildlife Foundation, as authorized by 16 U.S.C. 3701-*
21 *3709, and may be advanced in a lump sum to aid conserva-*
22 *tion partnership projects in support of the Forest Service*
23 *mission, without regard to when expenses are incurred, for*
24 *projects on or benefitting National Forest System lands or*
25 *related to Forest Service programs: Provided, That the*

1 *Foundation shall obtain, by the end of the period of Federal*
2 *financial assistance, private contributions to match on at*
3 *least one-for-one basis funds advanced by the Forest Service:*
4 *Provided further, That the Foundation may transfer Fed-*
5 *eral funds to a non-Federal recipient for a project at the*
6 *same rate that the recipient has obtained the non-Federal*
7 *matching funds.*

8 *Funds appropriated to the Forest Service shall be*
9 *available for interactions with and providing technical as-*
10 *sistance to rural communities for sustainable rural develop-*
11 *ment purposes.*

12 *Funds appropriated to the Forest Service shall be*
13 *available for payments to counties within the Columbia*
14 *River Gorge National Scenic Area, pursuant to sections*
15 *14(c)(1) and (2), and section 16(a)(2) of Public Law 99-*
16 *663.*

17 *Notwithstanding any other provision of law, any ap-*
18 *propriations or funds available to the Forest Service not*
19 *to exceed \$500,000 may be used to reimburse the Office of*
20 *the General Counsel (OGC), Department of Agriculture, for*
21 *travel and related expenses incurred as a result of OGC as-*
22 *sistance or participation requested by the Forest Service at*
23 *meetings, training sessions, management reviews, land pur-*
24 *chase negotiations and similar non-litigation related mat-*
25 *ters. Future budget justifications for both the Forest Service*

1 *and the Department of Agriculture should clearly display*
2 *the sums previously transferred and the requested funding*
3 *transfers.*

4 *Any appropriations or funds available to the Forest*
5 *Service may be used for necessary expenses in the event of*
6 *law enforcement emergencies as necessary to protect natural*
7 *resources and public or employee safety: Provided, That*
8 *such amounts shall not exceed \$1,000,000.*

9 *An eligible individual who is employed in any project*
10 *funded under title V of the Older American Act of 1965*
11 *(42 U.S.C. 3056 et seq.) and administered by the Forest*
12 *Service shall be considered to be a Federal employee for pur-*
13 *poses of chapter 171 of title 28, United States Code.*

14 *Any funds appropriated to the Forest Service may be*
15 *used to meet the non-Federal share requirement in section*
16 *502(c) of the Older American Act of 1965 (42 U.S.C.*
17 *3056(c)(2)).*

18 *Funds available to the Forest Service in this Act may*
19 *be used for the purpose of expenses associated with primary*
20 *and secondary schooling for dependents of agency personnel*
21 *stationed in Puerto Rico prior to the date of enactment of*
22 *this Act, who are subject to transfer and reassignment to*
23 *other locations in the United States, at a cost not in excess*
24 *of those authorized for the Department of Defense for the*
25 *same area, when it is determined by the Chief of the Forest*

1 *Service that public schools available in the locality are un-*
 2 *able to provide adequately for the education of such depend-*
 3 *ents.*

4 *In support of management of the National Wildlife*
 5 *Refuge System, Lot 6C of United States Survey 2538-A,*
 6 *containing 2.39 acres and the residential triplex situated*
 7 *thereon, located in Kodiak, Alaska, is hereby transferred*
 8 *from the USDA Forest Service to the U.S. Fish and Wildlife*
 9 *Service.*

10 *DEPARTMENT OF HEALTH AND HUMAN*

11 *SERVICES*

12 *INDIAN HEALTH SERVICE*

13 *INDIAN HEALTH SERVICES*

14 *For expenses necessary to carry out the Act of August*
 15 *5, 1954 (68 Stat. 674), the Indian Self-Determination Act,*
 16 *the Indian Health Care Improvement Act, and titles II and*
 17 *III of the Public Health Service Act with respect to the In-*
 18 *dian Health Service, \$2,732,323,000, together with pay-*
 19 *ments received during the fiscal year pursuant to 42 U.S.C.*
 20 *238(b) for services furnished by the Indian Health Service:*
 21 *Provided, That funds made available to tribes and tribal*
 22 *organizations through contracts, grant agreements, or any*
 23 *other agreements or compacts authorized by the Indian Self-*
 24 *Determination and Education Assistance Act of 1975 (25*
 25 *U.S.C. 450), shall be deemed to be obligated at the time*

1 *of the grant or contract award and thereafter shall remain*
2 *available to the tribe or tribal organization without fiscal*
3 *year limitation: Provided further, That up to \$18,000,000*
4 *shall remain available until expended, for the Indian Cata-*
5 *strophic Health Emergency Fund: Provided further, That*
6 *\$507,021,000 for contract medical care shall remain avail-*
7 *able for obligation until September 30, 2007: Provided fur-*
8 *ther, That of the funds provided, up to \$27,000,000, to re-*
9 *main available until expended, shall be used to carry out*
10 *the loan repayment program under section 108 of the In-*
11 *dian Health Care Improvement Act: Provided further, That*
12 *funds provided in this Act may be used for one-year con-*
13 *tracts and grants which are to be performed in two fiscal*
14 *years, so long as the total obligation is recorded in the year*
15 *for which the funds are appropriated: Provided further,*
16 *That the amounts collected by the Secretary of Health and*
17 *Human Services under the authority of title IV of the In-*
18 *dian Health Care Improvement Act shall remain available*
19 *until expended for the purpose of achieving compliance with*
20 *the applicable conditions and requirements of titles XVIII*
21 *and XIX of the Social Security Act (exclusive of planning,*
22 *design, or construction of new facilities): Provided further,*
23 *That funding contained herein, and in any earlier appro-*
24 *priations Acts for scholarship programs under the Indian*
25 *Health Care Improvement Act (25 U.S.C. 1613) shall re-*

1 *main available until expended: Provided further, That*
2 *amounts received by tribes and tribal organizations under*
3 *title IV of the Indian Health Care Improvement Act shall*
4 *be reported and accounted for and available to the receiving*
5 *tribes and tribal organizations until expended: Provided*
6 *further, That, notwithstanding any other provision of law,*
7 *of the amounts provided herein, not to exceed \$268,683,000*
8 *shall be for payments to tribes and tribal organizations for*
9 *contract or grant support costs associated with contracts,*
10 *grants, self-governance compacts or annual funding agree-*
11 *ments between the Indian Health Service and a tribe or*
12 *tribal organization pursuant to the Indian Self-Determina-*
13 *tion Act of 1975, as amended, prior to or during fiscal year*
14 *2006, of which not to exceed \$5,000,000 may be used for*
15 *contract support costs associated with new or expanded self-*
16 *determination contracts, grants, self-governance compacts*
17 *or annual funding agreements: Provided further, That the*
18 *Bureau of Indian Affairs may collect from the Indian*
19 *Health Service and tribes and tribal organizations oper-*
20 *ating health facilities pursuant to Public Law 93–638 such*
21 *individually identifiable health information relating to dis-*
22 *abled children as may be necessary for the purpose of car-*
23 *rying out its functions under the Individuals with Dis-*
24 *ability Education Act, 20 U.S.C. 1400, et seq.: Provided*
25 *further, That of the amounts provided to the Indian Health*

1 *Service, \$15,000,000 is provided for alcohol control, enforce-*
2 *ment, prevention, treatment, sobriety and wellness, and*
3 *education in Alaska, to be distributed in accordance with*
4 *the instruction provided in the committee report accom-*
5 *panying this Act: Provided further, That none of the funds*
6 *may be used for tribal courts or tribal ordinance programs*
7 *or any program that is not directly related to alcohol con-*
8 *trol, enforcement, prevention, treatment, or sobriety: Pro-*
9 *vided further, That no more than 15 percent may be used*
10 *by any entity receiving funding for administrative overhead*
11 *including indirect costs.*

12 *INDIAN HEALTH FACILITIES*

13 *For construction, repair, maintenance, improvement,*
14 *and equipment of health and related auxiliary facilities, in-*
15 *cluding quarters for personnel; preparation of plans, speci-*
16 *fications, and drawings; acquisition of sites, purchase and*
17 *erection of modular buildings, and purchases of trailers;*
18 *and for provision of domestic and community sanitation*
19 *facilities for Indians, as authorized by section 7 of the Act*
20 *of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Deter-*
21 *mination Act, and the Indian Health Care Improvement*
22 *Act, and for expenses necessary to carry out such Acts and*
23 *titles II and III of the Public Health Service Act with re-*
24 *spect to environmental health and facilities support activi-*
25 *ties of the Indian Health Service, \$335,643,000, to remain*
26 *available until expended: Provided, That notwithstanding*

1 *any other provision of law, funds appropriated for the plan-*
2 *ning, design, construction or renovation of health facilities*
3 *for the benefit of an Indian tribe or tribes may be used*
4 *to purchase land for sites to construct, improve, or enlarge*
5 *health or related facilities: Provided further, That not to*
6 *exceed \$500,000 shall be used by the Indian Health Service*
7 *to purchase TRANSAM equipment from the Department of*
8 *Defense for distribution to the Indian Health Service and*
9 *tribal facilities: Provided further, That none of the funds*
10 *appropriated to the Indian Health Service may be used for*
11 *sanitation facilities construction for new homes funded with*
12 *grants by the housing programs of the United States De-*
13 *partment of Housing and Urban Development: Provided*
14 *further, That not to exceed \$1,000,000 from this account*
15 *and the "Indian Health Services" account shall be used by*
16 *the Indian Health Service to obtain ambulances for the In-*
17 *dian Health Service and tribal facilities in conjunction*
18 *with an existing interagency agreement between the Indian*
19 *Health Service and the General Services Administration:*
20 *Provided further, That notwithstanding any other provision*
21 *of law, the Indian Health Service is authorized to construct*
22 *a replacement health care facility in Nome, Alaska, on land*
23 *owned by the Norton Sound Health Corporation: Provided*
24 *further, That not to exceed \$500,000 shall be placed in a*
25 *Demolition Fund, available until expended, to be used by*

