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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Majestic and Holy God, we give You honor and praise. Your power and beauty fill the Earth. You command the oceans to roar and the fields to rejoice. Thank You for the treasure of Your love that provides us with strength for today and hope for tomorrow. When we fall, You help us up.

Today, bless our Senators. Remind them that wisdom brings understanding and knowledge gives power. Use them as instruments of Your will. Make them Your faithful stewards, and may they find joy in Your service. Give them the humility to trust You and obey Your teachings. Bless also those who support our lawmakers in their work.

Lord, we close this prayer by asking You to protect our military men and women in harm's way. We pray this in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will begin consideration of the appropriations process by turning to the Interior appropriations bill. Senator BURNS and Senator DORGAN are our two managers, and we expect to begin consideration of amendments.

Last night, following completion of the Energy bill, we reached an agreement on the Interior bill that first-degree amendments are to be offered today and Monday. We have commitments from several colleagues that they will be available today to offer amendments, and therefore we will make progress on the bill over the course of the day.

I announced last night that no votes would occur today as well as Monday. However, we will be in session both days working through the Interior bill so that we can finish that bill very early next week. We will start voting on amendments to this appropriations bill on Tuesday.

As a reminder, we have scheduled a vote on passage of the Energy bill at 9:45 a.m. on Tuesday.

Next week, in addition to completing the Interior appropriations measure, we will also complete work on the Homeland Security appropriations bill. It may be possible to consider other appropriations matters as we move through the week. As always, we will be turning to additional legislative and executive items that can be cleared for action during next week.

Again, I thank everybody for their cooperation on the Energy bill. It is a tremendous success for this body. Members on both sides of the aisle came together in order to finish that bill, as we had planned, within 2 weeks.

I will be returning to the floor of the Senate later today with several statements, including one on the Interior appropriations bill.

I yield the floor.

DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 2361, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2361) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with an amendment in the nature of a substitute.

[Strike the part shown in black brackets and insert the part shown in *italic*.]

H.R. 2361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

[TITLE I—DEPARTMENT OF THE INTERIOR

[BUREAU OF LAND MANAGEMENT

[MANAGEMENT OF LANDS AND RESOURCES

[For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$845,783,000, to remain available until expended, of which \$1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which \$3,000,000 shall be available in fiscal year 2006 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

[In addition, \$32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than \$845,783,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

[WILDLAND FIRE MANAGEMENT

[INCLUDING TRANSFER OF FUNDS)

[For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, \$761,564,000, to remain available until expended, of which not to exceed \$7,849,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into

non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$9,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

[CONSTRUCTION

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

[LAND ACQUISITION

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

[OREGON AND CALIFORNIA GRANT LANDS

[For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; \$110,070,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

[FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

[(REVOLVING FUND, SPECIAL ACCOUNT)

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

[RANGE IMPROVEMENTS

[For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of

the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,000,000, to remain available until expended: *Provided*, That not to exceed \$600,000 shall be available for administrative expenses.

[SERVICE CHARGES, DEPOSITS, AND FORFEITURES

[For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94-579, as amended, and Public Law 93-153, to remain available until expended: *Provided*, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94-579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

[MISCELLANEOUS TRUST FUNDS

[In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

[ADMINISTRATIVE PROVISIONS

[Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed \$10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

**[UNITED STATES FISH AND WILDLIFE SERVICE
[RESOURCE MANAGEMENT]**

[For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, \$1,005,225,000, to remain available until September 30, 2007, except as otherwise provided herein: *Provided*, That \$2,000,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further*, That not to exceed \$18,130,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed \$12,852,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2005: *Provided further*, That of the amount available for law enforcement, up to \$400,000, to remain available until expended, may, at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: *Provided further*, That of the amount provided for environmental contaminants, up to \$1,000,000 may remain available until expended for contaminant sample analyses.

[CONSTRUCTION]

[For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; \$41,206,000, to remain available until expended.

[LAND ACQUISITION]

[For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$14,937,000 to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That land and non-water interests acquired from willing sellers incidental to water rights acquired for the transfer and use at Lower Klamath and Tule Lake National Wildlife Refuges under this heading shall be resold and the revenues therefrom shall be credited to this account and shall be available without further appropriation for the acquisition of water rights, including acquisition of interests in lands incidental to such water rights, for the two refuges: *Provided further*, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

[LANDOWNER INCENTIVE PROGRAM]

[For expenses necessary to carry out the Land and Water Conservation Fund Act of

1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, \$23,700,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, federally recognized Indian tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate, or other at-risk species on private lands.

[PRIVATE STEWARDSHIP GRANTS]

[For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, \$7,386,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That the amount provided herein is for the Private Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species.

**[COOPERATIVE ENDANGERED SPECIES
CONSERVATION FUND]**

[For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, \$84,400,000, of which \$20,161,000 is to be derived from the Cooperative Endangered Species Conservation Fund and \$64,239,000 is to be derived from the Land and Water Conservation Fund and to remain available until expended.

[NATIONAL WILDLIFE REFUGE FUND]

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

**[NORTH AMERICAN WETLANDS CONSERVATION
FUND]**

[For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, as amended, \$40,000,000 to remain available until expended.

[NEOTROPICAL MIGRATORY BIRD CONSERVATION]

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

[MULTINATIONAL SPECIES CONSERVATION FUND]

[For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4213, 4221-4225, 4241-4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105-96; 16 U.S.C. 4261-4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301-5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), and, the Marine Turtle Conservation Act of 2004 (Public Law 108-266; 16 U.S.C. 6601), \$5,900,000, to remain available until expended.

[STATE AND TRIBAL WILDLIFE GRANTS]

[For wildlife conservation grants to States and to the District of Columbia, Puerto Rico,

Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$65,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That of the amount provided herein, \$6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting said \$6,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant if its comprehensive wildlife conservation plan is disapproved and such funds that would have been distributed to such State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans: *Provided further*, That any amount apportioned in 2006 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2007, shall be reapportioned, together with funds appropriated in 2008, in the manner provided herein: *Provided further*, That balances from amounts previously appropriated under the heading "State Wildlife Grants" shall be transferred to and merged with this appropriation and shall remain available until expended.

[ADMINISTRATIVE PROVISIONS]

[Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of passenger motor vehicles; repair of damage to public roads

within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That, notwithstanding any other provision of law, the Service may use up to \$2,000,000 from funds provided for contracts for employment-related legal services: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That, notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 108-330.

【NATIONAL PARK SERVICE

【OPERATION OF THE NATIONAL PARK SYSTEM

【For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, \$1,754,199,000, of which \$30,000,000 is provided above the budget request to be distributed to all park areas on a pro-rate basis and to remain in the park base; of which \$9,892,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which \$97,600,000, to remain available until September 30, 2007, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; of which \$1,937,000 is for the Youth Conservation Corps for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed \$10,000 per event subject to the review and concurrence of the Washington headquarters office.

【UNITED STATES PARK POLICE

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

【NATIONAL RECREATION AND PRESERVATION

【For expenses necessary to carry out recreation programs, natural programs, cultural

programs, heritage partnership programs, environmental compliance and review, international park affairs, and grant administration, not otherwise provided for, \$48,997,000: *Provided*, That none of the funds in this Act for the River, Trails and Conservation Assistance program may be used for cash agreements, or for cooperative agreements that are inconsistent with the program's final strategic plan.

【HISTORIC PRESERVATION FUND

【For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), \$72,705,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2007, of which \$30,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts: *Provided*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant: *Provided further*, That all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations and the President's Committee on the Arts and Humanities prior to the commitment of Save America's Treasures grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies: *Provided further*, That hereinafter and notwithstanding 20 U.S.C. 951 et seq. the National Endowment for the Arts may award Save America's Treasures grants based upon the recommendations of the Save America's Treasures grant selection panel convened by the President's Committee on the Arts and the Humanities and the National Park Service.

【CONSTRUCTION

【For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$308,230,000, to remain available until expended, of which \$17,000,000 for modified water deliveries to Everglades National Park shall be derived by transfer from unobligated balances in the "Land Acquisition and State Assistance" account for Everglades National Park land acquisitions: *Provided*, That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of \$5,000,000, without advance approval of the House and Senate Committees on Appropriations: *Provided further*, That, notwithstanding any other provision of law, the National Park Service may not accept donations or services associated with the planning, design, or construction of such new facilities without advance approval of the House and Senate Committees on Appropriations: *Provided further*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108-108: *Provided further*, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations.

【LAND AND WATER CONSERVATION FUND

【(RESCISSION)

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

【LAND ACQUISITION AND STATE ASSISTANCE

【For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$9,421,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$1,587,000 is for the administration of the State assistance program.

【ADMINISTRATIVE PROVISIONS

【Appropriations for the National Park Service shall be available for the purchase of not to exceed 245 passenger motor vehicles, of which 199 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That in fiscal year 2006 and thereafter, appropriations available to the National Park Service may be used to maintain the following areas in Washington, District of Columbia: Jackson Place, Madison Place, and Pennsylvania Avenue between 15th and 17th Streets, Northwest.

【None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

【The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

【If the Secretary of the Interior considers the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, to misinterpret or misapply relevant contractual requirements or their underlying legal authority, the Secretary may seek, within 180 days of any such decision, the de novo review of the value determination by the United States Court of Federal Claims, and that court may make an order affirming, vacating, modifying or correcting the determination.

【In addition to other uses set forth in section 407(d) of Public Law 105-391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit

shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

[For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; \$974,586,000, of which \$63,770,000 shall be available only for co-operation with States or municipalities for water resources investigations; of which \$8,000,000 shall remain available until expended for satellite operations; of which \$23,320,000 shall be available until September 30, 2007, for the operation and maintenance of facilities and deferred maintenance; of which \$1,600,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed \$100,000 in cost; and of which \$174,765,000 shall be available until September 30, 2007, for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in co-operation with States and municipalities.

ADMINISTRATIVE PROVISIONS

[The amount appropriated for the United States Geological Survey shall be available for the purchase and replacement of passenger motor vehicles; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code,

relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

[For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, \$152,676,000, of which \$77,529,000 shall be available for royalty management activities; and an amount not to exceed \$122,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent \$122,730,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach \$122,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That \$3,000,000 for computer acquisitions shall remain available until September 30, 2007: *Provided further*, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, \$15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That in fiscal year 2006 and thereafter, the MMS may under the royalty-in-kind program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to the royalty-in-kind program: *Provided further*, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

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

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

[For necessary expenses to carry out the provisions of the Surface Mining Control and

Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; \$110,435,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2006 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

[For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, \$188,014,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to \$10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be \$1,500,000 per State in fiscal year 2006: *Provided further*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95-87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That amounts allocated under section 402(g)(2) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(2)) as of September 30, 2005, but not appropriated as of that date, are reallocated to the allocation established in section 402(g)(3) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(3)): *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISIONS

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

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

[For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001-2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, \$1,992,737,000, to remain available until

September 30, 2007 except as otherwise provided herein, of which not to exceed \$86,462,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed \$134,609,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2006, as authorized by such Act, of which \$129,609,000 shall be available for indirect contract support costs and \$5,000,000 shall be available for direct contract support costs, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed \$478,085,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2006, and shall remain available until September 30, 2007; and of which not to exceed \$61,267,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed \$44,718,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2005 for the operation of Bureau-funded schools, and up to \$500,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2005, of Bureau-operated schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2007, may be transferred during fiscal year 2008 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2008.

【CONSTRUCTION】

【For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483, \$284,137,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2006, in implementing new construction or facilities improvement and repair project grants in excess of \$100,000 that are provided

to tribally controlled grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): *Provided further*, That in order to ensure timely completion of replacement school construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any tribe or tribal organization receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction of the replacement school: *Provided further*, That this Appropriation may be reimbursed from the Office of the Special Trustee for American Indians Appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

【INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS】

【For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, \$34,754,000, to remain available until expended, for implementation of Indian land and water claim settlements pursuant to Public Laws 99-264, 100-580, 101-618, 106-554, 107-331, and 108-34, and for implementation of other land and water rights settlements, of which \$10,000,000 shall be available for payment to the Quinault Indian Nation pursuant to the terms of the North Boundary Settlement Agreement dated July 14, 2000, providing for the acquisition of perpetual conservation easements from the Nation.

【INDIAN GUARANTEED LOAN PROGRAM ACCOUNT】

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

【ADMINISTRATIVE PROVISIONS】

【The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

【Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

【Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase and replacement of passenger motor vehicles.

【Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103-413).

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

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

【Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

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

【DEPARTMENTAL OFFICES】

【INSULAR AFFAIRS】

【ASSISTANCE TO TERRITORIES】

【For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, \$76,563,000, of which: (1) \$69,182,000 shall be available until

expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) \$7,381,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104-134: *Provided further*, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

【COMPACT OF FREE ASSOCIATION】

【For grants and necessary expenses, \$5,362,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands, and the Government of the United States and the Federated States of Micronesia, as authorized by Public Law 99-658 and Public Law 108-188.

【DEPARTMENTAL MANAGEMENT】

【SALARIES AND EXPENSES】

【For necessary expenses for management of the Department of the Interior, \$118,755,000 (reduced by \$8,000,000) (reduced by \$13,000,000) of which not to exceed \$8,500 may be for official reception and representation expenses; and of which up to \$1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: *Provided*, That none of the funds in this or previous appropriations Acts may be used to establish any additional reserves in the Working Capital Fund account other than the two authorized reserves without prior approval of

the House and Senate Committees on Appropriations.

【PAYMENTS IN LIEU OF TAXES】

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

【CENTRAL HAZARDOUS MATERIALS FUND】

【For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), \$9,855,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

【OFFICE OF THE SOLICITOR】

【SALARIES AND EXPENSES】

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

【OFFICE OF INSPECTOR GENERAL】

【SALARIES AND EXPENSES】

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

【OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS】

【FEDERAL TRUST PROGRAMS】

【For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$191,593,000, to remain available until expended, of which not to exceed \$58,000,000 from this or any other Act, shall be available for historical accounting: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Departmental Management, "Salaries and Expenses" account: *Provided further*, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2006, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activ-

ity for at least 18 months and has a balance of \$1.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed \$50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

【INDIAN LAND CONSOLIDATION】

【For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, \$34,514,000, to remain available until expended, and which may be transferred to the Bureau of Indian Affairs and Departmental Management accounts: *Provided*, That funds provided under this heading may be expended pursuant to the authorities contained in the provisos under the heading "Office of Special Trustee for American Indians, Indian Land Consolidation" of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106-291).

