

Calendar No. 125

109TH CONGRESS
1ST SESSION**H.R. 2361****[Report No. 109–80]**

IN THE SENATE OF THE UNITED STATES

MAY 20, 2005

Received; read twice and referred to the Committee on Appropriations

JUNE 10, 2005

Reported, under authority of the order of the Senate of January 4, 2005, by
Mr. BURNS, with an amendment

[Strike all after the enacting clause and insert the part printed in italic]

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 ~~That the following sums are appropriated, out of any~~
4 ~~money in the Treasury not otherwise appropriated, for the~~
5 ~~Department of the Interior, environment, and related~~
6 ~~agencies for the fiscal year ending September 30, 2006,~~
7 ~~and for 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, classi-
6 fication, acquisition of easements and other interests in
7 lands, and performance of other functions, including main-
8 tenance of facilities, as authorized by law, in the manage-
9 ment of lands and their resources under the jurisdiction
10 of the Bureau of Land Management, including the general
11 administration of the Bureau, and assessment of mineral
12 potential of public lands pursuant to Public Law 96-487
13 (16 U.S.C. 3150(a)), \$845,783,000, to remain available
14 until expended, of which \$1,000,000 is for high priority
15 projects, to be carried out by the Youth Conservation
16 Corps; and of which \$3,000,000 shall be available in fiscal
17 year 2006 subject to a match by at least an equal amount
18 by the National Fish and Wildlife Foundation for cost-
19 shared projects supporting conservation of Bureau lands;
20 and such funds shall be advanced to the Foundation as
21 a lump sum grant without regard to when expenses are
22 incurred.

23 In addition, \$32,696,000 is for Mining Law Adminis-
24 tration program operations, including the cost of admin-
25 istering the mining claim fee program; to remain available

1 until expended, to be reduced by amounts collected by the
2 Bureau and credited to this appropriation from annual
3 mining claim fees so as to result in a final appropriation
4 estimated at not more than \$845,783,000, and
5 \$2,000,000, to remain available until expended, from com-
6 munication site rental fees established by the Bureau for
7 the cost of administering communication site activities.

8 WILDLAND FIRE MANAGEMENT

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses for fire preparedness, sup-
11 pression operations, fire science and research, emergency
12 rehabilitation, hazardous fuels reduction, and rural fire as-
13 sistance by the Department of the Interior, \$761,564,000,
14 to remain available until expended, of which not to exceed
15 \$7,849,000 shall be for the renovation or construction of
16 fire facilities: *Provided*, That such funds are also available
17 for repayment of advances to other appropriation accounts
18 from which funds were previously transferred for such
19 purposes: *Provided further*, That persons hired pursuant
20 to 43 U.S.C. 1469 may be furnished subsistence and lodg-
21 ing without cost from funds available from this appropria-
22 tion: *Provided further*, That notwithstanding 42 U.S.C.
23 1856d, sums received by a bureau or office of the Depart-
24 ment of the Interior for fire protection rendered pursuant
25 to 42 U.S.C. 1856 et seq., protection of United States
26 property, may be credited to the appropriation from which

1 funds were expended to provide that protection, and are
2 available without fiscal year limitation: *Provided further,*
3 That using the amounts designated under this title of this
4 Act, the Secretary of the Interior may enter into procure-
5 ment contracts, grants, or cooperative agreements, for
6 hazardous fuels reduction activities, and for training and
7 monitoring associated with such hazardous fuels reduction
8 activities, on Federal land, or on adjacent non-Federal
9 land for activities that benefit resources on Federal land:
10 *Provided further,* That the costs of implementing any co-
11 operative agreement between the Federal Government and
12 any non-Federal entity may be shared, as mutually agreed
13 on by the affected parties: *Provided further,* That notwith-
14 standing requirements of the Competition in Contracting
15 Act, the Secretary, for purposes of hazardous fuels reduc-
16 tion activities, may obtain maximum practicable competi-
17 tion among: (1) local private, nonprofit, or cooperative en-
18 tities; (2) Youth Conservation Corps crews or related part-
19 nerships with State, local, or non-profit youth groups; (3)
20 small or micro-businesses; or (4) other entities that will
21 hire or train locally a significant percentage, defined as
22 50 percent or more, of the project workforce to complete
23 such contracts: *Provided further,* That in implementing
24 this section, the Secretary shall develop written guidance
25 to field units to ensure accountability and consistent appli-

1 cation of the authorities provided herein: *Provided further,*
2 That funds appropriated under this head may be used to
3 reimburse the United States Fish and Wildlife Service and
4 the National Marine Fisheries Service for the costs of ear-
5 rying out their responsibilities under the Endangered Spe-
6 cies Act of 1973 (16 U.S.C. 1531 et seq.) to consult and
7 conference, as required by section 7 of such Act, in con-
8 nection with wildland fire management activities: *Provided*
9 *further,* That the Secretary of the Interior may use
10 wildland fire appropriations to enter into non-competitive
11 sole source leases of real property with local governments,
12 at or below fair market value, to construct capitalized im-
13 provements for fire facilities on such leased properties, in-
14 cluding but not limited to fire guard stations, retardant
15 stations, and other initial attack and fire support facilities,
16 and to make advance payments for any such lease or for
17 construction activity associated with the lease: *Provided*
18 *further,* That the Secretary of the Interior and the Sec-
19 retary of Agriculture may authorize the transfer of funds
20 appropriated for wildland fire management, in an aggre-
21 gate amount not to exceed \$9,000,000, between the De-
22 partments when such transfers would facilitate and expe-
23 dite jointly funded wildland fire management programs
24 and projects: *Provided further,* That funds provided for

1 wildfire suppression shall be available for support of Fed-
2 eral emergency response actions.

3 CONSTRUCTION

4 For construction of buildings, recreation facilities,
5 roads, trails, and appurtenant facilities, \$11,476,000, to
6 remain available until expended.

7 LAND ACQUISITION

8 For expenses necessary to carry out sections 205,
9 206, and 318(d) of Public Law 94-579, including admin-
10 istrative expenses and acquisition of lands or waters, or
11 interests therein, \$3,817,000, to be derived from the Land
12 and Water Conservation Fund and to remain available
13 until expended.

14 OREGON AND CALIFORNIA GRANT LANDS

15 For expenses necessary for management, protection,
16 and development of resources and for construction, oper-
17 ation, and maintenance of access roads, reforestation, and
18 other improvements on the revested Oregon and California
19 Railroad grant lands, on other Federal lands in the Or-
20 egon and California land-grant counties of Oregon, and
21 on adjacent rights-of-way; and acquisition of lands or in-
22 terests therein, including existing connecting roads on or
23 adjacent to such grant lands; \$110,070,000, to remain
24 available until expended: *Provided*, That 25 percent of the
25 aggregate of all receipts during the current fiscal year
26 from the revested Oregon and California Railroad grant

1 lands is hereby made a charge against the Oregon and
2 California land-grant fund and shall be transferred to the
3 General Fund in the Treasury in accordance with the sec-
4 ond paragraph of subsection (b) of title II of the Act of
5 August 28, 1937 (50 Stat. 876).

6 FOREST ECOSYSTEM HEALTH AND RECOVERY FUND
7 (REVOLVING FUND, SPECIAL ACCOUNT)

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

20 RANGE IMPROVEMENTS

21 For rehabilitation, protection, and acquisition of
22 lands and interests therein, and improvement of Federal
23 rangelands pursuant to section 401 of the Federal Land
24 Policy and Management Act of 1976 (43 U.S.C. 1701),
25 notwithstanding any other Act, sums equal to 50 percent
26 of all moneys received during the prior fiscal year under

1 sections ~~3~~ and ~~15~~ of the Taylor Grazing Act (~~43~~ U.S.C.
2 ~~315~~ et seq.) and the amount designated for range improve-
3 ments from grazing fees and mineral leasing receipts from
4 Bankhead-Jones lands transferred to the Department of
5 the Interior pursuant to law, but not less than
6 \$10,000,000, to remain available until expended: *Pro-*
7 *vided*, That not to exceed \$600,000 shall be available for
8 administrative expenses.

9 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

10 For administrative expenses and other costs related
11 to processing application documents and other authoriza-
12 tions for use and disposal of public lands and resources,
13 for costs of providing copies of official public land docu-
14 ments, for monitoring construction, operation, and termi-
15 nation of facilities in conjunction with use authorizations,
16 and for rehabilitation of damaged property, such amounts
17 as may be collected under Public Law ~~94-579~~, as amend-
18 ed, and Public Law ~~93-153~~, to remain available until ex-
19 pended: *Provided*, That, notwithstanding any provision to
20 the contrary of section ~~305(a)~~ of Public Law ~~94-579~~ (~~43~~
21 U.S.C. ~~1735(a)~~), any moneys that have been or will be
22 received pursuant to that section, whether as a result of
23 forfeiture, compromise, or settlement, if not appropriate
24 for refund pursuant to section ~~305(e)~~ of that Act (~~43~~
25 U.S.C. ~~1735(e)~~), shall be available and may be expended
26 under the authority of this Act by the Secretary to im-

1 prove, protect, or rehabilitate any public lands adminis-
2 tered through the Bureau of Land Management which
3 have been damaged by the action of a resource developer,
4 purchaser, permittee, or any unauthorized person, without
5 regard to whether all moneys collected from each such ac-
6 tion are used on the exact lands damaged which led to
7 the action: *Provided further*, That any such moneys that
8 are in excess of amounts needed to repair damage to the
9 exact land for which funds were collected may be used to
10 repair other damaged public lands.

11 MISCELLANEOUS TRUST FUNDS

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

20 ADMINISTRATIVE PROVISIONS

21 Appropriations for the Bureau of Land Management
22 shall be available for purchase, erection, and dismantling
23 of temporary structures, and alteration and mainte-
24 nance of necessary buildings and appurtenant facilities to
25 which the United States has title; up to \$100,000 for pay-
26 ments, at the discretion of the Secretary, for information

1 or evidence concerning violations of laws administered by
2 the Bureau; miscellaneous and emergency expenses of en-
3 forcement activities authorized or approved by the Sec-
4 retary and to be accounted for solely on her certificate;
5 not to exceed \$10,000: *Provided*, That notwithstanding 44
6 U.S.C. 501, the Bureau may, under cooperative cost-shar-
7 ing and partnership arrangements authorized by law, pro-
8 cure printing services from cooperators in connection with
9 jointly produced publications for which the cooperators
10 share the cost of printing either in cash or in services,
11 and the Bureau determines the cooperator is capable of
12 meeting accepted quality standards.

13 UNITED STATES FISH AND WILDLIFE SERVICE

14 RESOURCE MANAGEMENT

15 For necessary expenses of the United States Fish and
16 Wildlife Service, as authorized by law, and for scientific
17 and economic studies, maintenance of the herd of long-
18 horned cattle on the Wichita Mountains Wildlife Refuge,
19 general administration, and for the performance of other
20 authorized functions related to such resources by direct
21 expenditure, contracts, grants, cooperative agreements
22 and reimbursable agreements with public and private enti-
23 ties, \$1,005,225,000, to remain available until September
24 30, 2007, except as otherwise provided herein: *Provided*,
25 That \$2,000,000 is for high priority projects, which shall

1 be carried out by the Youth Conservation Corps: *Provided*
2 *further*, That not to exceed \$18,130,000 shall be used for
3 implementing subsections (a), (b), (c), and (e) of section
4 4 of the Endangered Species Act, as amended, for species
5 that are indigenous to the United States (except for proe-
6 essing petitions, developing and issuing proposed and final
7 regulations, and taking any other steps to implement ac-
8 tions described in subsection (e)(2)(A), (e)(2)(B)(i), or
9 (e)(2)(B)(ii)), of which not to exceed \$12,852,000 shall
10 be used for any activity regarding the designation of crit-
11 ical habitat, pursuant to subsection (a)(3), excluding liti-
12 gation support, for species listed pursuant to subsection
13 (a)(1) prior to October 1, 2005: *Provided further*, That
14 of the amount available for law enforcement, up to
15 \$400,000, to remain available until expended, may, at the
16 discretion of the Secretary, be used for payment for infor-
17 mation, rewards, or evidence concerning violations of laws
18 administered by the Service, and miscellaneous and emer-
19 gency expenses of enforcement activity, authorized or ap-
20 proved by the Secretary and to be accounted for solely on
21 her certificate: *Provided further*, That of the amount pro-
22 vided for environmental contaminants, up to \$1,000,000
23 may remain available until expended for contaminant sam-
24 ple analyses.

1 CONSTRUCTION

2 For construction, improvement, acquisition, or re-
3 moval of buildings and other facilities required in the con-
4 servation, management, investigation, protection, and uti-
5 lization of fishery and wildlife resources, and the acquisi-
6 tion of lands and interests therein; \$41,206,000, to remain
7 available until expended.

8 LAND ACQUISITION

9 For expenses necessary to carry out the Land and
10 Water Conservation Fund Act of 1965, as amended (16
11 U.S.C. 4601-4 through 11), including administrative ex-
12 penses, and for acquisition of land or waters, or interest
13 therein, in accordance with statutory authority applicable
14 to the United States Fish and Wildlife Service,
15 \$14,937,000 to be derived from the Land and Water Con-
16 servation Fund and to remain available until expended:
17 *Provided*, That land and non-water interests acquired
18 from willing sellers incidental to water rights acquired for
19 the transfer and use at Lower Klamath and Tule Lake
20 National Wildlife Refuges under this heading shall be re-
21 sold and the revenues therefrom shall be credited to this
22 account and shall be available without further appropria-
23 tion for the acquisition of water rights, including acquisi-
24 tion of interests in lands incidental to such water rights,
25 for the two refuges: *Provided further*, That none of the
26 funds appropriated for specific land acquisition projects

1 can be used to pay for any administrative overhead, plan-
2 ning or other management costs.

3 LANDOWNER INCENTIVE PROGRAM

4 For expenses necessary to carry out the Land and
5 Water Conservation Fund Act of 1965, as amended (16
6 U.S.C. 4601–4 through 11), including administrative ex-
7 penses, and for private conservation efforts to be carried
8 out on private lands, \$23,700,000, to be derived from the
9 Land and Water Conservation Fund, and to remain avail-
10 able until expended: *Provided*, That the amount provided
11 herein is for a Landowner Incentive Program established
12 by the Secretary that provides matching, competitively
13 awarded grants to States, the District of Columbia, feder-
14 ally recognized Indian tribes, Puerto Rico, Guam, the
15 United States Virgin Islands, the Northern Mariana Is-
16 lands, and American Samoa, to establish or supplement
17 existing landowner incentive programs that provide tech-
18 nical and financial assistance, including habitat protection
19 and restoration, to private landowners for the protection
20 and management of habitat to benefit federally listed, pro-
21 posed, candidate, or other at-risk species on private lands.

22 PRIVATE STEWARDSHIP GRANTS

23 For expenses necessary to carry out the Land and
24 Water Conservation Fund Act of 1965, as amended (16
25 U.S.C. 4601–4 through 11), including administrative ex-
26 penses, and for private conservation efforts to be carried

1 out on private lands, \$7,386,000, to be derived from the
2 Land and Water Conservation Fund, and to remain avail-
3 able until expended: *Provided*, That the amount provided
4 herein is for the Private Stewardship Grants Program es-
5 tablished by the Secretary to provide grants and other as-
6 sistance to individuals and groups engaged in private con-
7 servation efforts that benefit federally listed, proposed,
8 candidate, or other at-risk species.

9 COOPERATIVE ENDANGERED SPECIES CONSERVATION
10 FUND

11 For expenses necessary to carry out section 6 of the
12 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
13 as amended, \$84,400,000, of which \$20,161,000 is to be
14 derived from the Cooperative Endangered Species Con-
15 servation Fund and \$64,239,000 is to be derived from the
16 Land and Water Conservation Fund and to remain avail-
17 able until expended.

18 NATIONAL WILDLIFE REFUGE FUND

19 For expenses necessary to implement the Act of Octo-
20 ber 17, 1978 (16 U.S.C. 715s), \$14,414,000.

21 NORTH AMERICAN WETLANDS CONSERVATION FUND

22 For expenses necessary to carry out the provisions
23 of the North American Wetlands Conservation Act, Public
24 Law 101-233, as amended, \$40,000,000 to remain avail-
25 able until expended.

1 NEOTROPICAL MIGRATORY BIRD CONSERVATION

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

7 MULTINATIONAL SPECIES CONSERVATION FUND

8 For expenses necessary to carry out the African Ele-
9 phant Conservation Act (16 U.S.C. 4201–4203, 4211–
10 4213, 4221–4225, 4241–4245, and 1538), the Asian Ele-
11 phant Conservation Act of 1997 (Public Law 105–96; 16
12 U.S.C. 4261–4266), the Rhinoceros and Tiger Conserva-
13 tion Act of 1994 (16 U.S.C. 5301–5306), the Great Ape
14 Conservation Act of 2000 (16 U.S.C. 6301), and, the Ma-
15 rine Turtle Conservation Act of 2004 (Public Law 108–
16 266; 16 U.S.C. 6601), \$5,900,000, to remain available
17 until expended.

18 STATE AND TRIBAL WILDLIFE GRANTS

19 For wildlife conservation grants to States and to the
20 District of Columbia, Puerto Rico, Guam, the United
21 States Virgin Islands, the Northern Mariana Islands,
22 American Samoa, and federally recognized Indian tribes
23 under the provisions of the Fish and Wildlife Act of 1956
24 and the Fish and Wildlife Coordination Act, for the devel-
25 opment and implementation of programs for the benefit
26 of wildlife and their habitat, including species that are not

1 hunted or fished, \$65,000,000, to be derived from the
2 Land and Water Conservation Fund, and to remain avail-
3 able until expended: *Provided*, That of the amount pro-
4 vided herein, \$6,000,000 is for a competitive grant pro-
5 gram for Indian tribes not subject to the remaining provi-
6 sions of this appropriation: *Provided further*, That the Sec-
7 retary shall, after deducting said \$6,000,000 and adminis-
8 trative expenses, apportion the amount provided herein in
9 the following manner: (1) to the District of Columbia and
10 to the Commonwealth of Puerto Rico, each a sum equal
11 to not more than one-half of 1 percent thereof; and (2)
12 to Guam, American Samoa, the United States Virgin Is-
13 lands, and the Commonwealth of the Northern Mariana
14 Islands, each a sum equal to not more than one-fourth
15 of 1 percent thereof: *Provided further*, That the Secretary
16 shall apportion the remaining amount in the following
17 manner: (1) one-third of which is based on the ratio to
18 which the land area of such State bears to the total land
19 area of all such States; and (2) two-thirds of which is
20 based on the ratio to which the population of such State
21 bears to the total population of all such States: *Provided*
22 *further*, That the amounts apportioned under this para-
23 graph shall be adjusted equitably so that no State shall
24 be apportioned a sum which is less than 1 percent of the
25 amount available for apportionment under this paragraph

1 for any fiscal year or more than 5 percent of such amount:
2 *Provided further*, That the Federal share of planning
3 grants shall not exceed 75 percent of the total costs of
4 such projects and the Federal share of implementation
5 grants shall not exceed 50 percent of the total costs of
6 such projects: *Provided further*, That the non-Federal
7 share of such projects may not be derived from Federal
8 grant programs: *Provided further*, That no State, terri-
9 tory, or other jurisdiction shall receive a grant unless it
10 has developed, by October 1, 2005, a comprehensive wild-
11 life conservation plan, consistent with criteria established
12 by the Secretary of the Interior, that considers the broad
13 range of the State, territory, or other jurisdiction's wildlife
14 and associated habitats, with appropriate priority placed
15 on those species with the greatest conservation need and
16 taking into consideration the relative level of funding
17 available for the conservation of those species: *Provided*
18 *further*, That no State, territory, or other jurisdiction shall
19 receive a grant if its comprehensive wildlife conservation
20 plan is disapproved and such funds that would have been
21 distributed to such State, territory, or other jurisdiction
22 shall be distributed equitably to States, territories, and
23 other jurisdictions with approved plans: *Provided further*,
24 That any amount apportioned in 2006 to any State, terri-
25 tory, or other jurisdiction that remains unobligated as of

1 September 30, 2007, shall be reapportioned, together with
2 funds appropriated in 2008, in the manner provided here-
3 in: *Provided further*, That balances from amounts pre-
4 viously appropriated under the heading “State Wildlife
5 Grants” shall be transferred to and merged with this ap-
6 propriation and shall remain available until expended.

7 ADMINISTRATIVE PROVISIONS

8 Appropriations and funds available to the United
9 States Fish and Wildlife Service shall be available for pur-
10 chase of passenger motor vehicles; repair of damage to
11 public roads within and adjacent to reservation areas
12 caused by operations of the Service; options for the pur-
13 chase of land at not to exceed \$1 for each option; facilities
14 incident to such public recreational uses on conservation
15 areas as are consistent with their primary purpose; and
16 the maintenance and improvement of aquaria, buildings,
17 and other facilities under the jurisdiction of the Service
18 and to which the United States has title, and which are
19 used pursuant to law in connection with management, and
20 investigation of fish and wildlife resources: *Provided*, That
21 notwithstanding 44 U.S.C. 501, the Service may, under
22 cooperative cost sharing and partnership arrangements
23 authorized by law, procure printing services from coopera-
24 tors in connection with jointly produced publications for
25 which the cooperators share at least one-half the cost of
26 printing either in cash or services and the Service deter-

1 mines the cooperator is capable of meeting accepted qual-
2 ity standards: *Provided further*, That, notwithstanding any
3 other provision of law, the Service may use up to
4 \$2,000,000 from funds provided for contracts for employ-
5 ment-related legal services: *Provided further*, That the
6 Service may accept donated aircraft as replacements for
7 existing aircraft: *Provided further*, That, notwithstanding
8 any other provision of law, the Secretary of the Interior
9 may not spend any of the funds appropriated in this Act
10 for the purchase of lands or interests in lands to be used
11 in the establishment of any new unit of the National Wild-
12 life Refuge System unless the purchase is approved in ad-
13 vance by the House and Senate Committees on Appropria-
14 tions in compliance with the reprogramming procedures
15 contained in House Report 108-330.

16 NATIONAL PARK SERVICE

17 OPERATION OF THE NATIONAL PARK SYSTEM

18 For expenses necessary for the management, oper-
19 ation, and maintenance of areas and facilities adminis-
20 tered by the National Park Service (including special road
21 maintenance service to trucking permittees on a reimburs-
22 able basis), and for the general administration of the Na-
23 tional Park Service, \$1,754,199,000, of which
24 \$30,000,000 is provided above the budget request to be
25 distributed to all park areas on a pro-rate basis and to

1 remain in the park base; of which \$9,892,000 is for plan-
2 ning and interagency coordination in support of Ever-
3 glades restoration and shall remain available until ex-
4 pended; of which \$97,600,000, to remain available until
5 September 30, 2007, is for maintenance, repair or reha-
6 bilitation projects for constructed assets, operation of the
7 National Park Service automated facility management
8 software system, and comprehensive facility condition as-
9 sessments; of which \$1,937,000 is for the Youth Conserva-
10 tion Corps for high priority projects: *Provided*, That the
11 only funds in this account which may be made available
12 to support United States Park Police are those funds ap-
13 proved for emergency law and order incidents pursuant
14 to established National Park Service procedures, those
15 funds needed to maintain and repair United States Park
16 Police administrative facilities, and those funds necessary
17 to reimburse the United States Park Police account for
18 the unbudgeted overtime and travel costs associated with
19 special events for an amount not to exceed \$10,000 per
20 event subject to the review and concurrence of the Wash-
21 ington headquarters office.

22 UNITED STATES PARK POLICE

23 For expenses necessary to carry out the programs of
24 the United States Park Police, \$82,411,000.

1 NATIONAL RECREATION AND PRESERVATION

2 For expenses necessary to carry out recreation pro-
3 grams, natural programs, cultural programs, heritage
4 partnership programs, environmental compliance and re-
5 view, international park affairs, and grant administration,
6 not otherwise provided for, \$48,997,000: *Provided*, That
7 none of the funds in this Act for the River, Trails and
8 Conservation Assistance program may be used for cash
9 agreements, or for cooperative agreements that are incon-
10 sistent with the program's final strategic plan.

11 HISTORIC PRESERVATION FUND

12 For expenses necessary in carrying out the Historic
13 Preservation Act of 1966, as amended (16 U.S.C. 470),
14 and the Omnibus Parks and Public Lands Management
15 Act of 1996 (Public Law 104-333), \$72,705,000, to be
16 derived from the Historic Preservation Fund, to remain
17 available until September 30, 2007, of which \$30,000,000
18 shall be for Save America's Treasures for preservation of
19 nationally significant sites, structures, and artifacts: *Pro-*
20 *vided*, That any individual Save America's Treasures
21 grant shall be matched by non-Federal funds: *Provided*
22 *further*, That individual projects shall only be eligible for
23 one grant: *Provided further*, That all projects to be funded
24 shall be approved by the Secretary of the Interior in con-
25 sultation with the House and Senate Committees on Ap-
26 propriations and the President's Committee on the Arts

1 and Humanities prior to the commitment of Save Amer-
2 ica's Treasures grant funds: *Provided further*, That Save
3 America's Treasures funds allocated for Federal projects,
4 following approval, shall be available by transfer to appro-
5 priate accounts of individual agencies: *Provided further*,
6 That hereinafter and notwithstanding 20 U.S.C. 951 et
7 seq. the National Endowment for the Arts may award
8 Save America's Treasures grants based upon the rec-
9 ommendations of the Save America's Treasures grant se-
10 lection panel convened by the President's Committee on
11 the Arts and the Humanities and the National Park Serv-
12 ice.

13 CONSTRUCTION

14 For construction, improvements, repair or replace-
15 ment of physical facilities, including the modifications au-
16 thorized by section 104 of the Everglades National Park
17 Protection and Expansion Act of 1989, \$308,230,000, to
18 remain available until expended, of which \$17,000,000 for
19 modified water deliveries to Everglades National Park
20 shall be derived by transfer from unobligated balances in
21 the "Land Acquisition and State Assistance" account for
22 Everglades National Park land acquisitions: *Provided*,
23 That none of the funds available to the National Park
24 Service may be used to plan, design, or construct any part-
25 nership project with a total value in excess of \$5,000,000,
26 without advance approval of the House and Senate Com-

1 mittees on Appropriations: *Provided further*, That, not-
 2 withstanding any other provision of law, the National
 3 Park Service may not accept donations or services associ-
 4 ated with the planning, design, or construction of such
 5 new facilities without advance approval of the House and
 6 Senate Committees on Appropriations: *Provided further*,
 7 That funds provided under this heading for implementa-
 8 tion of modified water deliveries to Everglades National
 9 Park shall be expended consistent with the requirements
 10 of the fifth proviso under this heading in Public Law 108-
 11 108: *Provided further*, That none of the funds provided
 12 in this or any other Act may be used for planning, design,
 13 or construction of any underground security screening or
 14 visitor contact facility at the Washington Monument until
 15 such facility has been approved in writing by the House
 16 and Senate Committees on Appropriations.

17 LAND AND WATER CONSERVATION FUND

18 (RESCISSION)

19 The contract authority provided for fiscal year 2006
 20 by 16 U.S.C. 4601-10a is rescinded.

21 LAND ACQUISITION AND STATE ASSISTANCE

22 For expenses necessary to carry out the Land and
 23 Water Conservation Act of 1965, as amended (16 U.S.C.
 24 4601-4 through 11), including administrative expenses,
 25 and for acquisition of lands or waters, or interest therein,
 26 in accordance with the statutory authority applicable to

1 the National Park Service, \$9,421,000, to be derived from
2 the Land and Water Conservation Fund and to remain
3 available until expended, of which \$1,587,000 is for the
4 administration of the State assistance program.

5 ADMINISTRATIVE PROVISIONS

6 Appropriations for the National Park Service shall be
7 available for the purchase of not to exceed 245 passenger
8 motor vehicles, of which 199 shall be for replacement only,
9 including not to exceed 193 for police-type use, 10 buses,
10 and 8 ambulances: *Provided*, That none of the funds ap-
11 propriated to the National Park Service may be used to
12 process any grant or contract documents which do not in-
13 clude the text of 18 U.S.C. 1913: *Provided further*, That
14 none of the funds appropriated to the National Park Serv-
15 ice may be used to implement an agreement for the rede-
16 velopment of the southern end of Ellis Island until such
17 agreement has been submitted to the Congress and shall
18 not be implemented prior to the expiration of 30 calendar
19 days (not including any day in which either House of Con-
20 gress is not in session because of adjournment of more
21 than 3 calendar days to a day certain) from the receipt
22 by the Speaker of the House of Representatives and the
23 President of the Senate of a full and comprehensive report
24 on the development of the southern end of Ellis Island,
25 including the facts and circumstances relied upon in sup-
26 port of the proposed project: *Provided further*, That in fis-

1 cal year 2006 and thereafter, appropriations available to
2 the National Park Service may be used to maintain the
3 following areas in Washington, District of Columbia:
4 Jackson Place, Madison Place, and Pennsylvania Avenue
5 between 15th and 17th Streets, Northwest.

6 None of the funds in this Act may be spent by the
7 National Park Service for activities taken in direct re-
8 sponse to the United Nations Biodiversity Convention.

9 The National Park Service may distribute to oper-
10 ating units based on the safety record of each unit the
11 costs of programs designed to improve workplace and em-
12 ployee safety, and to encourage employees receiving work-
13 ers' compensation benefits pursuant to chapter 81 of title
14 5, United States Code, to return to appropriate positions
15 for which they are medically able.

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

1 In addition to other uses set forth in section 407(d)
2 of Public Law 105-391, franchise fees credited to a sub-
3 account shall be available for expenditure by the Sec-
4 retary, without further appropriation, for use at any unit
5 within the National Park System to extinguish or reduce
6 liability for Possessory Interest or leasehold surrender in-
7 terest. Such funds may only be used for this purpose to
8 the extent that the benefiting unit anticipated franchise
9 fee receipts over the term of the contract at that unit ex-
10 ceed the amount of funds used to extinguish or reduce
11 liability. Franchise fees at the benefiting unit shall be
12 credited to the sub-account of the originating unit over
13 a period not to exceed the term of a single contract at
14 the benefiting unit, in the amount of funds so expended
15 to extinguish or reduce liability.

16 UNITED STATES GEOLOGICAL SURVEY

17 SURVEYS, INVESTIGATIONS, AND RESEARCH

18 For expenses necessary for the United States Geo-
19 logical Survey to perform surveys, investigations, and re-
20 search covering topography, geology, hydrology, biology,
21 and the mineral and water resources of the United States,
22 its territories and possessions, and other areas as author-
23 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
24 to their mineral and water resources; give engineering su-
25 pervision to power permittees and Federal Energy Regu-

1 latory Commission licensees; administer the minerals ex-
2 ploration program (30 U.S.C. 641); publish and dissemi-
3 nate data relative to the foregoing activities; and to con-
4 duct inquiries into the economic conditions affecting min-
5 ing and materials processing industries (30 U.S.C. 3, 21a,
6 and 1603; 50 U.S.C. 98g(1)) and related purposes as au-
7 thorized by law and to publish and disseminate data;
8 \$974,586,000, of which \$63,770,000 shall be available
9 only for cooperation with States or municipalities for
10 water resources investigations; of which \$8,000,000 shall
11 remain available until expended for satellite operations; of
12 which \$23,320,000 shall be available until September 30,
13 2007, for the operation and maintenance of facilities and
14 deferred maintenance; of which \$1,600,000 shall be avail-
15 able until expended for deferred maintenance and capital
16 improvement projects that exceed \$100,000 in cost; and
17 of which \$174,765,000 shall be available until September
18 30, 2007, for the biological research activity and the oper-
19 ation of the Cooperative Research Units: *Provided*, That
20 none of the funds provided for the biological research ac-
21 tivity shall be used to conduct new surveys on private
22 property, unless specifically authorized in writing by the
23 property owner: *Provided further*, That no part of this ap-
24 propriation shall be used to pay more than one-half the
25 cost of topographic mapping or water resources data col-

1 lection and investigations carried on in cooperation with
2 States and municipalities.

3 ADMINISTRATIVE PROVISIONS

4 The amount appropriated for the United States Geo-
5 logical Survey shall be available for the purchase and re-
6 placement of passenger motor vehicles; reimbursement to
7 the General Services Administration for security guard
8 services; contracting for the furnishing of topographic
9 maps and for the making of geophysical or other special-
10 ized surveys when it is administratively determined that
11 such procedures are in the public interest; construction
12 and maintenance of necessary buildings and appurtenant
13 facilities; acquisition of lands for gauging stations and ob-
14 servation wells; expenses of the United States National
15 Committee on Geology; and payment of compensation and
16 expenses of persons on the rolls of the Survey duly ap-
17 pointed to represent the United States in the negotiation
18 and administration of interstate compacts: *Provided*, That
19 activities funded by appropriations herein made may be
20 accomplished through the use of contracts, grants, or co-
21 operative agreements as defined in 31 U.S.C. 6302 et seq.:
22 *Provided further*, That the United States Geological Sur-
23 vey may enter into contracts or cooperative agreements
24 directly with individuals or indirectly with institutions or
25 nonprofit organizations, without regard to 41 U.S.C. 5,
26 for the temporary or intermittent services of students or

1 recent graduates, who shall be considered employees for
2 the purpose of chapters 57 and 81 of title 5, United States
3 Code, relating to compensation for travel and work inju-
4 ries, and chapter 171 of title 28, United States Code, re-
5 lating to tort claims, but shall not be considered to be Fed-
6 eral employees for any other purposes.