1 *the Indian Health Service for demolition of Federal build-*
2 *ings.*

3 *ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE*

4 *Appropriations in this Act to the Indian Health Serv-*
5 *ice shall be available for services as authorized by 5 U.S.C.*
6 *3109 but at rates not to exceed the per diem rate equivalent*
7 *to the maximum rate payable for senior-level positions*
8 *under 5 U.S.C. 5376; hire of passenger motor vehicles and*
9 *aircraft; purchase of medical equipment; purchase of re-*
10 *prints; purchase, renovation and erection of modular build-*
11 *ings and renovation of existing facilities; payments for tele-*
12 *phone service in private residences in the field, when au-*
13 *thorized under regulations approved by the Secretary; and*
14 *for uniforms or allowances therefor as authorized by 5*
15 *U.S.C. 5901–5902; and for expenses of attendance at meet-*
16 *ings which are concerned with the functions or activities*
17 *for which the appropriation is made or which will con-*
18 *tribute to improved conduct, supervision, or management*
19 *of those functions or activities.*

20 *In accordance with the provisions of the Indian Health*
21 *Care Improvement Act, non-Indian patients may be ex-*
22 *tended health care at all tribally administered or Indian*
23 *Health Service facilities, subject to charges, and the pro-*
24 *ceeds along with funds recovered under the Federal Medical*
25 *Care Recovery Act (42 U.S.C. 2651–2653) shall be credited*
26 *to the account of the facility providing the service and shall*

1 *be available without fiscal year limitation. Notwith-*
2 *standing any other law or regulation, funds transferred*
3 *from the Department of Housing and Urban Development*
4 *to the Indian Health Service shall be administered under*
5 *Public Law 86–121 (the Indian Sanitation Facilities Act)*
6 *and Public Law 93–638, as amended.*

7 *Funds appropriated to the Indian Health Service in*
8 *this Act, except those used for administrative and program*
9 *direction purposes, shall not be subject to limitations di-*
10 *rected at curtailing Federal travel and transportation.*

11 *None of the funds made available to the Indian Health*
12 *Service in this Act shall be used for any assessments or*
13 *charges by the Department of Health and Human Services*
14 *unless identified in the budget justification and provided*
15 *in this Act, or approved by the House and Senate Commit-*
16 *tees on Appropriations through the reprogramming process.*
17 *Personnel ceilings may not be imposed on the Indian*
18 *Health Service nor may any action be taken to reduce the*
19 *full time equivalent level of the Indian Health Service below*
20 *the level in fiscal year 2002 adjusted upward for the staffing*
21 *of new and expanded facilities, funding provided for staff-*
22 *ing at the Lawton, Oklahoma hospital in fiscal years 2003*
23 *and 2004, critical positions not filled in fiscal year 2002,*
24 *and staffing necessary to carry out the intent of Congress*
25 *with regard to program increases.*

1 *Notwithstanding any other provision of law, funds*
2 *previously or herein made available to a tribe or tribal or-*
3 *ganization through a contract, grant, or agreement author-*
4 *ized by title I or title V of the Indian Self-Determination*
5 *and Education Assistance Act of 1975 (25 U.S.C. 450), may*
6 *be deobligated and reobligated to a self-determination con-*
7 *tract under title I, or a self-governance agreement under*
8 *title V of such Act and thereafter shall remain available*
9 *to the tribe or tribal organization without fiscal year limi-*
10 *tation.*

11 *None of the funds made available to the Indian Health*
12 *Service in this Act shall be used to implement the final rule*
13 *published in the Federal Register on September 16, 1987,*
14 *by the Department of Health and Human Services, relating*
15 *to the eligibility for the health care services of the Indian*
16 *Health Service until the Indian Health Service has sub-*
17 *mitted a budget request reflecting the increased costs associ-*
18 *ated with the proposed final rule, and such request has been*
19 *included in an appropriations Act and enacted into law.*

20 *With respect to functions transferred by the Indian*
21 *Health Service to tribes or tribal organizations, the Indian*
22 *Health Service is authorized to provide goods and services*
23 *to those entities, on a reimbursable basis, including pay-*
24 *ment in advance with subsequent adjustment. The reim-*
25 *bursements received therefrom, along with the funds received*

1 *from those entities pursuant to the Indian Self-Determina-*
 2 *tion Act, may be credited to the same or subsequent appro-*
 3 *priation account which provided the funding. Such*
 4 *amounts shall remain available until expended.*

5 *Reimbursements for training, technical assistance, or*
 6 *services provided by the Indian Health Service will contain*
 7 *total costs, including direct, administrative, and overhead*
 8 *associated with the provision of goods, services, or technical*
 9 *assistance.*

10 *The appropriation structure for the Indian Health*
 11 *Service may not be altered without advance notification to*
 12 *the House and Senate Committees on Appropriations.*

13 *NATIONAL INSTITUTES OF HEALTH*

14 *NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH*

15 *SCIENCES*

16 *For necessary expenses for the National Institute of*
 17 *Environmental Health Sciences in carrying out activities*
 18 *set forth in section 311(a) of the Comprehensive Environ-*
 19 *mental Response, Compensation, and Liability Act of 1980,*
 20 *as amended, and section 126(g) of the Superfund Amend-*
 21 *ments and Reauthorization Act of 1986, \$80,289,000.*

22 *AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY*

23 *TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH*

24 *For necessary expenses for the Agency for Toxic Sub-*
 25 *stances and Disease Registry (ATSDR) in carrying out ac-*

1 *tivities set forth in sections 104(i), 111(c)(4), and*
2 *111(c)(14) of the Comprehensive Environmental Response,*
3 *Compensation, and Liability Act of 1980 (CERCLA), as*
4 *amended; section 118(f) of the Superfund Amendments and*
5 *Reauthorization Act of 1986 (SARA), as amended; and sec-*
6 *tion 3019 of the Solid Waste Disposal Act, as amended,*
7 *\$76,024,000, of which up to \$1,500,000, to remain available*
8 *until expended, is for Individual Learning Accounts for*
9 *full-time equivalent employees of the Agency for Toxic Sub-*
10 *stances and Disease Registry: Provided, That notwith-*
11 *standing any other provision of law, in lieu of performing*
12 *a health assessment under section 104(i)(6) of CERCLA,*
13 *the Administrator of ATSDR may conduct other appro-*
14 *priate health studies, evaluations, or activities, including,*
15 *without limitation, biomedical testing, clinical evaluations,*
16 *medical monitoring, and referral to accredited health care*
17 *providers: Provided further, That in performing any such*
18 *health assessment or health study, evaluation, or activity,*
19 *the Administrator of ATSDR shall not be bound by the*
20 *deadlines in section 104(i)(6)(A) of CERCLA: Provided fur-*
21 *ther, That none of the funds appropriated under this head-*
22 *ing shall be available for ATSDR to issue in excess of 40*
23 *toxicological profiles pursuant to section 104(i) of CERCLA*
24 *during fiscal year 2006, and existing profiles may be up-*
25 *dated as necessary.*

1 *OTHER RELATED AGENCIES*2 *EXECUTIVE OFFICE OF THE PRESIDENT*3 *COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF*4 *ENVIRONMENTAL QUALITY*

5 *For necessary expenses to continue functions assigned*
6 *to the Council on Environmental Quality and Office of En-*
7 *vironmental Quality pursuant to the National Environ-*
8 *mental Policy Act of 1969, the Environmental Quality Im-*
9 *provement Act of 1970, and Reorganization Plan No. 1 of*
10 *1977, and not to exceed \$750 for official reception and rep-*
11 *resentation expenses, \$2,717,000: Provided, That notwith-*
12 *standing section 202 of the National Environmental Policy*
13 *Act of 1970, the Council shall consist of one member, ap-*
14 *pointed by the President, by and with the advice and con-*
15 *sent of the Senate, serving as chairman and exercising all*
16 *powers, functions, and duties of the Council.*

17 *CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD*18 *SALARIES AND EXPENSES*

19 *For necessary expenses in carrying out activities pur-*
20 *suant to section 112(r)(6) of the Clean Air Act, as amended,*
21 *including hire of passenger vehicles, uniforms or allowances*
22 *therefor, as authorized by 5 U.S.C. 5901–5902, and for serv-*
23 *ices authorized by 5 U.S.C. 3109 but at rates for individ-*
24 *uals not to exceed the per diem equivalent to the maximum*
25 *rate payable for senior level positions under 5 U.S.C. 5376,*

1 \$9,200,000: *Provided, That the Chemical Safety and Haz-*
2 *ard Investigation Board (Board) shall have not more than*
3 *three career Senior Executive Service positions: Provided*
4 *further, That notwithstanding any other provision of law,*
5 *the individual appointed to the position of Inspector Gen-*
6 *eral of the Environmental Protection Agency (EPA) shall,*
7 *by virtue of such appointment, also hold the position of In-*
8 *spector General of the Board: Provided further, That not-*
9 *withstanding any other provision of law, the Inspector Gen-*
10 *eral of the Board shall utilize personnel of the Office of In-*
11 *spector General of EPA in performing the duties of the In-*
12 *spector General of the Board, and shall not appoint any*
13 *individuals to positions within the Board.*