【NATURAL RESOURCES DAMAGE ASSESSMENT AND RESTORATION】

【NATURAL RESOURCE DAMAGE ASSESSMENT FUND】

【To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101-380) (33 U.S.C. 2701 et seq.), and Public Law 101-337, as amended (16 U.S.C. 191j et seq.), \$6,106,000, to remain available until expended.

【ADMINISTRATIVE PROVISIONS】

【There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund: *Provided further*, That the annual budget justification for Departmental Management shall describe estimated Working Capital Fund charges to bureaus and offices, including the methodology on which charges are based: *Provided further*, That departures from the Working Capital Fund estimates contained in the Departmental Management budget justification shall be presented to the Committees on Appropriations for approval: *Provided further*, That the Secretary shall provide a semi-annual report to the Committees on Appropriations on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department, including the amounts billed pursuant to such agreements.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

[SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

[SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

[SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

[SEC. 104. No funds provided in this title may be expended by the Department of the

Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

[SEC. 105. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997-2002.

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

[SEC. 107. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

[SEC. 108. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, except that total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

[SEC. 109. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

[SEC. 110. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2006. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

[SEC. 111. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2006 shall be allocated among the schools proportionate to the unmet need of the schools as determined by

the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

[SEC. 112. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100-696; 16 U.S.C. 460zz.

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

[SEC. 114. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

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

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

[SEC. 117. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

[SEC. 118. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

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

[SEC. 120. Such sums as may be necessary from "Departmental Management, Salaries

and Expenses", may be transferred to "United States Fish and Wildlife Service, Resource Management" for operational needs at the Midway Atoll National Wildlife Refuge airport.

[SEC. 121. (a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in *Sac and Fox Nation v. Norton*, 240 F.3d 1250 (2001).

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

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

[SEC. 123. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2007 shall not exceed \$12,000,000.

[SEC. 124. Notwithstanding any implementation of the Department of the Interior's trust reorganization or reengineering plans, or the implementation of the "To Be" Model, funds appropriated for fiscal year 2006 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima-Maricopa Indian Community, the Confederated Salish and Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation through the same methodology as funds were distributed in fiscal year 2004. This Demonstration Project shall continue to operate separate and apart from the Department of the Interior's trust reform and reorganization and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. 458aa-458hh: *Provided*, That the California Tribal Trust Reform Consortium and any other participating tribe agree to carry out their responsibilities under the same written and implemented fiduciary standards as those being carried by the Secretary of the Interior: *Provided further*, That they demonstrate to the satisfaction of the Secretary that they have the capability to do so: *Provided further*, That the Department shall provide funds to the tribes in an amount equal to that required by 25 U.S.C. 458cc(g)(3), including funds specifically or functionally related to the provision of trust services to the tribes or their members.

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

[SEC. 126. Notwithstanding any other provision of law, the Secretary of the Interior is

authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

[SEC. 127. Upon the request of the permittee for the Clark Mountain Allotment lands adjacent to the Mojave National Preserve, the Secretary shall also issue a special use permit for that portion of the grazing allotment located within the Preserve. The special use permit shall be issued with the same terms and conditions as the most recently-issued permit for that allotment and the Secretary shall consider the permit to be one transferred in accordance with section 325 of Public Law 108-108.

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

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

[TITLE II—ENVIRONMENTAL PROTECTION AGENCY

[SCIENCE AND TECHNOLOGY

[For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$85,000 per project, \$765,340,000 which shall remain available until September 30, 2007.

[ENVIRONMENTAL PROGRAMS AND MANAGEMENT

[For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilita-

tion, and renovation of facilities, not to exceed \$85,000 per project; and not to exceed \$9,000 for official reception and representation expenses, \$2,389,491,000 (increased by \$1,903,000) (reduced by \$1,903,000), which shall remain available until September 30, 2007, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002.

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$85,000 per project, \$37,955,000 to remain available until September 30, 2007.

[BUILDINGS AND FACILITIES

[For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$40,218,000 to remain available until expended.

[HAZARDOUS SUBSTANCE SUPERFUND

[(INCLUDING TRANSFERS OF FUNDS)

[For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$85,000 per project; \$1,258,333,000, to remain available until expended, consisting of such sums as are available in the Trust Fund upon the date of enactment of this Act as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$1,258,333,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, \$13,536,000 shall be transferred to the "Office of Inspector General" appropriation to remain available until September 30, 2007, and \$30,606,000 shall be transferred to the "Science and technology" appropriation to remain available until September 30, 2007.

[LEAKING UNDERGROUND STORAGE TANK PROGRAM

[For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$85,000 per project, \$73,027,000, to remain available until expended.

[OIL SPILL RESPONSE

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

[STATE AND TRIBAL ASSISTANCE GRANTS

[(INCLUDING RESCISSIONS OF FUNDS)

[For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$3,127,800,000, to remain available until expended, of which \$750,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI

of the Federal Water Pollution Control Act, as amended (the "Act"), of which up to \$50,000,000 shall be available for loans, including interest free loans as authorized by 33 U.S.C. 1383(d)(1)(A), to municipal, intermunicipal, interstate, or State agencies or nonprofit entities for projects that provide treatment for or that minimize sewage or stormwater discharges using one or more approaches which include, but are not limited to, decentralized or distributed stormwater controls, decentralized wastewater treatment, low-impact development practices, conservation easements, stream buffers, or wetlands restoration; \$850,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended; \$50,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; \$15,000,000 shall be for grants to the State of Alaska to address drinking water and waste infrastructure needs of rural and Alaska Native Villages; \$200,000,000 shall be for making grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection ("special project grants") in accordance with the terms and conditions specified for such grants in the joint explanatory statement of the managers accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; \$95,500,000 (increased by \$2,000,000) shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; \$4,000,000 shall be for a grant to Puerto Rico for drinking water infrastructure improvements to the Metropolitan community water system in San Juan; \$10,000,000 for cost-shared grants for school bus retrofit and replacement projects that reduce diesel emissions: *Provided*, That \$1,153,300,000 (reduced by \$2,000,000) shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104-134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities of which and subject to terms and conditions specified by the Administrator, of which \$52,000,000 (reduced by \$2,000,000) shall be for carrying out section 128 of CERCLA, as amended, and \$20,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, and \$15,000,000 shall be for making competitive targeted watershed grants: *Provided further*, That notwithstanding section 603(d)(7) of the Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2006 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration:

Provided further, That for fiscal year 2006, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act: *Provided further*, That for fiscal year 2006, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of that Act: *Provided further*, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: *Provided further*, That, notwithstanding any other provision of law, such funds that were appropriated under this heading for special project grants in fiscal year 2000 or before and for which the Agency has not received an application and issued a grant by September 30, 2006, shall be made available to the Clean Water or Drinking Water Revolving Fund, as appropriate, for the State in which the special project grant recipient is located: *Provided further*, That excess funds remaining after completion of a special project grant shall be made available to the Clean Water or Drinking Water Revolving Fund, as appropriate, for the State in which the special project grant recipient is located: *Provided further*, That in the event that a special project is determined by the Agency to be ineligible for a grant, the funds for that project shall be made available to the Clean Water or Drinking Water Revolving Fund, as appropriate, for the State in which the special project grant recipient is located: *Provided further*, That notwithstanding this or previous appropriations Acts, after consultation with the House and Senate Committees on Appropriations and for the purposes of making technical corrections, the Administrator is authorized to award grants to entities under this heading for purposes other than those listed in the joint explanatory statements of the managers accompanying the Agency's appropriations Acts for the construction of drinking water, waste water and storm water infrastructure, and for water quality protection.

For an additional amount for the Clean Water State Revolving Fund, \$100,000,000 shall be made available from the rescissions of multi-year and no-year funding, previously appropriated to the Environmental Protection Agency, the availability of which under the original appropriation accounts has not expired, and \$100,000,000 in such funding is hereby rescinded: Provided, That such rescissions shall be taken solely from amounts associated with grants, contracts, and interagency agreements whose availability under the original period for obligation for such grant, contract, or interagency agreement has expired based on the April 2005 review by the Government Accountability Office.

ADMINISTRATIVE PROVISIONS

For fiscal year 2006, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental pro-

grams required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

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

Notwithstanding CERCLA 104(k)(4)(B)(i)(IV), appropriated funds for fiscal year 2006 may be used to award grants or loans under section 104(k) of CERCLA to eligible entities that satisfy all of the elements set forth in CERCLA section 101(40) to qualify as a bona fide prospective purchaser except that the date of acquisition of the property was prior to the date of enactment of the Small Business Liability Relief and Brownfield Revitalization Act of 2001.

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

TITLE III—RELATED AGENCIES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$285,000,000, to remain available until expended: Provided, That of the funds provided, \$62,100,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$254,875,000, to remain available until expended, as authorized by law of which \$25,000,000 is to be derived from the Land and Water Conservation Fund: Provided, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific contractual and grant details including the non-Federal cost share: *Provided further*, That of the funds provided herein, \$1,000,000 shall be provided to Custer County, Idaho, for economic development in accordance with the Central Idaho Economic Development and Recreation Act, subject to authorization.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, \$1,423,920,000 (reduced by \$7,000,000) (increased by \$1,000,000), to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land

and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601-6a(i)): *Provided*, That unobligated balances under this heading available at the start of fiscal year 2006 shall be displayed by budget line item in the fiscal year 2007 budget justification.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses for forest fire suppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, \$1,790,506,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2005 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71-319 (16 U.S.C. 576 et seq.): *Provided further*, That, notwithstanding any other provision of law, \$8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, \$286,000,000 is for hazardous fuels reduction activities, \$9,281,000 is for rehabilitation and restoration, \$21,719,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), \$41,000,000 is for State fire assistance, \$8,000,000 is for volunteer fire assistance, \$15,000,000 is for forest health activities on Federal lands and \$10,000,000 is for forest health activities on State and private lands: *Provided further*, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further*, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in the report accompanying this Act: *Provided further*, That funds provided under this heading for hazardous fuels treatments may be trans-

ferred to and made a part of the "National Forest System" account at the sole discretion of the Chief of the Forest Service thirty days after notifying the House and the Senate Committees on Appropriations: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to \$15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$9,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That funds designated for wildfire suppression, shall be assessed for indirect costs, in a manner consistent with such assessments against other agency programs.

CAPITAL IMPROVEMENT AND MAINTENANCE

[For necessary expenses of the Forest Service, not otherwise provided for, \$468,260,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*, That up to \$15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project.

LAND ACQUISITION

[For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$15,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

[For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

[For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

[For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

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

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

[For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96-487), \$5,467,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

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

[None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

[Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the House and Senate Committees on Appropriations and if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned and all wildfire suppression funds under the heading "Wildland Fire Management" are obligated.

[The first transfer of funds into the Wildland Fire Management account shall include unobligated funds, if available, from the Land Acquisition account and the Forest Legacy program within the State and Private Forestry account.

[Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service

in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

[None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b, however in fiscal year 2006 the Forest Service may transfer funds to the "National Forest System" account from other agency accounts to enable the agency's law enforcement program to pay full operating costs including overhead.

[None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the report accompanying this Act.

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

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

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

[Pursuant to sections 405(b) and 410(b) of Public Law 101-593, of the funds available to the Forest Service, \$3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than \$250,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

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

[Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

[Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement

emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed \$500,000.

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

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

[For each fiscal year through 2009, funds available to the Forest Service in this Act may be used for the purpose of expenses associated with primary and secondary schooling for dependents of agency personnel stationed in Puerto Rico prior to the date of enactment of this Act, who are subject to transfer and reassignment to other locations in the United States, at a cost not in excess of those authorized for the Department of Defense for the same area, when it is determined by the Chief of the Forest Service that public schools available in the locality are unable to provide adequately for the education of such dependents.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

[For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$2,732,298,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That up to \$18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That \$507,021,000 for contract medical care shall remain available for obligation until September 30, 2007: *Provided further*, That of the funds provided, up to \$27,000,000, to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organi-

zations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed \$268,683,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2006, of which not to exceed \$5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further*, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: *Provided further*, That of the amounts provided to the Indian Health Service, \$15,000,000 is provided for alcohol control, enforcement, prevention, treatment, sobriety and wellness, and education in Alaska: *Provided further*, That none of the funds may be used for tribal courts or tribal ordinance programs or any program that is not directly related to alcohol control, enforcement, prevention, treatment, or sobriety: *Provided further*, That no more than 15 percent may be used by any entity receiving funding for administrative overhead including indirect costs: *Provided further*, That the Bureau of Indian Affairs shall collect from the Indian Health Service and tribes and tribal organizations operating health facilities pursuant to Public Law 93-638 such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals With Disability Education Act, 20 U.S.C. 1400, et seq.

INDIAN HEALTH FACILITIES

[For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$370,774,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That not to exceed \$500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed \$1,000,000 from this account and the "Indian Health Services" account

shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That notwithstanding any other provision of law, funds appropriated for the planning, design, and construction of the replacement health care facility in Barrow, Alaska, may be used to purchase land up to approximately 8 hectares for a site upon which to construct the new health care facility: *Provided further*, That not to exceed \$500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901-5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act) and Public Law 93-638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process. Personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full time equivalent level of the Indian Health Service below the level in fiscal year 2002 adjusted upward for the staffing of new and expanded facilities, funding provided for staffing at the Lawton, Oklahoma hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through

a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

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

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

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

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

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, \$76,024,000, of which up to \$1,500,000, to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry: *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further*, That in performing any such health

assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2006, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed \$750 for official reception and representation expenses, \$2,717,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$9,200,000: *Provided*, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further*, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$8,601,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the

Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

[INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT]

[PAYMENT TO THE INSTITUTE]

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

[SMITHSONIAN INSTITUTION]

[SALARIES AND EXPENSES]

[For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, \$524,381,000, of which not to exceed \$10,992,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which \$9,086,000 for the reopening of the Patent Office Building and for fellowships and scholarly awards shall remain available until September 30, 2007; and including such funds as may be necessary to support American overseas research centers and a total of \$125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further*, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further*, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

[FACILITIES CAPITAL]

[For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, \$90,900,000, to remain available until expended, of which not to exceed \$10,000 is for services as authorized by 5 U.S.C. 3109: *Provided*, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be nego-

tiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

[ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION]

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

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

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

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

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

[NATIONAL GALLERY OF ART]

[SALARIES AND EXPENSES]

[For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$97,100,000, of which not to exceed \$3,157,000 for the special exhibition program shall remain available until expended.