7 MINERALS MANAGEMENT SERVICE

8 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

9 For expenses necessary for minerals leasing and envi-
10 ronmental studies, regulation of industry operations, and
11 collection of royalties, as authorized by law; for enforcing
12 laws and regulations applicable to oil, gas, and other min-
13 erals leases, permits, licenses and operating contracts; and
14 for matching grants or cooperative agreements; including
15 the purchase of not to exceed eight passenger motor vehi-
16 cles for replacement only, \$152,676,000, of which
17 \$77,529,000 shall be available for royalty management ac-
18 tivities; and an amount not to exceed \$122,730,000, to
19 be credited to this appropriation and to remain available
20 until expended, from additions to receipts resulting from
21 increases to rates in effect on August 5, 1993, from rate
22 increases to fee collections for Outer Continental Shelf ad-
23 ministrative activities performed by the Minerals Manage-
24 ment Service (MMS) over and above the rates in effect
25 on September 30, 1993, and from additional fees for

1 Outer Continental Shelf administrative activities estab-
2 lished after September 30, 1993: *Provided*, That to the
3 extent \$122,730,000 in additions to receipts are not real-
4 ized from the sources of receipts stated above, the amount
5 needed to reach \$122,730,000 shall be credited to this ap-
6 propriation from receipts resulting from rental rates for
7 Outer Continental Shelf leases in effect before August 5,
8 1993: *Provided further*, That \$3,000,000 for computer ac-
9 quisitions shall remain available until September 30,
10 2007: *Provided further*, That not to exceed \$3,000 shall
11 be available for reasonable expenses related to promoting
12 volunteer beach and marine cleanup activities: *Provided*
13 *further*, That notwithstanding any other provision of law,
14 \$15,000 under this heading shall be available for refunds
15 of overpayments in connection with certain Indian leases
16 in which the Director of MMS concurred with the claimed
17 refund due, to pay amounts owed to Indian allottees or
18 tribes, or to correct prior unrecoverable erroneous pay-
19 ments: *Provided further*, That in fiscal year 2006 and
20 thereafter, the MMS may under the royalty-in-kind pro-
21 gram, or under its authority to transfer oil to the Strategic
22 Petroleum Reserve, use a portion of the revenues from
23 royalty-in-kind sales, without regard to fiscal year limita-
24 tion, to pay for transportation to wholesale market centers
25 or upstream pooling points, to process or otherwise dispose

1 of royalty production taken in kind, and to recover MMS
 2 transportation costs, salaries, and other administrative
 3 costs directly related to the royalty-in-kind program: *Pro-*
 4 *vided further,* That MMS shall analyze and document the
 5 expected return in advance of any royalty-in-kind sales to
 6 assure to the maximum extent practicable that royalty in-
 7 come under the program is equal to or greater than roy-
 8 alty income recognized under a comparable royalty-in-
 9 value program.

10 OIL SPILL RESEARCH

11 For necessary expenses to carry out title I, section
 12 1016, title IV, sections 4202 and 4303, title VII, and title
 13 VIII, section 8201 of the Oil Pollution Act of 1990,
 14 \$7,006,000, which shall be derived from the Oil Spill Li-
 15 ability Trust Fund, to remain available until expended.

16 OFFICE OF SURFACE MINING RECLAMATION AND
 17 ENFORCEMENT

18 REGULATION AND TECHNOLOGY

19 For necessary expenses to carry out the provisions
 20 of the Surface Mining Control and Reclamation Act of
 21 1977, Public Law 95-87, as amended, including the pur-
 22 chase of not to exceed 10 passenger motor vehicles, for
 23 replacement only, \$110,435,000: *Provided,* That the Sec-
 24 retary of the Interior, pursuant to regulations, may use
 25 directly or through grants to States, moneys collected in
 26 fiscal year 2006 for civil penalties assessed under section

1 518 of the Surface Mining Control and Reclamation Act
2 of 1977 (30 U.S.C. 1268), to reclaim lands adversely af-
3 fected by coal mining practices after August 3, 1977, to
4 remain available until expended: *Provided further*, That
5 appropriations for the Office of Surface Mining Reclama-
6 tion and Enforcement may provide for the travel and per
7 diem expenses of State and tribal personnel attending Of-
8 fice of Surface Mining Reclamation and Enforcement
9 sponsored training.

10 **ABANDONED MINE RECLAMATION FUND**

11 For necessary expenses to carry out title IV of the
12 Surface Mining Control and Reclamation Act of 1977,
13 Public Law 95-87, as amended, including the purchase
14 of not more than 10 passenger motor vehicles for replace-
15 ment only, \$188,014,000, to be derived from receipts of
16 the Abandoned Mine Reclamation Fund and to remain
17 available until expended; of which up to \$10,000,000, to
18 be derived from the Federal Expenses Share of the Fund,
19 shall be for supplemental grants to States for the reclama-
20 tion of abandoned sites with acid mine rock drainage from
21 coal mines, and for associated activities, through the Ap-
22 palachian Clean Streams Initiative: *Provided*, That grants
23 to minimum program States will be \$1,500,000 per State
24 in fiscal year 2006: *Provided further*, That pursuant to
25 Public Law 97-365, the Department of the Interior is au-
26 thorized to use up to 20 percent from the recovery of the

1 delinquent debt owed to the United States Government to
2 pay for contracts to collect these debts: *Provided further*,
3 That funds made available under title IV of Public Law
4 95–87 may be used for any required non-Federal share
5 of the cost of projects funded by the Federal Government
6 for the purpose of environmental restoration related to
7 treatment or abatement of acid mine drainage from aban-
8 doned mines: *Provided further*, That such projects must
9 be consistent with the purposes and priorities of the Sur-
10 face Mining Control and Reclamation Act: *Provided fur-*
11 *ther*, That amounts allocated under section 402(g)(2) of
12 the Surface Mining Control and Reclamation Act of 1977
13 (30 U.S.C. 1232(g)(2)) as of September 30, 2005, but not
14 appropriated as of that date, are reallocated to the alloca-
15 tion established in section 402(g)(3) of the Surface Mining
16 Control and Reclamation Act of 1977 (30 U.S.C.
17 1232(g)(3)): *Provided further*, That amounts provided
18 under this heading may be used for the travel and per
19 diem expenses of State and tribal personnel attending Of-
20 fice of Surface Mining Reclamation and Enforcement
21 sponsored training.

22 ADMINISTRATIVE PROVISIONS

23 With funds available for the Technical Innovation
24 and Professional Services program in this Act, the Sec-
25 retary may transfer title for computer hardware, software

1 and other technical equipment to State and Tribal regu-
2 latory and reclamation programs.

3 BUREAU OF INDIAN AFFAIRS

4 OPERATION OF INDIAN PROGRAMS

5 For expenses necessary for the operation of Indian
6 programs, as authorized by law, including the Snyder Act
7 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
8 termination and Education Assistance Act of 1975 (25
9 U.S.C. 450 et seq.), as amended, the Education Amend-
10 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
11 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
12 as amended, \$1,992,737,000, to remain available until
13 September 30, 2007 except as otherwise provided herein,
14 of which not to exceed \$86,462,000 shall be for welfare
15 assistance payments and notwithstanding any other provi-
16 sion of law, including but not limited to the Indian Self-
17 Determination Act of 1975, as amended, not to exceed
18 \$134,609,000 shall be available for payments to tribes and
19 tribal organizations for contract support costs associated
20 with ongoing contracts, grants, compacts, or annual fund-
21 ing agreements entered into with the Bureau prior to or
22 during fiscal year 2006, as authorized by such Act, of
23 which \$129,609,000 shall be available for indirect contract
24 support costs and \$5,000,000 shall be available for direct
25 contract support costs, except that tribes and tribal orga-

1 nizations may use their tribal priority allocations for
2 unmet contract support costs of ongoing contracts, grants,
3 or compacts, or annual funding agreements and for unmet
4 welfare assistance costs; and of which not to exceed
5 \$478,085,000 for school operations costs of Bureau-fund-
6 ed schools and other education programs shall become
7 available on July 1, 2006; and shall remain available until
8 September 30, 2007; and of which not to exceed
9 \$61,267,000 shall remain available until expended for
10 housing improvement, road maintenance, attorney fees,
11 litigation support, the Indian Self-Determination Fund,
12 land records improvement, and the Navajo-Hopi Settle-
13 ment Program: *Provided*, That notwithstanding any other
14 provision of law, including but not limited to the Indian
15 Self-Determination Act of 1975, as amended, and 25
16 U.S.C. 2008, not to exceed \$44,718,000 within and only
17 from such amounts made available for school operations
18 shall be available to tribes and tribal organizations for ad-
19 ministrative cost grants associated with ongoing grants
20 entered into with the Bureau prior to or during fiscal year
21 2005 for the operation of Bureau-funded schools, and up
22 to \$500,000 within and only from such amounts made
23 available for school operations shall be available for the
24 transitional costs of initial administrative cost grants to
25 tribes and tribal organizations that enter into grants for

1 the operation on or after July 1, 2005, of Bureau-operated
2 schools: *Provided further*, That any forestry funds allo-
3 cated to a tribe which remain unobligated as of September
4 30, 2007, may be transferred during fiscal year 2008 to
5 an Indian forest land assistance account established for
6 the benefit of such tribe within the tribe's trust fund ac-
7 count: *Provided further*, That any such unobligated bal-
8 ances 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 engineer-
14 ing services by contract; acquisition of lands, and interests
15 in lands; and preparation of lands for farming, and for
16 construction of the Navajo Indian Irrigation Project pur-
17 suant to Public Law 87-483, \$284,137,000, to remain
18 available until expended: *Provided*, That such amounts as
19 may be available for the construction of the Navajo Indian
20 Irrigation Project may be transferred to the Bureau of
21 Reclamation: *Provided further*, That not to exceed 6 per-
22 cent of contract authority available to the Bureau of In-
23 dian Affairs from the Federal Highway Trust Fund may
24 be used to cover the road program management costs of
25 the Bureau: *Provided further*, That any funds provided for
26 the Safety of Dams program pursuant to 25 U.S.C. 13

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

1 ensure timely completion of replacement school construc-
2 tion projects, the Secretary may assume control of a
3 project and all funds related to the project, if, within
4 eighteen months of the date of enactment of this Act, any
5 tribe or tribal organization receiving funds appropriated
6 in this Act or in any prior Act, has not completed the
7 planning and design phase of the project and commenced
8 construction of the replacement school: *Provided further,*
9 That this Appropriation may be reimbursed from the Of-
10 fice of the Special Trustee for American Indians Appro-
11 priation for the appropriate share of construction costs for
12 space expansion needed in agency offices to meet trust re-
13 form implementation.

14 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
15 MISCELLANEOUS PAYMENTS TO INDIANS

16 For miscellaneous payments to Indian tribes and in-
17 dividuals and for necessary administrative expenses,
18 \$34,754,000, to remain available until expended, for im-
19 plementation of Indian land and water claim settlements
20 pursuant to Public Laws 99-264, 100-580, 101-618,
21 106-554, 107-331, and 108-34, and for implementation
22 of other land and water rights settlements, of which
23 \$10,000,000 shall be available for payment to the
24 Quinault Indian Nation pursuant to the terms of the
25 North Boundary Settlement Agreement dated July 14,

1 2000, providing for the acquisition of perpetual conserva-
2 tion easements from the Nation.

3 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

4 For the cost of guaranteed and insured loans,
5 \$6,348,000, of which \$701,000 is for administrative ex-
6 penses, as authorized by the Indian Financing Act of
7 1974, as amended: *Provided*, That such costs, including
8 the cost of modifying such loans, shall be as defined in
9 section 502 of the Congressional Budget Act of 1974: *Pro-*
10 *vided further*, That these funds are available to subsidize
11 total loan principal, any part of which is to be guaranteed,
12 not to exceed \$118,884,000.

13 ADMINISTRATIVE PROVISIONS

14 The Bureau of Indian Affairs may carry out the oper-
15 ation of Indian programs by direct expenditure, contracts,
16 cooperative agreements, compacts and grants, either di-
17 rectly or in cooperation with States and other organiza-
18 tions.

19 Notwithstanding 25 U.S.C. 15, the Bureau of Indian
20 Affairs may contract for services in support of the man-
21 agement, operation, and maintenance of the Power Divi-
22 sion of the San Carlos Irrigation Project.

23 Appropriations for the Bureau of Indian Affairs (ex-
24 cept the revolving fund for loans, the Indian loan guar-
25 antee and insurance fund, and the Indian Guaranteed
26 Loan Program account) shall be available for expenses of

1 exhibits, and purchase and replacement of passenger
2 motor vehicles.

3 Notwithstanding any other provision of law, no funds
4 available to the Bureau of Indian Affairs for central office
5 operations or pooled overhead general administration (ex-
6 cept facilities operations and maintenance) shall be avail-
7 able for tribal contracts, grants, compacts, or cooperative
8 agreements with the Bureau of Indian Affairs under the
9 provisions of the Indian Self-Determination Act or the
10 Tribal Self-Governance Act of 1994 (Public Law 103-
11 413).

12 In the event any tribe returns appropriations made
13 available by this Act to the Bureau of Indian Affairs for
14 distribution to other tribes, this action shall not diminish
15 the Federal Government's trust responsibility to that
16 tribe, or the government-to-government relationship be-
17 tween the United States and that tribe, or that tribe's abil-
18 ity to access future appropriations.

19 Notwithstanding any other provision of law, no funds
20 available to the Bureau, other than the amounts provided
21 herein for assistance to public schools under 25 U.S.C.
22 452 et seq., shall be available to support the operation of
23 any elementary or secondary school in the State of Alaska.

24 Appropriations made available in this or any other
25 Act for schools funded by the Bureau shall be available

1 only to the schools in the Bureau school system as of Sep-
2 tember 1, 1996. No funds available to the Bureau shall
3 be used to support expanded grades for any school or dor-
4 mitory beyond the grade structure in place or approved
5 by the Secretary of the Interior at each school in the Bu-
6 reau school system as of October 1, 1995. Funds made
7 available under this Act may not be used to establish a
8 charter school at a Bureau-funded school (as that term
9 is defined in section 1146 of the Education Amendments
10 of 1978 (25 U.S.C. 2026)), except that a charter school
11 that is in existence on the date of the enactment of this
12 Act and that has operated at a Bureau-funded school be-
13 fore September 1, 1999, may continue to operate during
14 that period, but only if the charter school pays to the Bu-
15 reau a pro rata share of funds to reimburse the Bureau
16 for the use of the real and personal property (including
17 buses and vans); the funds of the charter school are kept
18 separate and apart from Bureau funds, and the Bureau
19 does not assume any obligation for charter school pro-
20 grams of the State in which the school is located if the
21 charter school loses such funding. Employees of Bureau-
22 funded schools sharing a campus with a charter school and
23 performing functions related to the charter school's oper-
24 ation and employees of a charter school shall not be treat-

1 ed as Federal employees for purposes of chapter 171 of
2 title 28, United States Code.

3 Notwithstanding any other provision of law, including
4 section 113 of title I of appendix C of Public Law 106-
5 113, if a tribe or tribal organization in fiscal year 2003
6 or 2004 received indirect and administrative costs pursu-
7 ant to a distribution formula based on section 5(f) of Pub-
8 lic Law 101-301, the Secretary shall continue to dis-
9 tribute indirect and administrative cost funds to such tribe
10 or tribal organization using the section 5(f) distribution
11 formula.

12 DEPARTMENTAL OFFICES

13 INSULAR AFFAIRS

14 ASSISTANCE TO TERRITORIES

15 For expenses necessary for assistance to territories
16 under the jurisdiction of the Department of the Interior,
17 \$76,563,000, of which: (1) \$69,182,000 shall be available
18 until expended for technical assistance, including mainte-
19 nance assistance, disaster assistance, insular management
20 controls, coral reef initiative activities, and brown tree
21 snake control and research; grants to the judiciary in
22 American Samoa for compensation and expenses, as au-
23 thorized by law (48 U.S.C. 1661(e)); grants to the Govern-
24 ment of American Samoa, in addition to current local rev-
25 enues, for construction and support of governmental func-

1 tions; grants to the Government of the Virgin Islands as
2 authorized by law; grants to the Government of Guam,
3 as authorized by law; and grants to the Government of
4 the Northern Mariana Islands as authorized by law (Pub-
5 lie Law 94-241; 90 Stat. 272); and (2) \$7,381,000 shall
6 be available for salaries and expenses of the Office of Insu-
7 lar Affairs: *Provided*, That all financial transactions of the
8 territorial and local governments herein provided for, in-
9 cluding such transactions of all agencies or instrumental-
10 ities established or used by such governments, may be au-
11 dited by the Government Accountability Office, at its dis-
12 cretion, in accordance with chapter 35 of title 31, United
13 States Code: *Provided further*, That Northern Mariana Is-
14 lands Covenant grant funding shall be provided according
15 to those terms of the Agreement of the Special Represent-
16 atives on Future United States Financial Assistance for
17 the Northern Mariana Islands approved by Public Law
18 104-134: *Provided further*, That of the amounts provided
19 for technical assistance, sufficient funds shall be made
20 available for a grant to the Pacific Basin Development
21 Council: *Provided further*, That of the amounts provided
22 for technical assistance, sufficient funding shall be made
23 available for a grant to the Close Up Foundation: *Provided*
24 *further*, That the funds for the program of operations and
25 maintenance improvement are appropriated to institu-

1 tionalize routine operations and maintenance improvement
2 of capital infrastructure with territorial participation and
3 cost sharing to be determined by the Secretary based on
4 the grantee's commitment to timely maintenance of its
5 capital assets: *Provided further*, That any appropriation
6 for disaster assistance under this heading in this Act or
7 previous appropriations Acts may be used as non-Federal
8 matching funds for the purpose of hazard mitigation
9 grants provided pursuant to section 404 of the Robert T.
10 Stafford Disaster Relief and Emergency Assistance Act
11 (42 U.S.C. 5170e).

12 COMPACT OF FREE ASSOCIATION

13 For grants and necessary expenses, \$5,362,000, to
14 remain available until expended, as provided for in sec-
15 tions 221(a)(2), 221(b), and 233 of the Compact of Free
16 Association for the Republic of Palau, and section
17 221(a)(2) of the Compacts of Free Association for the
18 Government of the Republic of the Marshall Islands, and
19 the Government of the United States and the Federated
20 States of Micronesia, as authorized by Public Law 99-
21 658 and Public Law 108-188.

22 DEPARTMENTAL MANAGEMENT

23 SALARIES AND EXPENSES

24 For necessary expenses for management of the De-
25 partment of the Interior, \$118,755,000 (reduced by
26 \$8,000,000) (reduced by \$13,000,000) of which not to ex-

1 exceed \$8,500 may be for official reception and representa-
2 tion expenses; and of which up to \$1,000,000 shall be
3 available for workers compensation payments and unem-
4 ployment compensation payments associated with the or-
5 derly closure of the United States Bureau of Mines: *Pro-*
6 *vided*, That none of the funds in this or previous appro-
7 priations Acts may be used to establish any additional re-
8 serves in the Working Capital Fund account other than
9 the two authorized reserves without prior approval of the
10 House and Senate Committees on Appropriations.

11 PAYMENTS IN LIEU OF TAXES

12 For expenses necessary to implement the Act of Octo-
13 ber 20, 1976, as amended (31 U.S.C. 6901–6907),
14 \$230,000,000 (increased by \$12,000,000), of which not
15 to exceed \$400,000 shall be available for administrative
16 expenses: *Provided*, That no payment shall be made to oth-
17 erwise eligible units of local government if the computed
18 amount of the payment is less than \$100.

19 CENTRAL HAZARDOUS MATERIALS FUND

20 For necessary expenses of the Department of the In-
21 terior and any of its component offices and bureaus for
22 the remedial action, including associated activities, of haz-
23 ardous waste substances, pollutants, or contaminants pur-
24 suant to the Comprehensive Environmental Response,
25 Compensation, and Liability Act, as amended (42 U.S.C.
26 9601 et seq.); \$9,855,000, to remain available until ex-

1 pended: *Provided*, That, notwithstanding 31 U.S.C. 3302,
 2 sums recovered from or paid by a party in advance of or
 3 as reimbursement for remedial action or response activi-
 4 ties conducted by the Department pursuant to section 107
 5 or 113(f) of such Act, shall be credited to this account,
 6 to be available until expended without further appropria-
 7 tion: *Provided further*, That such sums recovered from or
 8 paid by any party are not limited to monetary payments
 9 and may include stocks, bonds or other personal or real
 10 property, which may be retained, liquidated, or otherwise
 11 disposed of by the Secretary and which shall be credited
 12 to this account.

13 OFFICE OF THE SOLICITOR

14 SALARIES AND EXPENSES

15 For necessary expenses of the Office of the Solicitor,
 16 \$55,340,000.

17 OFFICE OF INSPECTOR GENERAL

18 SALARIES AND EXPENSES

19 For necessary expenses of the Office of Inspector
 20 General, \$39,566,000.

21 OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

22 FEDERAL TRUST PROGRAMS

23 For the operation of trust programs for Indians by
 24 direct expenditure, contracts, cooperative agreements,
 25 compacts, and grants, \$191,593,000, to remain available

1 until expended, of which not to exceed \$58,000,000 from
2 this or any other Act, shall be available for historical ac-
3 counting: *Provided*, That funds for trust management im-
4 provements and litigation support may, as needed, be
5 transferred to or merged with the Bureau of Indian Af-
6 fairs, "Operation of Indian Programs" account; the Office
7 of the Solicitor, "Salaries and Expenses" account; and the
8 Departmental Management, "Salaries and Expenses" ac-
9 count: *Provided further*, That funds made available to
10 Tribes and Tribal organizations through contracts or
11 grants obligated during fiscal year 2006, as authorized by
12 the Indian Self-Determination Act of 1975 (25 U.S.C. 450
13 et seq.), shall remain available until expended by the con-
14 tractor or grantee: *Provided further*, That, notwith-
15 standing any other provision of law, the statute of limita-
16 tions shall not commence to run on any claim, including
17 any claim in litigation pending on the date of the enact-
18 ment of this Act, concerning losses to or mismanagement
19 of trust funds, until the affected tribe or individual Indian
20 has been furnished with an accounting of such funds from
21 which the beneficiary can determine whether there has
22 been a loss: *Provided further*, That, notwithstanding any
23 other provision of law, the Secretary shall not be required
24 to provide a quarterly statement of performance for any
25 Indian trust account that has not had activity for at least

1 18 months and has a balance of \$1.00 or less: *Provided*
2 *further*, That the Secretary shall issue an annual account
3 statement and maintain a record of any such accounts and
4 shall permit the balance in each such account to be with-
5 drawn upon the express written request of the account
6 holder: *Provided further*, That not to exceed \$50,000 is
7 available for the Secretary to make payments to correct
8 administrative errors of either disbursements from or de-
9 posits to Individual Indian Money or Tribal accounts after
10 September 30, 2002: *Provided further*, That erroneous
11 payments that are recovered shall be credited to and re-
12 main available in this account for this purpose.

13 **INDIAN LAND CONSOLIDATION**

14 For consolidation of fractional interests in Indian
15 lands and expenses associated with redetermining and re-
16 distributing escheated interests in allotted lands, and for
17 necessary expenses to carry out the Indian Land Consoli-
18 dation Act of 1983, as amended, by direct expenditure or
19 cooperative agreement, \$34,514,000, to remain available
20 until expended, and which may be transferred to the Bu-
21 reau of Indian Affairs and Departmental Management ac-
22 counts: *Provided*, That funds provided under this heading
23 may be expended pursuant to the authorities contained in
24 the provisos under the heading "Office of Special Trustee
25 for American Indians, Indian Land Consolidation" of the

1 Interior and Related Agencies Appropriations Act, 2001
2 (Public Law 106–291).

3 ~~NATURAL RESOURCES DAMAGE ASSESSMENT AND~~
4 ~~RESTORATION~~

5 ~~NATURAL RESOURCE DAMAGE ASSESSMENT FUND~~

6 ~~To conduct natural resource damage assessment and~~
7 ~~restoration activities by the Department of the Interior~~
8 ~~necessary to carry out the provisions of the Comprehensive~~
9 ~~Environmental Response, Compensation, and Liability~~
10 ~~Act, as amended (42 U.S.C. 9601 et seq.), Federal Water~~
11 ~~Pollution Control Act, as amended (33 U.S.C. 1251 et~~
12 ~~seq.); the Oil Pollution Act of 1990 (Public Law 101–380)~~
13 ~~(33 U.S.C. 2701 et seq.), and Public Law 101–337, as~~
14 ~~amended (16 U.S.C. 19jj et seq.), \$6,106,000, to remain~~
15 ~~available until expended.~~

16 ~~ADMINISTRATIVE PROVISIONS~~

17 ~~There is hereby authorized for acquisition from avail-~~
18 ~~able resources within the Working Capital Fund, 15 air-~~
19 ~~craft, 10 of which shall be for replacement and which may~~
20 ~~be obtained by donation, purchase or through available ex-~~
21 ~~cess surplus property: *Provided*, That existing aircraft~~
22 ~~being replaced may be sold, with proceeds derived or~~
23 ~~trade-in value used to offset the purchase price for the~~
24 ~~replacement aircraft: *Provided further*, That no programs~~
25 ~~funded with appropriated funds in the “Departmental~~
26 ~~Management”, “Office of the Solicitor”, and “Office of In-~~

1 spector General² may be augmented through the Working
2 Capital Fund: *Provided further*, That the annual budget
3 justification for Departmental Management shall describe
4 estimated Working Capital Fund charges to bureaus and
5 offices, including the methodology on which charges are
6 based: *Provided further*, That departures from the Work-
7 ing Capital Fund estimates contained in the Departmental
8 Management budget justification shall be presented to the
9 Committees on Appropriations for approval: *Provided fur-*
10 *ther*, That the Secretary shall provide a semi-annual re-
11 port to the Committees on Appropriations on reimbursable
12 support agreements between the Office of the Secretary
13 and the National Business Center and the bureaus and
14 offices of the Department, including the amounts billed
15 pursuant to such agreements.

16 GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

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

1 agencies shall have been exhausted, and must be replen-
2 ished by a supplemental appropriation which must be re-
3 quested as promptly as possible.

4 SEC. 102. The Secretary may authorize the expendi-
5 ture or transfer of any no year appropriation in this title,
6 in addition to the amounts included in the budget pro-
7 grams of the several agencies, for the suppression or emer-
8 gency prevention of wildland fires on or threatening lands
9 under the jurisdiction of the Department of the Interior;
10 for the emergency rehabilitation of burned-over lands
11 under its jurisdiction; for emergency actions related to po-
12 tential or actual earthquakes, floods, volcanoes, storms, or
13 other unavoidable causes; for contingency planning subse-
14 quent to actual oil spills; for response and natural resource
15 damage assessment activities related to actual oil spills;
16 for the prevention, suppression, and control of actual or
17 potential grasshopper and Mormon cricket outbreaks on
18 lands under the jurisdiction of the Secretary, pursuant to
19 the authority in section 1773(b) of Public Law 99-198
20 (99 Stat. 1658); for emergency reclamation projects under
21 section 410 of Public Law 95-87; and shall transfer, from
22 any no year funds available to the Office of Surface Min-
23 ing Reclamation and Enforcement, such funds as may be
24 necessary to permit assumption of regulatory authority in
25 the event a primacy State is not carrying out the regu-

1 latory provisions of the Surface Mining Act: *Provided*,
2 That appropriations made in this title for wildland fire
3 operations shall be available for the payment of obligations
4 incurred during the preceding fiscal year, and for reim-
5 bursement to other Federal agencies for destruction of ve-
6 hicles, aircraft, or other equipment in connection with
7 their use for wildland fire operations, such reimbursement
8 to be credited to appropriations currently available at the
9 time of receipt thereof: *Provided further*, That for wildland
10 fire operations, no funds shall be made available under
11 this authority until the Secretary determines that funds
12 appropriated for "wildland fire operations" shall be ex-
13 hausted within 30 days, and must be replenished by a sup-
14 plemental appropriation which must be requested as
15 promptly as possible: *Provided further*, That such replen-
16 ishment funds shall be used to reimburse, on a pro rata
17 basis, accounts from which emergency funds were trans-
18 ferred.

19 SEC. 103. Appropriations made to the Department
20 of the Interior in this title shall be available for services
21 as authorized by 5 U.S.C. 3109, when authorized by the
22 Secretary, in total amount not to exceed \$500,000; hire,
23 maintenance, and operation of aircraft; hire of passenger
24 motor vehicles; purchase of reprints; payment for tele-
25 phone service in private residences in the field, when au-

1 thORIZED under regulations approved by the Secretary; and
2 the payment of dues, when authorized by the Secretary,
3 for library membership in societies or associations which
4 issue publications to members only or at a price to mem-
5 bers lower than to subscribers who are not members.

6 SEC. 104. No funds provided in this title may be ex-
7 pended by the Department of the Interior for the conduct
8 of offshore preleasing, leasing and related activities placed
9 under restriction in the President's moratorium statement
10 of June 12, 1998, in the areas of northern, central, and
11 southern California; the North Atlantic; Washington and
12 Oregon; and the eastern Gulf of Mexico south of 26 de-
13 grees north latitude and east of 86 degrees west longitude.

14 SEC. 105. No funds provided in this title may be ex-
15 pended by the Department of the Interior to conduct off-
16 shore oil and natural gas preleasing, leasing and related
17 activities in the eastern Gulf of Mexico planning area for
18 any lands located outside Sale 181, as identified in the
19 final Outer Continental Shelf 5-Year Oil and Gas Leasing
20 Program, 1997-2002.

21 SEC. 106. No funds provided in this title may be ex-
22 pended by the Department of the Interior to conduct oil
23 and natural gas preleasing, leasing and related activities
24 in the Mid-Atlantic and South Atlantic planning areas.

1 SEC. 107. Notwithstanding any other provisions of
2 law, the National Park Service shall not develop or imple-
3 ment a reduced entrance fee program to accommodate
4 non-local travel through a unit. The Secretary may provide
5 for and regulate local non-recreational passage through
6 units of the National Park System, allowing each unit to
7 develop guidelines and permits for such activity appro-
8 priate to that unit.

9 SEC. 108. Appropriations made in this Act under the
10 headings Bureau of Indian Affairs and Office of Special
11 Trustee for American Indians and any unobligated bal-
12 ances from prior appropriations Acts made under the
13 same headings shall be available for expenditure or trans-
14 fer for Indian trust management and reform activities, ex-
15 cept that total funding for historical accounting activities
16 shall not exceed amounts specifically designated in this
17 Act for such purpose.

18 SEC. 109. Notwithstanding any other provision of
19 law, for the purpose of reducing the backlog of Indian pro-
20 bate cases in the Department of the Interior, the hearing
21 requirements of chapter 10 of title 25, United States
22 Code, are deemed satisfied by a proceeding conducted by
23 an Indian probate judge, appointed by the Secretary with-
24 out regard to the provisions of title 5, United States Code,
25 governing the appointments in the competitive service, for

1 such period of time as the Secretary determines necessary:
2 *Provided*, That the basic pay of an Indian probate judge
3 so appointed may be fixed by the Secretary without regard
4 to the provisions of chapter 51, and subchapter III of
5 chapter 53 of title 5, United States Code, governing the
6 classification and pay of General Schedule employees, ex-
7 cept that no such Indian probate judge may be paid at
8 a level which exceeds the maximum rate payable for the
9 highest grade of the General Schedule, including locality
10 pay.

11 SEC. 110. Notwithstanding any other provision of
12 law, the Secretary of the Interior is authorized to redis-
13 tribute any Tribal Priority Allocation funds, including
14 tribal base funds, to alleviate tribal funding inequities by
15 transferring funds to address identified, unmet needs,
16 dual enrollment, overlapping service areas or inaccurate
17 distribution methodologies. No tribe shall receive a reduc-
18 tion in Tribal Priority Allocation funds of more than 10
19 percent in fiscal year 2006. Under circumstances of dual
20 enrollment, overlapping service areas or inaccurate dis-
21 tribution methodologies, the 10 percent limitation does not
22 apply.

23 SEC. 111. Funds appropriated for the Bureau of In-
24 dian Affairs for postsecondary schools for fiscal year 2006
25 shall be allocated among the schools proportionate to the

1 unmet need of the schools as determined by the Postsec-
2 ondary Funding Formula adopted by the Office of Indian
3 Education Programs.

4 SEC. 112. Notwithstanding any other provision of
5 law, in conveying the Twin Cities Research Center under
6 the authority provided by Public Law 104-134, as amend-
7 ed by Public Law 104-208, the Secretary may accept and
8 retain land and other forms of reimbursement: *Provided,*
9 That the Secretary may retain and use any such reim-
10 bursement until expended and without further appropria-
11 tion: (1) for the benefit of the National Wildlife Refuge
12 System within the State of Minnesota; and (2) for all ac-
13 tivities authorized by Public Law 100-696; 16 U.S.C.
14 460zz.