14 *OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION*

15 *SALARIES AND EXPENSES*

16 *For necessary expenses of the Office of Navajo and*
17 *Hopi Indian Relocation as authorized by Public Law 93-*
18 *531, \$8,601,000, to remain available until expended: Pro-*
19 *vided, That funds provided in this or any other appropria-*
20 *tions Act are to be used to relocate eligible individuals and*
21 *groups including evictees from District 6, Hopi-partitioned*
22 *lands residents, those in significantly substandard housing,*
23 *and all others certified as eligible and not included in the*
24 *preceding categories: Provided further, That none of the*
25 *funds contained in this or any other Act may be used by*

1 *the Office of Navajo and Hopi Indian Relocation to evict*
 2 *any single Navajo or Navajo family who, as of November*
 3 *30, 1985, was physically domiciled on the lands partitioned*
 4 *to the Hopi Tribe unless a new or replacement home is pro-*
 5 *vided for such household: Provided further, That no*
 6 *relocatee will be provided with more than one new or re-*
 7 *placement home: Provided further, That the Office shall re-*
 8 *locate any certified eligible relocatees who have selected and*
 9 *received an approved homesite on the Navajo reservation*
 10 *or selected a replacement residence off the Navajo reserva-*
 11 *tion or on the land acquired pursuant to 25 U.S.C. 640d-*
 12 *10.*

13 *INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE*
 14 *CULTURE AND ARTS DEVELOPMENT*

15 *PAYMENT TO THE INSTITUTE*

16 *For payment to the Institute of American Indian and*
 17 *Alaska Native Culture and Arts Development, as authorized*
 18 *by title XV of Public Law 99–498, as amended (20 U.S.C.*
 19 *56 part A), \$6,300,000.*

20 *SMITHSONIAN INSTITUTION*

21 *SALARIES AND EXPENSES*

22 *For necessary expenses of the Smithsonian Institution,*
 23 *as authorized by law, including research in the fields of art,*
 24 *science, and history; development, preservation, and docu-*
 25 *mentation of the National Collections; presentation of pub-*

1 *lic exhibits and performances; collection, preparation, dis-*
2 *semination, and exchange of information and publications;*
3 *conduct of education, training, and museum assistance pro-*
4 *grams; maintenance, alteration, operation, lease (for terms*
5 *not to exceed 30 years), and protection of buildings, facili-*
6 *ties, and approaches; not to exceed \$100,000 for services as*
7 *authorized by 5 U.S.C. 3109; up to five replacement pas-*
8 *senger vehicles; purchase, rental, repair, and cleaning of*
9 *uniforms for employees, \$524,135,000, of which not to ex-*
10 *ceed \$10,992,000 for the instrumentation program, collec-*
11 *tions acquisition, exhibition reinstallation, the National*
12 *Museum of African American History and Culture, and the*
13 *repatriation of skeletal remains program shall remain*
14 *available until expended; and of which \$9,086,000 for the*
15 *reopening of the Patent Office Building and for fellowships*
16 *and scholarly awards shall remain available until Sep-*
17 *tember 30, 2007; and including such funds as may be nec-*
18 *essary to support American overseas research centers and*
19 *a total of \$125,000 for the Council of American Overseas*
20 *Research Centers: Provided, That funds appropriated here-*
21 *in are available for advance payments to independent con-*
22 *tractors performing research services or participating in of-*
23 *ficial Smithsonian presentations: Provided further, That*
24 *the Smithsonian Institution may expend Federal appro-*
25 *priations designated in this Act for lease or rent payments*

1 *for long term and swing space, as rent payable to the*
2 *Smithsonian Institution, and such rent payments may be*
3 *deposited into the general trust funds of the Institution to*
4 *the extent that federally supported activities are housed in*
5 *the 900 H Street, N.W. building in the District of Colum-*
6 *bia: Provided further, That this use of Federal appropri-*
7 *ations shall not be construed as debt service, a Federal guar-*
8 *antee of, a transfer of risk to, or an obligation of, the Fed-*
9 *eral Government: Provided further, That no appropriated*
10 *funds may be used to service debt which is incurred to fi-*
11 *nance the costs of acquiring the 900 H Street building or*
12 *of planning, designing, and constructing improvements to*
13 *such building.*

14 *FACILITIES CAPITAL*

15 *For necessary expenses of repair, revitalization, and*
16 *alteration of facilities owned or occupied by the Smithso-*
17 *nian Institution, by contract or otherwise, as authorized by*
18 *section 2 of the Act of August 22, 1949 (63 Stat. 623), and*
19 *for construction, including necessary personnel,*
20 *\$100,000,000, to remain available until expended, of which*
21 *not to exceed \$10,000 is for services as authorized by 5*
22 *U.S.C. 3109: Provided, That contracts awarded for environ-*
23 *mental systems, protection systems, and repair or restora-*
24 *tion of facilities of the Smithsonian Institution may be ne-*
25 *gotiated with selected contractors and awarded on the basis*
26 *of contractor qualifications as well as price.*

1 *NATIONAL GALLERY OF ART*2 *SALARIES AND EXPENSES*

3 *For the upkeep and operations of the National Gallery*
4 *of Art, the protection and care of the works of art therein,*
5 *and administrative expenses incident thereto, as authorized*
6 *by the Act of March 24, 1937 (50 Stat. 51), as amended*
7 *by the public resolution of April 13, 1939 (Public Resolu-*
8 *tion 9, Seventy-sixth Congress), including services as au-*
9 *thorized by 5 U.S.C. 3109; payment in advance when au-*
10 *thorized by the treasurer of the Gallery for membership in*
11 *library, museum, and art associations or societies whose*
12 *publications or services are available to members only, or*
13 *to members at a price lower than to the general public; pur-*
14 *chase, repair, and cleaning of uniforms for guards, and uni-*
15 *forms, or allowances therefor, for other employees as author-*
16 *ized by law (5 U.S.C. 5901–5902); purchase or rental of*
17 *devices and services for protecting buildings and contents*
18 *thereof, and maintenance, alteration, improvement, and re-*
19 *pair of buildings, approaches, and grounds; and purchase*
20 *of services for restoration and repair of works of art for*
21 *the National Gallery of Art by contracts made, without ad-*
22 *vertising, with individuals, firms, or organizations at such*
23 *rates or prices and under such terms and conditions as the*
24 *Gallery may deem proper, \$96,600,000, of which not to ex-*

1 *ceed \$3,157,000 for the special exhibition program shall re-*
2 *main available until expended.*

3 *REPAIR, RESTORATION AND RENOVATION OF BUILDINGS*

4 *For necessary expenses of repair, restoration and ren-*
5 *ovation of buildings, grounds and facilities owned or occu-*
6 *ped by the National Gallery of Art, by contract or other-*
7 *wise, as authorized, \$15,000,000, to remain available until*
8 *expended: Provided, That contracts awarded for environ-*
9 *mental systems, protection systems, and exterior repair or*
10 *renovation of buildings of the National Gallery of Art may*
11 *be negotiated with selected contractors and awarded on the*
12 *basis of contractor qualifications as well as price: Provided*
13 *further, That, notwithstanding any other provision of law,*
14 *a single procurement for the Master Facilities Plan renova-*
15 *tion project at the National Gallery of Art may be issued*
16 *which includes the full scope of the Work Area #3 project:*
17 *Provided further, That the solicitation and the contract*
18 *shall contain the clause “availability of funds” found at*
19 *48 CFR 52.232.18.*

20 *JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS*
21 *OPERATIONS AND MAINTENANCE*

22 *For necessary expenses for the operation, maintenance*
23 *and security of the John F. Kennedy Center for the Per-*
24 *forming Arts, \$17,800,000.*

1 *functions of the Act, to remain available until expended:*
2 *Provided, That funds previously appropriated to the Na-*
3 *tional Endowment for the Arts “Matching Grants” account*
4 *and “Challenge America” account may be transferred to*
5 *and merged with this account: Provided further, That funds*
6 *appropriated herein shall be expended in accordance with*
7 *sections 309 and 311 of Public Law 108–108.*

8 *NATIONAL ENDOWMENT FOR THE HUMANITIES*

9 *GRANTS AND ADMINISTRATION*

10 *For necessary expenses to carry out the National Foun-*
11 *ation on the Arts and the Humanities Act of 1965, as*
12 *amended, \$127,605,000, shall be available to the National*
13 *Endowment for the Humanities for support of activities in*
14 *the humanities, pursuant to section 7(c) of the Act, and for*
15 *administering the functions of the Act, to remain available*
16 *until expended.*

17 *MATCHING GRANTS*

18 *To carry out the provisions of section 10(a)(2) of the*
19 *National Foundation on the Arts and the Humanities Act*
20 *of 1965, as amended, \$15,449,000, to remain available until*
21 *expended, of which \$10,000,000 shall be available to the Na-*
22 *tional Endowment for the Humanities for the purposes of*
23 *section 7(h): Provided, That this appropriation shall be*
24 *available for obligation only in such amounts as may be*
25 *equal to the total amounts of gifts, bequests, and devises of*
26 *money, and other property accepted by the chairman or by*

1 grantees of the Endowment under the provisions of sub-
2 sections 11(a)(2)(B) and 11(a)(3)(B) during the current
3 and preceding fiscal years for which equal amounts have
4 not previously been appropriated.