[REPAIR, RESTORATION AND RENOVATION OF BUILDINGS]

[For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$16,200,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further*, That, notwithstanding any other provision of law, a single procurement for the Master Facilities Plan renovation

project at the National Gallery of Art may be issued which includes the full scope of the Work Area #3 project: *Provided further*, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.

[JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS]

[OPERATIONS AND MAINTENANCE]

[For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$17,800,000.

[CONSTRUCTION]

[For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$10,000,000, to remain available until expended.

[WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS]

[SALARIES AND EXPENSES]

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

[NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES]

[NATIONAL ENDOWMENT FOR THE ARTS]

[GRANTS AND ADMINISTRATION]

[For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$121,264,000 (increased by \$10,000,000) shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including \$14,922,000 (increased by \$10,000,000) for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account and "Challenge America" account may be transferred to and merged with this account.

[NATIONAL ENDOWMENT FOR THE HUMANITIES]

[GRANTS AND ADMINISTRATION]

[For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$122,605,000 (increased by \$5,000,000), shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

[MATCHING GRANTS]

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

[ADMINISTRATIVE PROVISIONS]

[None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant

or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants up to \$10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

【COMMISSION OF FINE ARTS

【SALARIES AND EXPENSES

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

【NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

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

【ADVISORY COUNCIL ON HISTORIC PRESERVATION

【SALARIES AND EXPENSES

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

【NATIONAL CAPITAL PLANNING COMMISSION

【SALARIES AND EXPENSES

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

【UNITED STATES HOLOCAUST MEMORIAL MUSEUM

【HOLOCAUST MEMORIAL MUSEUM

【For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), \$41,880,000, of which \$1,874,000 for the museum's repair and rehabilitation program and \$1,246,000 for the museum's exhibitions program shall remain available until expended.

【PRESIDIO TRUST

【PRESIDIO TRUST FUND

【For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$20,000,000 shall be available to the Presidio Trust, to remain available until expended.

【WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

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

【TITLE IV—GENERAL PROVISIONS

【SEC. 401. The expenditure of any appropriation under this Act for any consulting

service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

【SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete.

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

【SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

【SEC. 405. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

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

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

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

【(c) REPORT.—On September 30, 2006, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

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

【SEC. 408. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208, 105-83, 105-277, 106-113, 106-291, 107-63, 108-7, 108-108, and 108-447 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2005 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

【SEC. 409. Of the funds provided to the National Endowment for the Arts:

【(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

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

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

【SEC. 410. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

【SEC. 411. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

【(b) In this section:

【(1) The term “underserved population” means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

【(2) The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

【(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of

1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

[(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

[(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

[(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

[(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

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

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

SEC. 413. Amounts deposited during fiscal year 2005 in the roads and trails fund provided for in the 14th paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

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

SEC. 415. Prior to October 1, 2006, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to

such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 416. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

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

[(1) in subsection (b), by striking "40" and inserting "60";

[(2) in subsection (c) by striking "13" and inserting "25"; and

[(3) in subsection (d), by striking "2008" and inserting "2009".

SEC. 418. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 419. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 420. In awarding a Federal contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged business or micro-business: *Provided further*, That the contract, grant, or cooperative

agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101-624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 421. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

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

[(1) Of the funds made available by this or any other Act to the Department of the Interior for fiscal year 2006, not more than \$3,450,000 may be used by the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2006 for programs, projects, and activities for which funds are appropriated by this Act and such funds shall not be available until the Secretary submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the reprogramming guidelines in House Report 108-330.

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

(b) COMPETITIVE SOURCING STUDY DEFINED.—In this section, the term "competitive sourcing study" means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

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

SEC. 423. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects and activities to support governmentwide, departmental, agency or bureau administrative functions or headquarters, regional or central office operations shall be presented in annual budget justifications. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

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

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

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

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

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

[(c) TELECOMMUTING.—A reservation agent who is carrying out duties under the contract described in subsection (a) may not telecommute from a location outside the United States.

[(d) LIMITATIONS.—Nothing in this Act shall be construed to apply to any employee of the entity who is not a reservation agent carrying out the duties under the contract described in subsection (a) or who provides managerial or support services.

[SEC. 426. Section 331, of Public Law 106-113, is amended—

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

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

[SEC. 427. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106-291; 114 Stat. 996; 43 U.S.C. 1701 note), is amended—

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

[(2) in the third sentence, by inserting “, National Park Service, Fish and Wildlife Service,” after “Bureau of Land Management”; and

[(3) by adding at the end the following new sentence: “To facilitate the sharing of resources under the Service First initiative, the Secretaries of the Interior and Agriculture may make transfers of funds and reimbursement of funds on an annual basis among the land management agencies referred to in this section, except that this authority may not be used to circumvent requirements and limitations imposed on the use of funds.”]

[SEC. 428. The Secretary of Agriculture may acquire, by exchange or otherwise, a parcel of real property, including improvements thereon, of the Inland Valley Development Agency of San Bernardino, California, or its successors and assigns, generally comprising Building No. 3 and Building No. 4 of the former Defense Finance and Accounting Services complex located at the southwest corner of Tippecanoe Avenue and Mill Street in San Bernardino, California, adjacent to the former Norton Air Force Base. As full consideration for the property to be acquired, the Secretary of Agriculture may terminate the leasehold rights of the United States received pursuant to section 8121(a)(2) of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 999). The acquisition of the property shall be on such terms and conditions as the Secretary of Agriculture considers appropriate and may be carried out without appraisals, environmental or administrative surveys, consultations, analyses, or other considerations of the condition of the property.

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

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

[SEC. 431. None of the funds made available in this Act for the Department of the Interior may be used to implement the first proviso under the heading “UNITED STATES FISH AND WILDLIFE SERVICE—LAND ACQUISITION”.

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

[SEC. 433. None of the funds made available in this Act may be used to finalize, issue, implement, or enforce the proposed policy of the Environmental Protection Agency entitled “National Pollutant Discharge Elimination System (NPDES) Permit Requirements for Municipal Wastewater Treatment During Wet Weather Conditions”, dated November 3, 2003 (68 Fed. Reg. 63042).

[SEC. 434. None of the funds made available in this Act may be used by the Administrator of the Environmental Protection Agency—

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

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

[SEC. 435. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 Federal employees at any single conference occurring outside the United States.

[SEC. 436. None of the funds made available in this Act for the Department of the Interior may be used to enter into or renew any concession contract except a concession contract that includes a provision that requires that merchandise for sale at units of the National Park System be made in any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, or the Commonwealth of the Northern Mariana Islands.

[SEC. 437. LIMITATION ON USE OF FUNDS FOR SALE OR SLAUGHTER OF FREE-ROAMING HORSES AND BURROS.

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

[This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006”.]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

**TITLE I—DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$867,045,000, to remain available until expended, of which \$1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which \$3,000,000 shall be available in fiscal year 2006 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, \$32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than \$867,045,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, \$766,564,000, to remain available until expended, of which not to exceed \$7,849,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated

with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$9,976,000, to remain available until expended.

LAND ACQUISITION

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

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; \$110,070,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

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

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

RANGE IMPROVEMENTS

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

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and ter-

mination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94-579, as amended, and Public Law 93-153, to remain available until expended: Provided, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94-579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed \$10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the co-operators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, \$993,485,000, to remain available until September 30, 2007, except as otherwise provided herein: Provided, That \$2,000,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed \$18,130,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed \$12,852,000 shall be used for any activity regarding the designation of

critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2005: Provided further, That of the amount available for law enforcement, up to \$400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: Provided further, That of the amount provided for environmental contaminants, up to \$1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; \$31,811,000, to remain available until expended: Provided, That funds made available under the 2005 Consolidated Appropriations Act (Public Law 108-447) for the Chase Lake and Arrowwood National Wildlife Refuges, North Dakota, shall be transferred to North Dakota State University to complete planning and design for a Joint Interpretive Center.

LAND ACQUISITION

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

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, \$25,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, federally recognized Indian tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate, or other at-risk species on private lands.

PRIVATE STEWARDSHIP GRANTS

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

COOPERATIVE ENDANGERED SPECIES

CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, \$80,000,000, of which

\$34,347,000 is to be derived from the Cooperative Endangered Species Conservation Fund and \$45,653,000 is to be derived from the Land and Water Conservation Fund and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

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

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, as amended, \$39,500,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

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

MULTINATIONAL SPECIES CONSERVATION FUND

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

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$72,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That of the amount provided herein, \$6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting said \$6,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant unless it has developed a comprehensive wildlife conservation plan, consistent with criteria established by the

Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: Provided further, That any amount apportioned in 2006 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2007, shall be reapportioned, together with funds appropriated in 2008, in the manner provided herein: Provided further, That balances from amounts previously appropriated under the heading "State Wildlife Grants" shall be transferred to and merged with this appropriation and shall remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 61 passenger motor vehicles, of which 61 are for replacement only (including 22 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the co-operators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That, notwithstanding any other provision of law, the Service may use up to \$2,000,000 from funds provided for contracts for employment-related legal services: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That, notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 108-330.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, \$1,748,486,000, of which \$9,892,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which \$98,100,000, to remain available until September 30, 2007, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which \$1,937,000 is for the Youth Conservation Corps for high priority projects: Provided, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds

needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed \$10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

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

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$56,729,000: Provided, That none of the funds in this Act for the River, Trails and Conservation Assistance program may be used for cash agreements, or for cooperative agreements that are inconsistent with the program's final strategic plan.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), \$72,500,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2007, of which \$30,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts: Provided, That not to exceed \$7,500,000 of the amount provided for Save America's Treasures may be for Preserve America grants to States, Tribes, and local communities for projects that preserve important historic resources through the promotion of heritage tourism: Provided further, That any individual Save America's Treasures or Preserve America grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant: Provided further, That all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations, and in consultation with the President's Committee on the Arts and Humanities prior to the commitment of Save America's Treasures grant funds and with the Advisory Council on Historic Preservation prior to the commitment of Preserve America grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$316,201,000, to remain available until expended, of which \$17,000,000 for modified water deliveries to Everglades National Park shall be derived by transfer from unobligated balances in the "Land Acquisition and State Assistance" account for Everglades National Park land acquisitions, and of which \$500,000 for the Mark Twain Boyhood Home National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided, That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of \$5,000,000, without advance approval of the House and Senate Committees on Appropriations: Provided further, That notwithstanding any other provision of law, the National Park

Service may not accept donations or services associated with the planning, design, or construction of such new facilities without advance approval of the House and Senate Committees on Appropriations: Provided further, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108-108: Provided further, That hereinafter notwithstanding any other provision of law, procurements for the Mount Rainier National Park Jackson Visitor Center replacement and the rehabilitation of Paradise Inn and Annex may be issued which include the full scope of the facility: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18: Provided further, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations.

LAND AND WATER CONSERVATION FUND
(RESCISSION)

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

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$86,005,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$30,000,000 is for the State assistance program including \$1,587,000 for program administration: Provided, That none of the funds provided for the State assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 245 passenger motor vehicles, of which 199 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: Provided further, That in fiscal year 2006 and thereafter, appropriations available to the National Park Service may be used to maintain the following areas in Washington, District of Columbia: Jackson Place, Madison Place, and Pennsylvania Avenue between 15th and 17th Streets, Northwest.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

If the Secretary of the Interior considers the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, to misinterpret or misapply relevant contractual requirements or their underlying legal authority, the Secretary may seek, within 180 days of any such decision, the de novo review of the value determination by the United States Court of Federal Claims, and that court may make an order affirming, vacating, modifying or correcting the determination.

In addition to other uses set forth in section 407(d) of Public Law 105-391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; \$963,057,000, of which \$63,770,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which \$7,791,000 shall remain available until expended for satellite operations; of which \$21,720,000 shall be available until September 30, 2007, for the operation and maintenance of facilities and deferred maintenance; of which \$1,600,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed \$100,000 in cost; and of which \$174,280,000 shall be available until September 30, 2007, for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for the purchase and replacement of passenger motor vehicles; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging sta-

tions and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, \$152,516,000, of which \$78,529,000 shall be available for royalty management activities; and an amount not to exceed \$122,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent \$122,730,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach \$122,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That \$3,000,000 for computer acquisitions shall remain available until September 30, 2007: Provided further, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, \$15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That in fiscal year 2006 and thereafter, MMS may under the royalty-in-kind program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to the royalty-in-kind program: Provided further, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

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

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; \$110,435,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2006 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, \$188,014,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to \$10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be \$1,500,000 per State in fiscal year 2006: Provided further, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95-87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of \$1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

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

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001-2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, \$1,971,132,000, to remain available until September 30, 2007 except as otherwise provided herein, of which not to exceed \$86,462,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed \$134,609,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2006, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed \$454,725,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2006, and shall remain available until September 30, 2007; and of which not to exceed \$61,667,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed \$44,718,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2005 for the operation of Bureau-funded schools, and up to \$500,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2005, of Bureau-operated schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2007, may be transferred during fiscal year 2008 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2008.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483, \$267,137,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the

Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2006, in implementing new construction or facilities improvement and repair project grants in excess of \$100,000 that are provided to tribally controlled grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): Provided further, That in order to ensure timely completion of replacement school construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any tribe or tribal organization receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction of the replacement school: Provided further, That this Appropriation may be reimbursed from the Office of the Special Trustee for American Indians Appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS

AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, \$24,754,000, to remain available until expended, for implementation of Indian land and water claim settlements pursuant to Public Laws 99-264, 100-580, 101-618, 106-554, 107-331, and 108-34, and for implementation of other land and water rights settlements.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, \$6,348,000, of which \$701,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$118,884,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and

purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103-413).