15 SEC. 113. The Secretary of the Interior may use or
16 contract for the use of helicopters or motor vehicles on
17 the Sheldon and Hart National Wildlife Refuges for the
18 purpose of capturing and transporting horses and burros.
19 The provisions of subsection (a) of the Act of September
20 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such
21 use. Such use shall be in accordance with humane proce-
22 dures prescribed by the Secretary.

23 SEC. 114. Funds provided in this Act for Federal
24 land acquisition by the National Park Service for Shen-
25 andoah Valley Battlefields National Historic District and

1 Ice Age National Scenic Trail may be used for a grant
2 to a State, a local government, or any other land manage-
3 ment entity for the acquisition of lands without regard to
4 any restriction on the use of Federal land acquisition
5 funds provided through the Land and Water Conservation
6 Fund Act of 1965 as amended.

7 SEC. 115. None of the funds made available by this
8 Act may be obligated or expended by the National Park
9 Service to enter into or implement a concession contract
10 which permits or requires the removal of the underground
11 lunchroom at the Carlsbad Caverns National Park.

12 SEC. 116. None of the funds made available in this
13 Act may be used: (1) to demolish the bridge between Jer-
14 sey City, New Jersey, and Ellis Island; or (2) to prevent
15 pedestrian use of such bridge, when such pedestrian use
16 is consistent with generally accepted safety standards.

17 SEC. 117. None of the funds in this or any other Act
18 can be used to compensate the Special Master and the
19 Special Master-Monitor, and all variations thereto, ap-
20 pointed by the United States District Court for the Dis-
21 trict of Columbia in the Cobell v. Norton litigation at an
22 annual rate that exceeds 200 percent of the highest Senior
23 Executive Service rate of pay for the Washington-Balti-
24 more locality pay area.

1 SEC. 118. The Secretary of the Interior may use dis-
2 cretionary funds to pay private attorneys fees and costs
3 for employees and former employees of the Department
4 of the Interior reasonably incurred in connection with
5 Cobell v. Norton to the extent that such fees and costs
6 are not paid by the Department of Justice or by private
7 insurance. In no case shall the Secretary make payments
8 under this section that would result in payment of hourly
9 fees in excess of the highest hourly rate approved by the
10 District Court for the District of Columbia for counsel in
11 Cobell v. Norton.

12 SEC. 119. The United States Fish and Wildlife Serv-
13 ice shall, in carrying out its responsibilities to protect
14 threatened and endangered species of salmon, implement
15 a system of mass marking of salmonid stocks, intended
16 for harvest, that are released from Federally operated or
17 Federally financed hatcheries including but not limited to
18 fish releases of coho, chinook, and steelhead species.
19 Marked fish must have a visible mark that can be readily
20 identified by commercial and recreational fishers.

21 SEC. 120. Such sums as may be necessary from “De-
22 partmental Management, Salaries and Expenses”, may be
23 transferred to “United States Fish and Wildlife Service,
24 Resource Management” for operational needs at the Mid-
25 way Atoll National Wildlife Refuge airport.

1 ~~SEC. 121. (a) IN GENERAL.—Nothing in section 134~~
2 of the Department of the Interior and Related Agencies
3 ~~Appropriations Act, 2002 (115 Stat. 443)~~ affects the deci-
4 sion of the United States Court of Appeals for the 10th
5 Circuit in ~~Sae and Fox Nation v. Norton~~, 240 F.3d 1250
6 (2001).

7 ~~(b) USE OF CERTAIN INDIAN LAND.—Nothing in this~~
8 section permits the conduct of gaming under the Indian
9 ~~Gaming Regulatory Act (25 U.S.C. 2701 et seq.)~~ on land
10 described in section ~~123~~ of the Department of the Interior
11 and Related Agencies Appropriations Act, 2001 (114 Stat.
12 944), or land that is contiguous to that land, regardless
13 of whether the land or contiguous land has been taken
14 into trust by the Secretary of the Interior.

15 ~~SEC. 122. No funds appropriated for the Department~~
16 of the Interior by this Act or any other Act shall be used
17 to study or implement any plan to drain Lake Powell or
18 to reduce the water level of the lake below the range of
19 water levels required for the operation of the Glen Canyon
20 Dam.

21 ~~SEC. 123. Notwithstanding the limitation in subpara-~~
22 ~~graph (2)(B) of section 18(a) of the Indian Gaming Regu-~~
23 ~~latory Act (25 U.S.C. 2717(a)), the total amount of all~~
24 ~~fees imposed by the National Indian Gaming Commission~~
25 ~~for fiscal year 2007 shall not exceed \$12,000,000.~~

1 SEC. 124. Notwithstanding any implementation of
2 the Department of the Interior's trust reorganization or
3 reengineering plans, or the implementation of the "To Be"
4 Model, funds appropriated for fiscal year 2006 shall be
5 available to the tribes within the California Tribal Trust
6 Reform Consortium and to the Salt River Pima-Maricopa
7 Indian Community, the Confederated Salish and Kootenai
8 Tribes of the Flathead Reservation and the Chippewa Cree
9 Tribe of the Rocky Boys Reservation through the same
10 methodology as funds were distributed in fiscal year 2004.
11 This Demonstration Project shall continue to operate sep-
12 arate and apart from the Department of the Interior's
13 trust reform and reorganization and the Department shall
14 not impose its trust management infrastructure upon or
15 alter the existing trust resource management systems of
16 the above referenced tribes having a self-governance com-
17 pact and operating in accordance with the Tribal Self-Gov-
18 ernance Program set forth in 25 U.S.C. 458aa-458hh.
19 *Provided*, That the California Trust Reform Consortium
20 and any other participating tribe agree to carry out their
21 responsibilities under the same written and implemented
22 fiduciary standards as those being carried by the Sec-
23 retary of the Interior. *Provided further*, That they dem-
24 onstrate to the satisfaction of the Secretary that they have
25 the capability to do so. *Provided further*, That the Depart-

1 ment shall provide funds to the tribes in an amount equal
2 to that required by 25 U.S.C. 458cc(g)(3), including funds
3 specifically or functionally related to the provision of trust
4 services to the tribes or their members.

5 SEC. 125. Notwithstanding any provision of law, in-
6 cluding 42 U.S.C. 4321 et. seq., nonrenewable grazing
7 permits authorized in the Jarbidge Field Office, Bureau
8 of Land Management within the past 9 years, shall be re-
9 newed. The Animal Unit Months contained in the most
10 recently expired nonrenewable grazing permit, authorized
11 between March 1, 1997, and February 28, 2003, shall
12 continue in effect under the renewed permit. Nothing in
13 this section shall be deemed to extend the nonrenewable
14 permits beyond the standard 1-year term.

15 SEC. 126. Notwithstanding any other provision of
16 law, the Secretary of the Interior is authorized to acquire
17 lands, waters, or interests therein including the use of all
18 or part of any pier, dock, or landing within the State of
19 New York and the State of New Jersey, for the purpose
20 of operating and maintaining facilities in the support of
21 transportation and accommodation of visitors to Ellis,
22 Governors, and Liberty Islands, and of other program and
23 administrative activities, by donation or with appropriated
24 funds, including franchise fees (and other monetary con-
25 sideration), or by exchange; and the Secretary is author-

1 ized to negotiate and enter into leases, subleases, conces-
2 sion contracts or other agreements for the use of such fa-
3 cilities on such terms and conditions as the Secretary may
4 determine reasonable.

5 SEC. 127. Upon the request of the permittee for the
6 Clark Mountain Allotment lands adjacent to the Mojave
7 National Preserve, the Secretary shall also issue a special
8 use permit for that portion of the grazing allotment lo-
9 cated within the Preserve. The special use permit shall be
10 issued with the same terms and conditions as the most
11 recently-issued permit for that allotment and the Sec-
12 retary shall consider the permit to be one transferred in
13 accordance with section 325 of Public Law 108-108.

14 SEC. 128. Notwithstanding any other provision of
15 law, the National Park Service final winter use rules pub-
16 lished in part VII of the Federal Register for November
17 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force
18 and effect for the winter use season of 2005-2006 that
19 commences on or about December 15, 2005.

20 SEC. 129. None of the funds in this Act may be used
21 to compensate more than 34 full time equivalent employ-
22 ees in the Department's Office of Law Enforcement and
23 Security. The total number of staff detailed from other
24 offices and reimbursable staff may not exceed 8 at any
25 given time.

1 TITLE II—ENVIRONMENTAL PROTECTION

2 AGENCY

3 SCIENCE AND TECHNOLOGY

4 For science and technology, including research and
5 development activities, which shall include research and
6 development activities under the Comprehensive Environ-
7 mental Response, Compensation, and Liability Act of
8 1980, as amended; necessary expenses for personnel and
9 related costs and travel expenses, including uniforms, or
10 allowances therefor, as authorized by 5 U.S.C. 5901–
11 5902; services as authorized by 5 U.S.C. 3109, but at
12 rates for individuals not to exceed the per diem rate equiv-
13 alent to the maximum rate payable for senior level posi-
14 tions under 5 U.S.C. 5376; procurement of laboratory
15 equipment and supplies; other operating expenses in sup-
16 port of research and development; construction, alteration,
17 repair, rehabilitation, and renovation of facilities; not to
18 exceed \$85,000 per project, \$765,340,000 which shall re-
19 main available until September 30, 2007.

20 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

21 For environmental programs and management, in-
22 cluding necessary expenses, not otherwise provided for, for
23 personnel and related costs and travel expenses, including
24 uniforms, or allowances therefor, as authorized by 5
25 U.S.C. 5901–5902; services as authorized by 5 U.S.C.
26 3109, but at rates for individuals not to exceed the per

1 diem rate equivalent to the maximum rate payable for sen-
2 ior level positions under 5 U.S.C. 5376; hire of passenger
3 motor vehicles; hire, maintenance, and operation of air-
4 craft; purchase of reprints; library memberships in soci-
5 eties or associations which issue publications to members
6 only or at a price to members lower than to subscribers
7 who are not members; construction, alteration, repair, re-
8 habilitation, and renovation of facilities, not to exceed
9 \$85,000 per project; and not to exceed \$9,000 for official
10 reception and representation expenses, \$2,389,491,000
11 (increased by \$1,903,000) (reduced by \$1,903,000), which
12 shall remain available until September 30, 2007, including
13 administrative costs of the brownfields program under the
14 Small Business Liability Relief and Brownfields Revital-
15 ization Act of 2002.

16 OFFICE OF INSPECTOR GENERAL

17 For necessary expenses of the Office of Inspector
18 General in carrying out the provisions of the Inspector
19 General Act of 1978, as amended, and for construction,
20 alteration, repair, rehabilitation, and renovation of facili-
21 ties, not to exceed \$85,000 per project, \$37,955,000 to
22 remain available until September 30, 2007.

23 BUILDINGS AND FACILITIES

24 For construction, repair, improvement, extension, al-
25 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 Comprehen-
6 sive Environmental Response, Compensation, and Liabil-
7 ity Act of 1980 (CERCLA), as amended, including sec-
8 tions 111(e)(3), (e)(5), (e)(6), and (e)(4) (42 U.S.C.
9 9611), and for construction, alteration, repair, rehabilita-
10 tion, and renovation of facilities, not to exceed \$85,000
11 per project; \$1,258,333,000, to remain available until ex-
12 pended, consisting of such sums as are available in the
13 Trust Fund upon the date of enactment of this Act as
14 authorized by section 517(a) of the Superfund Amend-
15 ments and Reauthorization Act of 1986 (SARA) and up
16 to \$1,258,333,000 as a payment from general revenues
17 to the Hazardous Substance Superfund for purposes as
18 authorized by section 517(b) of SARA, as amended: *Pro-*
19 *vided*, That funds appropriated under this heading may
20 be allocated to other Federal agencies in accordance with
21 section 111(a) of CERCLA: *Provided further*, That of the
22 funds appropriated under this heading, \$13,536,000 shall
23 be transferred to the “Office of Inspector General” appro-
24 priation to remain available until September 30, 2007,
25 and \$30,606,000 shall be transferred to the “Science and

1 technology²² appropriation to remain available until Sep-
2 tember 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 sec-
6 tion 205 of the Superfund Amendments and Reauthoriza-
7 tion Act of 1986, and for construction, alteration, repair,
8 rehabilitation, and renovation of facilities, not to exceed
9 \$85,000 per project, \$73,027,000, to remain available
10 until expended.

11 OIL SPILL RESPONSE

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

17 STATE AND TRIBAL ASSISTANCE GRANTS

18 (INCLUDING RESCISSIONS OF FUNDS)

19 For environmental programs and infrastructure as-
20 sistance, including capitalization grants for State revolv-
21 ing funds and performance partnership grants,
22 \$3,127,800,000, to remain available until expended, of
23 which \$750,000,000 shall be for making capitalization
24 grants for the Clean Water State Revolving Funds under
25 title VI of the Federal Water Pollution Control Act, as
26 amended (the "Act"), of which up to \$50,000,000 shall

1 be available for loans, including interest free loans as au-
2 thorized by ~~33~~ U.S.C. ~~1383~~(d)(1)(A), to municipal, inter-
3 municipal, interstate, or State agencies or nonprofit enti-
4 ties for projects that provide treatment for or that mini-
5 mize sewage or stormwater discharges using one or more
6 approaches which include, but are not limited to, decen-
7 tralized or distributed stormwater controls, decentralized
8 wastewater treatment, low-impact development practices,
9 conservation easements, stream buffers, or wetlands res-
10 toration; ~~\$850,000,000~~ shall be for capitalization grants
11 for the Drinking Water State Revolving Funds under sec-
12 tion ~~1452~~ of the Safe Drinking Water Act, as amended;
13 ~~\$50,000,000~~ shall be for architectural, engineering, plan-
14 ning, design, construction and related activities in connec-
15 tion with the construction of high priority water and
16 wastewater facilities in the area of the United States-Mex-
17 ico Border, after consultation with the appropriate border
18 commission; ~~\$15,000,000~~ shall be for grants to the State
19 of Alaska to address drinking water and waste infrastruc-
20 ture needs of rural and Alaska Native Villages;
21 ~~\$200,000,000~~ shall be for making grants for the construc-
22 tion of drinking water, wastewater and storm water infra-
23 structure and for water quality protection (“special project
24 grants”) in accordance with the terms and conditions
25 specified for such grants in the joint explanatory state-

1 ment of the managers accompanying this Act, and, for
2 purposes of these grants, each grantee shall contribute not
3 less than 45 percent of the cost of the project unless the
4 grantee is approved for a waiver by the Agency;
5 \$95,500,000 (increased by \$2,000,000) shall be to carry
6 out section 104(k) of the Comprehensive Environmental
7 Response, Compensation, and Liability Act of 1980
8 (CERCLA), as amended, including grants, interagency
9 agreements, and associated program support costs;
10 \$4,000,000 shall be for a grant to Puerto Rico for drink-
11 ing water infrastructure improvements to the
12 Metropolitan community water system in San Juan;
13 \$10,000,000 for cost-shared grants for school bus retrofit
14 and replacement projects that reduce diesel emissions:
15 *Provided*, That \$1,153,300,000 (reduced by \$2,000,000)
16 shall be for grants, including associated program support
17 costs, to States, federally recognized tribes, interstate
18 agencies, tribal consortia, and air pollution control agen-
19 cies for multi-media or single media pollution prevention,
20 control and abatement and related activities, including ac-
21 tivities pursuant to the provisions set forth under this
22 heading in Public Law 104-134, and for making grants
23 under section 103 of the Clean Air Act for particulate
24 matter monitoring and data collection activities of which
25 and subject to terms and conditions specified by the Ad-

1 administrator, of which \$52,000,000 (reduced by
2 \$2,000,000) shall be for carrying out section 128 of
3 CERCLA, as amended, and \$20,000,000 shall be for En-
4 vironmental Information Exchange Network grants, in-
5 cluding associated program support costs, and
6 \$15,000,000 shall be for making competitive targeted wa-
7 tershed grants: *Provided further*, That notwithstanding
8 section 603(d)(7) of the Act, the limitation on the
9 amounts in a State water pollution control revolving fund
10 that may be used by a State to administer the fund shall
11 not apply to amounts included as principal in loans made
12 by such fund in fiscal year 2006 and prior years where
13 such amounts represent costs of administering the fund
14 to the extent that such amounts are or were deemed rea-
15 sonable by the Administrator, accounted for separately
16 from other assets in the fund, and used for eligible pur-
17 poses of the fund, including administration: *Provided fur-*
18 *ther*, That for fiscal year 2006, and notwithstanding sec-
19 tion 518(f) of the Act, the Administrator is authorized to
20 use the amounts appropriated for any fiscal year under
21 section 319 of that Act to make grants to Indian tribes
22 pursuant to sections 319(h) and 518(e) of that Act: *Pro-*
23 *vided further*, That for fiscal year 2006, notwithstanding
24 the limitation on amounts in section 518(e) of the Act,
25 up to a total of 1½ percent of the funds appropriated

1 for State Revolving Funds under title VI of that Act may
2 be reserved by the Administrator for grants under section
3 518(c) of that Act: *Provided further*, That no funds pro-
4 vided by this legislation to address the water, wastewater
5 and other critical infrastructure needs of the colonias in
6 the United States along the United States-Mexico border
7 shall be made available to a county or municipal govern-
8 ment unless that government has established an enforce-
9 able local ordinance, or other zoning rule, which prevents
10 in that jurisdiction the development or construction of any
11 additional colonia areas, or the development within an ex-
12 isting colonia the construction of any new home, business,
13 or other structure which lacks water, wastewater, or other
14 necessary infrastructure: *Provided further*, That, notwith-
15 standing any other provision of law, such funds that were
16 appropriated under this heading for special project grants
17 in fiscal year 2000 or before and for which the Agency
18 has not received an application and issued a grant by Sep-
19 tember 30, 2006, shall be made available to the Clean
20 Water or Drinking Water Revolving Fund, as appropriate,
21 for the State in which the special project grant recipient
22 is located: *Provided further*, That excess funds remaining
23 after completion of a special project grant shall be made
24 available to the Clean Water or Drinking Water Revolving
25 Fund, as appropriate, for the State in which the special

1 project grant recipient is located: *Provided further*, That
2 in the event that a special project is determined by the
3 Agency to be ineligible for a grant, the funds for that
4 project shall be made available to the Clean Water or
5 Drinking Water Revolving Fund, as appropriate, for the
6 State in which the special project grant recipient is lo-
7 cated: *Provided further*, That notwithstanding this or pre-
8 vious appropriations Acts, after consultation with the
9 House and Senate Committees on Appropriations and for
10 the purposes of making technical corrections, the Adminis-
11 trator is authorized to award grants to entities under this
12 heading for purposes other than those listed in the joint
13 explanatory statements of the managers accompanying the
14 Agency's appropriations Acts for the construction of
15 drinking water, waste water and storm water infrastruc-
16 ture, and for water quality protection.

17 For an additional amount for the Clean Water State
18 Revolving Fund, \$100,000,000 shall be made available
19 from the rescissions of multi-year and no-year funding,
20 previously appropriated to the Environmental Protection
21 Agency, the availability of which under the original appro-
22 priation accounts has not expired, and \$100,000,000 in
23 such funding is hereby rescinded: *Provided*, That such re-
24 scissions shall be taken solely from amounts associated
25 with grants, contracts, and interagency agreements whose

1 availability under the original period for obligation for
2 such grant, contract, or interagency agreement has ex-
3 pired based on the April 2005 review by the Government
4 Accountability Office.

5 ADMINISTRATIVE PROVISIONS

6 For fiscal year 2006, notwithstanding 31 U.S.C.
7 6303(1) and 6305(1), the Administrator of the Environ-
8 mental Protection Agency, in carrying out the Agency's
9 function to implement directly Federal environmental pro-
10 grams required or authorized by law in the absence of an
11 acceptable tribal program, may award cooperative agree-
12 ments to federally-recognized Indian Tribes or Intertribal
13 consortia, if authorized by their member Tribes, to assist
14 the Administrator in implementing Federal environmental
15 programs for Indian Tribes required or authorized by law,
16 except that no such cooperative agreements may be award-
17 ed from funds designated for State financial assistance
18 agreements.

19 The Administrator of the Environmental Protection
20 Agency is authorized to collect and obligate pesticide reg-
21 istration service fees in accordance with section 33 of the
22 Federal Insecticide, Fungicide, and Rodenticide Act (as
23 added by subsection (f)(2) of the Pesticide Registration
24 Improvement Act of 2003), as amended.

25 Notwithstanding CERCLA 104(k)(4)(B)(i)(IV), ap-
26 propriated funds for fiscal year 2006 may be used to

1 award grants or loans under section 104(k) of CERCLA
 2 to eligible entities that satisfy all of the elements set forth
 3 in CERCLA section 101(40) to qualify as a bona fide pro-
 4 spective purchaser except that the date of acquisition of
 5 the property was prior to the date of enactment of the
 6 Small Business Liability Relief and Brownfield Revitaliza-
 7 tion Act of 2001.

8 For fiscal years 2006 through 2011, the Adminis-
 9 trator may, after consultation with the Office of Personnel
 10 Management, make not to exceed five appointments in any
 11 fiscal year under the authority provided in 42 U.S.C. 209
 12 for the Office of Research and Development.

13 TITLE III—RELATED AGENCIES

14 DEPARTMENT OF AGRICULTURE

15 FOREST SERVICE

16 FOREST AND RANGELAND RESEARCH

17 For necessary expenses of forest and rangeland re-
 18 search as authorized by law, \$285,000,000, to remain
 19 available until expended: *Provided*, That of the funds pro-
 20 vided, \$62,100,000 is for the forest inventory and analysis
 21 program.

22 STATE AND PRIVATE FORESTRY

23 For necessary expenses of cooperating with and pro-
 24 viding technical and financial assistance to States, terri-
 25 tories, possessions, and others, and for forest health man-
 26 agement, including treatments of pests, pathogens, and

1 invasive or noxious plants and for restoring and rehabili-
2 tating forests damaged by pests or invasive plants; cooper-
3 ative forestry, and education and land conservation activi-
4 ties and conducting an international program as author-
5 ized, \$254,875,000, to remain available until expended, as
6 authorized by law of which \$25,000,000 is to be derived
7 from the Land and Water Conservation Fund: *Provided*;
8 That none of the funds provided under this heading for
9 the acquisition of lands or interests in lands shall be avail-
10 able until the Forest Service notifies the House Committee
11 on Appropriations and the Senate Committee on Appro-
12 priations, in writing, of specific contractual and grant de-
13 tails including the non-Federal cost share: *Provided fur-*
14 *ther*; That of the funds provided herein, \$1,000,000 shall
15 be provided to Custer County, Idaho, for economic devel-
16 opment in accordance with the Central Idaho Economic
17 Development and Recreation Act, subject to authorization.

18 NATIONAL FOREST SYSTEM

19 For necessary expenses of the Forest Service, not
20 otherwise provided for, for management, protection, im-
21 provement, and utilization of the National Forest System,
22 \$1,423,920,000 (reduced by \$7,000,000) (increased by
23 \$1,000,000), to remain available until expended, which
24 shall include 50 percent of all moneys received during
25 prior fiscal years as fees collected under the Land and
26 Water Conservation Fund Act of 1965, as amended, in

1 accordance with section 4 of the Act (16 U.S.C. 4601-
2 6a(i)): *Provided*, That unobligated balances under this
3 heading available at the start of fiscal year 2006 shall be
4 displayed by budget line item in the fiscal year 2007 budg-
5 et justification.

6 WILDLAND FIRE MANAGEMENT

7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses for forest fire presuppression
9 activities on National Forest System lands, for emergency
10 fire suppression on or adjacent to such lands or other
11 lands under fire protection agreement, hazardous fuels re-
12 duction on or adjacent to such lands, and for emergency
13 rehabilitation of burned-over National Forest System
14 lands and water, \$1,790,506,000, to remain available until
15 expended: *Provided*, That such funds including unobli-
16 gated balances under this heading, are available for repay-
17 ment of advances from other appropriations accounts pre-
18 viously transferred for such purposes: *Provided further*,
19 That such funds shall be available to reimburse State and
20 other cooperating entities for services provided in response
21 to wildfire and other emergencies or disasters to the extent
22 such reimbursements by the Forest Service for non-fire
23 emergencies are fully repaid by the responsible emergency
24 management agency: *Provided further*, That not less than
25 50 percent of any unobligated balances remaining (exclu-
26 sive of amounts for hazardous fuels reduction) at the end

1 of fiscal year 2005 shall be transferred, as repayment for
2 past advances that have not been repaid, to the fund es-
3 tablished pursuant to section 3 of Public Law 71-319 (16
4 U.S.C. 576 et seq.): *Provided further*, That, notwith-
5 standing any other provision of law, \$8,000,000 of funds
6 appropriated under this appropriation shall be used for
7 Fire Science Research in support of the Joint Fire Science
8 Program: *Provided further*, That all authorities for the use
9 of funds, including the use of contracts, grants, and coop-
10 erative agreements, available to execute the Forest and
11 Rangeland Research appropriation, are also available in
12 the utilization of these funds for Fire Science Research:
13 *Provided further*, That funds provided shall be available
14 for emergency rehabilitation and restoration, hazardous
15 fuels reduction activities in the urban-wildland interface,
16 support to Federal emergency response, and wildfire sup-
17 pression activities of the Forest Service: *Provided further*,
18 That of the funds provided, \$286,000,000 is for hazardous
19 fuels reduction activities, \$9,281,000 is for rehabilitation
20 and restoration, \$21,719,000 is for research activities and
21 to make competitive research grants pursuant to the For-
22 est and Rangeland Renewable Resources Research Act, as
23 amended (16 U.S.C. 1641 et seq.), \$41,000,000 is for
24 State fire assistance, \$8,000,000 is for volunteer fire as-
25 sistance, \$15,000,000 is for forest health activities on

1 Federal lands and \$10,000,000 is for forest health activi-
2 ties on State and private lands: *Provided further*, That
3 amounts in this paragraph may be transferred to the
4 “State and Private Forestry”, “National Forest System”,
5 and “Forest and Rangeland Research” accounts to fund
6 State fire assistance, volunteer fire assistance, forest
7 health management, forest and rangeland research, vege-
8 tation and watershed management, heritage site rehabili-
9 tation, and wildlife and fish habitat management and res-
10 toration: *Provided further*, That transfers of any amounts
11 in excess of those authorized in this paragraph, shall re-
12 quire approval of the House and Senate Committees on
13 Appropriations in compliance with reprogramming proce-
14 dures contained in the report accompanying this Act: *Pro-*
15 *vided further*, That funds provided under this heading for
16 hazardous fuels treatments may be transferred to and
17 made a part of the “National Forest System” account at
18 the sole discretion of the Chief of the Forest Service thirty
19 days after notifying the House and the Senate Committees
20 on Appropriations: *Provided further*, That the costs of im-
21 plementing any cooperative agreement between the Fed-
22 eral Government and any non-Federal entity may be
23 shared, as mutually agreed on by the affected parties: *Pro-*
24 *vided further*, That in addition to funds provided for State
25 Fire Assistance programs, and subject to all authorities

1 available to the Forest Service under the State and Pri-
2 vate Forestry Appropriations, up to \$15,000,000 may be
3 used on adjacent non-Federal lands for the purpose of pro-
4 tecting communities when hazard reduction activities are
5 planned on national forest lands that have the potential
6 to place such communities at risk: *Provided further*, That
7 the Secretary of the Interior and the Secretary of Agri-
8 culture may authorize the transfer of funds appropriated
9 for wildland fire management, in an aggregate amount not
10 to exceed \$9,000,000, between the Departments when
11 such transfers would facilitate and expedite jointly funded
12 wildland fire management programs and projects: *Pro-*
13 *vided further*, That funds designated for wildfire suppres-
14 sion, shall be assessed for indirect costs, in a manner con-
15 sistent with such assessments against other agency pro-
16 grams.

17 CAPITAL IMPROVEMENT AND MAINTENANCE

18 For necessary expenses of the Forest Service, not
19 otherwise provided for, \$468,260,000, to remain available
20 until expended for construction, reconstruction, mainte-
21 nance and acquisition of buildings and other facilities, and
22 for construction, reconstruction, repair, decommissioning,
23 and maintenance of forest roads and trails by the Forest
24 Service as authorized by 16 U.S.C. 532-538 and 23
25 U.S.C. 101 and 205: *Provided*, That up to \$15,000,000
26 of the funds provided herein for road maintenance shall

1 be available for the decommissioning of roads, including
 2 unauthorized roads not part of the transportation system,
 3 which are no longer needed: *Provided further*, That no
 4 funds shall be expended to decommission any system road
 5 until notice and an opportunity for public comment has
 6 been provided on each decommissioning project.

7 LAND ACQUISITION

8 For expenses necessary to carry out the provisions
 9 of the Land and Water Conservation Fund Act of 1965,
 10 as amended (16 U.S.C. 4601-4 through 11), including ad-
 11 ministrative expenses, and for acquisition of land or wa-
 12 ters, or interest therein, in accordance with statutory au-
 13 thority applicable to the Forest Service, \$15,000,000, to
 14 be derived from the Land and Water Conservation Fund
 15 and to remain available until expended.

16 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
 17 ACTS

18 For acquisition of lands within the exterior bound-
 19 aries of the Cache, Uinta, and Wasatch National Forests,
 20 Utah; the Toiyabe National Forest, Nevada; and the An-
 21 geles, San Bernardino, Sequoia, and Cleveland National
 22 Forests, California, as authorized by law, \$1,069,000, to
 23 be derived from forest receipts.

24 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

25 For acquisition of lands, such sums, to be derived
 26 from funds deposited by State, county, or municipal gov-

1 ernments, public school districts, or other public school au-
 2 thorities, and for authorized expenditures from funds de-
 3 posited by non-Federal parties pursuant to Land Sale and
 4 Exchange Acts, pursuant to the Act of December 4, 1967,
 5 as amended (16 U.S.C. 484a), to remain available until
 6 expended.

7 RANGE BETTERMENT FUND

8 For necessary expenses of range rehabilitation, pro-
 9 tection, and improvement, 50 percent of all moneys re-
 10 ceived during the prior fiscal year, as fees for grazing do-
 11 mestic livestock on lands in National Forests in the 16
 12 Western States, pursuant to section 401(b)(1) of Public
 13 Law 94-579, as amended, to remain available until ex-
 14 pended, of which not to exceed 6 percent shall be available
 15 for administrative expenses associated with on-the-ground
 16 range rehabilitation, protection, and improvements.

17 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND

18 RANGELAND RESEARCH

19 For expenses authorized by 16 U.S.C. 1643(b),
 20 \$64,000, to remain available until expended, to be derived
 21 from the fund established pursuant to the above Act.

22 MANAGEMENT OF NATIONAL FOREST LANDS FOR

23 SUBSISTENCE USES

24 For necessary expenses of the Forest Service to man-
 25 age Federal lands in Alaska for subsistence uses under
 26 title VIII of the Alaska National Interest Lands Conserva-

1 tion Act (Public Law 96-487), \$5,467,000, to remain
2 available until expended.

3 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

4 Appropriations to the Forest Service for the current
5 fiscal year shall be available for: (1) purchase of passenger
6 motor vehicles; acquisition of passenger motor vehicles
7 from excess sources; and hire of such vehicles; purchase,
8 lease, operation, maintenance, and acquisition of aircraft
9 from excess sources to maintain the operable fleet for use
10 in Forest Service wildland fire programs and other Forest
11 Service programs; notwithstanding other provisions of law,
12 existing aircraft being replaced may be sold, with proceeds
13 derived or trade-in value used to offset the purchase price
14 for the replacement aircraft; (2) services pursuant to 7
15 U.S.C. 2225, and not to exceed \$100,000 for employment
16 under 5 U.S.C. 3109; (3) purchase, erection, and alter-
17 ation of buildings and other public improvements (7
18 U.S.C. 2250); (4) acquisition of land, waters, and inter-
19 ests therein pursuant to 7 U.S.C. 428a; (5) for expenses
20 pursuant to the Volunteers in the National Forest Act of
21 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost
22 of uniforms as authorized by 5 U.S.C. 5901-5902; and
23 (7) for debt collection contracts in accordance with 31
24 U.S.C. 3718(e).

25 None of the funds made available under this Act shall
26 be obligated or expended to abolish any region, to move

1 or close any regional office for National Forest System
2 administration of the Forest Service, Department of Agri-
3 culture without the consent of the House and Senate Com-
4 mittees on Appropriations.

5 Any appropriations or funds available to the Forest
6 Service may be transferred to the Wildland Fire Manage-
7 ment appropriation for forest firefighting, emergency re-
8 habilitation of burned-over or damaged lands or waters
9 under its jurisdiction, and fire preparedness due to severe
10 burning conditions upon notification of the House and
11 Senate Committees on Appropriations and if and only if
12 all previously appropriated emergency contingent funds
13 under the heading "Wildland Fire Management" have
14 been released by the President and apportioned and all
15 wildfire suppression funds under the heading "Wildland
16 Fire Management" are obligated.

17 The first transfer of funds into the Wildland Fire
18 Management account shall include unobligated funds, if
19 available, from the Land Acquisition account and the For-
20 est Legacy program within the State and Private Forestry
21 account.