5 *ADMINISTRATIVE PROVISIONS*

6 *None of the funds appropriated to the National Foun-*
7 *ation on the Arts and the Humanities may be used to*
8 *process any grant or contract documents which do not in-*
9 *clude the text of 18 U.S.C. 1913: Provided, That none of*
10 *the funds appropriated to the National Foundation on the*
11 *Arts and the Humanities may be used for official reception*
12 *and representation expenses: Provided further, That funds*
13 *from nonappropriated sources may be used as necessary for*
14 *official reception and representation expenses: Provided fur-*
15 *ther, That the Chairperson of the National Endowment for*
16 *the Arts may approve grants up to \$10,000, if in the aggre-*
17 *gate this amount does not exceed 5 percent of the sums ap-*
18 *propriated for grant-making purposes per year: Provided*
19 *further, That such small grant actions are taken pursuant*
20 *to the terms of an expressed and direct delegation of author-*
21 *ity from the National Council on the Arts to the Chair-*
22 *person.*

1 *COMMISSION OF FINE ARTS*2 *SALARIES AND EXPENSES*

3 *For expenses made necessary by the Act establishing*
4 *a Commission of Fine Arts (40 U.S.C. 104), \$1,893,000:*
5 *Provided, That the Commission is authorized to charge fees*
6 *to cover the full costs of its publications, and such fees shall*
7 *be credited to this account as an offsetting collection, to re-*
8 *main available until expended without further appropria-*
9 *tion.*

10 *NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS*

11 *For necessary expenses as authorized by Public Law*
12 *99–190 (20 U.S.C. 956a), as amended, \$7,492,000.*

13 *ADVISORY COUNCIL ON HISTORIC PRESERVATION*14 *SALARIES AND EXPENSES*

15 *For necessary expenses of the Advisory Council on His-*
16 *toric Preservation (Public Law 89–665, as amended),*
17 *\$4,943,000: Provided, That none of these funds shall be*
18 *available for compensation of level V of the Executive Sched-*
19 *ule or higher positions.*

20 *NATIONAL CAPITAL PLANNING COMMISSION*21 *SALARIES AND EXPENSES*

22 *For necessary expenses, as authorized by the National*
23 *Capital Planning Act of 1952 (40 U.S.C. 71–71i), includ-*
24 *ing services as authorized by 5 U.S.C. 3109, \$8,244,000:*
25 *Provided, That one-quarter of 1 percent of the funds pro-*
26 *vided under this heading may be used for official reception*

1 *and representational expenses associated with hosting inter-*
 2 *national visitors engaged in the planning and physical de-*
 3 *velopment of world capitals.*

4 *UNITED STATES HOLOCAUST MEMORIAL MUSEUM*
 5 *HOLOCAUST MEMORIAL MUSEUM*

6 *For expenses of the Holocaust Memorial Museum, as*
 7 *authorized by Public Law 106–292 (36 U.S.C. 2301–2310),*
 8 *\$43,233,000, of which \$1,874,000 for the museum’s repair*
 9 *and rehabilitation program and \$1,246,000 for the muse-*
 10 *um’s exhibition design and production program shall re-*
 11 *main available until expended.*

12 *PRESIDIO TRUST*
 13 *PRESIDIO TRUST FUND*

14 *For necessary expenses to carry out title I of the Omni-*
 15 *bus Parks and Public Lands Management Act of 1996,*
 16 *\$19,722,000 shall be available to the Presidio Trust, to re-*
 17 *main available until expended.*

18 *WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT*
 19 *OF REMEMBRANCE*
 20 *OPERATIONS*

21 *For necessary expenses of the White House Commission*
 22 *on the National Moment of Remembrance, \$250,000.*

23 *TITLE IV—GENERAL PROVISIONS*

24 *SEC. 401. The expenditure of any appropriation under*
 25 *this Act for any consulting service through procurement*

1 *contract, pursuant to 5 U.S.C. 3109, shall be limited to*
2 *those contracts where such expenditures are a matter of pub-*
3 *lic record and available for public inspection, except where*
4 *otherwise provided under existing law, or under existing*
5 *Executive order issued pursuant to existing law.*

6 *SEC. 402. No part of any appropriation contained in*
7 *this Act shall be available for any activity or the publica-*
8 *tion or distribution of literature that in any way tends to*
9 *promote public support or opposition to any legislative pro-*
10 *posal on which Congressional action is not complete other*
11 *than to communicate to Members of Congress as described*
12 *in 18 U.S.C. 1913.*

13 *SEC. 403. No part of any appropriation contained in*
14 *this Act shall remain available for obligation beyond the*
15 *current fiscal year unless expressly so provided herein.*

16 *SEC. 404. None of the funds provided in this Act to*
17 *any department or agency shall be obligated or expended*
18 *to provide a personal cook, chauffeur, or other personal serv-*
19 *ants to any officer or employee of such department or agen-*
20 *cy except as otherwise provided by law.*

21 *SEC. 405. Estimated overhead charges, deductions, re-*
22 *serves or holdbacks from programs, projects, activities and*
23 *subactivities to support government-wide, departmental,*
24 *agency or bureau administrative functions or headquarters,*
25 *regional or central operations shall be presented in annual*

1 *budget justifications and subject to approval by the Com-*
2 *mittees on Appropriations. Changes to such estimates shall*
3 *be presented to the Committees on Appropriations for ap-*
4 *proval.*

5 *SEC. 406. None of the funds made available in this*
6 *Act may be transferred to any department, agency, or in-*
7 *strumentality of the United States Government except pur-*
8 *suant to a transfer made by, or transfer provided in, this*
9 *Act or any other Act.*

10 *SEC. 407. None of the funds in this Act may be used*
11 *to plan, prepare, or offer for sale timber from trees classified*
12 *as giant sequoia (*Sequoiadendron giganteum*) which are lo-*
13 *cated on National Forest System or Bureau of Land Man-*
14 *agement lands in a manner different than such sales were*
15 *conducted in fiscal year 2005.*

16 *SEC. 408. (a) LIMITATION OF FUNDS.—None of the*
17 *funds appropriated or otherwise made available pursuant*
18 *to this Act shall be obligated or expended to accept or proc-*
19 *ess applications for a patent for any mining or mill site*
20 *claim located under the general mining laws.*

21 *(b) EXCEPTIONS.—The provisions of subsection (a)*
22 *shall not apply if the Secretary of the Interior determines*
23 *that, for the claim concerned: (1) a patent application was*
24 *filed with the Secretary on or before September 30, 1994;*
25 *and (2) all requirements established under sections 2325*

1 *and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)*
2 *for vein or lode claims and sections 2329, 2330, 2331, and*
3 *2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37)*
4 *for placer claims, and section 2337 of the Revised Statutes*
5 *(30 U.S.C. 42) for mill site claims, as the case may be,*
6 *were fully complied with by the applicant by that date.*

7 (c) *REPORT.—On September 30, 2006, the Secretary*
8 *of the Interior shall file with the House and Senate Com-*
9 *mittees on Appropriations and the Committee on Resources*
10 *of the House of Representatives and the Committee on En-*
11 *ergy and Natural Resources of the Senate a report on ac-*
12 *tions taken by the Department under the plan submitted*
13 *pursuant to section 314(c) of the Department of the Interior*
14 *and Related Agencies Appropriations Act, 1997 (Public*
15 *Law 104–208).*

16 (d) *MINERAL EXAMINATIONS.—In order to process*
17 *patent applications in a timely and responsible manner,*
18 *upon the request of a patent applicant, the Secretary of the*
19 *Interior shall allow the applicant to fund a qualified third-*
20 *party contractor to be selected by the Bureau of Land Man-*
21 *agement to conduct a mineral examination of the mining*
22 *claims or mill sites contained in a patent application as*
23 *set forth in subsection (b). The Bureau of Land Manage-*
24 *ment shall have the sole responsibility to choose and pay*
25 *the third-party contractor in accordance with the standard*

1 *procedures employed by the Bureau of Land Management*
2 *in the retention of third-party contractors.*

3 *SEC. 409. The National Endowment for the Arts and*
4 *the National Endowment for the Humanities are herein-*
5 *after authorized to solicit, accept, receive, and invest in the*
6 *name of the United States, gifts, bequests, or devises of*
7 *money and other property or services and to use such in*
8 *furtherance of the functions of the National Endowment for*
9 *the Arts and the National Endowment for the Humanities.*
10 *Any proceeds from such gifts, bequests, or devises, after ac-*
11 *ceptance by the National Endowment for the Arts or the*
12 *National Endowment for the Humanities, shall be paid by*
13 *the donor or the representative of the donor to the Chair-*
14 *man. The Chairman shall enter the proceeds in a special*
15 *interest-bearing account to the credit of the appropriate en-*
16 *dowment for the purposes specified in each case.*

17 *SEC. 410. No part of any appropriation contained in*
18 *this Act shall be expended or obligated to complete and issue*
19 *the 5-year program under the Forest and Rangeland Re-*
20 *newable Resources Planning Act.*

21 *SEC. 411. Section 3(a) of the Act of June 9, 1930 (com-*
22 *monly known as the Knutson-Vandenberg Act; 16 U.S.C.*
23 *576b), is amended—*

24 *(1) by striking “or” following “stand of timber,”*
25 *in (3); and*

1 (2) by striking the period following “wildlife
2 habitat management” in (4), and inserting “; or (5)
3 watershed restoration, wildlife habitat improvement,
4 control of insects, disease and noxious weeds, commu-
5 nity protection activities, and the maintenance of for-
6 est roads, within the Forest Service region in which
7 the timber sale occurred: Provided, That such activi-
8 ties may be performed through the use of contracts,
9 forest product sales, and cooperative agreements.”.