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

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

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

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

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, \$76,683,000, of which: (1) \$69,802,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current

local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) \$6,881,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104-134: Provided further, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, \$4,862,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99-658 and Public Law 108-188.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, \$94,627,000; of which \$7,441,000 is to be derived from the Land and Water Conservation Fund and shall remain available until expended; of which not to exceed \$8,500 may be for official reception and representation expenses; and of which up to \$1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: Provided, That none of the funds in this Act or previous appropriations Acts may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations: Provided further, That amounts otherwise appropriated by this Act for administrative expenses in operating accounts for bureaus and offices of the Department of the Interior are reduced by \$10,000,000 and, not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing by account of the pro rata reduction in such accounts made pursuant to this provision.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system, \$22,555,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

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

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), \$9,855,000, to remain available until expended: Provided, That hereafter, notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: Provided further, That hereafter such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

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

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$39,116,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$191,593,000, to remain available until expended, of which not to exceed \$58,000,000 shall be available for historical accounting: Provided, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Departmental Management, "Salaries and Expenses" account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2006, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of \$1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each

such account to be withdrawn upon the express written request of the account holder: Provided further, That, not to exceed \$50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with retermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, \$34,514,000, to remain available until expended, and which may be transferred to the Bureau of Indian Affairs and Departmental Management accounts: Provided, That funds provided under this heading may be expended pursuant to the authorities contained in the provisos under the heading "Office of Special Trustee for American Indians, Indian Land Consolidation" of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106-291).

NATURAL RESOURCES DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101-380) (33 U.S.C. 2701 et seq.), and Public Law 101-337, as amended (16 U.S.C. 1911 et seq.), \$6,106,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund: Provided further, That the annual budget justification for Departmental Management shall describe estimated Working Capital Fund charges to bureaus and offices, including the methodology on which charges are based: Provided further, That departures from the Working Capital Fund estimates contained in the Departmental Management budget justification shall be presented to the Committees on Appropriations for approval: Provided further, That the Secretary shall provide a semi-annual report to the Committees on Appropriations on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department, including the amounts billed pursuant to such agreements.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available

to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section are hereby designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

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

SEC. 105. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the

eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997-2002.

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

SEC. 107. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, except that total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 108. Notwithstanding any other provision of law, in fiscal years 2006 through 2010, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 109. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2006. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 110. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2006 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 111. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100-696; 16 U.S.C. 4602z.

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

SEC. 113. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National

Historic District and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

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

SEC. 115. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 116. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

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

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

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

SEC. 119. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2007 shall not exceed \$12,000,000.

SEC. 120. Notwithstanding any implementation of the Department of the Interior's trust reorganization or reengineering plans, or the implementation of the "To Be" Model, funds appropriated for fiscal year 2006 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima-Maricopa Indian Community, the Confederated Salish and Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation through the same methodology as funds were distributed in fiscal year 2003. This Demonstration Project shall continue to operate separate and apart from the Department of the Interior's trust reform and reorganization and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. 458aa-458hh: Pro-

vided, That the California Trust Reform Consortium and any other participating tribe agree to carry out their responsibilities under the same written and implemented fiduciary standards as those being carried by the Secretary of the Interior: Provided further, That they demonstrate to the satisfaction of the Secretary that they have the capability to do so: Provided further, That the Department shall provide funds to the tribes in an amount equal to that required by 25 U.S.C. 458cc(g)(3), including funds specifically or functionally related to the provision of trust services to the tribes or their members.

SEC. 121. Notwithstanding any provision of law, including 42 U.S.C. 4321 et. seq., nonrenewable grazing permits authorized in the Jarbidge Field Office, Bureau of Land Management within the past 9 years, shall be renewed. The Animal Unit Months contained in the most recently expired nonrenewable grazing permit, authorized between March 1, 1997, and February 28, 2003, shall continue in effect under the renewed permit. Nothing in this section shall be deemed to extend the nonrenewable permits beyond the standard 1-year term.

SEC. 122. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

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

SEC. 124. Section 1121(d) of the Education Amendments of 1978 (25 U.S.C. 2001(d)) is amended by striking paragraph (7) and inserting the following:

"(7) APPROVAL OF INDIAN TRIBES.—The Secretary shall not terminate, close, consolidate, contract, transfer to another authority, or take any other action relating to an elementary school or secondary school (or any program of such a school) of an Indian tribe without the approval of the governing body of any Indian tribe that would be affected by such an action."

SEC. 125. (a) U.S.S. ARIZONA MEMORIAL PARKING FEE.—Notwithstanding any other provision of law, the Secretary of the Interior is authorized to charge a fee for visitor parking at the U.S.S. Arizona Memorial and to retain and expend the revenues, without further appropriation, for the lease of administrative facilities within or near the area at the memorial administered by the National Park Service.

(b) AUTHORITY FOR AGREEMENTS.—The Secretary of the Interior is further authorized to enter into agreements with public and private entities for the purpose of streamlining visitor services by providing visitor information and admission tickets for National Park Service-administered sites and other attractions in the vicinity, including but not limited to the U.S.S. Missouri, the Pacific Air Museum of Pearl Harbor, and the U.S.S. Bowfin submarine museum.

SEC. 126. Section 108(e) of the Act entitled "An Act to establish the Kalaupapa National Historical Park in the State of Hawaii, and for other purposes" (16 U.S.C. 410j-7) is amended by striking "twenty-five years from" and inserting "on the date that is 45 years after".

SEC. 127. Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking "September 30, 2005," and inserting "June 30, 2006,".

TITLE II—ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$85,000 per project, \$730,795,000, to remain available until September 30, 2007.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$85,000 per project; and not to exceed \$9,000 for official reception and representation expenses, \$2,333,416,000, to remain available until September 30, 2007, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002.

OFFICE OF INSPECTOR GENERAL

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

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$40,218,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$85,000 per project; \$1,256,165,000, to remain available until expended, consisting of such sums as are available in the Trust Fund upon the date of enactment of this Act as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$1,256,165,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of

CERCLA: Provided further, That of the funds appropriated under this heading, \$13,536,000 shall be transferred to the "Office of Inspector General" appropriation to remain available until September 30, 2007, and \$30,606,000 shall be transferred to the "Science and Technology" appropriation to remain available until September 30, 2007.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$85,000 per project, \$73,027,000, to remain available until expended.

OIL SPILL RESPONSE

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

STATE AND TRIBAL ASSISTANCE GRANTS

(INCLUDING RESCISSION OF FUNDS)

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$3,453,550,000, to remain available until expended, of which \$1,100,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"); \$850,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; \$50,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; \$40,000,000 shall be for grants to the State of Alaska to address drinking water and waste infrastructure needs of rural and Alaska Native Villages: Provided, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) not later than October 1, 2005 the State of Alaska shall make awards consistent with the State-wide priority list established in 2004 for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; \$200,000,000 shall be for making grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the joint explanatory statement of the managers accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; \$90,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; \$1,000,000 for cost-shared grants for school bus retrofit and replacement projects that reduce diesel emissions;

and \$1,122,550,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104-134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which \$50,000,000 shall be for carrying out section 128 of CERCLA, as amended, \$19,344,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, and \$16,856,000 shall be for making competitive targeted watershed grants: Provided further, That for fiscal year 2006, State authority under section 302(a) of Public Law 104-182 shall remain in effect: Provided further, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2005 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2006, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2006, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of that Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That, notwithstanding any other provision of law, heretofore and hereafter, after consultation with the House and Senate Committees on Appropriations and for the purpose of making technical corrections, the Administrator is authorized to award grants under this heading to entities and for purposes other than those listed in the joint explanatory statements of the managers accompanying the Agency's appropriations Acts for the construction of drinking water, wastewater and stormwater infrastructure and for water quality protection: Provided further, That from unobligated prior year funds in appropriation accounts available to the Environmental Protection Agency, \$58,000,000 is hereby rescinded: Provided further, That such rescissions shall be taken solely from amounts associated with grants, contracts, and interagency agreements whose availability under the original period for obligation for such grant, contract, or interagency agreement has expired.

ADMINISTRATIVE PROVISIONS

For fiscal year 2006, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement

directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

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

Notwithstanding CERCLA 104(k)(4)(B)(i)(IV), appropriated funds for fiscal year 2006 may be used to award grants or loans under section 104(k) of CERCLA to eligible entities that satisfy all of the elements set forth in CERCLA section 101(40) to qualify as a bona fide prospective purchaser except that the date of acquisition of the property was prior to the date of enactment of the Small Business Liability Relief and Brownfield Revitalization Act of 2001.

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

Beginning in fiscal year 2006 and thereafter, and notwithstanding section 306 of the Toxic Substances Control Act, the Federal share of the cost of radon program activities implemented with Federal assistance under section 306 shall not exceed 60 percent in the third and subsequent grant years.

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

TITLE III—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$280,892,000, to remain available until expended: Provided, That of the funds provided, \$58,434,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$254,615,000, to remain available until expended, as authorized by law of which \$62,632,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL FOREST SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, \$1,377,656,000, to remain

available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601-6a(i)): Provided, That unobligated balances under this heading available at the start of fiscal year 2006 shall be displayed by budget line item in the fiscal year 2007 budget justification: Provided further, That of the funds provided under this heading for Forest Products, \$5,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: Provided further, That within funds available for the purpose of implementing the Valles Caldera Preservation Act, notwithstanding the limitations of section 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106-248), for fiscal year 2006, the Chair of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that the Chair is engaged in the performance of the functions of the Board, except that compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES-1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by the Chair in the performance of the Chair's duties.

WILDLAND FIRE MANAGEMENT (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire suppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, \$1,745,531,000, to remain available until expended: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That any unobligated balances remaining may be transferred to the "National Forest System" account and available without further appropriation to fund vegetative treatments that improve condition class: Provided further, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2005 shall be transferred to the fund established pursuant to section 3 of Public Law 71-319 (16 U.S.C. 576 et seq.) if necessary to reimburse the fund for unpaid past advances: Provided further, That, notwithstanding any other provision of law, \$8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds

provided, \$281,000,000 is for hazardous fuels reduction activities, \$2,000,000 is for rehabilitation and restoration, \$18,385,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), \$40,179,000 is for State fire assistance, \$7,889,000 is for volunteer fire assistance, \$6,974,000 is for forest health activities on Federal lands and \$4,598,000 is for forest health activities on State and private lands: Provided further, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in the report accompanying this Act: Provided further, That funds provided under this heading for hazardous fuels treatments may be transferred to and made a part of the "National Forest System" account at the sole discretion of the Chief of the Forest Service thirty days after notifying the House and the Senate Committees on Appropriations: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to \$15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That included in funding for hazardous fuel reduction is \$5,000,000 for implementing the Community Forest Restoration Act, Public Law 106-393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That of the funds provided for hazardous fuels reduction, not to exceed \$5,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, \$409,751,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: Provided, That up to \$15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been pro-

vided on each decommissioning project: Provided further, That of funds provided, \$3,000,000 is provided for needed rehabilitation and restoration work at Jarbidge Canyon, Nevada: Provided further, That the Secretary of Agriculture may authorize the transfer of up to \$1,350,000 as necessary to the Department of the Interior, Bureau of Land Management and Fish and Wildlife Service when such transfers would facilitate and expedite needed rehabilitation work on Bureau of Land Management lands, and for the Fish and Wildlife Service to implement terms and conditions identified in the Biological Opinion.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$44,925,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

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

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

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

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 119 passenger motor vehicles of which 14 will be used primarily for law enforcement purposes and of which 119 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold,

with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the House and Senate Committees on Appropriations and if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned and all wildfire suppression funds under the heading "Wildland Fire Management" are obligated.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b, except that in fiscal year 2006 the Forest Service may transfer funds to the "National Forest System" account from other agency accounts to enable the agency's law enforcement program to pay full operating costs including overhead.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the report accompanying this Act.

Not more than \$72,646,000 of funds available to the Forest Service may be transferred to the Working Capital Fund of the Department of Agriculture. Nothing in this section shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

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

Of the funds available to the Forest Service, \$2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

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

ministrative expenses or projects on or benefiting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than \$350,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, \$2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum to aid conservation partnership projects in support of the Forest Service mission, without regard to when expenses are incurred, for projects on or benefiting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

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

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed \$500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

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

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

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

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

Service that public schools available in the locality are unable to provide adequately for the education of such dependents.

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$2,732,323,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That up to \$18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That \$507,021,000 for contract medical care shall remain available for obligation until September 30, 2007: Provided further, That of the funds provided, up to \$27,000,000, to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed \$268,683,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2006, of which not to exceed \$5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: Provided further, That the Bureau of Indian Affairs may collect from the Indian Health Service and tribes and tribal organizations operating health facilities pursuant to Public Law 93–638 such individually identifiable health information relating to disabled children as may be necessary for the

purpose of carrying out its functions under the Individuals with Disability Education Act, 20 U.S.C. 1400, et seq.: Provided further, That of the amounts provided to the Indian Health Service, \$15,000,000 is provided for alcohol control, enforcement, prevention, treatment, sobriety and wellness, and education in Alaska, to be distributed in accordance with the instruction provided in the committee report accompanying this Act: Provided further, That none of the funds may be used for tribal courts or tribal ordinance programs or any program that is not directly related to alcohol control, enforcement, prevention, treatment, or sobriety: Provided further, That no more than 15 percent may be used by any entity receiving funding for administrative overhead including indirect costs.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$335,643,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That not to exceed \$500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed \$1,000,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That notwithstanding any other provision of law, the Indian Health Service is authorized to construct a replacement health care facility in Nome, Alaska, on land owned by the Norton Sound Health Corporation: Provided further, That not to exceed \$500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901-5902; and for expenses of attendance at meetings which are concerned with the functions or ac-

tivities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act) and Public Law 93-638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailment of Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process. Personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full time equivalent level of the Indian Health Service below the level in fiscal year 2002 adjusted upward for the staffing of new and expanded facilities, funding provided for staffing at the Lawton, Oklahoma hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended. Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without ad-

vance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

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

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, \$76,024,000, of which up to \$1,500,000, to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry: Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2006, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed \$750 for official reception and representation expenses, \$2,717,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$9,200,000: Provided, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: Provided further, That notwithstanding

any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

OFFICE OF NAVAJO AND HOPI INDIAN
RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$8,601,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA
NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

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

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, \$524,135,000, of which not to exceed \$10,992,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which \$9,086,000 for the reopening of the Patent Office Building and for fellowships and scholarly awards shall remain available until September 30, 2007; and including such funds as may be necessary to support American overseas research centers and a total of \$125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations des-

igned in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, \$100,000,000, to remain available until expended, of which not to exceed \$10,000 is for services as authorized by 5 U.S.C. 3109: Provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$96,600,000, of which not to exceed \$3,157,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF
BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$15,000,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: Provided further, That, notwithstanding any other provision of law, a single procurement for the Master Facilities Plan renovation project at the National Gallery of Art may be issued which includes the full scope of the Work Area #3 project: Provided further, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.