22 Funds appropriated to the Forest Service shall be
23 available for assistance to or through the Agency for Inter-
24 national Development and the Foreign Agricultural Serv-
25 ice in connection with forest and rangeland research, tech-

1 nical information, and assistance in foreign countries, and
2 shall be available to support forestry and related natural
3 resource activities outside the United States and its terri-
4 tories and possessions, including technical assistance, edu-
5 cation and training, and cooperation with United States
6 and international organizations.

7 None of the funds made available to the Forest Serv-
8 ice under this Act shall be subject to transfer under the
9 provisions of section 702(b) of the Department of Agri-
10 culture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C.
11 147b, however in fiscal year 2006 the Forest Service may
12 transfer funds to the “National Forest System” account
13 from other agency accounts to enable the agency’s law en-
14 forcement program to pay full operating costs including
15 overhead.

16 None of the funds available to the Forest Service may
17 be reprogrammed without the advance approval of the
18 House and Senate Committees on Appropriations in ac-
19 cordance with the reprogramming procedures contained in
20 the report accompanying this Act.

21 Not more than \$72,646,000 of the funds available to
22 the Forest Service shall be transferred to the Working
23 Capital Fund of the Department of Agriculture.

24 Funds available to the Forest Service shall be avail-
25 able to conduct a program of not less than \$2,000,000

1 for high priority projects within the scope of the approved
2 budget which shall be carried out by the Youth Conserva-
3 tion Corps.

4 Of the funds available to the Forest Service, \$4,000
5 is available to the Chief of the Forest Service for official
6 reception and representation expenses.

7 Pursuant to sections 405(b) and 410(b) of Public
8 Law 101-593, of the funds available to the Forest Service,
9 \$3,000,000 may be advanced in a lump sum to the Na-
10 tional Forest Foundation to aid conservation partnership
11 projects in support of the Forest Service mission, without
12 regard to when the Foundation incurs expenses, for ad-
13 ministrative expenses or projects on or benefitting Na-
14 tional Forest System lands or related to Forest Service
15 programs: *Provided*, That of the Federal funds made
16 available to the Foundation, no more than \$250,000 shall
17 be available for administrative expenses: *Provided further*,
18 That the Foundation shall obtain, by the end of the period
19 of Federal financial assistance, private contributions to
20 match on at least one-for-one basis funds made available
21 by the Forest Service: *Provided further*, That the Founda-
22 tion may transfer Federal funds to a non-Federal recipient
23 for a project at the same rate that the recipient has ob-
24 tained the non-Federal matching funds: *Provided further*,
25 That authorized investments of Federal funds held by the

1 Foundation may be made only in interest-bearing obliga-
2 tions of the United States or in obligations guaranteed as
3 to both principal and interest by the United States.

4 Pursuant to section 2(b)(2) of Public Law 98-244,
5 \$2,650,000 of the funds available to the Forest Service
6 shall be advanced to the National Fish and Wildlife Foun-
7 dation in a lump sum to aid cost-share conservation
8 projects, without regard to when expenses are incurred,
9 on or benefitting National Forest System lands or related
10 to Forest Service programs: *Provided*, That such funds
11 shall be matched on at least a one-for-one basis by the
12 Foundation or its subrecipients.

13 Funds appropriated to the Forest Service shall be
14 available for interactions with and providing technical as-
15 sistance to rural communities for sustainable rural devel-
16 opment purposes.

17 Any appropriations or funds available to the Forest
18 Service may be used for necessary expenses in the event
19 of law enforcement emergencies as necessary to protect
20 natural resources and public or employee safety: *Provided*,
21 That such amounts shall not exceed \$500,000.

22 An eligible individual who is employed in any project
23 funded under title V of the Older American Act of 1965
24 (42 U.S.C. 3056 et seq.) and administered by the Forest

1 Service shall be considered to be a Federal employee for
2 purposes of chapter 171 of title 28, United States Code.

3 Any funds appropriated to the Forest Service may
4 be used to meet the non-Federal share requirement in sec-
5 tion 502(e) of the Older American Act of 1965 (42 U.S.C.
6 3056(e)(2)).

7 For each fiscal year through 2009, funds available
8 to the Forest Service in this Act may be used for the pur-
9 pose of expenses associated with primary and secondary
10 schooling for dependents of agency personnel stationed in
11 Puerto Rico prior to the date of enactment of this Act,
12 who are subject to transfer and reassignment to other lo-
13 cations in the United States, at a cost not in excess of
14 those authorized for the Department of Defense for the
15 same area, when it is determined by the Chief of the For-
16 est Service that public schools available in the locality are
17 unable to provide adequately for the education of such de-
18 pendents.

19 DEPARTMENT OF HEALTH AND HUMAN
20 SERVICES

21 INDIAN HEALTH SERVICE

22 INDIAN HEALTH SERVICES

23 For expenses necessary to carry out the Act of Au-
24 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
25 tion Act, the Indian Health Care Improvement Act, and

1 titles II and III of the Public Health Service Act with re-
2 spect to the Indian Health Service, \$2,732,298,000, to-
3 gether with payments received during the fiscal year pur-
4 suant to 42 U.S.C. 238(b) for services furnished by the
5 Indian Health Service: *Provided*, That funds made avail-
6 able to tribes and tribal organizations through contracts,
7 grant agreements, or any other agreements or compacts
8 authorized by the Indian Self-Determination and Edu-
9 cation Assistance Act of 1975 (25 U.S.C. 450), shall be
10 deemed to be obligated at the time of the grant or contract
11 award and thereafter shall remain available to the tribe
12 or tribal organization without fiscal year limitation: *Pro-*
13 *vided further*, That up to \$18,000,000 shall remain avail-
14 able until expended, for the Indian Catastrophic Health
15 Emergency Fund: *Provided further*, That \$507,021,000
16 for contract medical care shall remain available for obliga-
17 tion until September 30, 2007: *Provided further*, That of
18 the funds provided, up to \$27,000,000, to remain available
19 until expended, shall be used to carry out the loan repay-
20 ment program under section 108 of the Indian Health
21 Care Improvement Act: *Provided further*, That funds pro-
22 vided in this Act may be used for one-year contracts and
23 grants which are to be performed in two fiscal years, so
24 long as the total obligation is recorded in the year for
25 which the funds are appropriated: *Provided further*, That

1 the amounts collected by the Secretary of Health and
2 Human Services under the authority of title IV of the In-
3 dian Health Care Improvement Act shall remain available
4 until expended for the purpose of achieving compliance
5 with the applicable conditions and requirements of titles
6 XVIII and XIX of the Social Security Act (exclusive of
7 planning, design, or construction of new facilities): *Pro-*
8 *vided further,* That funding contained herein, and in any
9 earlier appropriations Acts for scholarship programs
10 under the Indian Health Care Improvement Act (25
11 U.S.C. 1613) shall remain available until expended: *Pro-*
12 *vided further,* That amounts received by tribes and tribal
13 organizations under title IV of the Indian Health Care Im-
14 provement Act shall be reported and accounted for and
15 available to the receiving tribes and tribal organizations
16 until expended: *Provided further,* That, notwithstanding
17 any other provision of law, of the amounts provided herein,
18 not to exceed \$268,683,000 shall be for payments to tribes
19 and tribal organizations for contract or grant support
20 costs associated with contracts, grants, self-governance
21 compacts or annual funding agreements between the In-
22 dian Health Service and a tribe or tribal organization pur-
23 suant to the Indian Self-Determination Act of 1975, as
24 amended, prior to or during fiscal year 2006, of which
25 not to exceed \$5,000,000 may be used for contract sup-

1 port costs associated with new or expanded self-determina-
2 tion contracts, grants, self-governance compacts or annual
3 funding agreements: *Provided further*, That funds avail-
4 able for the Indian Health Care Improvement Fund may
5 be used, as needed, to carry out activities typically funded
6 under the Indian Health Facilities account: *Provided fur-*
7 *ther*, That of the amounts provided to the Indian Health
8 Service, \$15,000,000 is provided for alcohol control, en-
9 forcement, prevention, treatment, sobriety and wellness,
10 and education in Alaska: *Provided further*, That none of
11 the funds may be used for tribal courts or tribal ordinance
12 programs or any program that is not directly related to
13 alcohol control, enforcement, prevention, treatment, or so-
14 briety: *Provided further*, That no more than 15 percent
15 may be used by any entity receiving funding for adminis-
16 trative overhead including indirect costs: *Provided further*,
17 That the Bureau of Indian Affairs shall collect from the
18 Indian Health Service and tribes and tribal organizations
19 operating health facilities pursuant to Public Law 93-638
20 such individually identifiable health information relating
21 to disabled children as may be necessary for the purpose
22 of carrying out its functions under the Individuals With
23 Disability Education Act, 20 U.S.C. 1400, et seq.

24 INDIAN HEALTH FACILITIES

25 For construction, repair, maintenance, improvement,
26 and equipment of health and related auxiliary facilities,

1 including quarters for personnel; preparation of plans,
2 specifications, and drawings; acquisition of sites; purchase
3 and erection of modular buildings, and purchases of trail-
4 ers; and for provision of domestic and community sanita-
5 tion facilities for Indians, as authorized by section 7 of
6 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
7 Self-Determination Act, and the Indian Health Care Im-
8 provement Act, and for expenses necessary to carry out
9 such Acts and titles II and III of the Public Health Serv-
10 ice Act with respect to environmental health and facilities
11 support activities of the Indian Health Service,
12 \$370,774,000, to remain available until expended: *Pro-*
13 *vided*, That notwithstanding any other provision of law,
14 funds appropriated for the planning, design, construction
15 or renovation of health facilities for the benefit of an In-
16 dian tribe or tribes may be used to purchase land for sites
17 to construct, improve, or enlarge health or related facili-
18 ties: *Provided further*, That not to exceed \$500,000 shall
19 be used by the Indian Health Service to purchase
20 TRANSAM equipment from the Department of Defense
21 for distribution to the Indian Health Service and tribal
22 facilities: *Provided further*, That none of the funds appro-
23 priated to the Indian Health Service may be used for sani-
24 tation facilities construction for new homes funded with
25 grants by the housing programs of the United States De-

1 partment of Housing and Urban Development: *Provided*
2 *further*, That not to exceed \$1,000,000 from this account
3 and the "Indian Health Services" account shall be used
4 by the Indian Health Service to obtain ambulances for the
5 Indian Health Service and tribal facilities in conjunction
6 with an existing interagency agreement between the In-
7 dian Health Service and the General Services Administra-
8 tion: *Provided further*, That notwithstanding any other
9 provision of law, funds appropriated for the planning, de-
10 sign, and construction of the replacement health care facil-
11 ity in Barrow, Alaska, may be used to purchase land up
12 to approximately 8 hectares for a site upon which to con-
13 struct the new health care facility: *Provided further*, That
14 not to exceed \$500,000 shall be placed in a Demolition
15 Fund, available until expended, to be used by the Indian
16 Health Service for demolition of Federal buildings.

17 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

18 Appropriations in this Act to the Indian Health Serv-
19 ice shall be available for services as authorized by 5 U.S.C.
20 3109 but at rates not to exceed the per diem rate equiva-
21 lent to the maximum rate payable for senior-level positions
22 under 5 U.S.C. 5376; hire of passenger motor vehicles and
23 aircraft; purchase of medical equipment; purchase of re-
24 prints; purchase, renovation and erection of modular
25 buildings and renovation of existing facilities; payments
26 for telephone service in private residences in the field;

1 when authorized under regulations approved by the Sec-
2 retary; and for uniforms or allowances therefor as author-
3 ized by ~~5~~ U.S.C. ~~5901–5902~~; and for expenses of attend-
4 ance at meetings which are concerned with the functions
5 or activities for which the appropriation is made or which
6 will contribute to improved conduct, supervision, or man-
7 agement of those functions or activities.

8 In accordance with the provisions of the Indian
9 Health Care Improvement Act, non-Indian patients may
10 be extended health care at all tribally administered or In-
11 dian Health Service facilities, subject to charges, and the
12 proceeds along with funds recovered under the Federal
13 Medical Care Recovery Act (~~42~~ U.S.C. ~~2651–2653~~) shall
14 be credited to the account of the facility providing the
15 service and shall be available without fiscal year limitation.
16 Notwithstanding any other law or regulation, funds trans-
17 ferred from the Department of Housing and Urban Devel-
18 opment to the Indian Health Service shall be administered
19 under Public Law ~~86–121~~ (the Indian Sanitation Facili-
20 ties Act) and Public Law ~~93–638~~, as amended.

21 Funds appropriated to the Indian Health Service in
22 this Act, except those used for administrative and program
23 direction purposes, shall not be subject to limitations di-
24 rected at curtailing Federal travel and transportation.

1 None of the funds made available to the Indian
2 Health Service in this Act shall be used for any assess-
3 ments or charges by the Department of Health and
4 Human Services unless identified in the budget justifica-
5 tion and provided in this Act, or approved by the House
6 and Senate Committees on Appropriations through the re-
7 programming process. Personnel ceilings may not be im-
8 posed on the Indian Health Service nor may any action
9 be taken to reduce the full time equivalent level of the
10 Indian Health Service below the level in fiscal year 2002
11 adjusted upward for the staffing of new and expanded fa-
12 cilities, funding provided for staffing at the Lawton, Okla-
13 homa hospital in fiscal years 2003 and 2004, critical posi-
14 tions not filled in fiscal year 2002, and staffing necessary
15 to carry out the intent of Congress with regard to program
16 increases.

17 Notwithstanding any other provision of law, funds
18 previously or herein made available to a tribe or tribal or-
19 ganization through a contract, grant, or agreement au-
20 thorized by title I or title V of the Indian Self-Determina-
21 tion and Education Assistance Act of 1975 (25 U.S.C.
22 450), may be deobligated and reobligated to a self-deter-
23 mination contract under title I, or a self-governance agree-
24 ment under title V of such Act and thereafter shall remain

1 available to the tribe or tribal organization without fiscal
2 year limitation.

3 None of the funds made available to the Indian
4 Health Service in this Act shall be used to implement the
5 final rule published in the Federal Register on September
6 16, 1987, by the Department of Health and Human Serv-
7 ices, relating to the eligibility for the health care services
8 of the Indian Health Service until the Indian Health Serv-
9 ice has submitted a budget request reflecting the increased
10 costs associated with the proposed final rule, and such re-
11 quest has been included in an appropriations Act and en-
12 acted into law.

13 With respect to functions transferred by the Indian
14 Health Service to tribes or tribal organizations, the Indian
15 Health Service is authorized to provide goods and services
16 to those entities, on a reimbursable basis, including pay-
17 ment in advance with subsequent adjustment. The reim-
18 bursements received therefrom, along with the funds re-
19 ceived from those entities pursuant to the Indian Self-De-
20 termination Act, may be credited to the same or subse-
21 quent appropriation account which provided the funding.
22 Such amounts shall remain available until expended.

23 Reimbursements for training, technical assistance, or
24 services provided by the Indian Health Service will contain
25 total costs, including direct, administrative, and overhead

1 associated with the provision of goods, services, or tech-
2 nical assistance.

3 The appropriation structure for the Indian Health
4 Service may not be altered without advance notification
5 to the House and Senate Committees on Appropriations.

6 NATIONAL INSTITUTES OF HEALTH

7 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

8 SCIENCES

9 For necessary expenses for the National Institute of
10 Environmental Health Sciences in carrying out activities
11 set forth in section 311(a) of the Comprehensive Environ-
12 mental Response, Compensation, and Liability Act of
13 1980, as amended, and section 126(g) of the Superfund
14 Amendments and Reauthorization Act of 1986,
15 \$80,289,000.

16 AGENCY FOR TOXIC SUBSTANCES AND DISEASE

17 REGISTRY

18 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC

19 HEALTH

20 For necessary expenses for the Agency for Toxic Sub-
21 stances and Disease Registry (ATSDR) in carrying out
22 activities set forth in sections 104(i), 111(e)(4), and
23 111(e)(14) of the Comprehensive Environmental Re-
24 sponse, Compensation, and Liability Act of 1980
25 (CERCLA), as amended; section 118(f) of the Superfund

1 Amendments and Reauthorization Act of 1986 (SARA),
2 as amended; and section 3019 of the Solid Waste Disposal
3 Act, as amended, \$76,024,000, of which up to \$1,500,000,
4 to remain available until expended, is for Individual
5 Learning Accounts for full-time equivalent employees of
6 the Agency for Toxic Substances and Disease Registry:
7 *Provided*, That notwithstanding any other provision of
8 law, in lieu of performing a health assessment under sec-
9 tion 104(i)(6) of CERCLA, the Administrator of ATSDR
10 may conduct other appropriate health studies, evaluations,
11 or activities, including, without limitation, biomedical test-
12 ing, clinical evaluations, medical monitoring, and referral
13 to accredited health care providers: *Provided further*, That
14 in performing any such health assessment or health study,
15 evaluation, or activity, the Administrator of ATSDR shall
16 not be bound by the deadlines in section 104(i)(6)(A) of
17 CERCLA: *Provided further*, That none of the funds appro-
18 priated under this heading shall be available for ATSDR
19 to issue in excess of 40 toxicological profiles pursuant to
20 section 104(i) of CERCLA during fiscal year 2006, and
21 existing profiles may be updated 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 as-
6 signed to the Council on Environmental Quality and Office
7 of Environmental Quality pursuant to the National Envi-
8 ronmental Policy Act of 1969, the Environmental Quality
9 Improvement Act of 1970, and Reorganization Plan No.
10 1 of 1977, and not to exceed \$750 for official reception
11 and representation expenses, \$2,717,000: *Provided*, That
12 notwithstanding section 202 of the National Environ-
13 mental Policy Act of 1970, the Council shall consist of
14 one member, appointed by the President, by and with the
15 advice and consent of the Senate, serving as chairman and
16 exercising all 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 amend-
21 ed, including hire of passenger vehicles, uniforms or allow-
22 ances therefor, as authorized by 5 U.S.C. 5901-5902, and
23 for services authorized by 5 U.S.C. 3109 but at rates for
24 individuals not to exceed the per diem equivalent to the
25 maximum rate payable for senior level positions under 5

1 U.S.C. 5376, \$9,200,000: *Provided*, That the Chemical
2 Safety and Hazard Investigation Board (Board) shall have
3 not more than three career Senior Executive Service posi-
4 tions: *Provided further*, That notwithstanding any other
5 provision of law, the individual appointed to the position
6 of Inspector General of the Environmental Protection
7 Agency (EPA) shall, by virtue of such appointment, also
8 hold the position of Inspector General of the Board: *Pro-*
9 *vided further*, That notwithstanding any other provision of
10 law, the Inspector General of the Board shall utilize per-
11 sonnel of the Office of Inspector General of EPA in per-
12 forming the duties of the Inspector General of the Board,
13 and shall not appoint any individuals to positions within
14 the Board.

15 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

16 SALARIES AND EXPENSES

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

1 of the funds contained in this or any other Act may be
2 used by the Office of Navajo and Hopi Indian Relocation
3 to evict any single Navajo or Navajo family who, as of
4 November 30, 1985, was physically domiciled on the lands
5 partitioned to the Hopi Tribe unless a new or replacement
6 home is provided for such household: *Provided further,*
7 That no relocatee will be provided with more than one new
8 or replacement home: *Provided further,* That the Office
9 shall relocate any certified eligible relocatees who have se-
10 lected and received an approved homesite on the Navajo
11 reservation or selected a replacement residence off the
12 Navajo reservation or on the land acquired pursuant to
13 25 U.S.C. 640d-10.

14 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
15 CULTURE AND ARTS DEVELOPMENT

16 PAYMENT TO THE INSTITUTE

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

21 SMITHSONIAN INSTITUTION

22 SALARIES AND EXPENSES

23 For necessary expenses of the Smithsonian Institu-
24 tion, as authorized by law, including research in the fields
25 of art, science, and history; development, preservation, and

1 documentation of the National Collections; presentation of
2 public exhibits and performances; collection, preparation,
3 dissemination, and exchange of information and publica-
4 tions; conduct of education, training, and museum assist-
5 ance programs; maintenance, alteration, operation, lease
6 (for terms not to exceed 30 years), and protection of build-
7 ings, facilities, and approaches; not to exceed \$100,000
8 for services as authorized by 5 U.S.C. 3109; up to five
9 replacement passenger vehicles; purchase, rental, repair,
10 and cleaning of uniforms for employees, \$524,381,000, of
11 which not to exceed \$10,992,000 for the instrumentation
12 program; collections acquisition, exhibition reinstallation,
13 the National Museum of African American History and
14 Culture, and the repatriation of skeletal remains program
15 shall remain available until expended; and of which
16 \$9,086,000 for the reopening of the Patent Office Build-
17 ing and for fellowships and scholarly awards shall remain
18 available until September 30, 2007; and including such
19 funds as may be necessary to support American overseas
20 research centers and a total of \$125,000 for the Council
21 of American Overseas Research Centers: *Provided*, That
22 funds appropriated herein are available for advance pay-
23 ments to independent contractors performing research
24 services or participating in official Smithsonian presen-
25 tations: *Provided further*, That the Smithsonian Institu-

1 tion may expend Federal appropriations designated in this
2 Act for lease or rent payments for long term and swing
3 space, as rent payable to the Smithsonian Institution, and
4 such rent payments may be deposited into the general
5 trust funds of the Institution to the extent that federally
6 supported activities are housed in the 900 H Street, N.W.
7 building in the District of Columbia: *Provided further,*
8 That this use of Federal appropriations shall not be con-
9 strued as debt service, a Federal guarantee of, a transfer
10 of risk to, or an obligation of, the Federal Government:
11 *Provided further,* That no appropriated funds may be used
12 to service debt which is incurred to finance the costs of
13 acquiring the 900 H Street building or of planning, de-
14 signing, and constructing improvements to such building.

15 FACILITIES CAPITAL

16 For necessary expenses of repair, revitalization, and
17 alteration of facilities owned or occupied by the Smithso-
18 nian Institution, by contract or otherwise, as authorized
19 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
20 and for construction, including necessary personnel,
21 \$90,900,000, to remain available until expended, of which
22 not to exceed \$10,000 is for services as authorized by 5
23 U.S.C. 3109: *Provided,* That contracts awarded for envi-
24 ronmental systems, protection systems, and repair or res-
25 toration of facilities of the Smithsonian Institution may

1 be negotiated with selected contractors and awarded on
2 the basis of contractor qualifications as well as price.

3 ADMINISTRATIVE PROVISIONS, SMITHSONIAN
4 INSTITUTION

5 None of the funds in this or any other Act may be
6 used to make any changes to the existing Smithsonian
7 science programs including closure of facilities, relocation
8 of staff or redirection of functions and programs without
9 the advance approval of the House and Senate Committees
10 on Appropriations.

11 None of the funds in this or any other Act may be
12 used to initiate the design for any proposed expansion of
13 current space or new facility without consultation with the
14 House and Senate Appropriations Committees.

15 None of the funds in this or any other Act may be
16 used for the Holt House located at the National Zoological
17 Park in Washington, D.C., unless identified as repairs to
18 minimize water damage, monitor structure movement, or
19 provide interim structural support.

20 None of the funds available to the Smithsonian may
21 be reprogrammed without the advance written approval of
22 the House and Senate Committees on Appropriations in
23 accordance with the reprogramming procedures contained
24 in the statement of the managers accompanying this Act.

1 None of the funds in this or any other Act may be
2 used to purchase any additional buildings without prior
3 consultation with the House and Senate Committees on
4 Appropriations.

5 NATIONAL GALLERY OF ART

6 SALARIES AND EXPENSES

7 For the upkeep and operations of the National Gal-
8 lery of Art, the protection and care of the works of art
9 therein, and administrative expenses incident thereto, as
10 authorized by the Act of March 24, 1937 (50 Stat. 51),
11 as amended by the public resolution of April 13, 1939
12 (Public Resolution 9, Seventy-sixth Congress), including
13 services as authorized by 5 U.S.C. 3109; payment in ad-
14 vance when authorized by the treasurer of the Gallery for
15 membership in library, museum, and art associations or
16 societies whose publications or services are available to
17 members only, or to members at a price lower than to the
18 general public; purchase, repair, and cleaning of uniforms
19 for guards, and uniforms, or allowances therefor, for other
20 employees as authorized by law (5 U.S.C. 5901–5902);
21 purchase or rental of devices and services for protecting
22 buildings and contents thereof, and maintenance, alter-
23 ation, improvement, and repair of buildings, approaches,
24 and grounds; and purchase of services for restoration and
25 repair of works of art for the National Gallery of Art by

1 contracts made, without advertising, with individuals,
2 firms, or organizations at such rates or prices and under
3 such terms and conditions as the Gallery may deem prop-
4 er, \$97,100,000, of which not to exceed \$3,157,000 for
5 the special exhibition program shall remain available until
6 expended.

7 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

8 For necessary expenses of repair, restoration and
9 renovation of buildings, grounds and facilities owned or
10 occupied by the National Gallery of Art, by contract or
11 otherwise, as authorized, \$16,200,000, to remain available
12 until expended: *Provided*, That contracts awarded for envi-
13 ronmental systems, protection systems, and exterior repair
14 or renovation of buildings of the National Gallery of Art
15 may be negotiated with selected contractors and awarded
16 on the basis of contractor qualifications as well as price:
17 *Provided further*, That, notwithstanding any other provi-
18 sion of law, a single procurement for the Master Facilities
19 Plan renovation project at the National Gallery of Art may
20 be issued which includes the full scope of the Work Area
21 #3 project: *Provided further*, That the solicitation and the
22 contract shall contain the clause "availability of funds"
23 found at 48 CFR 52.232.18.

1 JOHN F. KENNEDY CENTER FOR THE PERFORMING
2 ARTS
3 OPERATIONS AND MAINTENANCE

4 For necessary expenses for the operation, mainte-
5 nance and security of the John F. Kennedy Center for
6 the Performing Arts, \$17,800,000.

7 CONSTRUCTION

8 For necessary expenses for capital repair and restora-
9 tion of the existing features of the building and site of
10 the John F. Kennedy Center for the Performing Arts,
11 \$10,000,000, to remain available until expended.

12 WOODROW WILSON INTERNATIONAL CENTER FOR
13 SCHOLARS
14 SALARIES AND EXPENSES

15 For expenses necessary in carrying out the provisions
16 of the Woodrow Wilson Memorial Act of 1968 (82 Stat.
17 1356) including hire of passenger vehicles and services as
18 authorized by 5 U.S.C. 3109, \$9,085,000.

19 NATIONAL FOUNDATION ON THE ARTS AND THE
20 HUMANITIES
21 NATIONAL ENDOWMENT FOR THE ARTS
22 GRANTS AND ADMINISTRATION

23 For necessary expenses to carry out the National
24 Foundation on the Arts and the Humanities Act of 1965,
25 as amended, \$121,264,000 (increased by \$10,000,000)
26 shall be available to the National Endowment for the Arts

1 for the support of projects and productions in the arts
2 through assistance to organizations and individuals pursu-
3 ant to sections 5(e) and 5(g) of the Act, including
4 \$14,922,000 (increased by \$10,000,000) for support of
5 arts education and public outreach activities through the
6 Challenge America program, for program support, and for
7 administering the functions of the Act, to remain available
8 until expended: *Provided*, That funds previously appro-
9 priated to the National Endowment for the Arts “Match-
10 ing Grants” account and “Challenge America” account
11 may be transferred to and merged with this account.

12 NATIONAL ENDOWMENT FOR THE HUMANITIES

13 GRANTS AND ADMINISTRATION

14 For necessary expenses to carry out the National
15 Foundation on the Arts and the Humanities Act of 1965,
16 as amended, \$122,605,000 (increased by \$5,000,000),
17 shall be available to the National Endowment for the Hu-
18 manities for support of activities in the humanities, pursu-
19 ant to section 7(e) of the Act, and for administering the
20 functions of the Act, to remain available until expended.

21 MATCHING GRANTS

22 To carry out the provisions of section 10(a)(2) of the
23 National Foundation on the Arts and the Humanities Act
24 of 1965, as amended, \$15,449,000, to remain available
25 until expended, of which \$10,000,000 shall be available
26 to the National Endowment for the Humanities for the

1 purposes of section 7(h): *Provided*, That this appropria-
2 tion shall be available for obligation only in such amounts
3 as may be equal to the total amounts of gifts, bequests,
4 and devises of money, and other property accepted by the
5 chairman or by grantees of the Endowment under the pro-
6 visions of subsections 11(a)(2)(B) and 11(a)(3)(B) during
7 the current and preceding fiscal years for which equal
8 amounts have not previously been appropriated.

9 ADMINISTRATIVE PROVISIONS

10 None of the funds appropriated to the National
11 Foundation on the Arts and the Humanities may be used
12 to process any grant or contract documents which do not
13 include the text of 18 U.S.C. 1913: *Provided*, That none
14 of the funds appropriated to the National Foundation on
15 the Arts and the Humanities may be used for official re-
16 ception and representation expenses: *Provided further*,
17 That funds from nonappropriated sources may be used as
18 necessary for official reception and representation ex-
19 penses: *Provided further*, That the Chairperson of the Na-
20 tional Endowment for the Arts may approve grants up to
21 \$10,000, if in the aggregate this amount does not exceed
22 5 percent of the sums appropriated for grant-making pur-
23 poses per year: *Provided further*, That such small grant
24 actions are taken pursuant to the terms of an expressed

1 and direct delegation of authority from the National Coun-
 2 cil on the Arts to the Chairperson:

3 COMMISSION OF FINE ARTS

4 SALARIES AND EXPENSES

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

12 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

13 For necessary expenses as authorized by Public Law
 14 99-190 (20 U.S.C. 956(a)), as amended, \$7,000,000: *Pro-*
 15 *vided*, That no one organization shall receive a grant in
 16 excess of \$400,000 in a single year:

17 ADVISORY COUNCIL ON HISTORIC PRESERVATION

18 SALARIES AND EXPENSES

19 For necessary expenses of the Advisory Council on
 20 Historic Preservation (Public Law 89-665, as amended),
 21 \$4,860,000: *Provided*, That none of these funds shall be
 22 available for compensation of level V of the Executive
 23 Schedule or higher positions:

1 NATIONAL CAPITAL PLANNING COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses, as authorized by the Na-
4 tional Capital Planning Act of 1952 (40 U.S.C. 71-71i),
5 including services as authorized by 5 U.S.C. 3109,
6 \$8,177,000: *Provided*, That one-quarter of 1 percent of
7 the funds provided under this heading may be used for
8 official reception and representational expenses to host
9 international visitors engaged in the planning and physical
10 development of world capitals.

11 UNITED STATES HOLOCAUST MEMORIAL MUSEUM

12 HOLOCAUST MEMORIAL MUSEUM

13 For expenses of the Holocaust Memorial Museum, as
14 authorized by Public Law 106-292 (36 U.S.C. 2301-
15 2310), \$41,880,000, of which \$1,874,000 for the muse-
16 um's repair and rehabilitation program and \$1,246,000
17 for the museum's exhibitions program shall remain avail-
18 able until expended.

19 PRESIDIO TRUST

20 PRESIDIO TRUST FUND

21 For necessary expenses to carry out title I of the Om-
22 nibus Parks and Public Lands Management Act of 1996,
23 \$20,000,000 shall be available to the Presidio Trust, to
24 remain available until expended.

1 SEC. 405. No assessments may be levied against any
2 program, budget activity, subactivity, or project funded by
3 this Act unless notice of such assessments and the basis
4 therefor are presented to the Committees on Appropria-
5 tions and are approved by such committees.

6 SEC. 406. None of the funds in this Act may be used
7 to plan, prepare, or offer for sale timber from trees classi-
8 fied as giant sequoia (*Sequoiadendron giganteum*) which
9 are located on National Forest System or Bureau of Land
10 Management lands in a manner different than such sales
11 were conducted in fiscal year 2004.

12 SEC. 407. (a) LIMITATION OF FUNDS.—None of the
13 funds appropriated or otherwise made available pursuant
14 to this Act shall be obligated or expended to accept or
15 process applications for a patent for any mining or mill
16 site claim located under the general mining laws.

17 (b) EXCEPTIONS.—The provisions of subsection (a)
18 shall not apply if the Secretary of the Interior determines
19 that, for the claim concerned: (1) a patent application was
20 filed with the Secretary on or before September 30, 1994;
21 and (2) all requirements established under sections 2325
22 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)
23 for vein or lode claims and sections 2329, 2330, 2331,
24 and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and
25 37) for placer claims, and section 2337 of the Revised

1 Statutes (30 U.S.C. 42) for mill site claims, as the case
2 may be, were fully complied with by the applicant by that
3 date.

4 (c) REPORT.—On September 30, 2006, the Secretary
5 of the Interior shall file with the House and Senate Com-
6 mittees on Appropriations and the Committee on Re-
7 sources of the House of Representatives and the Com-
8 mittee on Energy and Natural Resources of the Senate
9 a report on actions taken by the Department under the
10 plan submitted pursuant to section 314(e) of the Depart-
11 ment of the Interior and Related Agencies Appropriations
12 Act, 1997 (Public Law 104–208).