10 SEC. 412. Amounts deposited during fiscal year 2005
11 in the roads and trails fund provided for in the 14th para-
12 graph under the heading “FOREST SERVICE” of the Act
13 of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be
14 used by the Secretary of Agriculture, without regard to the
15 State in which the amounts were derived, to repair or re-
16 construct roads, bridges, and trails on National Forest Sys-
17 tem lands or to carry out and administer projects to im-
18 prove forest health conditions, which may include the repair
19 or reconstruction of roads, bridges, and trails on National
20 Forest System lands in the wildland-community interface
21 where there is an abnormally high risk of fire. The projects
22 shall emphasize reducing risks to human safety and public
23 health and property and enhancing ecological functions,
24 long-term forest productivity, and biological integrity. The
25 projects may be completed in a subsequent fiscal year.

1 *Funds shall not be expended under this section to replace*
2 *funds which would otherwise appropriately be expended*
3 *from the timber salvage sale fund. Nothing in this section*
4 *shall be construed to exempt any project from any environ-*
5 *mental law.*

6 *SEC. 413. Other than in emergency situations, none*
7 *of the funds in this Act may be used to operate telephone*
8 *answering machines during core business hours unless such*
9 *answering machines include an option that enables callers*
10 *to reach promptly an individual on-duty with the agency*
11 *being contacted.*

12 *SEC. 414. No timber sale in Region 10 shall be adver-*
13 *tised if the indicated rate is deficit when appraised using*
14 *a residual value approach that assigns domestic Alaska val-*
15 *ues for western redcedar. Program accomplishments shall*
16 *be based on volume sold. Should Region 10 sell, in the cur-*
17 *rent fiscal year, the annual average portion of the decadal*
18 *allowable sale quantity called for in the current Tongass*
19 *Land Management Plan in sales which are not deficit when*
20 *appraised using a residual value approach that assigns do-*
21 *mestic Alaska values for western redcedar, all of the western*
22 *redcedar timber from those sales which is surplus to the*
23 *needs of domestic processors in Alaska, shall be made avail-*
24 *able to domestic processors in the contiguous 48 United*
25 *States at prevailing domestic prices. Should Region 10 sell,*

1 *in the current fiscal year, less than the annual average por-*
2 *tion of the decadal allowable sale quantity called for in the*
3 *Tongass Land Management Plan in sales which are not def-*
4 *icit when appraised using a residual value approach that*
5 *assigns domestic Alaska values for western redcedar, the vol-*
6 *ume of western redcedar timber available to domestic proc-*
7 *essors at prevailing domestic prices in the contiguous 48*
8 *United States shall be that volume: (1) which is surplus*
9 *to the needs of domestic processors in Alaska; and (2) is*
10 *that percent of the surplus western redcedar volume deter-*
11 *mined by calculating the ratio of the total timber volume*
12 *which has been sold on the Tongass to the annual average*
13 *portion of the decadal allowable sale quantity called for in*
14 *the current Tongass Land Management Plan. The percent-*
15 *age shall be calculated by Region 10 on a rolling basis as*
16 *each sale is sold (for purposes of this amendment, a “rolling*
17 *basis” shall mean that the determination of how much west-*
18 *ern redcedar is eligible for sale to various markets shall be*
19 *made at the time each sale is awarded). Western redcedar*
20 *shall be deemed “surplus to the needs of domestic processors*
21 *in Alaska” when the timber sale holder has presented to*
22 *the Forest Service documentation of the inability to sell*
23 *western redcedar logs from a given sale to domestic Alaska*
24 *processors at a price equal to or greater than the log selling*
25 *value stated in the contract. All additional western redcedar*

1 *volume not sold to Alaska or contiguous 48 United States*
2 *domestic processors may be exported to foreign markets at*
3 *the election of the timber sale holder. All Alaska yellow*
4 *cedar may be sold at prevailing export prices at the election*
5 *of the timber sale holder.*

6 *SEC. 415. Prior to October 1, 2006, the Secretary of*
7 *Agriculture shall not be considered to be in violation of sub-*
8 *paragraph 6(f)(5)(A) of the Forest and Rangeland Renew-*
9 *able Resources Planning Act of 1974 (16 U.S.C.*
10 *1604(f)(5)(A)) solely because more than 15 years have*
11 *passed without revision of the plan for a unit of the Na-*
12 *tional Forest System. Nothing in this section exempts the*
13 *Secretary from any other requirement of the Forest and*
14 *Rangeland Renewable Resources Planning Act (16 U.S.C.*
15 *1600 et seq.) or any other law: Provided, That if the Sec-*
16 *retary is not acting expeditiously and in good faith, within*
17 *the funding available, to revise a plan for a unit of the*
18 *National Forest System, this section shall be void with re-*
19 *spect to such plan and a court of proper jurisdiction may*
20 *order completion of the plan on an accelerated basis.*

21 *SEC. 416. No funds provided in this Act may be ex-*
22 *pende to conduct preleasing, leasing and related activities*
23 *under either the Mineral Leasing Act (30 U.S.C. 181 et seq.)*
24 *or the Outer Continental Shelf Lands Act (43 U.S.C. 1331*
25 *et seq.) within the boundaries of a National Monument es-*

1 *tablished pursuant to the Act of June 8, 1906 (16 U.S.C.*
2 *431 et seq.) as such boundary existed on January 20, 2001,*
3 *except where such activities are allowed under the Presi-*
4 *dential proclamation establishing such monument.*

5 *SEC. 417. In entering into agreements with foreign*
6 *countries pursuant to the Wildfire Suppression Assistance*
7 *Act (42 U.S.C. 1856m) the Secretary of Agriculture and*
8 *the Secretary of the Interior are authorized to enter into*
9 *reciprocal agreements in which the individuals furnished*
10 *under said agreements to provide wildfire services are con-*
11 *sidered, for purposes of tort liability, employees of the coun-*
12 *try receiving said services when the individuals are engaged*
13 *in fire suppression: Provided, That the Secretary of Agri-*
14 *culture or the Secretary of the Interior shall not enter into*
15 *any agreement under this provision unless the foreign coun-*
16 *try (either directly or through its fire organization) agrees*
17 *to assume any and all liability for the acts or omissions*
18 *of American firefighters engaged in firefighting in a foreign*
19 *country: Provided further, That when an agreement is*
20 *reached for furnishing fire fighting services, the only rem-*
21 *edies for acts or omissions committed while fighting fires*
22 *shall be those provided under the laws of the host country,*
23 *and those remedies shall be the exclusive remedies for any*
24 *claim arising out of fighting fires in a foreign country: Pro-*
25 *vided further, That neither the sending country nor any*

1 *legal organization associated with the firefighter shall be*
2 *subject to any legal action whatsoever pertaining to or aris-*
3 *ing out of the firefighter's role in fire suppression.*

4 *SEC. 418. Notwithstanding any other provision of law*
5 *or regulation, to promote the more efficient use of the health*
6 *care funding allocation for fiscal year 2006, the Eagle Butte*
7 *Service Unit of the Indian Health Service, at the request*
8 *of the Cheyenne River Sioux Tribe, may pay base salary*
9 *rates to health professionals up to the highest grade and*
10 *step available to a physician, pharmacist, or other health*
11 *professional and may pay a recruitment or retention bonus*
12 *of up to 25 percent above the base pay rate.*

13 *SEC. 419. In awarding a Federal contract with funds*
14 *made available by this Act, notwithstanding Federal Gov-*
15 *ernment procurement and contracting laws, the Secretary*
16 *of Agriculture and the Secretary of the Interior (the "Secre-*
17 *taries") may, in evaluating bids and proposals, give consid-*
18 *eration to local contractors who are from, and who provide*
19 *employment and training for, dislocated and displaced*
20 *workers in an economically disadvantaged rural commu-*
21 *nity, including those historically timber-dependent areas*
22 *that have been affected by reduced timber harvesting on*
23 *Federal lands and other forest-dependent rural communities*
24 *isolated from significant alternative employment opportu-*
25 *nities: Provided, That notwithstanding Federal Government*

1 *procurement and contracting laws the Secretaries may*
2 *award contracts, grants or cooperative agreements to local*
3 *non-profit entities, Youth Conservation Corps or related*
4 *partnerships with State, local or non-profit youth groups,*
5 *or small or micro-business or disadvantaged business: Pro-*
6 *vided further, That the contract, grant, or cooperative agree-*
7 *ment is for forest hazardous fuels reduction, watershed or*
8 *water quality monitoring or restoration, wildlife or fish*
9 *population monitoring, or habitat restoration or manage-*
10 *ment: Provided further, That the terms “rural community”*
11 *and “economically disadvantaged” shall have the same*
12 *meanings as in section 2374 of Public Law 101–624: Pro-*
13 *vided further, That the Secretaries shall develop guidance*
14 *to implement this section: Provided further, That nothing*
15 *in this section shall be construed as relieving the Secretaries*
16 *of any duty under applicable procurement laws, except as*
17 *provided in this section.*

18 *SEC. 420. No funds appropriated in this Act for the*
19 *acquisition of lands or interests in lands may be expended*
20 *for the filing of declarations of taking or complaints in con-*
21 *demnation without the approval of the House and Senate*
22 *Committees on Appropriations: Provided, That this provi-*
23 *sion shall not apply to funds appropriated to implement*
24 *the Everglades National Park Protection and Expansion*
25 *Act of 1989, or to funds appropriated for Federal assistance*