JOHN F. KENNEDY CENTER FOR THE PERFORMING
ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$17,800,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$15,200,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR
SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$9,201,000.

NATIONAL FOUNDATION ON THE ARTS AND THE
HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$126,264,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including \$14,922,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account and "Challenge America" account may be transferred to and merged with this account: Provided further, That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108-108.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

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

MATCHING GRANTS

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

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National

Endowment for the Arts may approve grants up to \$10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS
SALARIES AND EXPENSES

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

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

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

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$4,943,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$8,244,000: Provided, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), \$43,233,000, of which \$1,874,000 for the museum's repair and rehabilitation program and \$1,246,000 for the museum's exhibition design and production program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$19,722,000 shall be available to the Presidio Trust, to remain available until expended.

WHITE HOUSE COMMISSION ON THE NATIONAL
MOMENT OF REMEMBRANCE

OPERATIONS

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

TITLE IV—GENERAL PROVISIONS

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

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 403. No part of any appropriation contained in this Act shall remain available for ob-

ligation beyond the current fiscal year unless expressly so provided herein.

SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer provided in, this Act or any other Act.

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

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

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

(c) REPORT.—On September 30, 2006, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

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

SEC. 409. The National Endowment for the Arts and the National Endowment for the Humanities are hereinafter authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Hu-

manities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 410. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

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

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

(2) by striking the period following “wildlife habitat management” in (4), and inserting “, or (5) watershed restoration, wildlife habitat improvement, control of insects, disease and noxious weeds, community protection activities, and the maintenance of forest roads, within the Forest Service region in which the timber sale occurred: Provided, That such activities may be performed through the use of contracts, forest product sales, and cooperative agreements.”.

SEC. 412. Amounts deposited during fiscal year 2005 in the roads and trails fund provided for in the 14th paragraph under the heading “FOREST SERVICE” of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

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

SEC. 414. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in the current fiscal year, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in the current fiscal year, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (1) which is surplus to the needs of domestic processors in Alaska; and (2) is that percent

of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

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

SEC. 416. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 417. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: Provided, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: Provided further, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: Provided further, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 418. Notwithstanding any other provision of law or regulation, to promote the more effi-

cient use of the health care funding allocation for fiscal year 2006, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 419. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101-624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 420. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

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

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

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

(b) COMPETITIVE SOURCING STUDY DEFINED.—In this section, the term "competitive sourcing study" means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or

any other administrative regulation, directive, or policy.

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

(d) In preparing any reports to the Committees on Appropriations on competitive sourcing activities, agencies funded in this Act shall include the incremental cost directly attributable to conducting the competitive sourcing competitions, including costs attributable to paying outside consultants and contractors and, in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel, consultant, travel, and training costs associated with program management.

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

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

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

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

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

(c) TELECOMMUTING.—A reservation agent who is carrying out duties under the contract described in subsection (a) may not telecommute from a location outside the United States.

(d) LIMITATIONS.—Nothing in this Act shall be construed to apply to any employee of the entity who is not a reservation agent carrying out the duties under the contract described in subsection (a) or who provides managerial or support services.

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

(1) in part (a) by striking "2004" and inserting "2006"; and

(2) in part (b) by striking "2004" and inserting "2006".

SEC. 425. Section 321 of the Consolidated Appropriations Act, 2003, as included in Public Law 108-7, is amended by striking "September 30, 2005" and inserting "September 30, 2007".

SEC. 426. Section 5 of the Arts and Artifacts Indemnity Act (20 U.S.C. 974) is amended—

(1) in subsection (b), by striking "\$8,000,000,000" and inserting "\$10,000,000,000"; and

(2) in subsection (c), by striking "\$600,000,000" and inserting "\$1,200,000,000".

SEC. 427. (a) IN GENERAL.—

(1) Beginning in fiscal year 2006 and thereafter, the Secretary of Agriculture and the Secretary of the Interior are authorized to make grants to the Eastern Nevada Landscape Coalition for the study and restoration of rangeland and other lands in Nevada's Great Basin in order to help assure the reduction of hazardous fuels and for related purposes.

(2) Beginning in fiscal year 2006 and thereafter, notwithstanding 31 U.S.C. secs. 6301-6308, the Director of the Bureau of Land Management may enter into a cooperative agreement with the Eastern Nevada Landscape Coalition for the Great Basin Restoration Project, including hazardous fuels and mechanical treatments and related work.

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

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

(1) in the first sentence, by striking “The Secretary” and inserting the following:

“(1) **LAW ENFORCEMENT.**—

“(A) **IN GENERAL.**—The Secretary”;

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

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

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

“(2) **FIRE MANAGEMENT.**—

“(A) **NON-REIMBURSABLE SERVICES.**—

“(i) **DEVELOPMENT OF PLAN.**—Subject to the availability of appropriations under section 111(a), the Secretary shall, in consultation with the Trust, develop a plan to carry out fire preparedness, suppression, and emergency rehabilitation services on the Preserve.

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

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

“(B) **REIMBURSABLE SERVICES.**—To the extent generally authorized at other units of the National Forest System and subject to the availability of appropriations under section 111(a), the Secretary shall provide presuppression and nonemergency rehabilitation and restoration services for the Trust at any time on a reimbursable basis.”

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

TITLE V—FACILITY REALIGNMENT AND ENHANCEMENT ACT OF 2005

SECTION 501. SHORT TITLE.

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

SEC. 502. DEFINITIONS.

In this title:

(1) **ADMINISTRATIVE SITE.**—

(A) **IN GENERAL.**—The term “administrative site” means Federal land (including improvements to the Federal land) and any associated facility and curtilage that was acquired or is used specifically for Forest Service purposes.

(B) **INCLUSIONS.**—The term “administrative site” includes—

(i) a forest headquarters;

(ii) a ranger station;

(iii) a research station or laboratory;

(iv) a dwelling;

(v) a warehouse;

(vi) a scaling station;

(vii) a fire-retardant mixing station;

(viii) a lookout;

(ix) a visitor center;

(x) a guard station;

(xi) a storage facility;

(xii) a telecommunication facility;

(xiii) the Washington Office Headquarters;

(xiv) a regional office or associated site; and

(xv) other installations for conducting Forest Service activities.

(2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of General Services.

(3) **FEDERAL APPRAISAL STANDARDS.**—The term “Federal appraisal standards” means the standards included in the Uniform Appraisal Standards for Federal Land Acquisitions (Interagency Land Acquisition Conference, 2000).

(4) **MARKET ANALYSIS.**—The term “market analysis” means the identification and study of the real estate market for a particular economic good or service.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

SEC. 503. AUTHORIZATION OF CONVEYANCES.

(a) **IN GENERAL.**—The Secretary may convey, by sale, lease, exchange, a combination of sales and exchanges, or by other means any administrative site or interest in an administrative site that is under the jurisdiction of the Secretary.

(b) **LEAD-BASED PAINT AND ASBESTOS ABATEMENT.**—

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

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

(A) provide to the person acquiring the administrative site notice of the presence of lead-based paint or asbestos-containing material; and

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

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

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

(e) **ENVIRONMENTAL REVIEW.**—In any environmental review or analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the disposal of an administrative site under this section, the Secretary shall consider or analyze the uses of the administrative site after the conveyance of the administrative site only to the extent that the Secretary determines to be necessary—

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

(2) for market analyses purposes.

(f) **CONFIGURATION OF LAND.**—

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

(A) maximize the marketability of the land; and

(B) achieve management objectives.

(2) **IMPROVEMENTS.**—Improvements to the land to be conveyed may be severed from the land and disposed of in separate conveyances.

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

(A) a reservations of water rights;

(B) a right-of-way; and

(C) a utility easement.

(g) **CONSIDERATION.**—

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

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

(A) conducting an appraisal that is performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal practice;

(B) competitive sale; or

(C) other acceptable and commonly recognized methods of determining value as determined by the authorized agency appraiser.

(3) **FORM.**—

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

(B) **EXCHANGE.**—

(i) **EQUAL IN VALUE.**—Consideration for an exchange of land or an improvement to land under this section shall be in the form of a conveyance of land or improvement that is equal in value to the land or improvement conveyed.

(ii) **NOT EQUAL IN VALUE.**—If the values of land or improvements to be exchanged under this Act and described in clause (i) are not equal, the values may be equalized by—

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

(II) the purchaser making a cash equalization payment to the Secretary; or

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

(h) **REJECTION OF OFFERS.**—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not—

(1) adequate to provide market value under subsection (g)(1); or

(2) in the public interest.

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

(j) **DISPOSITION OF PROCEEDS.**—

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

(2) **USE.**—Amounts deposited under paragraph (1) shall remain available to the Secretary until expended, without further appropriation, to pay any necessary and incidental costs of the Secretary for the acquisition, improvement, deferred maintenance, construction of new facilities; and disposition of administrative sites and capital improvements on National Forest System land.

(k) **CONSULTATION WITH ADMINISTRATOR.**—As appropriate, the Secretary is encouraged to work with the Administrator with respect to the conveyance of administrative sites.

SEC. 504. WORKING CAPITAL FUND.

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

“SEC. 13. WORKING CAPITAL FUND.

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

“(b) **USE.**—Amounts in the Fund shall be used to pay the costs of purchasing, constructing, performing capital repairs on, renovating, rehabilitating, disposing, or replacing buildings and to carry out deferred maintenance and improvements to land for programs of the Forest Service, subject to any limitations in appropriations for the Forest Service.

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

“(1) transfer to the Fund, without reimbursement, and capitalize in the Fund at fair and reasonable values, any receivables, inventories, equipment, buildings, improvements, and other assets as the Secretary determines to be appropriate; and

“(2) assume the liabilities associated with the assets transferred under paragraph (1).

“(d) **ADVANCE PAYMENTS.**—The fund shall be credited with advance payments in connection with firm orders and reimbursements from appropriations and funds of the Forest Service, other departmental and Federal agencies, and from other sources, as authorized by law, at rates approximately equal to the cost of furnishing the facilities and service.”.

(b) **SAVINGS CLAUSE.**—The amendment made by subsection (a) shall not affect the status of

funds and assets in the working capital fund established by section 13 of the Department of Agriculture Organic Act of 1956 (16 U.S.C. 579b) as in effect on the date of enactment of this section.

This Act may be cited as the "Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006".

The PRESIDENT pro tempore. Under the previous order, the committee substitute is agreed to and considered original text for the purpose of further amendments.

Mr. BURNS. Mr. President, my good friend from North Dakota is running a little late. I will make my opening statement this morning, we will get his remarks, and then we will start moving. We are sort of conflicted this morning, as the Chair understands, but we will work our way through in accepting for consideration the amendments that will be offered to this appropriations bill.

Today we begin consideration of the Interior, Environment and Related Agencies Appropriations Act, which was reported unanimously by the Appropriations Committee on June 9. I appreciate the efforts of the two leaders to get this bill to the floor before the recess, in the hope that we can get a few appropriations bills to the President's desk before the August recess.

The bill before the Senate combines funding for the traditional Interior bill agencies with funding for the Environmental Protection Agency and other related agencies that were previously funded in the VA-HUD bill. Having these new agencies under our jurisdiction has been a real learning experience for me, and a real challenge in some areas.

The EPA is an agency with a very broad reach. It administers, in cooperation with states and tribes, a long list of environmental statutes including the Clean Air Act, the Clean Water Act, Superfund, the Safe Drinking Water Act, and FIFRA, the Federal Insecticide, Fungicide and Rodenticide Act. As such, the agency has a tremendous impact on all sectors of the economy, on our public health and, of course, on the environment.

I have been approached by many different members and outside groups about attaching legislative provisions that would address EPA rules and regulations of one sort or another. On a number of these issues, I am sympathetic. But with the exception of language relating to regulation of small engines, which I think we resolved in the full committee markup, this bill is very clean with regard to legislative provisions. I hope we can keep it that way. Otherwise the number of potential amendments would be limitless, and we jeopardize our chances of enacting this important bill in a timely manner.

The bill reported by the committee recommends a grand total of \$26.3 billion in new budget authority. It also matches the subcommittee's discretionary allocation of \$26.207 billion. As always, any amendments that add

funding for particular programs must be fully offset.

The subcommittee's allocation represents a cut of \$534 million below the fiscal year 2005 level for the agencies funded in this bill. That is a 2 percent cut. In an appropriations bill that is fairly personnel-intensive, a 2 percent cut is not insignificant. Simply keeping pace with pay costs and health benefits for park and forest rangers, Indian health care professionals, and other critical personnel requires a significant increase in funding over last year. Those increases, combined with the overall reduction in the size of the bill, mean that the grant programs and construction accounts in this bill are squeezed substantially.

One area where this bill does not include a reduction is in the Clean Water State Revolving Fund. This program helps finance wastewater treatments systems throughout the country and serves to protect both the health of the American public and the environment.

The President's budget proposed cutting the Revolving Fund from \$1.1 billion to \$730 million. Given the tremendous need in this country for effective wastewater treatment, I could not recommend that cut to the Senate. This bill restores every penny of the proposed reduction.