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

1 SEC. 408. Notwithstanding any other provision of
2 law, amounts appropriated to or earmarked in committee
3 reports for the Bureau of Indian Affairs and the Indian
4 Health Service by Public Laws ~~103-138~~, ~~103-332~~, ~~104-~~
5 ~~134~~, ~~104-208~~, ~~105-83~~, ~~105-277~~, ~~106-113~~, ~~106-291~~,
6 ~~107-63~~, ~~108-7~~, ~~108-108~~, and ~~108-447~~ for payments to
7 tribes and tribal organizations for contract support costs
8 associated with self-determination or self-governance con-
9 tracts, grants, compacts, or annual funding agreements
10 with the Bureau of Indian Affairs or the Indian Health
11 Service as funded by such Acts, are the total amounts
12 available for fiscal years 1994 through 2005 for such pur-
13 poses, except that, for the Bureau of Indian Affairs, tribes
14 and tribal organizations may use their tribal priority allo-
15 cations for unmet contract support costs of ongoing con-
16 tracts, grants, self-governance compacts or annual funding
17 agreements.

18 SEC. 409. Of the funds provided to the National En-
19 dowment for the Arts:

20 (1) The Chairperson shall only award a grant
21 to an individual if such grant is awarded to such in-
22 dividual for a literature fellowship, National Herit-
23 age Fellowship, or American Jazz Masters Fellow-
24 ship.

1 (2) The Chairperson shall establish procedures
2 to ensure that no funding provided through a grant,
3 except a grant made to a State or local arts agency,
4 or regional group, may be used to make a grant to
5 any other organization or individual to conduct ac-
6 tivity independent of the direct grant recipient.
7 Nothing in this subsection shall prohibit payments
8 made in exchange for goods and services.

9 (3) No grant shall be used for seasonal support
10 to a group, unless the application is specific to the
11 contents of the season, including identified programs
12 and/or projects.

13 SEC. 410. The National Endowment for the Arts and
14 the National Endowment for the Humanities are author-
15 ized to solicit, accept, receive, and invest in the name of
16 the United States, gifts, bequests, or devises of money and
17 other property or services and to use such in furtherance
18 of the functions of the National Endowment for the Arts
19 and the National Endowment for the Humanities. Any
20 proceeds from such gifts, bequests, or devises, after ac-
21 ceptance by the National Endowment for the Arts or the
22 National Endowment for the Humanities, shall be paid by
23 the donor or the representative of the donor to the Chair-
24 man. The Chairman shall enter the proceeds in a special

1 interest-bearing account to the credit of the appropriate
2 endowment for the purposes specified in each case.

3 SEC. 411. (a) In providing services or awarding fi-
4 nancial assistance under the National Foundation on the
5 Arts and the Humanities Act of 1965 from funds appro-
6 priated under this Act, the Chairperson of the National
7 Endowment for the Arts shall ensure that priority is given
8 to providing services or awarding financial assistance for
9 projects, productions, workshops, or programs that serve
10 underserved populations.

11 (b) In this section:

12 (1) The term “underserved population” means
13 a population of individuals, including urban minori-
14 ties, who have historically been outside the purview
15 of arts and humanities programs due to factors such
16 as a high incidence of income below the poverty line
17 or to geographic isolation.

18 (2) The term “poverty line” means the poverty
19 line (as defined by the Office of Management and
20 Budget, and revised annually in accordance with sec-
21 tion 673(2) of the Community Services Block Grant
22 Act (42 U.S.C. 9902(2)) applicable to a family of
23 the size involved.

24 (c) In providing services and awarding financial as-
25 sistance under the National Foundation on the Arts and

1 Humanities Act of 1965 with funds appropriated by this
2 Act, the Chairperson of the National Endowment for the
3 Arts shall ensure that priority is given to providing serv-
4 ices or awarding financial assistance for projects, produc-
5 tions, workshops, or programs that will encourage public
6 knowledge, education, understanding, and appreciation of
7 the arts.

8 (d) With funds appropriated by this Act to carry out
9 section 5 of the National Foundation on the Arts and Hu-
10 manities Act of 1965—

11 (1) the Chairperson shall establish a grant cat-
12 egory for projects, productions, workshops, or pro-
13 grams that are of national impact or availability or
14 are able to tour several States;

15 (2) the Chairperson shall not make grants ex-
16 ceeding 15 percent, in the aggregate, of such funds
17 to any single State, excluding grants made under the
18 authority of paragraph (1);

19 (3) the Chairperson shall report to the Con-
20 gress annually and by State, on grants awarded by
21 the Chairperson in each grant category under sec-
22 tion 5 of such Act; and

23 (4) the Chairperson shall encourage the use of
24 grants to improve and support community-based
25 music performance and education.

1 SEC. 412. No part of any appropriation contained in
2 this Act shall be expended or obligated to complete and
3 issue the 5-year program under the Forest and Rangeland
4 Renewable Resources Planning Act.

5 SEC. 413. Amounts deposited during fiscal year 2005
6 in the roads and trails fund provided for in the 14th para-
7 graph under the heading “FOREST SERVICE” of the
8 Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall
9 be used by the Secretary of Agriculture, without regard
10 to the State in which the amounts were derived, to repair
11 or reconstruct roads, bridges, and trails on National For-
12 est System lands or to carry out and administer projects
13 to improve forest health conditions, which may include the
14 repair or reconstruction of roads, bridges, and trails on
15 National Forest System lands in the wildland-community
16 interface where there is an abnormally high risk of fire.
17 The projects shall emphasize reducing risks to human
18 safety and public health and property and enhancing eco-
19 logical functions, long-term forest productivity, and bio-
20 logical integrity. The projects may be completed in a sub-
21 sequent fiscal year. Funds shall not be expended under
22 this section to replace funds which would otherwise appro-
23 priately be expended from the timber salvage sale fund.
24 Nothing in this section shall be construed to exempt any
25 project from any environmental law.

1 SEC. 414. Other than in emergency situations, none
2 of the funds in this Act may be used to operate telephone
3 answering machines during core business hours unless
4 such answering machines include an option that enables
5 callers to reach promptly an individual on-duty with the
6 agency being contacted.

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

22 SEC. 416. No funds provided in this Act may be ex-
23 pended to conduct preleasing, leasing and related activities
24 under either the Mineral Leasing Act (30 U.S.C. 181 et
25 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.

1 1331 et seq.) within the boundaries of a National Monu-
2 ment established pursuant to the Act of June 8, 1906 (16
3 U.S.C. 431 et seq.) as such boundary existed on January
4 20, 2001, except where such activities are allowed under
5 the Presidential proclamation establishing such monu-
6 ment.

7 SEC. 417. EXTENSION OF FOREST SERVICE CONVEY-
8 ANCES PILOT PROGRAM.—Section 329 of the Department
9 of the Interior and Related Agencies Appropriations Act,
10 2002 (16 U.S.C. 580d note; Public Law 107-63) is
11 amended—

12 (1) in subsection (b), by striking “40” and in-
13 serting “60”;

14 (2) in subsection (e) by striking “13” and in-
15 serting “25”; and

16 (3) in subsection (d), by striking “2008” and
17 inserting “2009”.

18 SEC. 418. In entering into agreements with foreign
19 countries pursuant to the Wildfire Suppression Assistance
20 Act (42 U.S.C. 1856m) the Secretary of Agriculture and
21 the Secretary of the Interior are authorized to enter into
22 reciprocal agreements in which the individuals furnished
23 under said agreements to provide wildfire services are con-
24 sidered, for purposes of tort liability, employees of the
25 country receiving said services when the individuals are

1 engaged in fire suppression: *Provided*, That the Secretary
2 of Agriculture or the Secretary of the Interior shall not
3 enter into any agreement under this provision unless the
4 foreign country (either directly or through its fire organi-
5 zation) agrees to assume any and all liability for the acts
6 or omissions of American firefighters engaged in fire-
7 fighting in a foreign country: *Provided further*, That when
8 an agreement is reached for furnishing fire fighting serv-
9 ices, the only remedies for acts or omissions committed
10 while fighting fires shall be those provided under the laws
11 of the host country, and those remedies shall be the exclu-
12 sive remedies for any claim arising out of fighting fires
13 in a foreign country: *Provided further*, That neither the
14 sending country nor any legal organization associated with
15 the firefighter shall be subject to any legal action whatso-
16 ever pertaining to or arising out of the firefighter's role
17 in fire suppression.

18 SEC. 419. None of the funds made available in this
19 Act may be transferred to any department, agency, or in-
20 strumentality of the United States Government except
21 pursuant to a transfer made by, or transfer authority pro-
22 vided in, this Act or any other appropriations Act.

23 SEC. 420. In awarding a Federal contract with funds
24 made available by this Act, the Secretary of Agriculture
25 and the Secretary of the Interior (the "Secretaries") may,

1 in evaluating bids and proposals, give consideration to
2 local contractors who are from, and who provide employ-
3 ment and training for, dislocated and displaced workers
4 in an economically disadvantaged rural community, in-
5 cluding those historically timber-dependent areas that
6 have been affected by reduced timber harvesting on Fed-
7 eral lands and other forest-dependent rural communities
8 isolated from significant alternative employment opportu-
9 nities: *Provided*, That the Secretaries may award con-
10 tracts, grants or cooperative agreements to local non-prof-
11 it entities, Youth Conservation Corps or related partner-
12 ships with State, local or non-profit youth groups, or small
13 or disadvantaged business or micro-business: *Provided fur-*
14 *ther*, That the contract, grant, or cooperative agreement
15 is for forest hazardous fuels reduction, watershed or water
16 quality monitoring or restoration, wildlife or fish popu-
17 lation monitoring, or habitat restoration or management:
18 *Provided further*, That the terms “rural community” and
19 “economically disadvantaged” shall have the same mean-
20 ings as in section 2374 of Public Law 101–624: *Provided*
21 *further*, That the Secretaries shall develop guidance to im-
22 plement this section: *Provided further*, That nothing in
23 this section shall be construed as relieving the Secretaries
24 of any duty under applicable procurement laws, except as
25 provided in this section.

1 SEC. 421. No funds appropriated in this Act for the
2 acquisition of lands or interests in lands may be expended
3 for the filing of declarations of taking or complaints in
4 condemnation without the approval of the House and Sen-
5 ate Committees on Appropriations: *Provided*, That this
6 provision shall not apply to funds appropriated to imple-
7 ment the Everglades National Park Protection and Ex-
8 pansion Act of 1989, or to funds appropriated for Federal
9 assistance to the State of Florida to acquire lands for Ev-
10 erglades restoration purposes.

11 SEC. 422. (a) LIMITATION ON COMPETITIVE
12 SOURCING STUDIES.—

13 (1) Of the funds made available by this or any
14 other Act to the Department of the Interior for fis-
15 cal year 2006, not more than \$3,450,000 may be
16 used by the Secretary of the Interior to initiate or
17 continue competitive sourcing studies in fiscal year
18 2006 for programs, projects, and activities for which
19 funds are appropriated by this Act and such funds
20 shall not be available until the Secretary submits a
21 reprogramming proposal to the Committees on Ap-
22 propriations of the Senate and the House of Rep-
23 resentatives, and such proposal has been processed
24 consistent with the reprogramming guidelines in
25 House Report 108-330.

1 (2) Of the funds appropriated by this Act, not
2 more than \$2,500,000 may be used in fiscal year
3 2006 for competitive sourcing studies and related
4 activities by the Forest Service.

5 (b) COMPETITIVE SOURCING STUDY DEFINED.—In
6 this section, the term “competitive sourcing study” means
7 a study on subjecting work performed by Federal Govern-
8 ment employees or private contractors to public-private
9 competition or on converting the Federal Government em-
10 ployees or the work performed by such employees to pri-
11 vate contractor performance under the Office of Manage-
12 ment and Budget Circular A-76 or any other administra-
13 tive regulation, directive, or policy.

14 (c) COMPETITIVE SOURCING EXEMPTION FOR FOR-
15 EST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL
16 YEAR 2006.—The Forest Service is hereby exempted from
17 implementing the Letter of Obligation and post-competi-
18 tion accountability guidelines where a competitive sourcing
19 study involved 65 or fewer full-time equivalents, the per-
20 formance decision was made in favor of the agency pro-
21 vider, no net savings was achieved by conducting the
22 study, and the study was completed prior to the date of
23 this Act.

24 SEC. 423. Estimated overhead charges, deductions,
25 reserves or holdbacks from programs, projects and activi-

1 ties to support governmentwide, departmental, agency or
2 bureau administrative functions or headquarters, regional
3 or central office operations shall be presented in annual
4 budget justifications. Changes to such estimates shall be
5 presented to the Committees on Appropriations for ap-
6 proval.

7 SEC. 424. None of the funds in this Act or prior Acts
8 making appropriations for the Department of the Interior
9 and Related Agencies may be provided to the managing
10 partners or their agents for the SAFECOM or Disaster
11 Management projects.

12 SEC. 425. (a) IN GENERAL.—An entity that enters
13 into a contract with the United States to operate the Na-
14 tional Recreation Reservation Service (as solicited by the
15 solicitation numbered WO-04-06vm) shall not carry out
16 any duties under the contract using:

17 (1) a contact center located outside the United
18 States; or

19 (2) a reservation agent who does not live in the
20 United States.

21 (b) NO WAIVER.—The Secretary of Agriculture may
22 not waive the requirements of subsection (a).

23 (c) TELECOMMUTING.—A reservation agent who is
24 carrying out duties under the contract described in sub-

1 section (a) may not telecommute from a location outside
2 the United States.

3 (d) LIMITATIONS.—Nothing in this Act shall be con-
4 structed to apply to any employee of the entity who is not
5 a reservation agent carrying out the duties under the con-
6 tract described in subsection (a) or who provides manage-
7 rial or support services.

8 SEC. 426. Section 331, of Public Law 106–113, is
9 amended—

10 (1) in part (a) by striking “2005” and inserting
11 “2009”; and

12 (2) in part (b) by striking “2005” and inserting
13 “2009”.

14 SEC. 427. Section 330 of the Department of the Inte-
15 rior and Related Agencies Appropriations Act, 2001 (Pub-
16 lic Law 106–291, 114 Stat. 996; 43 U.S.C. 1701 note),
17 is amended—

18 (1) in the first sentence, by striking “2005”
19 and inserting “2008”;

20 (2) in the third sentence, by inserting “, Na-
21 tional Park Service, Fish and Wildlife Service,”
22 after “Bureau of Land Management”; and

23 (3) by adding at the end the following new sen-
24 tence: “To facilitate the sharing of resources under
25 the Service First initiative, the Secretaries of the In-

1 terior and Agriculture may make transfers of funds
2 and reimbursement of funds on an annual basis
3 among the land management agencies referred to in
4 this section, except that this authority may not be
5 used to circumvent requirements and limitations im-
6 posed on the use of funds.”.

7 SEC. 428. The Secretary of Agriculture may acquire,
8 by exchange or otherwise, a parcel of real property, includ-
9 ing improvements thereon, of the Inland Valley Develop-
10 ment Agency of San Bernardino, California, or its succes-
11 sors and assigns, generally comprising Building No. 3 and
12 Building No. 4 of the former Defense Finance and Ac-
13 counting Services complex located at the southwest corner
14 of Tippecanoe Avenue and Mill Street in San Bernardino,
15 California, adjacent to the former Norton Air Force Base.
16 As full consideration for the property to be acquired, the
17 Secretary of Agriculture may terminate the leasehold
18 rights of the United States received pursuant to section
19 8121(a)(2) of the Department of Defense Appropriations
20 Act, 2005 (Public Law 108–287; 118 Stat. 999). The ae-
21 quisition of the property shall be on such terms and condi-
22 tions as the Secretary of Agriculture considers appropriate
23 and may be carried out without appraisals, environmental
24 or administrative surveys, consultations, analyses, or other
25 considerations of the condition of the property.

1 ~~SEC. 429.~~ The Secretary of the Interior shall submit
2 to the House Committee on Appropriations a report detail-
3 ing the Federal expenditures pursuant to the Southern
4 Nevada Public Lands Management Act (section 4(e)(3) of
5 Public Law 105–263) for fiscal years 2003 and 2004.

6 ~~SEC. 430.~~ None of the funds in this Act may be used
7 to prepare or issue a permit or lease for oil or gas drilling
8 in the Finger Lakes National Forest, New York, during
9 fiscal year 2006.

10 ~~SEC. 431.~~ None of the funds made available in this
11 Act for the Department of the Interior may be used to
12 implement the first proviso under the heading “UNITED
13 STATES FISH AND WILDLIFE SERVICE-LAND ACQUI-
14 SITION”.

15 ~~SEC. 432.~~ None of the funds made available in this
16 Act may be used in contravention of Executive Order No.
17 12898 (Federal Actions to Address Environmental Justice
18 in Minority Populations and Low-Income Populations) or
19 to delay the implementation of that order.

20 ~~SEC. 433.~~ None of the funds made available in this
21 Act may be used to finalize, issue, implement, or enforce
22 the proposed policy of the Environmental Protection Agen-
23 cy entitled “National Pollutant Discharge Elimination
24 System (NPDES) Permit Requirements for Municipal

1 Wastewater Treatment During Wet Weather Conditions”,
2 dated November 3, 2003 (68 Fed. Reg. 63042).

3 SEC. 434. None of the funds made available in this
4 Act may be used by the Administrator of the Environ-
5 mental Protection Agency—

6 (1) to accept, consider, or rely on third-party
7 intentional dosing human studies for pesticides; or

8 (2) to conduct intentional dosing human studies
9 for pesticides.

10 SEC. 435. None of the funds made available in this
11 Act may be used to send or otherwise pay for the attend-
12 ance of more than 50 Federal employees at any single con-
13 ference occurring outside the United States.

14 SEC. 436. None of the funds made available in this
15 Act for the Department of the Interior may be used to
16 enter into or renew any concession contract except a con-
17 cession contract that includes a provision that requires
18 that merchandise for sale at units of the National Park
19 System be made in any State of the United States, the
20 District of Columbia, the Commonwealth of Puerto Rico,
21 Guam, the Virgin Islands, American Samoa, or the Com-
22 monwealth of the Northern Mariana Islands.

1 **SEC. 437. LIMITATION ON USE OF FUNDS FOR SALE OR**
 2 **SLAUGHTER OF FREE-ROAMING HORSES AND**
 3 **BURROS.**

4 None of the funds made available by this Act may
 5 be used for the sale or slaughter of wild free-roaming
 6 horses and burros (as defined in Public Law 92–195).

7 This Act may be cited as the “Department of the In-
 8 terior, Environment, and Related Agencies Appropriations
 9 Act, 2006”.

10 *That the following sums are appropriated, out of any*
 11 *money in the Treasury not otherwise appropriated, for the*
 12 *Department of the Interior, environment, and related agen-*
 13 *cies for the fiscal year ending September 30, 2006, and for*
 14 *other purposes, namely:*

15 *TITLE I—DEPARTMENT OF THE INTERIOR*

16 *BUREAU OF LAND MANAGEMENT*

17 *MANAGEMENT OF LANDS AND RESOURCES*

18 *For necessary expenses for protection, use, improve-*
 19 *ment, development, disposal, cadastral surveying, classifica-*
 20 *tion, acquisition of easements and other interests in lands,*
 21 *and performance of other functions, including maintenance*
 22 *of facilities, as authorized by law, in the management of*
 23 *lands and their resources under the jurisdiction of the Bu-*
 24 *reau of Land Management, including the general adminis-*
 25 *tration of the Bureau, and assessment of mineral potential*
 26 *of public lands pursuant to Public Law 96–487 (16 U.S.C.*

1 3150(a)), \$867,045,000, to remain available until expended,
2 of which \$1,000,000 is for high priority projects, to be car-
3 ried out by the Youth Conservation Corps; and of which
4 \$3,000,000 shall be available in fiscal year 2006 subject to
5 a match by at least an equal amount by the National Fish
6 and Wildlife Foundation for cost-shared projects supporting
7 conservation of Bureau lands; and such funds shall be ad-
8 vanced to the Foundation as a lump sum grant without
9 regard to when expenses are incurred.

10 In addition, \$32,696,000 is for Mining Law Adminis-
11 tration program operations, including the cost of admin-
12 istering the mining claim fee program; to remain available
13 until expended, to be reduced by amounts collected by the
14 Bureau and credited to this appropriation from annual
15 mining claim fees so as to result in a final appropriation
16 estimated at not more than \$867,045,000, and \$2,000,000,
17 to remain available until expended, from communication
18 site rental fees established by the Bureau for the cost of ad-
19 ministering communication site activities.

20 WILDLAND FIRE MANAGEMENT

21 For necessary expenses for fire preparedness, suppres-
22 sion operations, fire science and research, emergency reha-
23 bilitation, hazardous fuels reduction, and rural fire assist-
24 ance by the Department of the Interior, \$766,564,000, to
25 remain available until expended, of which not to exceed
26 \$7,849,000 shall be for the renovation or construction of fire

1 *facilities: Provided, That such funds are also available for*
2 *repayment of advances to other appropriation accounts*
3 *from which funds were previously transferred for such pur-*
4 *poses: Provided further, That persons hired pursuant to 43*
5 *U.S.C. 1469 may be furnished subsistence and lodging with-*
6 *out cost from funds available from this appropriation: Pro-*
7 *vided further, That notwithstanding 42 U.S.C. 1856d, sums*
8 *received by a bureau or office of the Department of the Inte-*
9 *rior for fire protection rendered pursuant to 42 U.S.C. 1856*
10 *et seq., protection of United States property, may be cred-*
11 *ited to the appropriation from which funds were expended*
12 *to provide that protection, and are available without fiscal*
13 *year limitation: Provided further, That using the amounts*
14 *designated under this title of this Act, the Secretary of the*
15 *Interior may enter into procurement contracts, grants, or*
16 *cooperative agreements, for hazardous fuels reduction ac-*
17 *tivities, and for training and monitoring associated with*
18 *such hazardous fuels reduction activities, on Federal land,*
19 *or on adjacent non-Federal land for activities that benefit*
20 *resources on Federal land: Provided further, That the costs*
21 *of implementing any cooperative agreement between the*
22 *Federal Government and any non-Federal entity may be*
23 *shared, as mutually agreed on by the affected parties: Pro-*
24 *vided further, That notwithstanding requirements of the*
25 *Competition in Contracting Act, the Secretary, for purposes*

1 of hazardous fuels reduction activities, may obtain max-
2 imum practicable competition among: (1) local private,
3 nonprofit, or cooperative entities; (2) Youth Conservation
4 Corps crews or related partnerships with State, local, or
5 non-profit youth groups; (3) small or micro-businesses; or
6 (4) other entities that will hire or train locally a significant
7 percentage, defined as 50 percent or more, of the project
8 workforce to complete such contracts: Provided further, That
9 in implementing this section, the Secretary shall develop
10 written guidance to field units to ensure accountability and
11 consistent application of the authorities provided herein:
12 Provided further, That funds appropriated under this head
13 may be used to reimburse the United States Fish and Wild-
14 life Service and the National Marine Fisheries Service for
15 the costs of carrying out their responsibilities under the En-
16 dangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to
17 consult and conference, as required by section 7 of such Act,
18 in connection with wildland fire management activities:
19 Provided further, That the Secretary of the Interior may
20 use wildland fire appropriations to enter into non-competi-
21 tive sole source leases of real property with local govern-
22 ments, at or below fair market value, to construct capital-
23 ized improvements for fire facilities on such leased prop-
24 erties, including but not limited to fire guard stations, re-
25 tardant stations, and other initial attack and fire support

1 *facilities, and to make advance payments for any such lease*
2 *or for construction activity associated with the lease: Pro-*
3 *vided further, That the Secretary of the Interior and the*
4 *Secretary of Agriculture may authorize the transfer of funds*
5 *appropriated for wildland fire management, in an aggre-*
6 *gate amount not to exceed \$12,000,000, between the Depart-*
7 *ments when such transfers would facilitate and expedite*
8 *jointly funded wildland fire management programs and*
9 *projects: Provided further, That funds provided for wildfire*
10 *suppression shall be available for support of Federal emer-*
11 *gency response actions.*

12 *CONSTRUCTION*

13 *For construction of buildings, recreation facilities,*
14 *roads, trails, and appurtenant facilities, \$9,976,000, to re-*
15 *main available until expended.*

16 *LAND ACQUISITION*

17 *For expenses necessary to carry out sections 205, 206,*
18 *and 318(d) of Public Law 94-579, including administra-*
19 *tive expenses and acquisition of lands or waters, or interests*
20 *therein, \$12,250,000, to be derived from the Land and*
21 *Water Conservation Fund and to remain available until*
22 *expended.*

23 *OREGON AND CALIFORNIA GRANT LANDS*

24 *For expenses necessary for management, protection,*
25 *and development of resources and for construction, oper-*
26 *ation, and maintenance of access roads, reforestation, and*

1 *other improvements on the revested Oregon and California*
2 *Railroad grant lands, on other Federal lands in the Oregon*
3 *and California land-grant counties of Oregon, and on adja-*
4 *cent rights-of-way; and acquisition of lands or interests*
5 *therein, including existing connecting roads on or adjacent*
6 *to such grant lands; \$110,070,000, to remain available until*
7 *expended: Provided, That 25 percent of the aggregate of all*
8 *receipts during the current fiscal year from the revested Or-*
9 *egon and California Railroad grant lands is hereby made*
10 *a charge against the Oregon and California land-grant*
11 *fund and shall be transferred to the General Fund in the*
12 *Treasury in accordance with the second paragraph of sub-*
13 *section (b) of title II of the Act of August 28, 1937 (50 Stat.*
14 *876).*

15 *FOREST ECOSYSTEM HEALTH AND RECOVERY FUND*

16 *(REVOLVING FUND, SPECIAL ACCOUNT)*

17 *In addition to the purposes authorized in Public Law*
18 *102–381, funds made available in the Forest Ecosystem*
19 *Health and Recovery Fund can be used for the purpose of*
20 *planning, preparing, implementing and monitoring salvage*
21 *timber sales and forest ecosystem health and recovery activi-*
22 *ties, such as release from competing vegetation and density*
23 *control treatments. The Federal share of receipts (defined*
24 *as the portion of salvage timber receipts not paid to the*
25 *counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et*
26 *seq., and Public Law 106–393) derived from treatments*

1 *funded by this account shall be deposited into the Forest*
2 *Ecosystem Health and Recovery Fund.*

3 *RANGE IMPROVEMENTS*

4 *For rehabilitation, protection, and acquisition of lands*
5 *and interests therein, and improvement of Federal range-*
6 *lands pursuant to section 401 of the Federal Land Policy*
7 *and Management Act of 1976 (43 U.S.C. 1701), notwith-*
8 *standing any other Act, sums equal to 50 percent of all*
9 *moneys received during the prior fiscal year under sections*
10 *3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.)*
11 *and the amount designated for range improvements from*
12 *grazing fees and mineral leasing receipts from Bankhead-*
13 *Jones lands transferred to the Department of the Interior*
14 *pursuant to law, but not less than \$10,000,000, to remain*
15 *available until expended: Provided, That not to exceed*
16 *\$600,000 shall be available for administrative expenses.*

17 *SERVICE CHARGES, DEPOSITS, AND FORFEITURES*

18 *For administrative expenses and other costs related to*
19 *processing application documents and other authorizations*
20 *for use and disposal of public lands and resources, for costs*
21 *of providing copies of official public land documents, for*
22 *monitoring construction, operation, and termination of fa-*
23 *cilities in conjunction with use authorizations, and for re-*
24 *habilitation of damaged property, such amounts as may be*
25 *collected under Public Law 94-579, as amended, and Public*
26 *Law 93-153, to remain available until expended: Provided,*

1 *That, notwithstanding any provision to the contrary of sec-*
2 *tion 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any*
3 *moneys that have been or will be received pursuant to that*
4 *section, whether as a result of forfeiture, compromise, or set-*
5 *tlement, if not appropriate for refund pursuant to section*
6 *305(c) of that Act (43 U.S.C. 1735(c)), shall be available*
7 *and may be expended under the authority of this Act by*
8 *the Secretary to improve, protect, or rehabilitate any public*
9 *lands administered through the Bureau of Land Manage-*
10 *ment which have been damaged by the action of a resource*
11 *developer, purchaser, permittee, or any unauthorized per-*
12 *son, without regard to whether all moneys collected from*
13 *each such action are used on the exact lands damaged which*
14 *led to the action: Provided further, That any such moneys*
15 *that are in excess of amounts needed to repair damage to*
16 *the exact land for which funds were collected may be used*
17 *to repair other damaged public lands.*

18 *MISCELLANEOUS TRUST FUNDS*

19 *In addition to amounts authorized to be expended*
20 *under existing laws, there is hereby appropriated such*
21 *amounts as may be contributed under section 307 of the*
22 *Act of October 21, 1976 (43 U.S.C. 1701), and such*
23 *amounts as may be advanced for administrative costs, sur-*
24 *veys, appraisals, and costs of making conveyances of omit-*
25 *ted lands under section 211(b) of that Act, to remain avail-*
26 *able until expended.*

1 *general administration, and for the performance of other*
2 *authorized functions related to such resources by direct ex-*
3 *penditure, contracts, grants, cooperative agreements and re-*
4 *imbursable agreements with public and private entities,*
5 *\$993,485,000, to remain available until September 30,*
6 *2007, except as otherwise provided herein: Provided, That*
7 *\$2,000,000 is for high priority projects, which shall be car-*
8 *ried out by the Youth Conservation Corps: Provided further,*
9 *That not to exceed \$18,130,000 shall be used for imple-*
10 *menting subsections (a), (b), (c), and (e) of section 4 of the*
11 *Endangered Species Act, as amended, for species that are*
12 *indigenous to the United States (except for processing peti-*
13 *tions, developing and issuing proposed and final regula-*
14 *tions, and taking any other steps to implement actions de-*
15 *scribed in subsection (c)(2)(A), (c)(2)(B)(i), or*
16 *(c)(2)(B)(ii)), of which not to exceed \$12,852,000 shall be*
17 *used for any activity regarding the designation of critical*
18 *habitat, pursuant to subsection (a)(3), excluding litigation*
19 *support, for species listed pursuant to subsection (a)(1)*
20 *prior to October 1, 2005: Provided further, That of the*
21 *amount available for law enforcement, up to \$400,000, to*
22 *remain available until expended, may at the discretion of*
23 *the Secretary be used for payment for information, rewards,*
24 *or evidence concerning violations of laws administered by*
25 *the Service, and miscellaneous and emergency expenses of*

1 *enforcement activity, authorized or approved by the Sec-*
2 *retary and to be accounted for solely on her certificate: Pro-*
3 *vided further, That of the amount provided for environ-*
4 *mental contaminants, up to \$1,000,000 may remain avail-*
5 *able until expended for contaminant sample analyses.*

6 *CONSTRUCTION*

7 *For construction, improvement, acquisition, or re-*
8 *moval of buildings and other facilities required in the con-*
9 *servation, management, investigation, protection, and utili-*
10 *zation of fishery and wildlife resources, and the acquisition*
11 *of lands and interests therein; \$31,811,000, to remain avail-*
12 *able until expended: Provided, That funds made available*
13 *under the 2005 Consolidated Appropriations Act (Public*
14 *Law 108-447) for the Chase Lake and Arrowwood National*
15 *Wildlife Refuges, North Dakota, shall be transferred to*
16 *North Dakota State University to complete planning and*
17 *design for a Joint Interpretive Center.*

18 *LAND ACQUISITION*

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

1 *until expended: Provided, That the amount provided herein*
2 *is for the Private Stewardship Grants Program established*
3 *by the Secretary to provide grants and other assistance to*
4 *individuals and groups engaged in private conservation ef-*
5 *forts that benefit federally listed, proposed, candidate, or*
6 *other at-risk species.*

7 *COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND*

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

15 *NATIONAL WILDLIFE REFUGE FUND*

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

18 *NORTH AMERICAN WETLANDS CONSERVATION FUND*

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

23 *NEOTROPICAL MIGRATORY BIRD CONSERVATION*

24 *For financial assistance for projects to promote the*
25 *conservation of neotropical migratory birds in accordance*
26 *with the Neotropical Migratory Bird Conservation Act,*

1 *Public Law 106-247 (16 U.S.C. 6101-6109), \$4,000,000,*
2 *to remain available until expended.*

3 *MULTINATIONAL SPECIES CONSERVATION FUND*

4 *For expenses necessary to carry out the African Ele-*
5 *phant Conservation Act (16 U.S.C. 4201-4203, 4211-4213,*
6 *4221-4225, 4241-4245, and 1538), the Asian Elephant*
7 *Conservation Act of 1997 (Public Law 105-96; 16 U.S.C.*
8 *4261-4266), the Rhinoceros and Tiger Conservation Act of*
9 *1994 (16 U.S.C. 5301-5306), the Great Ape Conservation*
10 *Act of 2000 (16 U.S.C. 6301), and the Marine Turtle Con-*
11 *servation Act of 2004 (Public Law 108-266; 16 U.S.C.*
12 *6601), \$6,500,000, to remain available until expended.*

13 *STATE AND TRIBAL WILDLIFE GRANTS*

14 *For wildlife conservation grants to States and to the*
15 *District of Columbia, Puerto Rico, Guam, the United States*
16 *Virgin Islands, the Northern Mariana Islands, American*
17 *Samoa, and federally recognized Indian tribes under the*
18 *provisions of the Fish and Wildlife Act of 1956 and the*
19 *Fish and Wildlife Coordination Act, for the development*
20 *and implementation of programs for the benefit of wildlife*
21 *and their habitat, including species that are not hunted or*
22 *fished, \$72,000,000, to be derived from the Land and Water*
23 *Conservation Fund, and to remain available until ex-*
24 *pended: Provided, That of the amount provided herein,*
25 *\$6,000,000 is for a competitive grant program for Indian*
26 *tribes not subject to the remaining provisions of this appro-*