1 *to the State of Florida to acquire lands for Everglades res-*
2 *toration purposes.*

3 *SEC. 421. (a) LIMITATION ON COMPETITIVE SOURCING*
4 *STUDIES.—*

5 *(1) Of the funds made available by this or any*
6 *other Act to the Department of the Interior for fiscal*
7 *year 2006, not more than \$3,450,000 may be used by*
8 *the Secretary of the Interior to initiate or continue*
9 *competitive sourcing studies in fiscal year 2006 for*
10 *programs, projects, and activities for which funds are*
11 *appropriated by this Act until such time as the Sec-*
12 *retary concerned submits a reprogramming proposal*
13 *to the Committees on Appropriations of the Senate*
14 *and the House of Representatives, and such proposal*
15 *has been processed consistent with the reprogramming*
16 *guidelines included in the report accompanying this*
17 *Act.*

18 *(2) Of the funds appropriated by this Act, not*
19 *more than \$3,000,000 may be used in fiscal year*
20 *2006 for competitive sourcing studies and related ac-*
21 *tivities by the Forest Service.*

22 *(b) COMPETITIVE SOURCING STUDY DEFINED.—In*
23 *this section, the term “competitive sourcing study” means*
24 *a study on subjecting work performed by Federal Govern-*
25 *ment employees or private contractors to public-private*

1 *competition or on converting the Federal Government em-*
2 *ployees or the work performed by such employees to private*
3 *contractor performance under the Office of Management*
4 *and Budget Circular A-76 or any other administrative reg-*
5 *ulation, directive, or policy.*

6 (c) *COMPETITIVE SOURCING EXEMPTION FOR FOREST*
7 *SERVICE STUDIES CONDUCTED PRIOR TO FISCAL YEAR*
8 *2006.—The Forest Service is hereby exempted from imple-*
9 *menting the Letter of Obligation and post-competition ac-*
10 *countability guidelines where a competitive sourcing study*
11 *involved 65 or fewer full-time equivalents, the performance*
12 *decision was made in favor of the agency provider; no net*
13 *savings was achieved by conducting the study, and the*
14 *study was completed prior to the date of this Act.*

15 (d) *In preparing any reports to the Committees on Ap-*
16 *propriations on competitive sourcing activities, agencies*
17 *funded in this Act shall include the incremental cost di-*
18 *rectly attributable to conducting the competitive sourcing*
19 *competitions, including costs attributable to paying outside*
20 *consultants and contractors and, in accordance with full*
21 *cost accounting principles, all costs attributable to devel-*
22 *oping, implementing, supporting, managing, monitoring,*
23 *and reporting on competitive sourcing, including personnel,*
24 *consultant, travel, and training costs associated with pro-*
25 *gram management.*

1 (e) *In carrying out any competitive sourcing study in-*
2 *volving Forest Service employees, the Secretary of Agri-*
3 *culture shall—*

4 (1) *determine whether any of the employees con-*
5 *cerned are also qualified to participate in wildland*
6 *fire management activities; and*

7 (2) *take into consideration the effect that con-*
8 *tracting with a private sector source would have on*
9 *the ability of the Forest Service to effectively and effi-*
10 *ciently fight and manage wildfires.*

11 *SEC. 422. None of the funds in this Act or prior Acts*
12 *making appropriations for the Department of the Interior*
13 *and Related Agencies may be provided to the managing*
14 *partners or their agents for the SAFECOM or Disaster*
15 *Management projects.*

16 *SEC. 423. (a) IN GENERAL.—An entity that enters*
17 *into a contract with the United States to operate the Na-*
18 *tional Recreation Reservation Service (as solicited by the*
19 *solicitation numbered WO–04–06vm) shall not carry out*
20 *any duties under the contract using:*

21 (1) *a contact center located outside the United*
22 *States; or*

23 (2) *a reservation agent who does not live in the*
24 *United States.*

1 (b) *NO WAIVER.*—*The Secretary of Agriculture may*
2 *not waive the requirements of subsection (a).*

3 (c) *TELECOMMUTING.*—*A reservation agent who is car-*
4 *rying out duties under the contract described in subsection*
5 *(a) may not telecommute from a location outside the United*
6 *States.*

7 (d) *LIMITATIONS.*—*Nothing in this Act shall be con-*
8 *strued to apply to any employee of the entity who is not*
9 *a reservation agent carrying out the duties under the con-*
10 *tract described in subsection (a) or who provides manage-*
11 *rial or support services.*

12 *SEC. 424. Section 331, of Public Law 106–113, is*
13 *amended—*

14 (1) *in part (a) by striking “2004” and inserting*
15 *“2006”; and*

16 (2) *in part (b) by striking “2004” and inserting*
17 *“2006”.*

18 *SEC. 425. Section 321 of the Consolidated Appropria-*
19 *tions Act, 2003, as included in Public Law 108–7, is*
20 *amended by striking “September 30, 2005” and inserting*
21 *“September 30, 2007”.*

22 *SEC. 426. Section 5 of the Arts and Artifacts Indem-*
23 *nity Act (20 U.S.C. 974) is amended—*

1 (1) in subsection (b), by striking
2 “\$8,000,000,000” and inserting “\$10,000,000,000”;
3 and

4 (2) in subsection (c), by striking “\$600,000,000”
5 and inserting “\$1,200,000,000”.

6 SEC. 427. (a) IN GENERAL.—

7 (1) Beginning in fiscal year 2006 and thereafter,
8 the Secretary of Agriculture and the Secretary of the
9 Interior are authorized to make grants to the Eastern
10 Nevada Landscape Coalition for the study and res-
11 toration of rangeland and other lands in Nevada’s
12 Great Basin in order to help assure the reduction of
13 hazardous fuels and for related purposes.

14 (2) Beginning in fiscal year 2006 and thereafter,
15 notwithstanding 31 U.S.C. secs. 6301–6308, the Di-
16 rector of the Bureau of Land Management may enter
17 into a cooperative agreement with the Eastern Ne-
18 vada Landscape Coalition for the Great Basin Res-
19 toration Project, including hazardous fuels and me-
20 chanical treatments and related work.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There are
22 authorized to be appropriated such sums as are necessary
23 to carry out this section.

24 SEC. 428. (a) Section 108(g) of the Valles Caldera
25 Preservation Act (16 U.S.C. 698v–6(g)) is amended—

1 (1) *in the first sentence, by striking “The Sec-*
2 *retary” and inserting the following:*

3 “(1) *LAW ENFORCEMENT.—*

4 “(A) *IN GENERAL.—The Secretary”;*

5 (2) *in the second sentence, by striking “The*
6 *Trust” and inserting the following:*

7 “(B) *FEDERAL AGENCY.—The Trust”;* and

8 (3) *by striking “At the request of the Trust” and*
9 *all that follows through the end of the paragraph and*
10 *inserting the following:*

11 “(2) *FIRE MANAGEMENT.—*

12 “(A) *NON-REIMBURSABLE SERVICES.—*

13 “(i) *DEVELOPMENT OF PLAN.—Subject*
14 *to the availability of appropriations under*
15 *section 111(a), the Secretary shall, in con-*
16 *sultation with the Trust, develop a plan to*
17 *carry out fire preparedness, suppression,*
18 *and emergency rehabilitation services on the*
19 *Preserve.*

20 “(ii) *CONSISTENCY WITH MANAGEMENT*
21 *PROGRAM.—The plan shall be consistent*
22 *with the management program developed*
23 *pursuant to subsection (d).*

24 “(iii) *COOPERATIVE AGREEMENT.—To*
25 *the extent generally authorized at other*

1 *units of the National Forest System, the*
2 *Secretary shall provide the services to be*
3 *carried out pursuant to the plan under a*
4 *cooperative agreement entered into between*
5 *the Secretary and the Trust.*

6 *“(B) REIMBURSABLE SERVICES.—To the ex-*
7 *tent generally authorized at other units of the*
8 *National Forest System and subject to the avail-*
9 *ability of appropriations under section 111(a),*
10 *the Secretary shall provide presuppression and*
11 *nonemergency rehabilitation and restoration*
12 *services for the Trust at any time on a reimburs-*
13 *able basis.”*

14 *(b) The amendments made by subsection (a) take effect*
15 *on January 1, 2005.*

16 *SEC. 429. None of the funds made available to the For-*
17 *est Service under this Act shall be expended or obligated*
18 *for the demolition of buildings at the Zephyr Shoals prop-*
19 *erty, Lake Tahoe, Nevada.*

20 *SEC. 430. Section 114 of the Department of the Inte-*
21 *rior and Related Agencies Appropriations Act, 2003 (16*
22 *U.S.C. 460bb–3; Public Law 108–7), is amended—*

23 *(1) in the second sentence, by inserting “, includ-*
24 *ing utility expenses of the National Park Service or*

1 *lessees of the National Park Service” after “Fort*
2 *Baker properties”; and*

3 *(2) by inserting between the first and second sen-*
4 *tences the following: “In furtherance of a lease entered*
5 *into under the first sentence, the Secretary of the Inte-*
6 *rior or a lessee may impose fees on overnight lodgers*
7 *at Fort Baker properties.”.*

8 *SEC. 431. (a) Section 813(a) of the Federal Lands*
9 *Recreation Enhancement Act (16 U.S.C. 6812(a)) is*
10 *amended by striking “and (i)” and inserting “and (i) (ex-*
11 *cept for paragraph (1)(C))”.*