So if any of my colleagues are wondering what happened to a particular EPA earmark that they may have requested and trust me, I have heard from many of them, the basic answer is that it is in the Revolving Fund. EPA earmarks in this bill are greatly reduced from last year's levels. The same goes for many of the programmatic increases that were proposed in the EPA budget. This bill provides few of those increases. These are simply the trade-offs we had to make.

For the land management agencies funded in this bill, we have focused on maintaining their core operating budgets while restoring a portion of the proposed reductions to capital accounts.

We have increased funding for park operations by \$65 million over last year, and included \$20 million over the budget request for basic park operations. I continue to hear from my colleagues and from folks back in Montana that they are concerned about park operating budgets. I am pleased that we have been able to sustain the large increase for park operations provided in last year's bill and have been able to build on that. Preserving such unique American treasures as Yellowstone and Glacier National Park will remain a priority as long as I am chairman of this subcommittee.

In the Bureau of Land Management, increases have been provided for law enforcement, weed control and minerals management. While these jobs may not be as glamorous or well known as park rangers or smokejumpers, they are no less important. BLM has an enormous responsibility in terms of the sheer acreage it manages, and in meeting the multiple use mandate with which it is charged.

In the Fish and Wildlife Service and the Forest Service, this bill restores a portion of the proposed \$166 million cut in the two agencies' construction accounts. But we are still left with significant reductions from last year's funding levels.

As outlined in the budget request, language has been included in the bill to facilitate the consolidation and sale of Forest Service administrative sites. In the short term, revenues from these sales will help fill the hole in the construction and maintenance account. But by no means does this address the long term capital needs of the Forest Service. I am concerned about the reductions we are making in this account if funds are not restored in future years.

This bill also supports programs that form the backbone of our trust relationship with American Indians and Alaska Natives. In both the Bureau of Indian Affairs and the Indian Health Service, we have provided increases for the core operating accounts.

The bill adds \$48 million to the budget request for the operation of Indian Programs account, with increases for tribally controlled schools, welfare programs and Johnson-O'Malley education grants. Both Senator DORGAN and I have long believed that tribal community colleges are one of the most effective tools we have to educate our young people and further economic development in Indian country. That belief is reflected in the funding provided in this bill.

This bill also provides the full \$146 million increase proposed in the budget request for Indian health services, which is a healthy 5 percent over last year. That amount includes an allowance for medical inflation and population growth for the first time in my memory. There is little question that the total need for health care services is greater than the funds we can provide, but within the context of the overall budget this moves us in the right direction.

For the BIA and IHS capital accounts, we have added \$55 million to the amount proposed in the budget request. This leaves us below last year's levels, but will enable those agencies to make continued progress on the projects included in their facilities priority lists.

I should also mention briefly the issue of Indian trust reform. This is an issue on which this subcommittee and the Department of the Interior have spent a great deal of time and money. I wholeheartedly share the belief that we owe it to Native Americans to responsibly and accurately manage the lands and funds that the Federal Government holds in trust for various tribes and individual Indians. There is little question this hasn't always been the case. But there certainly is a case—several, in fact—about the degree to which the trust has been mismanaged, and what amounts the government may owe as a result. The Indian Affairs Committee has been working hard on

this issue, and I hope that they can find a reasonable way out of this intractable mess.

It is pretty clear to me, however, that it makes no sense to spend many billions of dollars on a historical accounting like the court is trying to mandate. It defies logic to think that's what Congress intended in passing that American Indian Trust Fund Management Reform Act. Instead, this bill provides roughly level funding for the Department to continue a reasonable level of accounting work, and uses the proposed accounting increase to instead shore up various BIA and IHS programs that actually benefit Indian people. That is where our priorities should be.

About wildland fire management, some areas are experiencing a fire season, but we are getting a little moisture in Montana. We hope to avoid that this year. Another subject that has long troubled this subcommittee is funding for wildland firefighting. Obviously we have no way of knowing how much money will be required for firefighting in any given year, so we budget based on the 10-year average of suppression costs. In particularly bad fire years, that amount leaves us well short of the total need, and forces the Forest Service and the Department of the Interior to raid other accounts until supplemental funding can be appropriated.

On a small scale, that system works. But in very bad fire years the massive borrowing has been highly disruptive to other important programs. Two years ago I worked with the Budget Committee and others to provide a pot of supplemental funding that could only be used for extraordinary firefighting needs. That mechanism has been highly successful thus far, and I hope that we can continue to work with the Budget Committee as we go forward to ensure that we are managing the fire program in the most cost-effective and efficient way possible.

The bill before the Senate provides a total of \$2.513 billion for wildland fire management activities, including \$767 million for the Bureau of Land Management and \$1.746 billion for the Forest Service. The total includes \$492 million for hazardous fuels reduction, which is an increase of \$28 million over the FY 2005 level. We have also provided funds to restore proposed cuts in Rural Fire Assistance and State Fire Assistance. State and local governments are a vital part of the effort whenever fire breaks out.

In the Land and Water Conservation Fund, the bill provides \$404 million for Land and Water Conservation Fund programs, including Federal land acquisition, Forest Legacy, and the Stateside program. This is somewhat below last year's levels for the same group of programs, but is above the budget request and well above the House level of \$214 million. The fund total includes \$30 million for the Stateside program, which provides grants to

states and local governments for recreation development and land acquisition. The budget and the House have proposed to terminate this program. A large number of my colleagues have expressed their concern about that proposal, so I'm pleased we've been able to keep the program going.

Let me close by expressing my appreciation once again to the ranking member of the subcommittee, Senator DORGAN. He and his staff have been a pleasure to work with, and have helped shape this bill so that it reflects the priorities of members on both sides of the aisle.

I wish we could have done more in some instances, but in the context of a difficult budget I have no reservations about recommending this bill to my colleagues. For those of you who may have amendments, I urge you to get them to me and to Senator DORGAN—or our staffs—as quickly as possible so that we can complete work on this bill, and move on to other appropriations bills before the July 4 recess.

Again, I thank my good friend from North Dakota. We share a common border, but we also give thanks that there is the little Missouri River. So I welcome him this morning and look forward to his remarks.

Mr. President, I would add, I may go over to that listening session on Commerce. I would assume that Senator DORGAN is going to be around and you can consult with my staff and kind of manage things. Don't get too frisky and we will get this bill out of here by Tuesday noon.

I thank my ranking member.

Mr. DORGAN. Mr. President, if my colleague from Montana is going to be leaving the floor for a period, as I understand, to go to a listening session in the Commerce Committee—if he is going to be gone for some while, I may get a lot of legislating done on the floor of the Senate. But we will see. Actually, I will consult closely with Senator BURNS's staff. We have worked well together and we put together a piece of legislation that was hard to do.

I want to just tell those who think there are no spending cuts, this bill that is brought to the floor of the Senate spends \$544 million less than is spent in the current fiscal year. That means we are a half billion dollars less in spending for the next fiscal year than is now being spent. Putting together an appropriations bill that cuts a half billion dollars is not a small task. It is hard. There are some areas in this legislation that I think we have not done what we should have done. We did the best we could, having to cut a half billion dollars.

My colleague from Montana and his staff have been good to work with. It is the case that in the Appropriations Committee, on the subcommittees, there truly is bipartisanship. We work together to try to resolve issues in a way that provides a product that all of us can support. That is the case here today.

I will in the course of time offer an amendment that will restore some funds to Indian health. We have desperate conditions on Indian reservations with respect to Indian health, and I am going to talk a little about that today. For example, we restored some funds to the tribal colleges. The President was intending to cut that substantially in his budget, which really makes no sense to me. We have not only restored those cuts but actually increased it a couple of million dollars.

So there are many things we have done that my colleague from Montana has described in his opening statement. I think it would not be useful for me to once again review his comments with respect to funding for the Forest Service and the EPA and all of the various accounts in this bill. There are many of them. It is a fairly substantial bill. I think my colleague aptly described what we tried to do, things that we have succeeded in doing.

He described we have fully funded the EPA clean water State revolving fund \$1.1 billion. The President proposed a dramatic cut there. We restored that. That is a \$370 million increase over the President's substantial cut.

There are a number of things. I will not go through all the details only to repeat what my colleague has said. I want to focus for a moment on something that I think needs more focus in the Senate, and that is Indian health.

The reason I do that is I come from a State, as do a number of my colleagues, where we have Indian reservations. We have four Indian reservations. We have a genuine bona fide crisis in health care, housing, and education on our reservations. It is easy for people to put it out of sight and out of mind and not think too much about it.

I have been working with my colleague, Senator BURNS, for the last 3 years to increase funding for tribal colleges. I want to read a letter that I read previously to my colleagues because it is such a wonderful description of the value of tribal colleges. This letter is from a young woman who wrote to me. This is a woman I happen to know, who has quite a remarkable career at this point. But here is the letter she wrote to me:

I grew up poor and considered backward by non-Indians. My home was a two-room log house in a place called the "bush" on North Dakota's Turtle Mountain Indian Reservation. I stuttered. I was painfully shy. My clothes were hand-me-downs. I was like thousands of other Indian kids growing up on reservations across America.

When I went to elementary school I felt so alone and different. I couldn't speak up for myself. My teachers had no appreciation for Indian culture. I'll never forget that it was the lighter-skinned children who were treated better. They were usually from families that were better off than mine. My teachers called me savage. Even as a young child I wondered . . . What does it take to be noticed and looked upon the way these other children are?

By the time I reached 7th grade I realized that if my life was going to change for the

better, I was going to have to do it. Nobody else could do it for me. That's when the dream began. I thought of ways to change things for the better—not only for myself but for my people. I dreamed of growing up to be a teacher in a school where every child was treated as sacred and viewed positively, even if they were poor and dirty. I didn't want any child to be made to feel like I did. But I didn't know how hard it would be to reach the realization of my dream. I almost didn't make it.

By the time I was 17 I had dropped out of school, moved to California, and had a child. I thought my life was over. But when I moved back to the reservation I made a discovery that literally put my life back together. My sisters were attending Turtle Mountain College, which had just been started on my reservation. I thought that was something I would do too, so I enrolled. In those days, we didn't even have a campus. There was no building. Some classes met at a local alcohol rehabilitation center in an old hospital building that had been condemned. But to me, it didn't matter. I was just amazed I could go to college. It was life-changing.

My college friends and professors were like family. For the first time in my life I learned about the language, history and culture of my people in a formal education setting. I felt honor and pride begin to well up inside me. This was so unlike my prior school experience where I was told my language and culture were shameful and that Indians weren't equal to others. Attending a tribal college caused me to reach into my inner self to become what I was meant to be—to fight for my rights and not remain a victim of circumstance or of anybody. In fact, I loved college so much that I couldn't stop! I had a dream to fulfill . . .

This young woman is now a doctor, a Ph.D. She continued in her letter telling me what she was doing. She said:

I have worked in education ever since, from Head Start to teacher's aide to college professor. Now I'm realizing my dream of helping Indian children succeed. I am a . . . Program Superintendent working with nine schools, three reservations, and I oversee two educational contracts with two tribal colleges.

Think of this. This young girl grew up feeling hopeless and helpless, stuttering, being called a "savage" in a school. She, now, is a Ph.D., helping other children succeed, helping create and nurture an education system that gives others a feeling of hope.

The reason I wanted to read that story is this is all about a tribal college. It is all about giving a young woman an opportunity through a tribal college. I can't tell you how many tribal colleges I have visited, but I know that they enrich the lives of those who attend them because it is an opportunity to step up and out of poverty and hopelessness.

I recall one day I was asked to speak at a commencement at a tribal college. I asked the graduates there: Who is the oldest graduate? They pointed to a woman. They said: She is the oldest graduate.

I went over. She was in her mid-forties and she was, on this day, graduating from college. I asked her about herself and I found out a bit about her. She was a single mother. I believe her husband had left her. I believe she had

four children and she was the janitor at the college, cleaning the hallways and the toilets. She decided that she really wanted to do more than clean the hallways and the toilets in that college, she wanted to attend that college, and she did.

She found a way as a single mother to attend that college. The day I showed up she wasn't cleaning anything, she was wearing a cap and a gown and a smile. And that smile was a recognition of what she had invested in herself. But she couldn't have done that had there not been a tribal college, not been Pell grants, not been an opportunity for this country to say to her, through the funding of tribal colleges, through Pell grants, and through other approaches, that: We want to help you. We want to offer a helping hand.

So there is so much to be done. I am speaking now about education and tribal colleges. That is just one piece of it. I am proud to say that Senator BURNS and I have very substantially changed the recommendations of the President. He proposes cutting funding for tribal colleges. We propose increasing funding. Why? Because it is the right thing to do. It is investing in people's lives in the right way.

The other thing I want to talk about for a moment is Indian health care. I mentioned there is a bona fide crisis in health care, housing, and education for American Indians. I have spoken previously on the floor about this.

I have talked about a woman who died, froze to death in her bed, a grandmother. She froze to death in her bed on a reservation in South Dakota when it was 35 below zero, in a home with plastic over the hole where windows should have been. There were six people living in a very small space without sufficient beds and a grandmother goes to bed and freezes to death. Most would think from reading that, it is from a Third World country. It wasn't. It was from our country. We have serious problems on Indian reservations in health care, housing, and education.

I mentioned education with respect to tribal colleges. Let me mention health care for a moment because I will offer an amendment dealing with health care.

There simply is not enough money to provide the kind of health care Americans would expect to provide to every child in this country. I have been to reservations to see a dentist working out of a small trailer home, serving 5,000 people. That dentistry is not so much about doing bridgework or fixing a tooth. It is about someone coming in with an ache and deciding the tooth has to be pulled because you cannot do fancy work in a trailer house when you serve 5,000 people. That is just life on the reservation with respect to the underfunding of Indian health care.

I have held two hearings recently on the subject of teen suicide on Indian reservations. I know it is sensitive. These are hearings you would prefer

not to be having, to talk about a subject you would prefer not to talk about. But the fact is, we have young people—particularly in the Northern Great Plains—across this country, young teenagers on Indian reservations who are taking their own lives at the rate of two and a half to three times the national average and in the Northern Great Plains 10 times the national average. This is not about statistics. It is about a young person who decides to commit suicide.