1 *priation: Provided further, That the Secretary shall, after*
2 *deducting said \$6,000,000 and administrative expenses, ap-*
3 *portion the amount provided herein in the following man-*
4 *ner: (1) to the District of Columbia and to the Common-*
5 *wealth of Puerto Rico, each a sum equal to not more than*
6 *one-half of 1 percent thereof; and (2) to Guam, American*
7 *Samoa, the United States Virgin Islands, and the Common-*
8 *wealth of the Northern Mariana Islands, each a sum equal*
9 *to not more than one-fourth of 1 percent thereof: Provided*
10 *further, That the Secretary shall apportion the remaining*
11 *amount in the following manner: (1) one-third of which is*
12 *based on the ratio to which the land area of such State bears*
13 *to the total land area of all such States; and (2) two-thirds*
14 *of which is based on the ratio to which the population of*
15 *such State bears to the total population of all such States:*
16 *Provided further, That the amounts apportioned under this*
17 *paragraph shall be adjusted equitably so that no State shall*
18 *be apportioned a sum which is less than 1 percent of the*
19 *amount available for apportionment under this paragraph*
20 *for any fiscal year or more than 5 percent of such amount:*
21 *Provided further, That the Federal share of planning grants*
22 *shall not exceed 75 percent of the total costs of such projects*
23 *and the Federal share of implementation grants shall not*
24 *exceed 50 percent of the total costs of such projects: Provided*
25 *further, That the non-Federal share of such projects may*

1 *not be derived from Federal grant programs: Provided fur-*
2 *ther, That no State, territory, or other jurisdiction shall re-*
3 *ceive a grant unless it has developed a comprehensive wild-*
4 *life conservation plan, consistent with criteria established*
5 *by the Secretary of the Interior, that considers the broad*
6 *range of the State, territory, or other jurisdiction's wildlife*
7 *and associated habitats, with appropriate priority placed*
8 *on those species with the greatest conservation need and tak-*
9 *ing into consideration the relative level of funding available*
10 *for the conservation of those species: Provided further, That*
11 *any amount apportioned in 2006 to any State, territory,*
12 *or other jurisdiction that remains unobligated as of Sep-*
13 *tember 30, 2007, shall be reapportioned, together with funds*
14 *appropriated in 2008, in the manner provided herein: Pro-*
15 *vided further, That balances from amounts previously ap-*
16 *propriated under the heading "State Wildlife Grants" shall*
17 *be transferred to and merged with this appropriation and*
18 *shall remain available until expended.*

19 *ADMINISTRATIVE PROVISIONS*

20 *Appropriations and funds available to the United*
21 *States Fish and Wildlife Service shall be available for pur-*
22 *chase of not to exceed 61 passenger motor vehicles, of which*
23 *61 are for replacement only (including 22 for police-type*
24 *use); repair of damage to public roads within and adjacent*
25 *to reservation areas caused by operations of the Service; op-*
26 *tions for the purchase of land at not to exceed \$1 for each*

1 *option; facilities incident to such public recreational uses*
2 *on conservation areas as are consistent with their primary*
3 *purpose; and the maintenance and improvement of aquaria,*
4 *buildings, and other facilities under the jurisdiction of the*
5 *Service and to which the United States has title, and which*
6 *are used pursuant to law in connection with management,*
7 *and investigation of fish and wildlife resources: Provided,*
8 *That notwithstanding 44 U.S.C. 501, the Service may,*
9 *under cooperative cost sharing and partnership arrange-*
10 *ments authorized by law, procure printing services from co-*
11 *operators in connection with jointly produced publications*
12 *for which the cooperators share at least one-half the cost*
13 *of printing either in cash or services and the Service deter-*
14 *mines the cooperator is capable of meeting accepted quality*
15 *standards: Provided further, That, notwithstanding any*
16 *other provision of law, the Service may use up to*
17 *\$2,000,000 from funds provided for contracts for employ-*
18 *ment-related legal services: Provided further, That the Serv-*
19 *ice may accept donated aircraft as replacements for existing*
20 *aircraft: Provided further, That, notwithstanding any other*
21 *provision of law, the Secretary of the Interior may not*
22 *spend any of the funds appropriated in this Act for the*
23 *purchase of lands or interests in lands to be used in the*
24 *establishment of any new unit of the National Wildlife Ref-*
25 *uge System unless the purchase is approved in advance by*

1 *the House and Senate Committees on Appropriations in*
2 *compliance with the reprogramming procedures contained*
3 *in House Report 108–330.*

4 *NATIONAL PARK SERVICE*

5 *OPERATION OF THE NATIONAL PARK SYSTEM*

6 *For expenses necessary for the management, operation,*
7 *and maintenance of areas and facilities administered by*
8 *the National Park Service (including special road mainte-*
9 *nance service to trucking permittees on a reimbursable*
10 *basis), and for the general administration of the National*
11 *Park Service, \$1,748,486,000, of which \$9,892,000 is for*
12 *planning and interagency coordination in support of Ever-*
13 *glades restoration and shall remain available until ex-*
14 *pende; of which \$98,100,000, to remain available until*
15 *September 30, 2007, is for maintenance, repair or rehabili-*
16 *tation projects for constructed assets, operation of the Na-*
17 *tional Park Service automated facility management soft-*
18 *ware system, and comprehensive facility condition assess-*
19 *ments; and of which \$1,937,000 is for the Youth Conserva-*
20 *tion Corps for high priority projects: Provided, That the*
21 *only funds in this account which may be made available*
22 *to support United States Park Police are those funds ap-*
23 *proved for emergency law and order incidents pursuant to*
24 *established National Park Service procedures, those funds*
25 *needed to maintain and repair United States Park Police*

1 *administrative facilities, and those funds necessary to reim-*
2 *burse the United States Park Police account for the*
3 *unbudgeted overtime and travel costs associated with special*
4 *events for an amount not to exceed \$10,000 per event subject*
5 *to the review and concurrence of the Washington head-*
6 *quarters office.*

7 *UNITED STATES PARK POLICE*

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

10 *NATIONAL RECREATION AND PRESERVATION*

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

21 *HISTORIC PRESERVATION FUND*

22 *For expenses necessary in carrying out the Historic*
23 *Preservation Act of 1966, as amended (16 U.S.C. 470), and*
24 *the Omnibus Parks and Public Lands Management Act of*
25 *1996 (Public Law 104–333), \$72,500,000, to be derived*
26 *from the Historic Preservation Fund and to remain avail-*

1 able until September 30, 2007, of which \$30,000,000 shall
2 be for Save America's Treasures for preservation of nation-
3 ally significant sites, structures, and artifacts: Provided,
4 That not to exceed \$7,500,000 of the amount provided for
5 Save America's Treasures may be for Preserve America
6 grants to States, Tribes, and local communities for projects
7 that preserve important historic resources through the pro-
8 motion of heritage tourism: Provided further, That any in-
9 dividual Save America's Treasures or Preserve America
10 grant shall be matched by non-Federal funds: Provided fur-
11 ther, That individual projects shall only be eligible for one
12 grant: Provided further, That all projects to be funded shall
13 be approved by the Secretary of the Interior in consultation
14 with the House and Senate Committees on Appropriations,
15 and in consultation with the President's Committee on the
16 Arts and Humanities prior to the commitment of Save
17 America's Treasures grant funds and with the Advisory
18 Council on Historic Preservation prior to the commitment
19 of Preserve America grant funds: Provided further, That
20 Save America's Treasures funds allocated for Federal
21 projects, following approval, shall be available by transfer
22 to appropriate accounts of individual agencies.

23 CONSTRUCTION

24 (INCLUDING TRANSFER OF FUNDS)

25 For construction, improvements, repair or replacement
26 of physical facilities, including the modifications authorized

1 *by section 104 of the Everglades National Park Protection*
2 *and Expansion Act of 1989, \$316,201,000, to remain avail-*
3 *able until expended, of which \$17,000,000 for modified*
4 *water deliveries to Everglades National Park shall be de-*
5 *ived by transfer from unobligated balances in the “Land*
6 *Acquisition and State Assistance” account for Everglades*
7 *National Park land acquisitions, and of which \$500,000 for*
8 *the Mark Twain Boyhood Home National Historic Land-*
9 *mark shall be derived from the Historic Preservation Fund*
10 *pursuant to 16 U.S.C. 470a: Provided, That none of the*
11 *funds available to the National Park Service may be used*
12 *to plan, design, or construct any partnership project with*
13 *a total value in excess of \$5,000,000, without advance ap-*
14 *proval of the House and Senate Committees on Appropria-*
15 *tions: Provided further, That notwithstanding any other*
16 *provision of law, the National Park Service may not accept*
17 *donations or services associated with the planning, design,*
18 *or construction of such new facilities without advance ap-*
19 *proval of the House and Senate Committees on Appropria-*
20 *tions: Provided further, That funds provided under this*
21 *heading for implementation of modified water deliveries to*
22 *Everglades National Park shall be expended consistent with*
23 *the requirements of the fifth proviso under this heading in*
24 *Public Law 108–108: Provided further, That hereinafter*
25 *notwithstanding any other provision of law, procurements*

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

12 *LAND AND WATER CONSERVATION FUND*

13 *(RESCISSION)*

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

16 *LAND ACQUISITION AND STATE ASSISTANCE*

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

1 *the State assistance program may be used to establish a*
2 *contingency fund.*

3 *ADMINISTRATIVE PROVISIONS*

4 *Appropriations for the National Park Service shall be*
5 *available for the purchase of not to exceed 245 passenger*
6 *motor vehicles, of which 199 shall be for replacement only,*
7 *including not to exceed 193 for police-type use, 10 buses,*
8 *and 8 ambulances: Provided, That none of the funds appro-*
9 *priated to the National Park Service may be used to imple-*
10 *ment an agreement for the redevelopment of the southern*
11 *end of Ellis Island until such agreement has been submitted*
12 *to the Congress and shall not be implemented prior to the*
13 *expiration of 30 calendar days (not including any day in*
14 *which either House of Congress is not in session because*
15 *of adjournment of more than 3 calendar days to a day cer-*
16 *tain) from the receipt by the Speaker of the House of Rep-*
17 *resentatives and the President of the Senate of a full and*
18 *comprehensive report on the development of the southern*
19 *end of Ellis Island, including the facts and circumstances*
20 *relied upon in support of the proposed project: Provided fur-*
21 *ther, That in fiscal year 2006 and thereafter, appropria-*
22 *tions available to the National Park Service may be used*
23 *to maintain the following areas in Washington, District of*
24 *Columbia: Jackson Place, Madison Place, and Pennsyl-*
25 *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 none of the funds provided
13 for the biological research activity shall be used to conduct
14 new surveys on private property, unless specifically author-
15 ized in writing by the property owner: Provided further,
16 That no part of this appropriation shall be used to pay
17 more than one-half the cost of topographic mapping or
18 water resources data collection and investigations carried
19 on in cooperation with States and municipalities.

20 ADMINISTRATIVE PROVISIONS

21 From within the amount appropriated for activities
22 of the United States Geological Survey such sums as are
23 necessary shall be available for the purchase and replace-
24 ment of passenger motor vehicles; reimbursement to the
25 General Services Administration for security guard serv-
26 ices; contracting for the furnishing of topographic maps and

1 *for the making of geophysical or other specialized surveys*
2 *when it is administratively determined that such proce-*
3 *dures are in the public interest; construction and mainte-*
4 *nance of necessary buildings and appurtenant facilities; ac-*
5 *quisition of lands for gauging stations and observation*
6 *wells; expenses of the United States National Committee on*
7 *Geology; and payment of compensation and expenses of per-*
8 *sons on the rolls of the Survey duly appointed to represent*
9 *the United States in the negotiation and administration*
10 *of interstate compacts: Provided, That activities funded by*
11 *appropriations herein made may be accomplished through*
12 *the use of contracts, grants, or cooperative agreements as*
13 *defined in 31 U.S.C. 6302 et seq.: Provided further, That*
14 *the United States Geological Survey may enter into con-*
15 *tracts or cooperative agreements directly with individuals*
16 *or indirectly with institutions or nonprofit organizations,*
17 *without regard to 41 U.S.C. 5, for the temporary or inter-*
18 *mittent services of students or recent graduates, who shall*
19 *be considered employees for the purpose of chapters 57 and*
20 *81 of title 5, United States Code, relating to compensation*
21 *for travel and work injuries, and chapter 171 of title 28,*
22 *United States Code, relating to tort claims, but shall not*
23 *be considered to be Federal employees for any other pur-*
24 *poses.*

1 *MINERALS MANAGEMENT SERVICE*2 *ROYALTY AND OFFSHORE MINERALS MANAGEMENT*

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

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

1 *income recognized under a comparable royalty-in-value*
2 *program.*

3 *OIL SPILL RESEARCH*

4 *For necessary expenses to carry out title I, section*
5 *1016, title IV, sections 4202 and 4303, title VII, and title*
6 *VIII, section 8201 of the Oil Pollution Act of 1990,*
7 *\$7,006,000, which shall be derived from the Oil Spill Liabil-*
8 *ity Trust Fund, to remain available until expended.*

9 *OFFICE OF SURFACE MINING RECLAMATION AND*

10 *ENFORCEMENT*

11 *REGULATION AND TECHNOLOGY*

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

1 *tribal personnel attending Office of Surface Mining Rec-*
2 *lamation and Enforcement sponsored training.*

3 *ABANDONED MINE RECLAMATION FUND*

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

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

22 *ADMINISTRATIVE PROVISION*

23 *With funds available for the Technical Innovation and*
24 *Professional Services program in this Act, the Secretary*
25 *may transfer title for computer hardware, software and*

1 *other technical equipment to State and Tribal regulatory*
2 *and reclamation programs.*

3 *BUREAU OF INDIAN AFFAIRS*

4 *OPERATION OF INDIAN PROGRAMS*

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

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

1 year 2008 to an Indian forest land assistance account estab-
2 lished for the benefit of such tribe within the tribe's trust
3 fund account: Provided further, That any such unobligated
4 balances not so transferred shall expire on September 30,
5 2008.

6 *CONSTRUCTION*

7 *For construction, repair, improvement, and mainte-*
8 *nance of irrigation and power systems, buildings, utilities,*
9 *and other facilities, including architectural and engineering*
10 *services by contract; acquisition of lands, and interests in*
11 *lands; and preparation of lands for farming, and for con-*
12 *struction of the Navajo Indian Irrigation Project pursuant*
13 *to Public Law 87-483, \$267,137,000, to remain available*
14 *until expended: Provided, That such amounts as may be*
15 *available for the construction of the Navajo Indian Irriga-*
16 *tion Project may be transferred to the Bureau of Reclama-*
17 *tion: Provided further, That not to exceed 6 percent of con-*
18 *tract authority available to the Bureau of Indian Affairs*
19 *from the Federal Highway Trust Fund may be used to cover*
20 *the road program management costs of the Bureau: Pro-*
21 *vided further, That any funds provided for the Safety of*
22 *Dams program pursuant to 25 U.S.C. 13 shall be made*
23 *available on a nonreimbursable basis: Provided further,*
24 *That for fiscal year 2006, in implementing new construc-*
25 *tion or facilities improvement and repair project grants in*
26 *excess of \$100,000 that are provided to tribally controlled*

1 *grant schools under Public Law 100–297, as amended, the*
2 *Secretary of the Interior shall use the Administrative and*
3 *Audit Requirements and Cost Principles for Assistance Pro-*
4 *grams contained in 43 CFR part 12 as the regulatory re-*
5 *quirements: Provided further, That such grants shall not*
6 *be subject to section 12.61 of 43 CFR; the Secretary and*
7 *the grantee shall negotiate and determine a schedule of pay-*
8 *ments for the work to be performed: Provided further, That*
9 *in considering applications, the Secretary shall consider*
10 *whether the Indian tribe or tribal organization would be*
11 *deficient in assuring that the construction projects conform*
12 *to applicable building standards and codes and Federal,*
13 *tribal, or State health and safety standards as required by*
14 *25 U.S.C. 2005(b), with respect to organizational and fi-*
15 *nancial management capabilities: Provided further, That if*
16 *the Secretary declines an application, the Secretary shall*
17 *follow the requirements contained in 25 U.S.C. 2504(f):*
18 *Provided further, That any disputes between the Secretary*
19 *and any grantee concerning a grant shall be subject to the*
20 *disputes provision in 25 U.S.C. 2507(e): Provided further,*
21 *That in order to ensure timely completion of replacement*
22 *school construction projects, the Secretary may assume con-*
23 *trol of a project and all funds related to the project, if, with-*
24 *in eighteen months of the date of enactment of this Act, any*
25 *tribe or tribal organization receiving funds appropriated*

1 *in this Act or in any prior Act, has not completed the plan-*
2 *ning and design phase of the project and commenced con-*
3 *struction of the replacement school: Provided further, That*
4 *this Appropriation may be reimbursed from the Office of*
5 *the Special Trustee for American Indians Appropriation*
6 *for the appropriate share of construction costs for space ex-*
7 *pansion needed in agency offices to meet trust reform imple-*
8 *mentation.*

9 *INDIAN LAND AND WATER CLAIM SETTLEMENTS AND*

10 *MISCELLANEOUS PAYMENTS TO INDIANS*

11 *For miscellaneous payments to Indian tribes and indi-*
12 *viduals and for necessary administrative expenses,*
13 *\$24,754,000, to remain available until expended, for imple-*
14 *mentation of Indian land and water claim settlements pur-*
15 *suant to Public Laws 99–264, 100–580, 101–618, 106–554,*
16 *107–331, and 108–34, and for implementation of other land*
17 *and water rights settlements.*

18 *INDIAN GUARANTEED LOAN PROGRAM ACCOUNT*

19 *For the cost of guaranteed and insured loans,*
20 *\$6,348,000, of which \$701,000 is for administrative ex-*
21 *penses, as authorized by the Indian Financing Act of 1974,*
22 *as amended: Provided, That such costs, including the cost*
23 *of modifying such loans, shall be as defined in section 502*
24 *of the Congressional Budget Act of 1974: Provided further,*
25 *That these funds are available to subsidize total loan prin-*

1 *cipal, any part of which is to be guaranteed, not to exceed*
2 *\$118,884,000.*

3 *ADMINISTRATIVE PROVISIONS*

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

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

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

19 *Notwithstanding any other provision of law, no funds*
20 *available to the Bureau of Indian Affairs for central office*
21 *operations or pooled overhead general administration (ex-*
22 *cept facilities operations and maintenance) shall be avail-*
23 *able for tribal contracts, grants, compacts, or cooperative*
24 *agreements with the Bureau of Indian Affairs under the*
25 *provisions of the Indian Self-Determination Act or the*
26 *Tribal Self-Governance Act of 1994 (Public Law 103-413).*

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

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

13 *Appropriations made available in this or any other*
14 *Act for schools funded by the Bureau shall be available only*
15 *to the schools in the Bureau school system as of September*
16 *1, 1996. No funds available to the Bureau shall be used to*
17 *support expanded grades for any school or dormitory be-*
18 *yond the grade structure in place or approved by the Sec-*
19 *retary of the Interior at each school in the Bureau school*
20 *system as of October 1, 1995. Funds made available under*
21 *this Act may not be used to establish a charter school at*
22 *a Bureau-funded school (as that term is defined in section*
23 *1146 of the Education Amendments of 1978 (25 U.S.C.*
24 *2026)), except that a charter school that is in existence on*
25 *the date of the enactment of this Act and that has operated*

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

15 *Notwithstanding any other provision of law, including*
16 *section 113 of title I of appendix C of Public Law 106-*
17 *113, if a tribe or tribal organization in fiscal year 2003*
18 *or 2004 received indirect and administrative costs pursuant*
19 *to a distribution formula based on section 5(f) of Public*
20 *Law 101-301, the Secretary shall continue to distribute in-*
21 *direct and administrative cost funds to such tribe or tribal*
22 *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 *COMPACT OF FREE ASSOCIATION*

2 *For grants and necessary expenses, \$4,862,000, to re-*
3 *main available until expended, as provided for in sections*
4 *221(a)(2), 221(b), and 233 of the Compact of Free Associa-*
5 *tion for the Republic of Palau; and section 221(a)(2) of the*
6 *Compacts of Free Association for the Government of the Re-*
7 *public of the Marshall Islands and the Federated States of*
8 *Micronesia, as authorized by Public Law 99-658 and Pub-*
9 *lic Law 108-188.*

10 *DEPARTMENTAL MANAGEMENT*11 *SALARIES AND EXPENSES*

12 *For necessary expenses for management of the Depart-*
13 *ment of the Interior, \$94,627,000; of which \$7,441,000 is*
14 *to be derived from the Land and Water Conservation Fund*
15 *and shall remain available until expended; of which not to*
16 *exceed \$8,500 may be for official reception and representa-*
17 *tion expenses; and of which up to \$1,000,000 shall be avail-*
18 *able for workers compensation payments and unemploy-*
19 *ment compensation payments associated with the orderly*
20 *closure of the United States Bureau of Mines: Provided,*
21 *That none of the funds in this Act or previous appropria-*
22 *tions Acts may be used to establish reserves in the Working*
23 *Capital Fund account other than for accrued annual leave*
24 *and depreciation of equipment without prior approval of*
25 *the House and Senate Committees on Appropriations: Pro-*

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 \$10,000,000 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. Funds appropriated for the Bureau of In-*
21 *dian Affairs for postsecondary schools for fiscal year 2006*
22 *shall be allocated among the schools proportionate to the*
23 *unmet need of the schools as determined by the Postsec-*
24 *ondary Funding Formula adopted by the Office of Indian*
25 *Education Programs.*

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

11 *SEC. 112. The Secretary of the Interior may use or*
12 *contract for the use of helicopters or motor vehicles on the*
13 *Sheldon and Hart National Wildlife Refuges for the purpose*
14 *of capturing and transporting horses and burros. The provi-*
15 *sions of subsection (a) of the Act of September 8, 1959 (18*
16 *U.S.C. 47(a)) shall not be applicable to such use. Such use*
17 *shall be in accordance with humane procedures prescribed*
18 *by the Secretary.*

19 *SEC. 113. Funds provided in this Act for Federal land*
20 *acquisition by the National Park Service for Shenandoah*
21 *Valley Battlefields National Historic District and Ice Age*
22 *National Scenic Trail may be used for a grant to a State,*
23 *a local government, or any other land management entity*
24 *for the acquisition of lands without regard to any restric-*
25 *tion on the use of Federal land acquisition funds provided*

1 *through the Land and Water Conservation Fund Act of*
2 *1965 as amended.*

3 *SEC. 114. None of the funds made available by this*
4 *Act may be obligated or expended by the National Park*
5 *Service to enter into or implement a concession contract*
6 *which permits or requires the removal of the underground*
7 *lunchroom at the Carlsbad Caverns National Park.*

8 *SEC. 115. None of the funds in this or any other Act*
9 *can be used to compensate the Special Master and the Spe-*
10 *cial Master-Monitor, and all variations thereto, appointed*
11 *by the United States District Court for the District of Co-*
12 *lumbia in the Cobell v. Norton litigation at an annual rate*
13 *that exceeds 200 percent of the highest Senior Executive*
14 *Service rate of pay for the Washington-Baltimore locality*
15 *pay area.*

16 *SEC. 116. The Secretary of the Interior may use discre-*
17 *tionary funds to pay private attorneys fees and costs for*
18 *employees and former employees of the Department of the*
19 *Interior reasonably incurred in connection with Cobell v.*
20 *Norton to the extent that such fees and costs are not paid*
21 *by the Department of Justice or by private insurance. In*
22 *no case shall the Secretary make payments under this sec-*
23 *tion that would result in payment of hourly fees in excess*
24 *of the highest hourly rate approved by the District Court*
25 *for the District of Columbia for counsel in Cobell v. Norton.*

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

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

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

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

24 *SEC. 120. Notwithstanding any implementation of the*
25 *Department of the Interior's trust reorganization or re-*

1 *engineering plans, or the implementation of the “To Be”*
2 *Model, funds appropriated for fiscal year 2006 shall be*
3 *available to the tribes within the California Tribal Trust*
4 *Reform Consortium and to the Salt River Pima-Maricopa*
5 *Indian Community, the Confederated Salish and Kootenai*
6 *Tribes of the Flathead Reservation and the Chippewa Cree*
7 *Tribe of the Rocky Boys Reservation through the same*
8 *methodology as funds were distributed in fiscal year 2003.*
9 *This Demonstration Project shall continue to operate sepa-*
10 *rate and apart from the Department of the Interior’s trust*
11 *reform and reorganization and the Department shall not*
12 *impose its trust management infrastructure upon or alter*
13 *the existing trust resource management systems of the above*
14 *referenced tribes having a self-governance compact and op-*
15 *erating in accordance with the Tribal Self-Governance Pro-*
16 *gram set forth in 25 U.S.C. 458aa–458hh: Provided, That*
17 *the California Trust Reform Consortium and any other*
18 *participating tribe agree to carry out their responsibilities*
19 *under the same written and implemented fiduciary stand-*
20 *ards as those being carried by the Secretary of the Interior:*
21 *Provided further, That they demonstrate to the satisfaction*
22 *of the Secretary that they have the capability to do so: Pro-*
23 *vided further, That the Department shall provide funds to*
24 *the tribes in an amount equal to that required by 25 U.S.C.*
25 *458cc(g)(3), including funds specifically or functionally re-*

1 *lated to the provision of trust services to the tribes or their*
2 *members.*

3 *SEC. 121. Notwithstanding any provision of law, in-*
4 *cluding 42 U.S.C. 4321 et. seq., nonrenewable grazing per-*
5 *mits authorized in the Jarbidge Field Office, Bureau of*
6 *Land Management within the past 9 years, shall be re-*
7 *newed. The Animal Unit Months contained in the most re-*
8 *cently expired nonrenewable grazing permit, authorized be-*
9 *tween March 1, 1997, and February 28, 2003, shall con-*
10 *tinue in effect under the renewed permit. Nothing in this*
11 *section shall be deemed to extend the nonrenewable permits*
12 *beyond the standard 1-year term.*

13 *SEC. 122. Notwithstanding any other provision of law,*
14 *the Secretary of the Interior is authorized to acquire lands,*
15 *waters, or interests therein including the use of all or part*
16 *of any pier, dock, or landing within the State of New York*
17 *and the State of New Jersey, for the purpose of operating*
18 *and maintaining facilities in the support of transportation*
19 *and accommodation of visitors to Ellis, Governors, and Lib-*
20 *erty Islands, and of other program and administrative ac-*
21 *tivities, by donation or with appropriated funds, including*
22 *franchise fees (and other monetary consideration), or by ex-*
23 *change; and the Secretary is authorized to negotiate and*
24 *enter into leases, subleases, concession contracts or other*

1 *agreements for the use of such facilities on such terms and*
2 *conditions as the Secretary may determine reasonable.*

3 *SEC. 123. Notwithstanding any other provision of law,*
4 *the National Park Service final winter use rules published*
5 *in Part VII of the Federal Register for November 10, 2004,*
6 *69 Fed. Reg. 65348 et seq., shall be in force and effect for*
7 *the winter use season of 2005–2006 that commences on or*
8 *about December 15, 2005.*

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

12 “(7) *APPROVAL OF INDIAN TRIBES.—The Sec-*
13 *retary shall not terminate, close, consolidate, contract,*
14 *transfer to another authority, or take any other ac-*
15 *tion relating to an elementary school or secondary*
16 *school (or any program of such a school) of an Indian*
17 *tribe without the approval of the governing body of*
18 *any Indian tribe that would be affected by such an*
19 *action.”.*

20 *SEC. 125. (a) U.S.S. ARIZONA MEMORIAL PARKING*
21 *FEE.—Notwithstanding any other provision of law, the*
22 *Secretary of the Interior is authorized to charge a fee for*
23 *visitor parking at the U.S.S. Arizona Memorial and to re-*
24 *tain and expend the revenues, without further appropri-*
25 *ation, for the lease of administrative facilities within or near*

1 *opment activities under the Comprehensive Environmental*
2 *Response, Compensation, and Liability Act of 1980, as*
3 *amended; necessary expenses for personnel and related costs*
4 *and travel expenses, including uniforms, or allowances*
5 *therefor, as authorized by 5 U.S.C. 5901–5902; services as*
6 *authorized by 5 U.S.C. 3109, but at rates for individuals*
7 *not to exceed the per diem rate equivalent to the maximum*
8 *rate payable for senior level positions under 5 U.S.C. 5376;*
9 *procurement of laboratory equipment and supplies; other*
10 *operating expenses in support of research and development;*
11 *construction, alteration, repair, rehabilitation, and renova-*
12 *tion of facilities, not to exceed \$85,000 per project,*
13 *\$730,795,000, to remain available until September 30,*
14 *2007.*

15 *ENVIRONMENTAL PROGRAMS AND MANAGEMENT*

16 *For environmental programs and management, in-*
17 *cluding necessary expenses, not otherwise provided for, for*
18 *personnel and related costs and travel expenses, including*
19 *uniforms, or allowances therefor, as authorized by 5 U.S.C.*
20 *5901–5902; services as authorized by 5 U.S.C. 3109, but*
21 *at rates for individuals not to exceed the per diem rate*
22 *equivalent to the maximum rate payable for senior level po-*
23 *sitions under 5 U.S.C. 5376; hire of passenger motor vehi-*
24 *cles; hire, maintenance, and operation of aircraft; purchase*
25 *of reprints; library memberships in societies or associations*

1 *which issue publications to members only or at a price to*
2 *members lower than to subscribers who are not members;*
3 *construction, alteration, repair, rehabilitation, and renova-*
4 *tion of facilities, not to exceed \$85,000 per project; and not*
5 *to exceed \$9,000 for official reception and representation*
6 *expenses, \$2,333,416,000, to remain available until Sep-*
7 *tember 30, 2007, including administrative costs of the*
8 *brownfields program under the Small Business Liability*
9 *Relief and Brownfields Revitalization Act of 2002.*

10 *OFFICE OF INSPECTOR GENERAL*

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

17 *BUILDINGS AND FACILITIES*

18 *For construction, repair, improvement, extension, al-*
19 *teration, and purchase of fixed equipment or facilities of,*
20 *or for use by, the Environmental Protection Agency,*
21 *\$40,218,000, to remain available until expended.*

22 *HAZARDOUS SUBSTANCE SUPERFUND*

23 *(INCLUDING TRANSFERS OF FUNDS)*

24 *For necessary expenses to carry out the Comprehensive*
25 *Environmental Response, Compensation, and Liability Act*

1 of 1980 (CERCLA), as amended, including sections
2 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and
3 for construction, alteration, repair, rehabilitation, and ren-
4 ovation of facilities, not to exceed \$85,000 per project;
5 \$1,256,165,000, to remain available until expended, con-
6 sisting of such sums as are available in the Trust Fund
7 upon the date of enactment of this Act as authorized by
8 section 517(a) of the Superfund Amendments and Reau-
9 thorization Act of 1986 (SARA) and up to \$1,256,165,000
10 as a payment from general revenues to the Hazardous Sub-
11 stance Superfund for purposes as authorized by section
12 517(b) of SARA, as amended: Provided, That funds appro-
13 priated under this heading may be allocated to other Fed-
14 eral agencies in accordance with section 111(a) of
15 CERCLA: Provided further, That of the funds appropriated
16 under this heading, \$13,536,000 shall be transferred to the
17 “Office of Inspector General” appropriation to remain
18 available until September 30, 2007, and \$30,606,000 shall
19 be transferred to the “Science and Technology” appropria-
20 tion to remain available until September 30, 2007.