12 *(b) Section 4(i)(1)(C)(i) of the Land and Water Con-*
13 *servation Fund Act of 1965 (16 U.S.C. 460l-6a(i)(1)(C)(i))*
14 *is amended—*

15 *(1) by striking “Notwithstanding subparagraph*
16 *(A)” and all that follows through “or section 107”*
17 *and inserting “Notwithstanding section 107”; and*

18 *(2) by striking “account under subparagraph*
19 *(A)” and inserting “account under section 807(a) of*
20 *the Federal Lands Recreation Enhancement Act (16*
21 *U.S.C. 6806(a))”.*

22 *(c) Except as provided in this section, section*
23 *4(i)(1)(C) of the Land and Water Conservation Fund Act*
24 *of 1965 (16 U.S.C. 460l-6a(i)(1)(C)) shall be applied and*
25 *administered as if section 813(a) of the Federal Lands*

1 *Recreation Enhancement Act (16 U.S.C. 6812(a)) (and the*
2 *amendments made by that section) had not been enacted.*

3 *(d) This section and the amendments made by this sec-*
4 *tion take effect on December 8, 2004.*

5 *SEC. 432. Section 323(a) of the Department of the In-*
6 *terior and Related Agencies Appropriations Act, 1999 (16*
7 *U.S.C. 1011 note; Public Law 105–277), is amended by*
8 *striking “fiscal year 1999” and all that follows through*
9 *“2005” and inserting “for each of fiscal years 2006 through*
10 *2015”.*

11 *SEC. 433. CONGRESSIONAL SECURITY RELATING TO*
12 *CERTAIN REAL PROPERTY. (a) IN GENERAL.—Except as*
13 *provided under subsection (b)—*

14 *(1) the District of Columbia Board of Zoning*
15 *Adjustments and the District of Columbia Zoning*
16 *Commission may not take any action to grant any*
17 *variance relating to the property located at 51 Lou-*
18 *isiana Avenue NW, Square 631, Lot 17 in the Dis-*
19 *trict of Columbia; and*

20 *(2) if any variance described under paragraph*
21 *(1) is granted before the effective date of this section,*
22 *such variance shall be set aside and shall have no*
23 *force or effect.*

1 (b) *CONDITIONS FOR VARIANCE.*—*A variance described*
2 *under subsection (a) may be granted or shall be given force*
3 *or effect if—*

4 (1) *the Capitol Police Board makes a determina-*
5 *tion that any such variance shall not—*

6 (A) *negatively impact congressional secu-*
7 *rity; and*

8 (B) *increase Federal expenditures relating*
9 *to congressional security;*

10 (2) *the Majority and Minority Leaders of the*
11 *Senate and the Speaker and Minority Leader of the*
12 *House of Representatives approve such determination;*
13 *and*

14 (3) *the Capitol Police Board certifies the deter-*
15 *mination in writing to the District of Columbia*
16 *Board of Zoning Adjustments and the District of Co-*
17 *lumbia Zoning Commission.*

18 (c) *EFFECTIVE DATE.*—*This section shall take effect*
19 *on the date of enactment of this Act and apply to the re-*
20 *maining portion of the fiscal year in which enacted and*
21 *each fiscal year thereafter.*

22 *SEC. 434. BISCUIT FIRE RECOVERY PROJECT, RE-*
23 *PORT. (a) Within 90 days of enactment of this Act, the Sec-*
24 *retary of Agriculture shall submit to Congress a report re-*

1 *garding the rehabilitation of the Biscuit Fire area in south-*
2 *ern Oregon, including:*

3 (1) *the change in reforestation capabilities and*
4 *costs between the date of the containment of the Bis-*
5 *cuit Fire and the completion of the Biscuit Fire Re-*
6 *covery Project, as detailed in the Record of Decision;*

7 (2) *the commercial value lost, as well as recov-*
8 *ered, of fire-killed timber within the Biscuit Fire*
9 *area; and*

10 (3) *all actions included in the Record of Decision*
11 *for the Biscuit Fire Recovery Project, but forgone be-*
12 *cause of delay or funding shortfall.*

13 *SEC. 435. None of the funds made available by this*
14 *Act may be used in contravention of, or to delay the imple-*
15 *mentation of, Executive Order No. 12898 of February 11,*
16 *1994 (59 Fed. Reg. 7629; relating to Federal actions to ad-*
17 *dress environmental justice in minority populations and*
18 *low-income populations).*

19 *SEC. 436. None of the funds made available in this*
20 *Act may be used in contravention of 15 U.S.C. § 2682(c)(3)*
21 *or to delay the implementation of that section.*

22 *SEC. 437. (a) FINDINGS.—The Senate makes the fol-*
23 *lowing findings:*

1 (1) *The on-budget deficit for fiscal year 2005 is*
2 *estimated to be \$541,000,000,000 according to the*
3 *Congressional Budget Office.*

4 (2) *Total publicly-held Federal debt on which the*
5 *American taxpayer pays interest is expected to reach*
6 *\$6,000,000,000,000 by 2011 according to the Congres-*
7 *sional Budget Office.*

8 (3) *The United States and its allies are cur-*
9 *rently engaged in a global war on terrorism.*

10 (b) *SENSE OF THE SENATE.— It is the sense of the*
11 *Senate that:*

12 (1) *The servicemen and women of the United*
13 *States Armed Forces deserve the full support of the*
14 *Senate as they seek to preserve the safety and security*
15 *of the American people.*

16 (2) *Activities relating to the defense of the*
17 *United States and the global war on terror should be*
18 *fully funded.*

19 (3) *Activities relating to the defense of the*
20 *United States and the global war on terror should not*
21 *be underfunded in order to support increased Federal*
22 *spending on non-defense discretionary activities.*

23 *SEC. 438. Section 5(c) of the National Trails System*
24 *Act (16 U.S.C. 1244(c)) is amended by adding at the end*
25 *the following:*

1 “(43)(A) *The Captain John Smith Chesapeake Na-*
2 *tional Historic Watertrail, a series of routes extending ap-*
3 *proximately 3000 miles along the Chesapeake Bay and the*
4 *tributaries of the Chesapeake Bay in the States of Virginia,*
5 *Maryland, Pennsylvania, and Delaware and the District*
6 *of Columbia that traces Captain John Smith’s voyages*
7 *charting the land and waterways of the Chesapeake Bay*
8 *and the tributaries of the Chesapeake Bay.*

9 “(B) *The study shall be conducted in consultation with*
10 *Federal, State, regional, and local agencies and representa-*
11 *tives of the private sector, including the entities responsible*
12 *for administering—*

13 “(i) *the Chesapeake Bay Gateways and*
14 *Watertrails Network authorized under the Chesapeake*
15 *Bay Initiative Act of 1998 (16 U.S.C. 461 note; Pub-*
16 *lic Law 105–312); and*

17 “(ii) *the Chesapeake Bay Program authorized*
18 *under section 117 of the Federal Water Pollution Con-*
19 *trol Act (33 U.S.C. 1267).”.*

20 *SEC. 439. (a) From the money in the Treasury not*
21 *otherwise obligated or appropriated, there are appropriated*
22 *to the Department of Veterans Affairs \$1,500,000,000 for*
23 *the fiscal year ending September 30, 2005, for medical serv-*
24 *ices provided by the Veterans Health Administration, which*
25 *shall be available until expended.*

1 (b) *The amount appropriated under subsection (a)—*

2 (1) *is designated as an emergency requirement*
 3 *pursuant to section 402 of H. Con. Res. 95 (109th*
 4 *Congress); and*

5 (2) *shall remain available until expended.*

6 (c) *This section shall take effect on the date of enact-*
 7 *ment of this Act.*

8 *TITLE V—FACILITY REALIGNMENT AND*
 9 *ENHANCEMENT ACT OF 2005*

10 *SEC. 501. SHORT TITLE. This title may be cited as*
 11 *the “Forest Service Facility Realignment and Enhancement*
 12 *Act of 2005”.*

13 *SEC. 502. DEFINITIONS. In this title:*

14 (1) *ADMINISTRATIVE SITE.—*

15 (A) *IN GENERAL.—The term “administra-*
 16 *tive site” means—*

17 (i) *any facility or improvement, in-*
 18 *cluding curtilage that was acquired or is*
 19 *used specifically for purposes of administra-*
 20 *tion of the National Forest System; and*

21 (ii) *any associated Federal land nec-*
 22 *essary to include for efficient administra-*
 23 *tion of the National Forest System that was*
 24 *acquired or is utilized specifically for pur-*
 25 *poses of administration of Forest Service*

1 *activities and underlies or abuts an admin-*
2 *istrative facility, improvement, or curtilage;*
3 *or*

4 *(iii) up to 10 isolated parcels of not*
5 *more than 80 acres which were acquired for*
6 *administrative purposes but have not been*
7 *utilized, such as vacant town lots outside of*
8 *a National Forest proclaimed boundary.*

9 *(B) INCLUSIONS.—The term “administra-*
10 *tive site” includes—*

11 *(i) a forest headquarters;*

12 *(ii) a ranger station;*

13 *(iii) a research station or laboratory;*

14 *(iv) a dwelling;*

15 *(v) a warehouse;*

16 *(vi) a scaling station;*

17 *(vii) a fire-retardant mixing station;*

18 *(viii) a lookout;*

19 *(ix) a visitor center;*

20 *(x) a guard station;*

21 *(xi) a storage facility;*

22 *(xii) a telecommunication facility; and*

23 *(xiii) other administrative installa-*
24 *tions for conducting Forest Service activi-*
25 *ties.*