I have spoken in the Senate previously, with the concurrence of the relatives of this young woman, about Avis Littlewind, the 14-year-old. About 9 months or a year ago, Avis Littlewind committed suicide. She had missed 90 days of school. She was lying in her bed, missing school, in a fetal position, with serious problems. Her sister committed suicide 2 years before. Her dad had taken his life 6 years before. Then Avis Littlewind got out of bed one day and went to the closet and they found her there. She had committed suicide. Most are doing it by hanging.

We have had a cluster of suicides on the Standing Rock Reservation in the last 5 months. I have spoken to the relatives of these young kids who have decided to take their lives. One of the things we discover when we talk to the psychologists. I went to the reservation where Avis Littlewind committed suicide. I talked to the school administrators, those involved in mental health, tribal officials, relatives, to try to understand how this happens, how does it happen that no one sends up a big warning flag to say, here is a kid in trouble, let's intervene somehow. What I learned there I have known previously, because I had a hearing one day on these issues some years ago and the young woman who was in charge of these children's issues testified. She had only worked there about 2 months at this reservation. She said, I have a stack of papers on my office floor of allegations of child abuse that have not even been investigated. A stack of papers, alleging child abuse in each of the folders, with no investigation. Then she said, I cannot even get a kid to a clinic someplace because I don't have a vehicle so I have to beg for somebody to give a ride to a kid to take them to a clinic, perhaps to see a mental health professional. As she began to describe the need to beg for a ride for a kid who is in trouble, she began to sob and she broke down and cried. She could not continue at this hearing. She quit a month later because she said it was hopeless.

My point is we know this is happening right now. Yes, in teen suicide; that is, mental health issues. It is the whole range of health care issues, including substance abuse, devastating substance abuse issues with very few in residential treatment beds to deal with it.

I will offer an amendment that says it is time for this country to address

these issues. We have trust responsibility for the health care for Indians. We have a responsibility for health care for people in Federal prisons. We spend twice as much per person on health care for Federal prisoners as we do to provide health care to American Indians—twice. Ask yourself, for a kid who felt hopeless and helpless, who decided to take her own life, shouldn't we face that and decide we have a commitment as a country to meet our trust obligations to provide adequate health care? I will offer an amendment regarding that. I probably will do it on Monday. My past experience is the Senate will turn it down because tax cuts for wealthy individuals are much more important than adequate health care funding for Indian children, for example.

You say, that is unfair. No, it is not unfair to say that. There is plenty of money around here to say those who get money from investments, ratchet their tax rates down, down, down, so we can remove the burden from people who make millions every year, and say, by the way, we don't have enough money left to address the issues of these kids.

I started this discussion by reading a letter from Loretta De Long, who is now a Ph.D., but who started in school being called a savage, who stuttered, who got into trouble, had a child at 17, moved to California and thought her life was hopeless, as well. Now she is a Ph.D. She is involved in Indian education. But her letter that I read describes hope. It describes hope and opportunity and what gave her hope and opportunity. Yes, that was tribal colleges and the family encouragement to be able to go to a tribal college.

My point is simple: We have a big bill here. We have done a lot of good work. In some cases we have come short of what I would like to do. In one area, especially, I am talking about the area in which we have a responsibility to deal with Indian health care, we are desperately short, have always been short. The administration never asks for enough—not just this administration, previous administrations, as well—and the Congress is never willing to give enough to provide adequate health care to Indians.

I hope, perhaps, we can have a broader debate as soon as we are into this bill and perhaps Monday morning I will be able to offer that amendment.

There is much to say about this legislation. My colleague described the EPA, the Forest Service, the Fish and Wildlife Service, so many areas that are important. We have attempted to do the very best we can to provide adequate funding.

We are going to be asking for amendments to be offered today and on Monday with the understanding that all amendments will be offered by the end of the day Monday, after which we will dispose of those amendments and then hopefully complete this bill. When we do that, we can go to conference. This

is part of that process, this march we should be making to complete our appropriations bills on time, have a conference with the House, reach an agreement, and get this funding for the next fiscal year done this way rather than present some big omnibus bill that in most cases is exactly the wrong way to legislate, where a few people go into a room and close the door and come out and announce to us, we have 800 pages and, by the way, we will vote in 15 minutes, and you do not have time to read it nor should you care what is in it.

That is the wrong way to legislate. Senator COCHRAN says he wants to do it the right way, one step at a time. This is one step. It is an important step because the agencies are important. I hope we can do it with the cooperation of all of our colleagues.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAVEL TO CUBA

Mr. DORGAN. Mr. President, I have here a photograph of a soldier. He joined the Army National Guard as a combat medic and went to Iraq. His name is Carlos Lazo.

Carlos came to my office the other day. That is a picture of him in my office. Carlos is a wonderful soldier. In fact, let me put up another chart that shows you that Carlos won the Bronze Star in Iraq. In the description of the Bronze Star won by this remarkable soldier, it says:

SPC Lazo's courage, initiative, along with his calm, cool composure was instrumental in saving numerous lives on the battlefield and at the BAS all thru this operation.

They were talking about some very heavy fighting and mortar rounds and bombs exploding very close to where Sergeant Lazo was busy saving lives. They described the work Mr. Lazo did, this courageous soldier. It was quite extraordinary.

Mr. President, I ask unanimous consent to have the Bronze Star citation printed in the RECORD.

I show you the Bronze Star citation, which was from last November, just in order to tell you that this is an extraordinary person.

So Carlos Lazo came to see me on Wednesday of this week. Do you know why he came to my office? Because he wants to see his kids, and our Government will not let him see his kids. No, this is not about a child custody fight. His kids are in Cuba. And one of them has been in the hospital with a high fever.

We have decided in this country to punish Fidel Castro by slapping around the American people and injuring their rights to travel. This President has said that people like Carlos Lazo can-

not go to Cuba to see his kids. He cannot visit his kids. It is unbelievable to me.

I have been on this floor before talking about the restriction of travel to Cuba. We have people in the Treasury Department who are investigating Americans because they are under suspicion of taking a vacation to Cuba. It is unbelievable.

I have brought a picture to the floor of the Senate of Joni Scott. Do you know what Joni Scott did? She went to Cuba to pass out free Bibles. Well, guess what her Government did. Guess what the U.S. Government did. They tracked her down and slapped her with a big fine because she was passing out free Bibles in Cuba. A wonderful young woman, filled with spirit and faith, wanting to provide free Bibles on the streets of Cuba, and this Government tracks her down to fine her.

I have shown a picture of Joan Slote, a 75-year-old grandmother who is a cyclist who joined a Canadian cycling group to ride bicycles in Cuba. And guess what they did. While her son was dying of brain cancer, they tracked Joan Slote down, and they threatened to attach her Social Security payments because they were trying to slap a big fine on her because she rode a bicycle in Cuba. She did not know you had to have a license to go to Cuba. She just joined a Canadian group. But, boy, did they track her down. They tracked down Joni Scott and tried to slap a fine on her for distributing free Bibles.

They tracked down a guy in Seattle whose dad died. His dad's last wish was that his ashes should be distributed on the grounds of the church he served as a pastor in Cuba. So he takes his dad's ashes in a can to Cuba, and they track him down and slap a fine on him. It is unbelievable.

Now, this young soldier, Carlos Lazo, who earned a Bronze Star in November for bravery on the battlefield. He came from Cuba, by the way. He escaped Cuba. He fled in 1992. He was part of a group that fled Cuba. Regrettably, the rest of his family was not able to get out. So he has two sons left behind. He has been in contact with his children. He has been able to go back from time to time and visit them a number of times under the rules that allowed that kind of family visit.

Then, last year, the President decided we are going to tighten all that up. We are shutting all that down. So now Mr. Lazo, someone who has performed heroic service for this country in America's uniform, is now told: Yes, your son has been in a hospital. Yes, he has a high fever. But he is in Cuba, so you cannot travel to see him.

This Government will not allow this soldier to see his children. Why? Is it about him? No, it is not about him.

Fidel Castro has poked his finger in this country's eye for a long time, so our country, this Government, this President, wants to injure the rights of the American people to travel in a way to punish Fidel Castro.

It does not punish Fidel Castro. He has been in office through 10 Presidencies. All that does is punish the American people: Joni Scott; Joan Slote; and, yes, now Carlos Lazo. Carlos has asked me, "Is there any way you could help me?" because he has heard me on the floor of the Senate talking time and time again about the absurdity of this policy.

Let me just say, I don't have any desire to see Fidel Castro remain in power. The quicker he is gone, the better. But that will happen, in my judgment, through engagement through trade and travel, just as we preach that it will in China and Vietnam—both Communist countries. We have, instead, given Castro his best excuse. He says to the Cuban people, with a sense of nationalism: Of course our economy is in deep trouble because that 500-pound gorilla up north has its fist around our neck.

It seems to me, after 40 years, when a policy does not work, you change the policy. Yet in this case, after 40 years, when a policy does not work, we have decided to further injure the rights of the American people. I hear all this talk about freedom and liberty. Where is the freedom for this young soldier, who has earned a Bronze Star just months ago? Where is the freedom of this young soldier to see his son, to get on a plane and travel to Cuba?

I am asking the State Department and the President to make the right decision here. What on Earth can they be thinking of, deciding Sergeant Lazo should not see his sick child? When America called, he went to the battlefield. He risked his life. He did his work among bombs and grenades and mortars that were falling all around him—sufficient so he received the Bronze Star—and now he is told he cannot see his kids?

He asks me, What on Earth is happening? Where is the freedom here?

Now, I know speaking on the floor about this upsets the people in the State Department, who have to follow the dictions of the White House. It upsets the people in Treasury, OFAC, the Office of Foreign Assets Control. Incidentally, my colleagues should know there are far more people in the Office of Foreign Assets Control—which is an organization designed to track the money to shut down the funding for Osama bin Laden and terrorists—there are far more people in OFAC right now working on tracking down Americans suspected of taking a vacation in Cuba than there are tracking the money for Osama bin Laden. That is shameful, but it is the truth. It has been put in the CONGRESSIONAL RECORD.

My colleague, Senator BAUCUS, got that information, and so did I. I have asked the Treasury Secretary—I asked the former Treasury Secretary, Secretary O'Neill. I said at a hearing: Look, wouldn't you sooner use that money to track terrorists as opposed to trying to track people who are vacationing in Cuba? He did not want to an-

swer. I asked him several times. Finally, he said: Mr. Senator, of course I would sooner do that. The White House had a press release out instantly vilifying the Treasury Secretary for doing that.

This is an obsession with this administration. This has nothing to do with good policy. I am not talking this morning about selling wheat to Cuba. An odd couple—myself and then-Senator John Ashcroft—which is really an odd couple because we are philosophically very different—we are the ones who offered the amendment on the floor of the Senate that finally—finally—after 40 years, opened, just a crack, the ability to sell food into Cuba.

We should never have used food as a weapon. Food and medicine was used as a weapon, which I think is fundamentally immoral. Telling our farmers, "You can't sell food to Cuba" meant nothing to Fidel Castro. He never missed a meal. Do you think he missed breakfast, dinner, or lunch in 40 years? Of course he didn't. It just hurt American farmers and hurt sick, poor, and hungry Cubans.

So for the first time in 42 years, one day not long ago 22 train carloads full of dried peas left an elevator in North Dakota and ended up in Cuba, paid for by cash. The administration opposed that as well.

Now they have taken further action. Nearly \$1 billion has been sold in agricultural commodities by our farmers to the Cubans, and now this administration has decided to tighten that down to try to shut it down.

I have more to say about that, and I will speak more about it at another time. It is about farming and it is about agriculture and using food as a weapon, which is fundamentally immoral. This country is above that.

But today, this is about this man. It is not about a big policy. It is about this man. Can this man see his kids? Can Carlos Lazo—who fought for this country in Iraq, who risked his life in Iraq, who earned a Bronze Star and was celebrated and honored by his country—will he be allowed by his country to go see his kids?

It is unbelievable. Every time I hear another chapter of this book of absurdity coming from this administration with respect to their obsession about Cuba, I wonder, Where does it stop? The reason I have taken the floor this morning is because this young soldier came to see me the other day and said: Can you help? If logic does not help maybe—maybe—embarrassment will.

Perhaps the administration will be sufficiently embarrassed. They were not embarrassed enough to stop trying to find a young woman who was distributing free Bibles in Cuba. Perhaps they will be embarrassed by trying to prevent this young man from seeing his children—a young man this administration certainly would honor as someone who has done heroic things for his country.

I am going to call the State Department today. I am going to call the White House today. I am going to call the Treasury Department today. They will all have the letter I sent. My hope is, they will finally find a way to say yes, it is the right decision, it is the right thing for this country to do.

I am here talking about Carlos Lazo, but ultimately this issue is not just about Carlos. I hope I can solve this for Carlos. But it is about the broader issue of the administration deciding we are going to injure Fidel Castro by restricting the right of the American people to travel.

It makes no sense at all. My hope is there may be a few other Members of the Senate who would be willing to speak out about this absurdity. I hope there are a few who are as offended as I am and will decide to again do the right thing.

I will report to my colleagues later today about the response of the State Department, the White House, and the Treasury Department to see whether they will honor this young soldier, not just by his Bronze medal for heroism on the battlefield but by allowing him to exercise the freedom any American ought to have to see his child.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Oklahoma.

MR. COBURN. Mr. President, the Senate is embarking on the appropriations process for the year 2006. I think it is important that we start this process by looking at where we are. What concerns me greatly is the fact that we are less than honest with the American people about where we really are today. In fact, if you talk to the General Accounting Office, if you talk to economists worldwide, if you talk to economists here, we are on an unsustainable course in terms of our fiscal discipline.

This chart shows the real numbers for the next few years in terms of what the deficit is. Washington is notorious about fudging the numbers in terms of our obligations. The deficits that are listed coming forward through the next 5 years include the off-budget deficit but also the money we are stealing from Social Security, as well as the money we are stealing from other trust funds, which brings us to a true deficit this year that is going to be about \$541 billion. If we divide that \$541 billion in deficit by 300 million Americans, and we have less than that, it comes very close to \$2,000 per man, woman, and child that we are spending for money we don't have.