21 *LEAKING UNDERGROUND STORAGE TANK PROGRAM*

22 *For necessary expenses to carry out leaking under-*
23 *ground storage tank cleanup activities authorized by section*
24 *205 of the Superfund Amendments and Reauthorization Act*
25 *of 1986, and for construction, alteration, repair, rehabilita-*

1 *tion, and renovation of facilities, not to exceed \$85,000 per*
2 *project, \$73,027,000, to remain available until expended.*

3 *OIL SPILL RESPONSE*

4 *For expenses necessary to carry out the Environmental*
5 *Protection Agency's responsibilities under the Oil Pollution*
6 *Act of 1990, \$15,863,000, to be derived from the Oil Spill*
7 *Liability trust fund, to remain available until expended.*

8 *STATE AND TRIBAL ASSISTANCE GRANTS*

9 *(INCLUDING RESCISSION OF FUNDS)*

10 *For environmental programs and infrastructure as-*
11 *sistance, including capitalization grants for State revolving*
12 *funds and performance partnership grants, \$3,453,550,000,*
13 *to remain available until expended, of which*
14 *\$1,100,000,000 shall be for making capitalization grants for*
15 *the Clean Water State Revolving Funds under title VI of*
16 *the Federal Water Pollution Control Act, as amended (the*
17 *"Act"); \$850,000,000 shall be for capitalization grants for*
18 *the Drinking Water State Revolving Funds under section*
19 *1452 of the Safe Drinking Water Act, as amended, except*
20 *that, notwithstanding section 1452(n) of the Safe Drinking*
21 *Water Act, as amended, none of the funds made available*
22 *under this heading in this Act, or in previous appropria-*
23 *tions Acts, shall be reserved by the Administrator for health*
24 *effects studies on drinking water contaminants; \$50,000,000*
25 *shall be for architectural, engineering, planning, design,*

1 *construction and related activities in connection with the*
2 *construction of high priority water and wastewater facili-*
3 *ties in the area of the United States-Mexico Border, after*
4 *consultation with the appropriate border commission;*
5 *\$40,000,000 shall be for grants to the State of Alaska to*
6 *address drinking water and waste infrastructure needs of*
7 *rural and Alaska Native Villages: Provided, That, of these*
8 *funds: (1) the State of Alaska shall provide a match of 25*
9 *percent; (2) no more than 5 percent of the funds may be*
10 *used for administrative and overhead expenses; and (3) not*
11 *later than October 1, 2005 the State of Alaska shall make*
12 *awards consistent with the State-wide priority list estab-*
13 *lished in 2004 for all water, sewer, waste disposal, and*
14 *similar projects carried out by the State of Alaska that are*
15 *funded under section 221 of the Federal Water Pollution*
16 *Control Act (33 U.S.C. 1301) or the Consolidated Farm and*
17 *Rural Development Act (7 U.S.C. 1921 et seq.) which shall*
18 *allocate not less than 25 percent of the funds provided for*
19 *projects in regional hub communities; \$200,000,000 shall*
20 *be for making grants for the construction of drinking water,*
21 *wastewater and storm water infrastructure and for water*
22 *quality protection in accordance with the terms and condi-*
23 *tions specified for such grants in the joint explanatory*
24 *statement of the managers accompanying this Act, and, for*
25 *purposes of these grants, each grantee shall contribute not*

1 *less than 45 percent of the cost of the project unless the*
2 *grantee is approved for a waiver by the Agency;*
3 *\$90,000,000 shall be to carry out section 104(k) of the Com-*
4 *prehensive Environmental Response, Compensation, and*
5 *Liability Act of 1980 (CERCLA), as amended, including*
6 *grants, interagency agreements, and associated program*
7 *support costs; \$1,000,000 for cost-shared grants for school*
8 *bus retrofit and replacement projects that reduce diesel*
9 *emissions; and \$1,122,550,000 shall be for grants, including*
10 *associated program support costs, to States, federally recog-*
11 *nized tribes, interstate agencies, tribal consortia, and air*
12 *pollution control agencies for multi-media or single media*
13 *pollution prevention, control and abatement and related ac-*
14 *tivities, including activities pursuant to the provisions set*
15 *forth under this heading in Public Law 104–134, and for*
16 *making grants under section 103 of the Clean Air Act for*
17 *particulate matter monitoring and data collection activities*
18 *subject to terms and conditions specified by the Adminis-*
19 *trator, of which \$50,000,000 shall be for carrying out sec-*
20 *tion 128 of CERCLA, as amended, \$19,344,000 shall be for*
21 *Environmental Information Exchange Network grants, in-*
22 *cluding associated program support costs, and \$16,856,000*
23 *shall be for making competitive targeted watershed grants:*
24 *Provided further, That for fiscal year 2006, State authority*
25 *under section 302(a) of Public Law 104–182 shall remain*

1 *in effect: Provided further, That notwithstanding section*
2 *603(d)(7) of the Federal Water Pollution Control Act, the*
3 *limitation on the amounts in a State water pollution con-*
4 *trol revolving fund that may be used by a State to admin-*
5 *ister the fund shall not apply to amounts included as prin-*
6 *icipal in loans made by such fund in fiscal year 2005 and*
7 *prior years where such amounts represent costs of admin-*
8 *istering the fund to the extent that such amounts are or*
9 *were deemed reasonable by the Administrator, accounted for*
10 *separately from other assets in the fund, and used for eligi-*
11 *ble purposes of the fund, including administration: Pro-*
12 *vided further, That for fiscal year 2006, and notwith-*
13 *standing section 518(f) of the Act, the Administrator is au-*
14 *thorized to use the amounts appropriated for any fiscal year*
15 *under section 319 of that Act to make grants to Indian*
16 *tribes pursuant to sections 319(h) and 518(e) of that Act:*
17 *Provided further, That for fiscal year 2006, notwith-*
18 *standing the limitation on amounts in section 518(c) of the*
19 *Act, up to a total of 1½ percent of the funds appropriated*
20 *for State Revolving Funds under title VI of that Act may*
21 *be reserved by the Administrator for grants under section*
22 *518(c) of that Act: Provided further, That no funds provided*
23 *by this legislation to address the water, wastewater and*
24 *other critical infrastructure needs of the colonias in the*
25 *United States along the United States-Mexico border shall*

1 *be made available to a county or municipal government un-*
2 *less that government has established an enforceable local or-*
3 *dinance, or other zoning rule, which prevents in that juris-*
4 *diction the development or construction of any additional*
5 *colonia areas, or the development within an existing colonia*
6 *the construction of any new home, business, or other struc-*
7 *ture which lacks water, wastewater, or other necessary in-*
8 *frastructure: Provided further, That, notwithstanding any*
9 *other provision of law, heretofore and hereafter, after con-*
10 *sultation with the House and Senate Committees on Appro-*
11 *priations and for the purpose of making technical correc-*
12 *tions, the Administrator is authorized to award grants*
13 *under this heading to entities and for purposes other than*
14 *those listed in the joint explanatory statements of the man-*
15 *agers accompanying the Agency's appropriations Acts for*
16 *the construction of drinking water, wastewater and*
17 *stormwater infrastructure and for water quality protection:*
18 *Provided further, That from unobligated prior year funds*
19 *in appropriation accounts available to the Environmental*
20 *Protection Agency, \$58,000,000 is hereby rescinded: Pro-*
21 *vided further, That such rescissions shall be taken solely*
22 *from amounts associated with grants, contracts, and inter-*
23 *agency agreements whose availability under the original pe-*
24 *riod for obligation for such grant, contract, or interagency*
25 *agreement has expired.*

ADMINISTRATIVE PROVISIONS

1
2 *For fiscal year 2006, notwithstanding 31 U.S.C.*
3 *6303(1) and 6305(1), the Administrator of the Environ-*
4 *mental Protection Agency, in carrying out the Agency's*
5 *function to implement directly Federal environmental pro-*
6 *grams required or authorized by law in the absence of an*
7 *acceptable tribal program, may award cooperative agree-*
8 *ments to federally-recognized Indian Tribes or Intertribal*
9 *consortia, if authorized by their member Tribes, to assist*
10 *the Administrator in implementing Federal environmental*
11 *programs for Indian Tribes required or authorized by law,*
12 *except that no such cooperative agreements may be awarded*
13 *from funds designated for State financial assistance agree-*
14 *ments.*

15 *The Administrator of the Environmental Protection*
16 *Agency is authorized to collect and obligate pesticide reg-*
17 *istration service fees in accordance with section 33 of the*
18 *Federal Insecticide, Fungicide, and Rodenticide Act (as*
19 *added by subsection (f)(2) of the Pesticide Registration Im-*
20 *provement Act of 2003), as amended.*

21 *Notwithstanding CERCLA 104(k)(4)(B)(i)(IV), ap-*
22 *propriated funds for fiscal year 2006 may be used to award*
23 *grants or loans under section 104(k) of CERCLA to eligible*
24 *entities that satisfy all of the elements set forth in CERCLA*
25 *section 101(40) to qualify as a bona fide prospective pur-*

1 chaser except that the date of acquisition of the property
2 was prior to the date of enactment of the Small Business
3 Liability Relief and Brownfield Revitalization Act of 2001.

4 For fiscal years 2006 through 2011, the Administrator
5 may, after consultation with the Office of Personnel Man-
6 agement, make not to exceed five appointments in any fiscal
7 year under the authority provided in 42 U.S.C. 209 for the
8 Office of Research and Development.

9 Beginning in fiscal year 2006 and thereafter, and not-
10 withstanding section 306 of the Toxic Substances Control
11 Act, the Federal share of the cost of radon program activi-
12 ties implemented with Federal assistance under section 306
13 shall not exceed 60 percent in the third and subsequent
14 grant years.

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

1 *of enactment of this Act, the Administrator shall complete*
2 *and publish the technical study.*

3 *TITLE III—RELATED AGENCIES*

4 *DEPARTMENT OF AGRICULTURE*

5 *FOREST SERVICE*

6 *FOREST AND RANGELAND RESEARCH*

7 *For necessary expenses of forest and rangeland re-*
8 *search as authorized by law, \$280,892,000, to remain avail-*
9 *able until expended: Provided, That of the funds provided,*
10 *\$58,434,000 is for the forest inventory and analysis pro-*
11 *gram.*

12 *STATE AND PRIVATE FORESTRY*

13 *For necessary expenses of cooperating with and pro-*
14 *viding technical and financial assistance to States, terri-*
15 *tories, possessions, and others, and for forest health manage-*
16 *ment, including treatments of pests, pathogens, and*
17 *invasive or noxious plants and for restoring and rehabili-*
18 *tating forests damaged by pests or invasive plants, coopera-*
19 *tive forestry, and education and land conservation activi-*
20 *ties and conducting an international program as author-*
21 *ized, \$254,615,000, to remain available until expended, as*
22 *authorized by law of which \$62,632,000 is to be derived*
23 *from the Land and Water Conservation Fund.*

1 NATIONAL FOREST SYSTEM

2 (INCLUDING TRANSFERS OF FUNDS)

3 *For necessary expenses of the Forest Service, not other-*
4 *wise provided for, for management, protection, improve-*
5 *ment, and utilization of the National Forest System,*
6 *\$1,377,656,000, to remain available until expended, which*
7 *shall include 50 percent of all moneys received during prior*
8 *fiscal years as fees collected under the Land and Water Con-*
9 *servation Fund Act of 1965, as amended, in accordance*
10 *with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided,*
11 *That unobligated balances under this heading available at*
12 *the start of fiscal year 2006 shall be displayed by budget*
13 *line item in the fiscal year 2007 budget justification: Pro-*
14 *vided further, That of the funds provided under this heading*
15 *for Forest Products, \$5,000,000 shall be allocated to the*
16 *Alaska Region, in addition to its normal allocation for the*
17 *purposes of preparing additional timber for sale, to estab-*
18 *lish a 3-year timber supply and such funds may be trans-*
19 *ferred to other appropriations accounts as necessary to*
20 *maximize accomplishment: Provided further, That within*
21 *funds available for the purpose of implementing the Valles*
22 *Caldera Preservation Act, notwithstanding the limitations*
23 *of section 107(e)(2) of the Valles Caldera Preservation Act*
24 *(Public Law 106–248), for fiscal year 2006, the Chair of*
25 *the Board of Trustees of the Valles Caldera Trust may re-*
26 *ceive, upon request, compensation for each day (including*

1 *travel time) that the Chair is engaged in the performance*
2 *of the functions of the Board, except that compensation shall*
3 *not exceed the daily equivalent of the annual rate in effect*
4 *for members of the Senior Executive Service at the ES-1*
5 *level, and shall be in addition to any reimbursement for*
6 *travel, subsistence and other necessary expenses incurred by*
7 *the Chair in the performance of the Chair's duties.*

8 *WILDLAND FIRE MANAGEMENT*
9 *(INCLUDING TRANSFERS OF FUNDS)*

10 *For necessary expenses for forest fire presuppression*
11 *activities on National Forest System lands, for emergency*
12 *fire suppression on or adjacent to such lands or other lands*
13 *under fire protection agreement, hazardous fuels reduction*
14 *on or adjacent to such lands, and for emergency rehabilita-*
15 *tion of burned-over National Forest System lands and*
16 *water, \$1,745,531,000, to remain available until expended:*
17 *Provided, That such funds including unobligated balances*
18 *under this heading, are available for repayment of advances*
19 *from other appropriations accounts previously transferred*
20 *for such purposes: Provided further, That any unobligated*
21 *balances remaining may be transferred to the "National*
22 *Forest System" account and available without further ap-*
23 *propriation to fund vegetative treatments that improve con-*
24 *dition class: Provided further, That such funds shall be*
25 *available to reimburse State and other cooperating entities*
26 *for services provided in response to wildfire and other emer-*

1 *gencies or disasters to the extent such reimbursements by*
2 *the Forest Service for non-fire emergencies are fully repaid*
3 *by the responsible emergency management agency: Provided*
4 *further, That not less than 50 percent of any unobligated*
5 *balances remaining (exclusive of amounts for hazardous*
6 *fuels reduction) at the end of fiscal year 2005 shall be trans-*
7 *ferred to the fund established pursuant to section 3 of Public*
8 *Law 71–319 (16 U.S.C. 576 et seq.) if necessary to reim-*
9 *burse the fund for unpaid past advances: Provided further,*
10 *That, notwithstanding any other provision of law,*
11 *\$8,000,000 of funds appropriated under this appropriation*
12 *shall be used for Fire Science Research in support of the*
13 *Joint Fire Science Program: Provided further, That all au-*
14 *thorities for the use of funds, including the use of contracts,*
15 *grants, and cooperative agreements, available to execute the*
16 *Forest and Rangeland Research appropriation, are also*
17 *available in the utilization of these funds for Fire Science*
18 *Research: Provided further, That funds provided shall be*
19 *available for emergency rehabilitation and restoration, haz-*
20 *ardous fuels reduction activities in the urban-wildland*
21 *interface, support to Federal emergency response, and wild-*
22 *fire suppression activities of the Forest Service: Provided*
23 *further, That of the funds provided, \$281,000,000 is for haz-*
24 *ardous fuels reduction activities, \$2,000,000 is for rehabili-*
25 *tation and restoration, \$18,385,000 is for research activities*

1 *and to make competitive research grants pursuant to the*
2 *Forest and Rangeland Renewable Resources Research Act,*
3 *as amended (16 U.S.C. 1641 et seq.), \$40,179,000 is for*
4 *State fire assistance, \$7,889,000 is for volunteer fire assist-*
5 *ance, \$6,974,000 is for forest health activities on Federal*
6 *lands and \$4,598,000 is for forest health activities on State*
7 *and private lands: Provided further, That amounts in this*
8 *paragraph may be transferred to the “State and Private*
9 *Forestry”, “National Forest System”, and “Forest and*
10 *Rangeland Research” accounts to fund State fire assistance,*
11 *volunteer fire assistance, forest health management, forest*
12 *and rangeland research, vegetation and watershed manage-*
13 *ment, heritage site rehabilitation, and wildlife and fish*
14 *habitat management and restoration: Provided further,*
15 *That transfers of any amounts in excess of those authorized*
16 *in this paragraph, shall require approval of the House and*
17 *Senate Committees on Appropriations in compliance with*
18 *reprogramming procedures contained in the report accom-*
19 *panying this Act: Provided further, That funds provided*
20 *under this heading for hazardous fuels treatments may be*
21 *transferred to and made a part of the “National Forest Sys-*
22 *tem” account at the sole discretion of the Chief of the Forest*
23 *Service thirty days after notifying the House and the Sen-*
24 *ate Committees on Appropriations: Provided further, That*
25 *the costs of implementing any cooperative agreement be-*

1 *tween the Federal Government and any non-Federal entity*
2 *may be shared, as mutually agreed on by the affected par-*
3 *ties: Provided further, That in addition to funds provided*
4 *for State Fire Assistance programs, and subject to all au-*
5 *thorities available to the Forest Service under the State and*
6 *Private Forestry Appropriation, up to \$15,000,000 may be*
7 *used on adjacent non-Federal lands for the purpose of pro-*
8 *tecting communities when hazard reduction activities are*
9 *planned on national forest lands that have the potential to*
10 *place such communities at risk: Provided further, That in-*
11 *cluded in funding for hazardous fuel reduction is*
12 *\$5,000,000 for implementing the Community Forest Res-*
13 *toration Act, Public Law 106–393, title VI, and any por-*
14 *tion of such funds shall be available for use on non-Federal*
15 *lands in accordance with authorities available to the Forest*
16 *Service under the State and Private Forestry Appropria-*
17 *tion: Provided further, That the Secretary of the Interior*
18 *and the Secretary of Agriculture may authorize the transfer*
19 *of funds appropriated for wildland fire management, in an*
20 *aggregate amount not to exceed \$12,000,000, between the*
21 *Departments when such transfers would facilitate and expe-*
22 *dite jointly funded wildland fire management programs*
23 *and projects: Provided further, That of the funds provided*
24 *for hazardous fuels reduction, not to exceed \$5,000,000, may*
25 *be used to make grants, using any authorities available to*

1 *the Forest Service under the State and Private Forestry ap-*
2 *propriation, for the purpose of creating incentives for in-*
3 *creased use of biomass from national forest lands.*

4 *CAPITAL IMPROVEMENT AND MAINTENANCE*

5 *For necessary expenses of the Forest Service, not other-*
6 *wise provided for, \$409,751,000, to remain available until*
7 *expended for construction, reconstruction, maintenance and*
8 *acquisition of buildings and other facilities, and for con-*
9 *struction, reconstruction, repair, decommissioning, and*
10 *maintenance of forest roads and trails by the Forest Service*
11 *as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101*
12 *and 205: Provided, That up to \$15,000,000 of the funds*
13 *provided herein for road maintenance shall be available for*
14 *the decommissioning of roads, including unauthorized roads*
15 *not part of the transportation system, which are no longer*
16 *needed: Provided further, That no funds shall be expended*
17 *to decommission any system road until notice and an op-*
18 *portunity for public comment has been provided on each*
19 *decommissioning project: Provided further, That of funds*
20 *provided, \$3,000,000 is provided for needed rehabilitation*
21 *and restoration work at Jarbidge Canyon, Nevada: Pro-*
22 *vided further, That the Secretary of Agriculture may au-*
23 *thorize the transfer of up to \$1,350,000 as necessary to the*
24 *Department of the Interior, Bureau of Land Management*
25 *and Fish and Wildlife Service when such transfers would*
26 *facilitate and expedite needed rehabilitation work on Bu-*

1 *reau of Land Management lands, and for the Fish and*
2 *Wildlife Service to implement terms and conditions identi-*
3 *fied in the Biological Opinion.*

4 *LAND ACQUISITION*

5 *For expenses necessary to carry out the provisions of*
6 *the Land and Water Conservation Fund Act of 1965, as*
7 *amended (16 U.S.C. 460l-4 through 11), including admin-*
8 *istrative expenses, and for acquisition of land or waters,*
9 *or interest therein, in accordance with statutory authority*
10 *applicable to the Forest Service, \$44,925,000, to be derived*
11 *from the Land and Water Conservation Fund and to re-*
12 *main available until expended.*

13 *ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL*
14 *ACTS*

15 *For acquisition of lands within the exterior boundaries*
16 *of the Cache, Uinta, and Wasatch National Forests, Utah;*
17 *the Toiyabe National Forest, Nevada; and the Angeles, San*
18 *Bernardino, Sequoia, and Cleveland National Forests, Cali-*
19 *ornia, as authorized by law, \$1,069,000, to be derived from*
20 *forest receipts.*

21 *ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES*

22 *For acquisition of lands, such sums, to be derived from*
23 *funds deposited by State, county, or municipal govern-*
24 *ments, public school districts, or other public school authori-*
25 *ties, and for authorized expenditures from funds deposited*
26 *by non-Federal parties pursuant to Land Sale and Ex-*

1 *change Acts, pursuant to the Act of December 4, 1967, as*
2 *amended (16 U.S.C. 484a), to remain available until ex-*
3 *pended.*

4 *RANGE BETTERMENT FUND*

5 *For necessary expenses of range rehabilitation, protec-*
6 *tion, and improvement, 50 percent of all moneys received*
7 *during the prior fiscal year, as fees for grazing domestic*
8 *livestock on lands in National Forests in the 16 Western*
9 *States, pursuant to section 401(b)(1) of Public Law 94-*
10 *579, as amended, to remain available until expended, of*
11 *which not to exceed 6 percent shall be available for adminis-*
12 *trative expenses associated with on-the-ground range reha-*
13 *bilitation, protection, and improvements.*

14 *GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND*

15 *RANGELAND RESEARCH*

16 *For expenses authorized by 16 U.S.C. 1643(b),*
17 *\$64,000, to remain available until expended, to be derived*
18 *from the fund established pursuant to the above Act.*

19 *MANAGEMENT OF NATIONAL FOREST LANDS FOR*

20 *SUBSISTENCE USES*

21 *For necessary expenses of the Forest Service to manage*
22 *Federal lands in Alaska for subsistence uses under title VIII*
23 *of the Alaska National Interest Lands Conservation Act*
24 *(Public Law 96-487), \$5,067,000, to remain available until*
25 *expended.*

1 *ADMINISTRATIVE PROVISIONS, FOREST SERVICE*

2 *Appropriations to the Forest Service for the current*
3 *fiscal year shall be available for: (1) purchase of not to ex-*
4 *ceed 119 passenger motor vehicles of which 14 will be used*
5 *primarily for law enforcement purposes and of which 119*
6 *shall be for replacement; acquisition of 25 passenger motor*
7 *vehicles from excess sources, and hire of such vehicles; pur-*
8 *chase, lease, operation, maintenance, and acquisition of air-*
9 *craft from excess sources to maintain the operable fleet at*
10 *195 aircraft for use in Forest Service wildland fire pro-*
11 *grams and other Forest Service programs; notwithstanding*
12 *other provisions of law, existing aircraft being replaced*
13 *may be sold, with proceeds derived or trade-in value used*
14 *to offset the purchase price for the replacement aircraft; (2)*
15 *services pursuant to 7 U.S.C. 2225, and not to exceed*
16 *\$100,000 for employment under 5 U.S.C. 3109; (3) pur-*
17 *chase, erection, and alteration of buildings and other public*
18 *improvements (7 U.S.C. 2250); (4) acquisition of land, wa-*
19 *ters, and interests therein pursuant to 7 U.S.C. 428a; (5)*
20 *for expenses pursuant to the Volunteers in the National For-*
21 *est Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6)*
22 *the cost of uniforms as authorized by 5 U.S.C. 5901–5902;*
23 *and (7) for debt collection contracts in accordance with 31*
24 *U.S.C. 3718(c).*

1 *None of the funds made available under this Act shall*
2 *be obligated or expended to abolish any region, to move or*
3 *close any regional office for National Forest System admin-*
4 *istration of the Forest Service, Department of Agriculture*
5 *without the consent of the House and Senate Committees*
6 *on Appropriations.*

7 *Any appropriations or funds available to the Forest*
8 *Service may be transferred to the Wildland Fire Manage-*
9 *ment appropriation for forest firefighting, emergency reha-*
10 *ilitation of burned-over or damaged lands or waters under*
11 *its jurisdiction, and fire preparedness due to severe burning*
12 *conditions upon notification of the House and Senate Com-*
13 *mittees on Appropriations and if and only if all previously*
14 *appropriated emergency contingent funds under the head-*
15 *ing "Wildland Fire Management" have been released by the*
16 *President and apportioned and all wildfire suppression*
17 *funds under the heading "Wildland Fire Management" are*
18 *obligated.*

19 *Funds appropriated to the Forest Service shall be*
20 *available for assistance to or through the Agency for Inter-*
21 *national Development and the Foreign Agricultural Service*
22 *in connection with forest and rangeland research, technical*
23 *information, and assistance in foreign countries, and shall*
24 *be available to support forestry and related natural resource*
25 *activities outside the United States and its territories and*

1 *possessions, including technical assistance, education and*
2 *training, and cooperation with United States and inter-*
3 *national organizations.*

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

12 *None of the funds available to the Forest Service may*
13 *be reprogrammed without the advance approval of the*
14 *House and Senate Committees on Appropriations in ac-*
15 *cordance with the reprogramming procedures contained in*
16 *the report accompanying this Act.*

17 *Not more than \$72,646,000 of funds available to the*
18 *Forest Service may be transferred to the Working Capital*
19 *Fund of the Department of Agriculture. Nothing in this sec-*
20 *tion shall prohibit or limit the use of reimbursable agree-*
21 *ments requested by the Forest Service in order to obtain*
22 *services from the Department of Agriculture’s National In-*
23 *formation Technology Center.*

24 *Funds available to the Forest Service shall be available*
25 *to conduct a program of not less than \$2,000,000 for high*

1 *priority projects within the scope of the approved budget*
2 *which shall be carried out by the Youth Conservation Corps.*

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

6 *Pursuant to sections 405(b) and 410(b) of Public Law*
7 *101-593, of the funds available to the Forest Service,*
8 *\$3,300,000 may be advanced in a lump sum to the National*
9 *Forest Foundation to aid conservation partnership projects*
10 *in support of the Forest Service mission, without regard*
11 *to when the Foundation incurs expenses, for administrative*
12 *expenses or projects on or benefitting National Forest Sys-*
13 *tem lands or related to Forest Service programs: Provided,*
14 *That of the Federal funds made available to the Founda-*
15 *tion, no more than \$350,000 shall be available for adminis-*
16 *trative expenses: Provided further, That the Foundation*
17 *shall obtain, by the end of the period of Federal financial*
18 *assistance, private contributions to match on at least one-*
19 *for-one basis funds made available by the Forest Service:*
20 *Provided further, That the Foundation may transfer Fed-*
21 *eral funds to a non-Federal recipient for a project at the*
22 *same rate that the recipient has obtained the non-Federal*
23 *matching funds: Provided further, That authorized invest-*
24 *ments of Federal funds held by the Foundation may be*
25 *made only in interest-bearing obligations of the United*

1 *States or in obligations guaranteed as to both principal and*
2 *interest by the United States.*

3 *Pursuant to section 2(b)(2) of Public Law 98-244,*
4 *\$2,650,000 of the funds available to the Forest Service shall*
5 *be available for matching funds to the National Fish and*
6 *Wildlife Foundation, as authorized by 16 U.S.C. 3701-*
7 *3709, and may be advanced in a lump sum to aid conserva-*
8 *tion partnership projects in support of the Forest Service*
9 *mission, without regard to when expenses are incurred, for*
10 *projects on or benefitting National Forest System lands or*
11 *related to Forest Service programs: Provided, That the*
12 *Foundation shall obtain, by the end of the period of Federal*
13 *financial assistance, private contributions to match on at*
14 *least one-for-one basis funds advanced by the Forest Service:*
15 *Provided further, That the Foundation may transfer Fed-*
16 *eral funds to a non-Federal recipient for a project at the*
17 *same rate that the recipient has obtained the non-Federal*
18 *matching funds.*

19 *Funds appropriated to the Forest Service shall be*
20 *available for interactions with and providing technical as-*
21 *sistance to rural communities for sustainable rural develop-*
22 *ment purposes.*

23 *Funds appropriated to the Forest Service shall be*
24 *available for payments to counties within the Columbia*
25 *River Gorge National Scenic Area, pursuant to sections*

1 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–
2 663.

3 *Notwithstanding any other provision of law, any ap-*
4 *propriations or funds available to the Forest Service not*
5 *to exceed \$500,000 may be used to reimburse the Office of*
6 *the General Counsel (OGC), Department of Agriculture, for*
7 *travel and related expenses incurred as a result of OGC as-*
8 *sistance or participation requested by the Forest Service at*
9 *meetings, training sessions, management reviews, land pur-*
10 *chase negotiations and similar non-litigation related mat-*
11 *ters. Future budget justifications for both the Forest Service*
12 *and the Department of Agriculture should clearly display*
13 *the sums previously transferred and the requested funding*
14 *transfers.*

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

20 *An eligible individual who is employed in any project*
21 *funded under title V of the Older American Act of 1965*
22 *(42 U.S.C. 3056 et seq.) and administered by the Forest*
23 *Service shall be considered to be a Federal employee for pur-*
24 *poses of chapter 171 of title 28, United States Code.*

1 *Any funds appropriated to the Forest Service may be*
2 *used to meet the non-Federal share requirement in section*
3 *502(c) of the Older American Act of 1965 (42 U.S.C.*
4 *3056(c)(2)).*

5 *Funds available to the Forest Service in this Act may*
6 *be used for the purpose of expenses associated with primary*
7 *and secondary schooling for dependents of agency personnel*
8 *stationed in Puerto Rico prior to the date of enactment of*
9 *this Act, who are subject to transfer and reassignment to*
10 *other locations in the United States, at a cost not in excess*
11 *of those authorized for the Department of Defense for the*
12 *same area, when it is determined by the Chief of the Forest*
13 *Service that public schools available in the locality are un-*
14 *able to provide adequately for the education of such depend-*
15 *ents.*

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

1 *the loan repayment program under section 108 of the In-*
2 *dian Health Care Improvement Act: Provided further, That*
3 *funds provided in this Act may be used for one-year con-*
4 *tracts and grants which are to be performed in two fiscal*
5 *years, so long as the total obligation is recorded in the year*
6 *for which the funds are appropriated: Provided further,*
7 *That the amounts collected by the Secretary of Health and*
8 *Human Services under the authority of title IV of the In-*
9 *dian Health Care Improvement Act shall remain available*
10 *until expended for the purpose of achieving compliance with*
11 *the applicable conditions and requirements of titles XVIII*
12 *and XIX of the Social Security Act (exclusive of planning,*
13 *design, or construction of new facilities): Provided further,*
14 *That funding contained herein, and in any earlier appro-*
15 *priations Acts for scholarship programs under the Indian*
16 *Health Care Improvement Act (25 U.S.C. 1613) shall re-*
17 *main available until expended: Provided further, That*
18 *amounts received by tribes and tribal organizations under*
19 *title IV of the Indian Health Care Improvement Act shall*
20 *be reported and accounted for and available to the receiving*
21 *tribes and tribal organizations until expended: Provided*
22 *further, That, notwithstanding any other provision of law,*
23 *of the amounts provided herein, not to exceed \$268,683,000*
24 *shall be for payments to tribes and tribal organizations for*
25 *contract or grant support costs associated with contracts,*

1 grants, self-governance compacts or annual funding agree-
2 ments between the Indian Health Service and a tribe or
3 tribal organization pursuant to the Indian Self-Determina-
4 tion Act of 1975, as amended, prior to or during fiscal year
5 2006, of which not to exceed \$5,000,000 may be used for
6 contract support costs associated with new or expanded self-
7 determination contracts, grants, self-governance compacts
8 or annual funding agreements: Provided further, That the
9 Bureau of Indian Affairs may collect from the Indian
10 Health Service and tribes and tribal organizations oper-
11 ating health facilities pursuant to Public Law 93-638 such
12 individually identifiable health information relating to dis-
13 abled children as may be necessary for the purpose of car-
14 rying out its functions under the Individuals with Dis-
15 ability Education Act, 20 U.S.C. 1400, et seq.: Provided
16 further, That of the amounts provided to the Indian Health
17 Service, \$15,000,000 is provided for alcohol control, enforce-
18 ment, prevention, treatment, sobriety and wellness, and
19 education in Alaska, to be distributed in accordance with
20 the instruction provided in the committee report accom-
21 panying this Act: Provided further, That none of the funds
22 may be used for tribal courts or tribal ordinance programs
23 or any program that is not directly related to alcohol con-
24 trol, enforcement, prevention, treatment, or sobriety: Pro-
25 vided further, That no more than 15 percent may be used

1 *by any entity receiving funding for administrative overhead*
2 *including indirect costs.*

3 *INDIAN HEALTH FACILITIES*

4 *For construction, repair, maintenance, improvement,*
5 *and equipment of health and related auxiliary facilities, in-*
6 *cluding quarters for personnel; preparation of plans, speci-*
7 *fications, and drawings; acquisition of sites, purchase and*
8 *erection of modular buildings, and purchases of trailers;*
9 *and for provision of domestic and community sanitation*
10 *facilities for Indians, as authorized by section 7 of the Act*
11 *of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Deter-*
12 *mination Act, and the Indian Health Care Improvement*
13 *Act, and for expenses necessary to carry out such Acts and*
14 *titles II and III of the Public Health Service Act with re-*
15 *spect to environmental health and facilities support activi-*
16 *ties of the Indian Health Service, \$335,643,000, to remain*
17 *available until expended: Provided, That notwithstanding*
18 *any other provision of law, funds appropriated for the plan-*
19 *ning, design, construction or renovation of health facilities*
20 *for the benefit of an Indian tribe or tribes may be used*
21 *to purchase land for sites to construct, improve, or enlarge*
22 *health or related facilities: Provided further, That not to*
23 *exceed \$500,000 shall be used by the Indian Health Service*
24 *to purchase TRANSAM equipment from the Department of*
25 *Defense for distribution to the Indian Health Service and*
26 *tribal facilities: Provided further, That none of the funds*

1 *appropriated to the Indian Health Service may be used for*
2 *sanitation facilities construction for new homes funded with*
3 *grants by the housing programs of the United States De-*
4 *partment of Housing and Urban Development: Provided*
5 *further, That not to exceed \$1,000,000 from this account*
6 *and the "Indian Health Services" account shall be used by*
7 *the Indian Health Service to obtain ambulances for the In-*
8 *dian Health Service and tribal facilities in conjunction*
9 *with an existing interagency agreement between the Indian*
10 *Health Service and the General Services Administration:*
11 *Provided further, That notwithstanding any other provision*
12 *of law, the Indian Health Service is authorized to construct*
13 *a replacement health care facility in Nome, Alaska, on land*
14 *owned by the Norton Sound Health Corporation: Provided*
15 *further, That not to exceed \$500,000 shall be placed in a*
16 *Demolition Fund, available until expended, to be used by*
17 *the Indian Health Service for demolition of Federal build-*
18 *ings.*