1 (C) *EXCLUSIONS.*—*Federal land to be con-*
2 *veyed under this Act shall not include—*

3 (i) *any area within a unit of the Na-*
4 *tional Forest System specifically designated*
5 *for resource protection, conservation, or rec-*
6 *reational purposes, including land within*
7 *the National Wilderness Preservation Sys-*
8 *tem, the Wild and Scenic River System,*
9 *and National Monuments; or*

10 (ii) *land that is needed for resource*
11 *management purposes or that would be in*
12 *the public interest to retain.*

13 (2) *ADMINISTRATOR.*—*The term “Adminis-*
14 *trator” means the Administrator of the General Serv-*
15 *ices Administration.*

16 (3) *MARKET ANALYSIS.*—*The term “market anal-*
17 *ysis” means the identification and study of the real*
18 *estate market for a particular economic good or serv-*
19 *ice.*

20 (4) *SECRETARY.*—*The term “Secretary” means*
21 *the Secretary of Agriculture.*

22 *SEC. 503. AUTHORIZATION OF CONVEYANCES. (a) IN*
23 *GENERAL.*—*For fiscal years 2006–2009, the Secretary may*
24 *convey, by sale, lease, exchange, a combination of sales and*

1 *exchanges, or by other means, any administrative site or*
2 *interest in an administrative site that is—*

3 *(1) except for those administrative sites described*
4 *in section 502(1)(A)(iii), less than 40 acres for each*
5 *administrative site or compound of administrative*
6 *sites; and*

7 *(2) under the jurisdiction of the Secretary.*

8 *(b) LEAD-BASED PAINT AND ASBESTOS ABATE-*
9 *MENT.—*

10 *(1) IN GENERAL.—Notwithstanding any other*
11 *provisions of law, in any conveyance under subsection*
12 *(a), the Secretary shall not be required to mitigate or*
13 *abate lead-based paint or asbestos-containing building*
14 *materials with respect to the administrative site con-*
15 *veyed.*

16 *(2) NOTICE.—Notwithstanding paragraph (1), if*
17 *the administrative site being conveyed has lead-based*
18 *paint or asbestos-containing building materials, the*
19 *Secretary shall—*

20 *(A) provide to the person acquiring the ad-*
21 *ministrative site notice of the presence of lead-*
22 *based paint or asbestos-containing material; and*

23 *(B) obtain from the person acquiring the*
24 *administrative site a written assurance that the*
25 *person will comply with applicable Federal,*

1 *State, and local laws relating to the management*
2 *of the lead-based paint or asbestos-containing*
3 *materials.*

4 *(c) FEDERAL PROPERTY AND ADMINISTRATIVE SERV-*
5 *ICES.—A conveyance under this section shall not be subject*
6 *to subchapter I of chapter 5, title 40, United States Code.*

7 *(d) NOTICE TO CONGRESS.—At least once a year, the*
8 *Secretary shall submit to the Committee on Appropriations*
9 *and the Committee on Resources of the House of Representa-*
10 *tives and the Committee on Appropriations and the Com-*
11 *mittee on Energy and Natural Resources of the Senate no-*
12 *tice of any conveyances under this section.*

13 *(e) ENVIRONMENTAL REVIEW.—In any environmental*
14 *review or analysis required under the National Environ-*
15 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the*
16 *disposal of an administrative site under this section, the*
17 *Secretary shall only consider or analyze the most reason-*
18 *ably foreseeable use of the administrative site as determined*
19 *through a market analysis and whether to reserve any right,*
20 *title, or interest in the administrative site under subsection*
21 *(f)(3).*

22 *(f) CONFIGURATION OF LAND.—*

23 *(1) IN GENERAL.—To facilitate a conveyance*
24 *under this section, the Secretary may configure the*
25 *administrative site to be conveyed to—*

1 (A) maximize the marketability of the ad-
2 ministrative site; and

3 (B) achieve management objectives.

4 (2) *IMPROVEMENTS.*—Improvements to the ad-
5 ministrative site to be conveyed may be severed from
6 the land and disposed of in separate conveyances.

7 (3) *RESERVATION.*—In any disposition of an ad-
8 ministrative site under this section, the Secretary
9 may reserve any right, title, and interest in and to
10 the administrative site that the Secretary determines
11 to be necessary, including—

12 (A) a reservation of water rights;

13 (B) a right-of-way; and

14 (C) a utility easement.

15 (g) *CONSIDERATION.*—

16 (1) *AMOUNT.*—In consideration for a conveyance
17 authorized under subsection (a), the purchaser shall
18 pay to the Secretary the amount that is equal to the
19 fair market value of the administrative site conveyed,
20 as provided in paragraph (3).

21 (2) *APPRAISAL.*—The Secretary shall determine
22 fair market value by—

23 (A) conducting an appraisal that is per-
24 formed in accordance with the Uniform Ap-
25 praisal Standards for Federal Land Acquisitions

1 *and the Uniform Standards of Professional Ap-*
2 *praisal practice; or*

3 *(B) competitive sale.*

4 (3) *FORM.—*

5 *(A) SALE.—Consideration for a sale under*
6 *this section shall be paid in cash on conveyance*
7 *of the administrative site.*

8 *(B) EXCHANGE.—*

9 *(i) EQUAL IN VALUE.—Consideration*
10 *for an exchange of land or an improvement*
11 *to land under this section shall be in the*
12 *form of a conveyance of land or improve-*
13 *ment that is equal in value to the adminis-*
14 *trative site conveyed.*

15 *(ii) NOT EQUAL IN VALUE.—If the val-*
16 *ues of land or improvements to be ex-*
17 *changed under this Act and described in*
18 *clause (i) are not equal, the values may be*
19 *equalized by—*

20 *(I) the Secretary making a cash*
21 *payment to the purchaser;*

22 *(II) the purchaser making a cash*
23 *equalization payment to the Secretary;*
24 *or*

1 (III) reducing the value of the ad-
2 ministrative site or the non-Federal
3 land or improvements, as appropriate.

4 (h) *REJECTION OF OFFERS.*—The Secretary shall re-
5 ject any offer made under this section if the Secretary deter-
6 mines that the offer is not—

7 (1) adequate to provide market value under sub-
8 section (g)(1); or

9 (2) in the public interest.

10 (i) *BROKERAGE SERVICES.*—The Secretary may use
11 the proceeds of sales or exchanges under this section to pay
12 reasonable commissions or fees for brokerage services if the
13 Secretary determines that the services are in the public in-
14 terest.

15 (j) *DISPOSITION OF PROCEEDS.*—

16 (1) *IN GENERAL.*—After deducting any costs of
17 the Secretary relating to a conveyance, the Secretary
18 shall deposit the proceeds from the conveyance in the
19 fund established under Public Law 90–171 (com-
20 monly known as the “Sisk Act”) (16 U.S.C. 484a).

21 (2) *USE.*—Amounts deposited under paragraph
22 (1) shall remain available to the Secretary until ex-
23 pended, without further appropriation, to pay any
24 necessary and incidental costs of the Secretary for the
25 acquisition, improvement, deferred maintenance, con-

1 *struction of new facilities; and disposition of admin-*
2 *istrative sites and capital improvements on National*
3 *Forest System land.*

4 *(k) CONSULTATION WITH ADMINISTRATOR.—As ap-*
5 *propriate, the Secretary is encouraged to work with the Ad-*
6 *ministrator with respect to the conveyance of administra-*
7 *tive sites.*

8 *SEC. 504. WORKING CAPITAL FUND. (a) IN GEN-*
9 *ERAL.—Section 13 of the Department of Agriculture Or-*
10 *ganic Act of 1956 (16 U.S.C. 579b) is amended to read as*
11 *follows:*

12 **“SEC. 13. WORKING CAPITAL FUND.**

13 *“(a) ESTABLISHMENT.—There is established a working*
14 *capital fund (referred to in this section as the ‘Fund’),*
15 *which shall be available without fiscal year limitation.*

16 *“(b) USE.—Amounts in the Fund shall be used to pay*
17 *the costs of purchasing, constructing, performing capital re-*
18 *pairs on, renovating, rehabilitating, disposing, or replacing*
19 *buildings and to carry out deferred maintenance and im-*
20 *provements to land for programs of the Forest Service, sub-*
21 *ject to any limitations in appropriations for the Forest*
22 *Service.*

23 *“(c) TRANSFER AND CAPITALIZATION.—The Secretary*
24 *of Agriculture (referred to in this section as the ‘Secretary’)*
25 *may—*

1 “(1) transfer to the Fund, without reimburse-
2 ment, and capitalize in the Fund at fair and reason-
3 able values, any receivables, inventories, equipment,
4 buildings, improvements, and other assets as the Sec-
5 retary determines to be appropriate; and

6 “(2) assume the liabilities associated with the as-
7 sets transferred under paragraph (1).

8 “(d) *ADVANCE PAYMENTS.*—The fund shall be credited
9 with advance payments in connection with firm orders and
10 reimbursements from appropriations and funds of the For-
11 est Service, other departmental and Federal agencies, and
12 from other sources, as authorized by law, at rates approxi-
13 mately equal to the cost of furnishing the facilities and serv-
14 ice.”.

15 (b) *SAVINGS CLAUSE.*—The amendment made by sub-
16 section (a) shall not affect the status of funds and assets
17 in the working capital fund established by section 13 of the
18 Department of Agriculture Organic Act of 1956 (16 U.S.C.
19 579b) as in effect on the date of enactment of this section.

Attest:

Secretary.

109TH CONGRESS
1ST SESSION

H. R. 2361

AMENDMENT