19 *ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE*

20 *Appropriations in this Act to the Indian Health Serv-*
21 *ice shall be available for services as authorized by 5 U.S.C.*
22 *3109 but at rates not to exceed the per diem rate equivalent*
23 *to the maximum rate payable for senior-level positions*
24 *under 5 U.S.C. 5376; hire of passenger motor vehicles and*
25 *aircraft; purchase of medical equipment; purchase of re-*
26 *prints; purchase, renovation and erection of modular build-*

1 *ings and renovation of existing facilities; payments for tele-*
2 *phone service in private residences in the field, when au-*
3 *thorized under regulations approved by the Secretary; and*
4 *for uniforms or allowances therefor as authorized by 5*
5 *U.S.C. 5901–5902; and for expenses of attendance at meet-*
6 *ings which are concerned with the functions or activities*
7 *for which the appropriation is made or which will con-*
8 *tribute to improved conduct, supervision, or management*
9 *of those functions or activities.*

10 *In accordance with the provisions of the Indian Health*
11 *Care Improvement Act, non-Indian patients may be ex-*
12 *tended health care at all tribally administered or Indian*
13 *Health Service facilities, subject to charges, and the pro-*
14 *ceeds along with funds recovered under the Federal Medical*
15 *Care Recovery Act (42 U.S.C. 2651–2653) shall be credited*
16 *to the account of the facility providing the service and shall*
17 *be available without fiscal year limitation. Notwith-*
18 *standing any other law or regulation, funds transferred*
19 *from the Department of Housing and Urban Development*
20 *to the Indian Health Service shall be administered under*
21 *Public Law 86–121 (the Indian Sanitation Facilities Act)*
22 *and Public Law 93–638, as amended.*

23 *Funds appropriated to the Indian Health Service in*
24 *this Act, except those used for administrative and program*

1 *direction purposes, shall not be subject to limitations di-*
2 *rected at curtailing Federal travel and transportation.*

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

18 *Notwithstanding any other provision of law, funds*
19 *previously or herein made available to a tribe or tribal or-*
20 *ganization through a contract, grant, or agreement author-*
21 *ized by title I or title V of the Indian Self-Determination*
22 *and Education Assistance Act of 1975 (25 U.S.C. 450), may*
23 *be deobligated and reobligated to a self-determination con-*
24 *tract under title I, or a self-governance agreement under*
25 *title V of such Act and thereafter shall remain available*

1 *to the tribe or tribal organization without fiscal year limi-*
2 *tation.*

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

12 *With respect to functions transferred by the Indian*
13 *Health Service to tribes or tribal organizations, the Indian*
14 *Health Service is authorized to provide goods and services*
15 *to those entities, on a reimbursable basis, including pay-*
16 *ment in advance with subsequent adjustment. The reim-*
17 *bursements received therefrom, along with the funds received*
18 *from those entities pursuant to the Indian Self-Determina-*
19 *tion Act, may be credited to the same or subsequent appro-*
20 *priation account which provided the funding. Such*
21 *amounts shall remain available until expended.*

22 *Reimbursements for training, technical assistance, or*
23 *services provided by the Indian Health Service will contain*
24 *total costs, including direct, administrative, and overhead*

1 *associated with the provision of goods, services, or technical*
2 *assistance.*

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

6 *NATIONAL INSTITUTES OF HEALTH*

7 *NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH*

8 *SCIENCES*

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

15 *AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY*

16 *TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH*

17 *For necessary expenses for the Agency for Toxic Sub-*
18 *stances and Disease Registry (ATSDR) in carrying out ac-*
19 *tivities set forth in sections 104(i), 111(c)(4), and*
20 *111(c)(14) of the Comprehensive Environmental Response,*
21 *Compensation, and Liability Act of 1980 (CERCLA), as*
22 *amended; section 118(f) of the Superfund Amendments and*
23 *Reauthorization Act of 1986 (SARA), as amended; and sec-*
24 *tion 3019 of the Solid Waste Disposal Act, as amended,*
25 *\$76,024,000, of which up to \$1,500,000, to remain available*

1 *until expended, is for Individual Learning Accounts for*
2 *full-time equivalent employees of the Agency for Toxic Sub-*
3 *stances and Disease Registry: Provided, That notwith-*
4 *standing any other provision of law, in lieu of performing*
5 *a health assessment under section 104(i)(6) of CERCLA,*
6 *the Administrator of ATSDR may conduct other appro-*
7 *priate health studies, evaluations, or activities, including,*
8 *without limitation, biomedical testing, clinical evaluations,*
9 *medical monitoring, and referral to accredited health care*
10 *providers: Provided further, That in performing any such*
11 *health assessment or health study, evaluation, or activity,*
12 *the Administrator of ATSDR shall not be bound by the*
13 *deadlines in section 104(i)(6)(A) of CERCLA: Provided fur-*
14 *ther, That none of the funds appropriated under this head-*
15 *ing shall be available for ATSDR to issue in excess of 40*
16 *toxicological profiles pursuant to section 104(i) of CERCLA*
17 *during fiscal year 2006, and existing profiles may be up-*
18 *dated as necessary.*

19 *OTHER RELATED AGENCIES*

20 *EXECUTIVE OFFICE OF THE PRESIDENT*

21 *COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF*

22 *ENVIRONMENTAL QUALITY*

23 *For necessary expenses to continue functions assigned*
24 *to the Council on Environmental Quality and Office of En-*
25 *vironmental Quality pursuant to the National Environ-*

1 *mental Policy Act of 1969, the Environmental Quality Im-*
2 *provement Act of 1970, and Reorganization Plan No. 1 of*
3 *1977, and not to exceed \$750 for official reception and rep-*
4 *resentation expenses, \$2,717,000: Provided, That notwith-*
5 *standing section 202 of the National Environmental Policy*
6 *Act of 1970, the Council shall consist of one member, ap-*
7 *pointed by the President, by and with the advice and con-*
8 *sent of the Senate, serving as chairman and exercising all*
9 *powers, functions, and duties of the Council.*

10 *CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD*

11 *SALARIES AND EXPENSES*

12 *For necessary expenses in carrying out activities pur-*
13 *suant to section 112(r)(6) of the Clean Air Act, as amended,*
14 *including hire of passenger vehicles, uniforms or allowances*
15 *therefor, as authorized by 5 U.S.C. 5901–5902, and for serv-*
16 *ices authorized by 5 U.S.C. 3109 but at rates for individ-*
17 *uals not to exceed the per diem equivalent to the maximum*
18 *rate payable for senior level positions under 5 U.S.C. 5376,*
19 *\$9,200,000: Provided, That the Chemical Safety and Haz-*
20 *ard Investigation Board (Board) shall have not more than*
21 *three career Senior Executive Service positions: Provided*
22 *further, That notwithstanding any other provision of law,*
23 *the individual appointed to the position of Inspector Gen-*
24 *eral of the Environmental Protection Agency (EPA) shall,*
25 *by virtue of such appointment, also hold the position of In-*

1 *spector General of the Board: Provided further, That not-*
2 *withstanding any other provision of law, the Inspector Gen-*
3 *eral of the Board shall utilize personnel of the Office of In-*
4 *spector General of EPA in performing the duties of the In-*
5 *spector General of the Board, and shall not appoint any*
6 *individuals to positions within the Board.*

7 *OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION*

8 *SALARIES AND EXPENSES*

9 *For necessary expenses of the Office of Navajo and*
10 *Hopi Indian Relocation as authorized by Public Law 93-*
11 *531, \$8,601,000, to remain available until expended: Pro-*
12 *vided, That funds provided in this or any other appropria-*
13 *tions Act are to be used to relocate eligible individuals and*
14 *groups including evictees from District 6, Hopi-partitioned*
15 *lands residents, those in significantly substandard housing,*
16 *and all others certified as eligible and not included in the*
17 *preceding categories: Provided further, That none of the*
18 *funds contained in this or any other Act may be used by*
19 *the Office of Navajo and Hopi Indian Relocation to evict*
20 *any single Navajo or Navajo family who, as of November*
21 *30, 1985, was physically domiciled on the lands partitioned*
22 *to the Hopi Tribe unless a new or replacement home is pro-*
23 *vided for such household: Provided further, That no*
24 *relocatee will be provided with more than one new or re-*
25 *placement home: Provided further, That the Office shall re-*

1 *locate any certified eligible relocatees who have selected and*
2 *received an approved homesite on the Navajo reservation*
3 *or selected a replacement residence off the Navajo reserva-*
4 *tion or on the land acquired pursuant to 25 U.S.C. 640d-*
5 *10.*

6 *INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE*
7 *CULTURE AND ARTS DEVELOPMENT*

8 *PAYMENT TO THE INSTITUTE*

9 *For payment to the Institute of American Indian and*
10 *Alaska Native Culture and Arts Development, as authorized*
11 *by title XV of Public Law 99-498, as amended (20 U.S.C.*
12 *56 part A), \$6,300,000.*

13 *SMITHSONIAN INSTITUTION*

14 *SALARIES AND EXPENSES*

15 *For necessary expenses of the Smithsonian Institution,*
16 *as authorized by law, including research in the fields of art,*
17 *science, and history; development, preservation, and docu-*
18 *mentation of the National Collections; presentation of pub-*
19 *lic exhibits and performances; collection, preparation, dis-*
20 *semination, and exchange of information and publications;*
21 *conduct of education, training, and museum assistance pro-*
22 *grams; maintenance, alteration, operation, lease (for terms*
23 *not to exceed 30 years), and protection of buildings, facili-*
24 *ties, and approaches; not to exceed \$100,000 for services as*
25 *authorized by 5 U.S.C. 3109; up to five replacement pas-*

1 senger vehicles; purchase, rental, repair, and cleaning of
2 uniforms for employees, \$524,135,000, of which not to ex-
3 ceed \$10,992,000 for the instrumentation program, collec-
4 tions acquisition, exhibition reinstallation, the National
5 Museum of African American History and Culture, and the
6 repatriation of skeletal remains program shall remain
7 available until expended; and of which \$9,086,000 for the
8 reopening of the Patent Office Building and for fellowships
9 and scholarly awards shall remain available until Sep-
10 tember 30, 2007; and including such funds as may be nec-
11 essary to support American overseas research centers and
12 a total of \$125,000 for the Council of American Overseas
13 Research Centers: Provided, That funds appropriated here-
14 in are available for advance payments to independent con-
15 tractors performing research services or participating in of-
16 ficial Smithsonian presentations: Provided further, That
17 the Smithsonian Institution may expend Federal appro-
18 priations designated in this Act for lease or rent payments
19 for long term and swing space, as rent payable to the
20 Smithsonian Institution, and such rent payments may be
21 deposited into the general trust funds of the Institution to
22 the extent that federally supported activities are housed in
23 the 900 H Street, N.W. building in the District of Colum-
24 bia: Provided further, That this use of Federal appropria-
25 tions shall not be construed as debt service, a Federal guar-

1 *antee of, a transfer of risk to, or an obligation of, the Fed-*
2 *eral Government: Provided further, That no appropriated*
3 *funds may be used to service debt which is incurred to fi-*
4 *nance the costs of acquiring the 900 H Street building or*
5 *of planning, designing, and constructing improvements to*
6 *such building.*

7 *FACILITIES CAPITAL*

8 *For necessary expenses of repair, revitalization, and*
9 *alteration of facilities owned or occupied by the Smithso-*
10 *nian Institution, by contract or otherwise, as authorized by*
11 *section 2 of the Act of August 22, 1949 (63 Stat. 623), and*
12 *for construction, including necessary personnel,*
13 *\$100,000,000, to remain available until expended, of which*
14 *not to exceed \$10,000 is for services as authorized by 5*
15 *U.S.C. 3109: Provided, That contracts awarded for environ-*
16 *mental systems, protection systems, and repair or restora-*
17 *tion of facilities of the Smithsonian Institution may be ne-*
18 *gotiated with selected contractors and awarded on the basis*
19 *of contractor qualifications as well as price.*

20 *NATIONAL GALLERY OF ART*

21 *SALARIES AND EXPENSES*

22 *For the upkeep and operations of the National Gallery*
23 *of Art, the protection and care of the works of art therein,*
24 *and administrative expenses incident thereto, as authorized*
25 *by the Act of March 24, 1937 (50 Stat. 51), as amended*
26 *by the public resolution of April 13, 1939 (Public Resolu-*

1 tion 9, Seventy-sixth Congress), including services as au-
2 thorized by 5 U.S.C. 3109; payment in advance when au-
3 thorized by the treasurer of the Gallery for membership in
4 library, museum, and art associations or societies whose
5 publications or services are available to members only, or
6 to members at a price lower than to the general public; pur-
7 chase, repair, and cleaning of uniforms for guards, and uni-
8 forms, or allowances therefor, for other employees as author-
9 ized by law (5 U.S.C. 5901–5902); purchase or rental of
10 devices and services for protecting buildings and contents
11 thereof, and maintenance, alteration, improvement, and re-
12 pair of buildings, approaches, and grounds; and purchase
13 of services for restoration and repair of works of art for
14 the National Gallery of Art by contracts made, without ad-
15 vertising, with individuals, firms, or organizations at such
16 rates or prices and under such terms and conditions as the
17 Gallery may deem proper, \$96,600,000, of which not to ex-
18 ceed \$3,157,000 for the special exhibition program shall re-
19 main available until expended.

20 *REPAIR, RESTORATION AND RENOVATION OF BUILDINGS*

21 *For necessary expenses of repair, restoration and ren-*
22 *ovation of buildings, grounds and facilities owned or occu-*
23 *ped by the National Gallery of Art, by contract or other-*
24 *wise, as authorized, \$15,000,000, to remain available until*
25 *expended: Provided, That contracts awarded for environ-*
26 *mental systems, protection systems, and exterior repair or*

1 *renovation of buildings of the National Gallery of Art may*
2 *be negotiated with selected contractors and awarded on the*
3 *basis of contractor qualifications as well as price: Provided*
4 *further, That, notwithstanding any other provision of law,*
5 *a single procurement for the Master Facilities Plan renova-*
6 *tion project at the National Gallery of Art may be issued*
7 *which includes the full scope of the Work Area #3 project:*
8 *Provided further, That the solicitation and the contract*
9 *shall contain the clause “availability of funds” found at*
10 *48 CFR 52.232.18.*

11 *JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS*

12 *OPERATIONS AND MAINTENANCE*

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

16 *CONSTRUCTION*

17 *For necessary expenses for capital repair and restora-*
18 *tion of the existing features of the building and site of the*
19 *John F. Kennedy Center for the Performing Arts,*
20 *\$15,200,000, to remain available until expended.*

21 *WOODROW WILSON INTERNATIONAL CENTER FOR*

22 *SCHOLARS*

23 *SALARIES AND EXPENSES*

24 *For expenses necessary in carrying out the provisions*
25 *of the Woodrow Wilson Memorial Act of 1968 (82 Stat.*

1 *NATIONAL ENDOWMENT FOR THE HUMANITIES*2 *GRANTS AND ADMINISTRATION*

3 *For necessary expenses to carry out the National Foun-*
4 *ation on the Arts and the Humanities Act of 1965, as*
5 *amended, \$127,605,000, shall be available to the National*
6 *Endowment for the Humanities for support of activities in*
7 *the humanities, pursuant to section 7(c) of the Act, and for*
8 *administering the functions of the Act, to remain available*
9 *until expended.*

10 *MATCHING GRANTS*

11 *To carry out the provisions of section 10(a)(2) of the*
12 *National Foundation on the Arts and the Humanities Act*
13 *of 1965, as amended, \$15,449,000, to remain available until*
14 *expended, of which \$10,000,000 shall be available to the Na-*
15 *tional Endowment for the Humanities for the purposes of*
16 *section 7(h): Provided, That this appropriation shall be*
17 *available for obligation only in such amounts as may be*
18 *equal to the total amounts of gifts, bequests, and devises of*
19 *money, and other property accepted by the chairman or by*
20 *grantees of the Endowment under the provisions of sub-*
21 *sections 11(a)(2)(B) and 11(a)(3)(B) during the current*
22 *and preceding fiscal years for which equal amounts have*
23 *not previously been appropriated.*

24 *ADMINISTRATIVE PROVISIONS*

25 *None of the funds appropriated to the National Foun-*
26 *ation on the Arts and the Humanities may be used to*

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

16 *COMMISSION OF FINE ARTS*

17 *SALARIES AND EXPENSES*

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

1 *NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS*

2 *For necessary expenses as authorized by Public Law*
3 *99–190 (20 U.S.C. 956a), as amended, \$7,492,000.*

4 *ADVISORY COUNCIL ON HISTORIC PRESERVATION*5 *SALARIES AND EXPENSES*

6 *For necessary expenses of the Advisory Council on His-*
7 *toric Preservation (Public Law 89–665, as amended),*
8 *\$4,943,000: Provided, That none of these funds shall be*
9 *available for compensation of level V of the Executive Sched-*
10 *ule or higher positions.*

11 *NATIONAL CAPITAL PLANNING COMMISSION*12 *SALARIES AND EXPENSES*

13 *For necessary expenses, as authorized by the National*
14 *Capital Planning Act of 1952 (40 U.S.C. 71–71i), includ-*
15 *ing services as authorized by 5 U.S.C. 3109, \$8,244,000:*
16 *Provided, That one-quarter of 1 percent of the funds pro-*
17 *vided under this heading may be used for official reception*
18 *and representational expenses associated with hosting inter-*
19 *national visitors engaged in the planning and physical de-*
20 *velopment of world capitals.*

21 *UNITED STATES HOLOCAUST MEMORIAL MUSEUM*22 *HOLOCAUST MEMORIAL MUSEUM*

23 *For expenses of the Holocaust Memorial Museum, as*
24 *authorized by Public Law 106–292 (36 U.S.C. 2301–2310),*
25 *\$43,233,000, of which \$1,874,000 for the museum’s repair*

1 *and rehabilitation program and \$1,246,000 for the muse-*
2 *um's exhibition design and production program shall re-*
3 *main available until expended.*

4 *PRESIDIO TRUST*

5 *PRESIDIO TRUST FUND*

6 *For necessary expenses to carry out title I of the Omni-*
7 *bus Parks and Public Lands Management Act of 1996,*
8 *\$19,722,000 shall be available to the Presidio Trust, to re-*
9 *main available until expended.*

10 *WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT*

11 *OF REMEMBRANCE*

12 *OPERATIONS*

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

15 *TITLE IV—GENERAL PROVISIONS*

16 *SEC. 401. The expenditure of any appropriation under*
17 *this Act for any consulting service through procurement*
18 *contract, pursuant to 5 U.S.C. 3109, shall be limited to*
19 *those contracts where such expenditures are a matter of pub-*
20 *lic record and available for public inspection, except where*
21 *otherwise provided under existing law, or under existing*
22 *Executive order issued pursuant to existing law.*

23 *SEC. 402. No part of any appropriation contained in*
24 *this Act shall be available for any activity or the publica-*
25 *tion or distribution of literature that in any way tends to*

1 *promote public support or opposition to any legislative pro-*
2 *posal on which Congressional action is not complete other*
3 *than to communicate to Members of Congress as described*
4 *in 18 U.S.C. 1913.*

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

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

13 *SEC. 405. Estimated overhead charges, deductions, re-*
14 *serves or holdbacks from programs, projects, activities and*
15 *subactivities to support government-wide, departmental,*
16 *agency or bureau administrative functions or headquarters,*
17 *regional or central operations shall be presented in annual*
18 *budget justifications and subject to approval by the Com-*
19 *mittees on Appropriations. Changes to such estimates shall*
20 *be presented to the Committees on Appropriations for ap-*
21 *proval.*

22 *SEC. 406. None of the funds made available in this*
23 *Act may be transferred to any department, agency, or in-*
24 *strumentality of the United States Government except pur-*

1 *suant to a transfer made by, or transfer provided in, this*
2 *Act or any other Act.*

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

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

14 *(b) EXCEPTIONS.—The provisions of subsection (a)*
15 *shall not apply if the Secretary of the Interior determines*
16 *that, for the claim concerned: (1) a patent application was*
17 *filed with the Secretary on or before September 30, 1994;*
18 *and (2) all requirements established under sections 2325*
19 *and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)*
20 *for vein or lode claims and sections 2329, 2330, 2331, and*
21 *2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37)*
22 *for placer claims, and section 2337 of the Revised Statutes*
23 *(30 U.S.C. 42) for mill site claims, as the case may be,*
24 *were fully complied with by the applicant by that date.*

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

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

22 *SEC. 409. The National Endowment for the Arts and*
23 *the National Endowment for the Humanities are herein-*
24 *after authorized to solicit, accept, receive, and invest in the*
25 *name of the United States, gifts, bequests, or devises of*

1 *money and other property or services and to use such in*
2 *furtherance of the functions of the National Endowment for*
3 *the Arts and the National Endowment for the Humanities.*
4 *Any proceeds from such gifts, bequests, or devises, after ac-*
5 *ceptance by the National Endowment for the Arts or the*
6 *National Endowment for the Humanities, shall be paid by*
7 *the donor or the representative of the donor to the Chair-*
8 *man. The Chairman shall enter the proceeds in a special*
9 *interest-bearing account to the credit of the appropriate en-*
10 *dowment for the purposes specified in each case.*

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

15 *SEC. 411. Section 3(a) of the Act of June 9, 1930 (com-*
16 *monly known as the Knutson-Vandenberg Act; 16 U.S.C.*
17 *576b), is amended—*

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

20 *(2) by striking the period following “wildlife*
21 *habitat management” in (4), and inserting “; or (5)*
22 *watershed restoration, wildlife habitat improvement,*
23 *control of insects, disease and noxious weeds, commu-*
24 *nity protection activities, and the maintenance of for-*
25 *est roads, within the Forest Service region in which*

1 *the timber sale occurred: Provided, That such activi-*
2 *ties may be performed through the use of contracts,*
3 *forest product sales, and cooperative agreements.”.*

4 *SEC. 412. Amounts deposited during fiscal year 2005*
5 *in the roads and trails fund provided for in the 14th para-*
6 *graph under the heading “FOREST SERVICE” of the Act*
7 *of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be*
8 *used by the Secretary of Agriculture, without regard to the*
9 *State in which the amounts were derived, to repair or re-*
10 *construct roads, bridges, and trails on National Forest Sys-*
11 *tem lands or to carry out and administer projects to im-*
12 *prove forest health conditions, which may include the repair*
13 *or reconstruction of roads, bridges, and trails on National*
14 *Forest System lands in the wildland-community interface*
15 *where there is an abnormally high risk of fire. The projects*
16 *shall emphasize reducing risks to human safety and public*
17 *health and property and enhancing ecological functions,*
18 *long-term forest productivity, and biological integrity. The*
19 *projects may be completed in a subsequent fiscal year.*
20 *Funds shall not be expended under this section to replace*
21 *funds which would otherwise appropriately be expended*
22 *from the timber salvage sale fund. Nothing in this section*
23 *shall be construed to exempt any project from any environ-*
24 *mental law.*

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

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

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

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

16 *SEC. 416. No funds provided in this Act may be ex-*
17 *pende d to conduct preleasing, leasing and related activities*
18 *under either the Mineral Leasing Act (30 U.S.C. 181 et seq.)*
19 *or the Outer Continental Shelf Lands Act (43 U.S.C. 1331*
20 *et seq.) within the boundaries of a National Monument es-*
21 *tablished pursuant to the Act of June 8, 1906 (16 U.S.C.*
22 *431 et seq.) as such boundary existed on January 20, 2001,*
23 *except where such activities are allowed under the Presi-*
24 *dential proclamation establishing such monument.*

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

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

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

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

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

1 *SEC. 421. (a) LIMITATION ON COMPETITIVE SOURCING*
2 *STUDIES.—*

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

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

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

1 contractor performance under the Office of Management
2 and Budget Circular A-76 or any other administrative reg-
3 ulation, directive, or policy.

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

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

24 *SEC. 422. None of the funds in this Act or prior Acts*
25 *making appropriations for the Department of the Interior*

1 *and Related Agencies may be provided to the managing*
2 *partners or their agents for the SAFECOM or Disaster*
3 *Management projects.*

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

9 *(1) a contact center located outside the United*
10 *States; or*

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

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

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

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

24 *SEC. 424. Section 331, of Public Law 106-113, is*
25 *amended—*

1 (1) *in part (a) by striking “2004” and inserting*
2 *“2006”; and*

3 (2) *in part (b) by striking “2004” and inserting*
4 *“2006”.*

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

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

11 (1) *in subsection (b), by striking*
12 *“\$8,000,000,000” and inserting “\$10,000,000,000”;*
13 *and*

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

16 *SEC. 427. (a) IN GENERAL.—*

17 (1) *Beginning in fiscal year 2006 and thereafter,*
18 *the Secretary of Agriculture and the Secretary of the*
19 *Interior are authorized to make grants to the Eastern*
20 *Nevada Landscape Coalition for the study and res-*
21 *toration of rangeland and other lands in Nevada’s*
22 *Great Basin in order to help assure the reduction of*
23 *hazardous fuels and for related purposes.*

24 (2) *Beginning in fiscal year 2006 and thereafter,*
25 *notwithstanding 31 U.S.C. secs. 6301–6308, the Di-*

1 *rector of the Bureau of Land Management may enter*
2 *into a cooperative agreement with the Eastern Ne-*
3 *vada Landscape Coalition for the Great Basin Res-*
4 *toration Project, including hazardous fuels and me-*
5 *chanical treatments and related work.*

6 *(b) AUTHORIZATION OF APPROPRIATIONS.—There are*
7 *authorized to be appropriated such sums as are necessary*
8 *to carry out this section.*

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

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

13 *“(1) LAW ENFORCEMENT.—*

14 *“(A) IN GENERAL.—The Secretary”;*

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

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

18 *(3) by striking “At the request of the Trust” and*
19 *all that follows through the end of the paragraph and*
20 *inserting the following:*

21 *“(2) FIRE MANAGEMENT.—*

22 *“(A) NON-REIMBURSABLE SERVICES.—*

23 *“(i) DEVELOPMENT OF PLAN.—Subject*
24 *to the availability of appropriations under*
25 *section 111(a), the Secretary shall, in con-*

1 *sultation with the Trust, develop a plan to*
2 *carry out fire preparedness, suppression,*
3 *and emergency rehabilitation services on the*
4 *Preserve.*

5 “(ii) *CONSISTENCY WITH MANAGEMENT*
6 *PROGRAM.—The plan shall be consistent*
7 *with the management program developed*
8 *pursuant to subsection (d).*

9 “(iii) *COOPERATIVE AGREEMENT.—To*
10 *the extent generally authorized at other*
11 *units of the National Forest System, the*
12 *Secretary shall provide the services to be*
13 *carried out pursuant to the plan under a*
14 *cooperative agreement entered into between*
15 *the Secretary and the Trust.*

16 “(B) *REIMBURSABLE SERVICES.—To the ex-*
17 *tent generally authorized at other units of the*
18 *National Forest System and subject to the avail-*
19 *ability of appropriations under section 111(a),*
20 *the Secretary shall provide presuppression and*
21 *nonemergency rehabilitation and restoration*
22 *services for the Trust at any time on a reimburs-*
23 *able basis.”*

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

1 **TITLE V—FACILITY REALIGNMENT AND**
2 **ENHANCEMENT ACT OF 2005**

3 **SECTION 501. SHORT TITLE.**

4 *This title may be cited as the “Forest Service Land*
5 *Disposition and Facility Realignment and Enhancement*
6 *Act of 2005”.*

7 **SEC. 502. DEFINITIONS.**

8 *In this title:*

9 (1) **ADMINISTRATIVE SITE.**—

10 (A) **IN GENERAL.**—*The term “administra-*
11 *tive site” means Federal land (including im-*
12 *provements to the Federal land) and any associ-*
13 *ated facility and curtilage that was acquired or*
14 *is used specifically for Forest Service purposes.*

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

17 (i) *a forest headquarters;*

18 (ii) *a ranger station;*

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

20 (iv) *a dwelling;*

21 (v) *a warehouse;*

22 (vi) *a scaling station;*

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

24 (viii) *a lookout;*

25 (ix) *a visitor center;*

- 1 (x) a guard station;
- 2 (xi) a storage facility;
- 3 (xii) a telecommunication facility;
- 4 (xiii) the Washington Office Head-
- 5 quarters;
- 6 (xiv) a regional office or associated
- 7 site; and
- 8 (xv) other installations for conducting
- 9 Forest Service activities.

10 (2) *ADMINISTRATOR.*—The term “Adminis-

11 trator” means the Administrator of General Services.

12 (3) *FEDERAL APPRAISAL STANDARDS.*—The term

13 “Federal appraisal standards” means the standards

14 included in the Uniform Appraisal Standards for

15 Federal Land Acquisitions (Interagency Land Acqui-

16 sition Conference, 2000).

17 (4) *MARKET ANALYSIS.*—The term “market anal-

18 ysis” means the identification and study of the real

19 estate market for a particular economic good or serv-

20 ice.

21 (5) *SECRETARY.*—The term “Secretary” means

22 the Secretary of Agriculture.

23 **SEC. 503. AUTHORIZATION OF CONVEYANCES.**

24 (a) *IN GENERAL.*—The Secretary may convey, by sale,

25 lease, exchange, a combination of sales and exchanges, or

1 *by other means any administrative site or interest in an*
2 *administrative site that is under the jurisdiction of the Sec-*
3 *retary.*

4 (b) *LEAD-BASED PAINT AND ASBESTOS ABATE-*
5 *MENT.—*

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

12 (2) *NOTICE.—Notwithstanding paragraph (1), if*
13 *the administrative site being conveyed has lead-based*
14 *paint or asbestos-containing building materials, the*
15 *Secretary shall—*

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

19 (B) *obtain from the person acquiring the*
20 *administrative site a written assurance that the*
21 *person will comply with applicable Federal,*
22 *State, and local laws relating to the management*
23 *of the lead-based paint or asbestos-containing*
24 *materials.*

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

4 (d) *NOTICE TO CONGRESS.*—At least once a year, the
5 Secretary shall submit to the Committee on Appropriations
6 of the House of Representatives and the Committee on Ap-
7 propriations of the Senate notice of any conveyances under
8 this section.

9 (e) *ENVIRONMENTAL REVIEW.*—In any environmental
10 review or analysis required under the National Environ-
11 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the
12 disposal of an administrative site under this section, the
13 Secretary shall consider or analyze the uses of the adminis-
14 trative site after the conveyance of the administrative site
15 only to the extent that the Secretary determines to be nec-
16 essary—

17 (1) to determine any right, title, or interest in
18 the administrative site that may be reserved by the
19 Secretary under subsection (g)(3); or

20 (2) for market analyses purposes.

21 (f) *CONFIGURATION OF LAND.*—

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

1 (A) maximize the marketability of the land;

2 and

3 (B) achieve management objectives.

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

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

11 (A) a reservations of water rights;

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

13 (C) a utility easement.

14 (g) *CONSIDERATION*.—

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

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

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

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

3 *(B) competitive sale; or*

4 *(C) other acceptable and commonly recog-*
5 *nized methods of determining value as deter-*
6 *mined by the authorized agency appraiser.*

7 *(3) FORM.—*

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

11 *(B) EXCHANGE.—*

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

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

23 *(I) the Secretary making a cash*
24 *payment to the purchaser;*

1 (II) *the purchaser making a cash*
2 *equalization payment to the Secretary;*
3 *or*

4 (III) *reducing the acreage of the*
5 *Federal land or the non-Federal land,*
6 *as appropriate.*

7 (h) *REJECTION OF OFFERS.—The Secretary may re-*
8 *ject any offer made under this section if the Secretary deter-*
9 *mines that the offer is not—*

10 (1) *adequate to provide market value under sub-*
11 *section (g)(1); or*

12 (2) *in the public interest.*

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

18 (j) *DISPOSITION OF PROCEEDS.—*

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

24 (2) *USE.—Amounts deposited under paragraph*
25 (1) *shall remain available to the Secretary until ex-*

1 *pended, without further appropriation, to pay any*
2 *necessary and incidental costs of the Secretary for the*
3 *acquisition, improvement, deferred maintenance, con-*
4 *struction of new facilities; and disposition of admin-*
5 *istrative sites and capital improvements on National*
6 *Forest System land.*

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

11 **SEC. 504. WORKING CAPITAL FUND.**

12 *(a) IN GENERAL.—Section 13 of the Department of*
13 *Agriculture Organic Act of 1956 (16 U.S.C. 579b) is*
14 *amended to read as follows:*

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

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

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

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

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

9 “(2) *assume the liabilities associated with the as-*
10 *sets transferred under paragraph (1).*

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

18 “(b) *SAVINGS CLAUSE.*—*The amendment made by sub-*
19 *section (a) shall not affect the status of funds and assets*
20 *in the working capital fund established by section 13 of the*
21 *Department of Agriculture Organic Act of 1956 (16 U.S.C.*
22 *579b) as in effect on the date of enactment of this section.*

23 *This Act may be cited as the “Department of the Inte-*
24 *rior, Environment, and Related Agencies Appropriations*
25 *Act, 2006”.*

Calendar No. 125

109TH CONGRESS
1ST Session

H.R. 2361

[Report No. 109-80]

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.

MAY 20, 2005

Received; read twice and referred to the Committee on Appropriations

JUNE 10, 2005

Reported with an amendment