The appropriation process, as well as the budget process, becomes important. In 2004, there were 131,000 taxpayers. Our population by next year is supposed to be somewhere around 300 million. The publicly held debt, not privately held, was almost \$5 trillion. Based on individuals, the publicly held debt per man, woman, and child, is around \$16,000. As we can see the course, by the year 2035, if we don't

massively change the way this country operates, the individual publicly held debt will be in excess of \$220,000 per man, woman, and child. If you divide that by taxpayers, the people who are paying taxes, it comes up to \$470,000 per taxpayer.

This year, as a percent of all the Government is going to spend, 7.5 percent is for interest alone on the national debt. If we look at that portion of the debt that we have some control over, outside of Medicare and Social Security, that percentage of spending is 18.5 percent. In other words, \$1 out of every \$5 that the Government spends today is to be spent on interest, paying for things that we have spent before that we didn't have the money to pay for. So we are digging a hole deeper than we can imagine.

The first principle has to be honesty about where we are. Honestly, this year we are at \$2,000 per man, woman, and child in spending money that we don't have, which means we are going to borrow it, which means we are going to pay interest on that. Then, next year, we are going to have \$500 billion and then, sooner, the trend line is down, but it is not down fast enough for us to get out of the hole.

The reason I bring this up is the appropriations process is where we have a chance to do a small amount of good to bring this down faster. This first bill on Interior is a good bill in terms of what it spends compared to last year. But it is important that we bring up some provisions that are in the bill that if, in fact, we are in debt, if you personally find yourself in this kind of debt, 25 percent of the money you are going to spend you don't have and you are going to borrow it, would you be spending money on buying more land, building new reception centers, adding things that are not necessary for us to function?

I praise the authors of the bill in terms of keeping within the budget caps. They have done a good job of that. But I have some questions. For example, we are going to spend \$162 million that we don't have to buy land—that is for the cost of the land—another \$25 or \$30 million to get that done, then another \$25 or \$30 million on that land every year hence forward to take care of it, let alone the fact that we are taking that land off the public tax rolls. We are diminishing the taxes that will go to the States from that land, and we are absorbing them. If we personalized this, would we be doing these types of things in a budget and financial situation in which we find ourselves borrowing 25 percent of our budget?

More importantly, what is the consequence if we continue to do so? The consequence is that our children and grandchildren end up with a standard of living far below ours. The heritage of our great country has been sacrifice by the generations before to create opportunities and prosperity for the generations that are coming. We are about to

become the first generation of Americans to not leave that promise for the next generation.

David Walker, Comptroller General of the United States, has written a book everybody ought to read. It is called "Saving our Nation's Future." He outlines the unsustainable course this Nation is on in terms of our spending. Quite frankly, we don't seem to have the discipline, No. 1, to recognize the gravity of the situation in which we find ourselves, the fact that we are going to lay on our children a debt from which they cannot get out.

This is what we can control. This doesn't talk about the unfunded liabilities associated with Social Security, which are rising \$700 billion a year, and yet we are not doing anything to fix; the unfunded liability of over \$35 trillion with Medicare which we are doing nothing to fix, the \$8 to \$10 trillion cost of Medicare D, a brand new benefit that we don't have any resources to pay for except by stealing it from the future of our children. We fail to grasp the gravity of the situation and the long-term consequences of our inaction today.

I will be offering several amendments over the next 2 days that the Senate is in session, not from a critical point of view but from a commonsense point of view. We have \$92 million sitting in accounts now to buy land. We are going to make a decision to add another \$160 million, while we borrow \$541 billion and charge to it our children? We are worse than any credit card addict ever was. There are no consequences for us. We pay no consequences. But the children and the grandchildren are going to pay a severe price for our lack of fiscal discipline, our lack of long-term vision about what our actions are today.

If we had to, there is no question, across every appropriations bill we have, we could find 10 or 12 or 15 percent that is not absolutely necessary to be spent. The contrast isn't about whether or not we spend the money. It is about where the money comes from and who is paying for it.

Of all the issues the Senate will discuss—we will talk about all sorts of social issues, and we will talk about the ethics of it and the morals of it—none of them compares to the immorality of putting our children and grandchildren in debtor's prison. That is what we are doing. We need to be talking individually about things that don't have to get done today, that can be deferred for the future, and saving that money today so that we don't compound the debt for our children.

Mr. DORGAN. I wonder if the Senator will yield for a question.

Mr. COBURN. I am happy to yield.

Mr. DORGAN. First of all, the chart the Senator uses about deficits and accumulated debt, he describes something that is very real, that is a threat to this country's long-term economic future. There is no question about that. I have spoken about it with respect to both the fiscal policy of this country

and our trade policy. Our trade policy has created the largest debt in the history of the country by far. I wanted to mention that the House of Representatives approved legislation for another \$45 billion in an emergency supplemental. That comes on the heels of the \$81 billion we approved. The Senate is going to approve the requested emergency supplemental because we are going to restore the funds that the Pentagon says they need to prosecute the war in Iraq.

But it is interesting, for the \$81 billion that we just passed, \$45 billion which now comes on the heels of that, not a penny of it is paid for. The administration keeps saying—and these are big numbers—we have to pay for that which we are doing, and we need to restore these accounts to the U.S. Army. All of us say, yes, we not going to send soldiers to do a job and not provide the funds necessary. But I ask the Senator: Does he agree with me that it is bizarre, to say the least, to send the soldiers to Iraq and then say: By the way, when we pay for all this, let's not ask anybody to pay taxes to do it. Let's just have these soldiers pay the debt when they come back.

It is unbelievable. There are spending cuts the Senator likely will propose that are meritorious. I think he has pointed out at the start of his presentation correctly, this appropriations bill cuts one-half of a billion dollars below the previous year's expenditure. But the big issue around here is the massive amount of money being requested on an emergency basis so that it doesn't have to be paid for and it adds to the Federal debt. And then the soldiers can come home and help pay that. I believe that is unfair. I ask the Senator from Oklahoma to respond, from his perspective, about that.

Mr. COBURN. First of all, the \$81-billion supplemental that this body passed, I had an amendment to cut \$19 billion out of that because it is not going to be spent for the next 3 years. So there is no way you can call that an emergency. One amendment on limiting the expenditures on the embassy, we got 44 votes. Fifty-five people thought it was OK. The fact is, we are at war. We seem to forget that. In every war this country has ever had, the Congress trimmed discretionary spending massively to fund the war. We have decided we will not do that. We have decided we can continue. There is no question good work was done to cut a half-billion dollars out of this bill. The question the American people ought to be asking is, is everything that is in this bill necessary now in light of the fact that any money we spend we are going to charge to our grandchildren?

We are going to charge the unpaid interest over the next 30 years because we have no history of paying back our debts. So by the time you compound the interest costs of this \$540 billion, now with some \$40 billion on top of it \$588 billion is the number it will become—what is the real cost?

The real cost is no college education for the generation 2 years from now, no homeownership 2 years from now, decreased investment in capital goods for productivity and scientific advancement, decreased investment in education and competition in the world. That is the cost. That is what will be the cost of our inaction to protect the future for our children by not trimming every absolute penny we need to spend from this bill.

The question should be: Can we cut more? Is it wrong for us not to cut more, in light of the fact that we are having to borrow? Whether we borrow it for this or for the war or we borrow it for interest, the fact is, we are borrowing it.

And 18 cents out of every dollar we are going to spend this year in discretionary is going to pay interest on our lack of fiscal discipline from the past. We ought to be about raising the level—we ought to be honest with the American people. They have no idea. They hear \$350 billion, but it is not \$350 billion; it is almost double that. Let's be honest about the real cost. Let's be honest about what the real problems are that will come, and they are going to come to our children and our grandchildren.

This body has a history, since it was first formed, of thinking in the long term, thinking about the next generation. Unfortunately, Congress as a whole has changed its direction of thinking too often to think about the next election, rather than the next generation. In every appropriations bill that comes before this body, I am going to be down here talking about the lack of our foresight in thinking about our children and our grandchildren.

Mr. DORGAN. Will the Senator yield?

Mr. COBURN. Yes.

Mr. DORGAN. First, I appreciate his generosity in yielding. It would be interesting for us to have a discussion at some point about the economy and fiscal policy. I think we are wildly off track. Maybe the Senator from Oklahoma and I agree on that point. I will make a couple of observations, if I might. No. 1, the Senator suggested that we have never paid down the debt. In the late 1990s, we had a fiscal policy that generated revenue by which we began to reduce the debt.

Mr. COBURN. Mr. President, we did pay off some Treasury bills. But the way you know when we pay down our debt is to look at our total debt and whether it declined at the time we did that. It did not. The total debt of the country rose every year we were paying that off. We still had a deficit. We were stealing from trust funds such as the inland waterway trust funds—that is publicly held debt. We transferred that.

So the true debt of the country has not declined since 1972. Even though we were in a period of great times, we spent it all; we didn't pay it down. We actually spent it, and the actual debt

of the country rose during the time when everybody in Washington said we were in surplus.

Mr. DORGAN. If the Senator will yield further.

Mr. COBURN. Yes.

Mr. DORGAN. Of course, the issue of whether our fiscal policy is different now than then is not at odds or not in question. At that point, I know the Federal Reserve Board and others, including the President, all talked about debt held by the public versus total debt. In fact, our fiscal policy at that point was dramatically different than it is now. We were headed in the right direction.

Let me make this point. It is, in my judgment, a service to the Congress for someone to look at every appropriations bill and say, where can we trim? Where can we get into a position of not spending money we should not be spending? That is a service to the Congress. I think it is important to understand that we cannot look at the mouse in the corner when a lion is at the door. We cut a half billion dollars out of this subcommittee from last year's spending. So those are real cuts. We could do that for 90 years, every single year, and at that point we will just meet the \$45 billion that is coming our way in an emergency supplemental, none of which is paid for.

Do you understand what I am saying? This would be over \$200 billion now sent to us by the administration, saying we have to increase these expenditures and we ask you to do it, Congress, but we are not going to pay for it. We will add it to the debt.

In addition to that, the highest priority, of course, is to eliminate a tax that doesn't exist—the death tax, the tax on inherited wealth, making the tax cuts permanent, which would benefit upper-income folks. Let's trim everything, but let's especially—and I will work with the Senator from Oklahoma on this—worry about the big ones. The big one that is coming—and I voted with the Senator on the embassy amendment—is the \$45 billion. It is headed our way; it is a big deal. Should we be paying for that? Should the President suggest—as most have whenever we have been at war—that perhaps all of America, not just the soldiers, has some responsibility to contribute? But not under this circumstance. This President says no, no, give me an emergency designation so we can spend it and it doesn't count. It counts on the chart of the Senator from Oklahoma. It counts in terms of lost opportunity for our children and grandchildren.

This burden doesn't belong just to one political party. I agree. I am saying that, in my judgment, we are off track. This fiscal policy doesn't add up. And what is being requested of us by the President is to have all our soldiers sacrifice but none of us sacrifice.

Mr. COBURN. Mr. President, reclaiming my time—

The PRESIDING OFFICER. The Chair feels compelled to state that

yielding is for the purpose of a question, if the Senators would remember that.

Mr. COBURN. The important thing to remember—and there is some merit in the words of the Senator from North Dakota—is from 2000 to 2004, this body increased discretionary spending by 39 percent. We were not in a war as we did that. We increased discretionary spending across all accounts, in every appropriations bill in that period of time. We entered a recession. Did the spending decrease? No, it continued.

The tax cuts were meant to stimulate the economy. The fact is, there is no discipline. There will not be any great argument on the tax side with me. But there is no discipline within the body of Congress to trim spending. What was the Interior Appropriations bill in the year 2000? It was 35 percent less than it is today. Yet, we are proud that we take 1.7 percent away? It is a good accomplishment. It is almost unheard of in the last 15 years in Congress. But the fact is, it already grew almost 40 percent. So what we are doing is taking away from a much larger pie.

My point is that we do a disservice to this country if we fail to recognize we have an obligation to think long term, and a half billion dollar cut is a great start, but it is not near enough, as the Senator said. We need to cut across the board. Do you think we cannot find 10-percent savings in the Pentagon? We are holding oversight hearings. They spent a billion dollars on a travel system that should have cost \$20 million.

There is no oversight with which to go after the waste, fraud, and abuse within the Federal Government. We are more interested in passing the next bill than doing the hard work of oversight to see where the waste, fraud, and abuse is. We are going to do that. We have a Federal financial management committee. We have an ATP program. It is nothing but corporate welfare. We are going to spend \$120 million on that and we are going to give \$120 million to GE, IBM, and Chrysler to do research they are going to do otherwise. Yet we cannot get anybody to help us cut that out. The House cuts it out, but this body won't cut it out.

The point is, there is a large need for the constituencies in this country to start holding us accountable for the spending increases. If the American public would go through this report language, they would be appalled that in a time of war we think it is fine to build new visitor centers all across this country. Remember, we are going to ask our grandchildren to pay for it—about four times what it actually costs. There has to be the start of some fiscal discipline that says we cannot afford to do that now, period. It is a good idea, but we cannot steal from our children anymore. And throughout this bill are multiple instances like that, which we could wait on. But we don't wait because the next election is more important than the next generation.

With that, I say to the American public we are going to be offering several amendments. I doubt they will pass. But their intent is to start making a beginning in trimming and getting us into line, where we need to be—not for us, not for our political future, but for the future of our children and grandchildren.

I admit to my friend from North Dakota that part of that—the tax policy—is important. But you cannot just look at one side of it. The stimulative policy of tax cuts was important to get this country out of recession. But while we were doing that, this body and the other body increased the discretionary spending in this country by 40 percent. And we cannot afford that. We cannot be proud, even though it is a good start. We should not be proud we cut a half billion dollars from this, when this whole thing was less than \$20 billion in 2000. We could go through, if we wanted to care about our children and grandchildren, and cut 10 percent out of every agency. We don't have anybody here with courage who is willing to make the hard decisions to do that, because in the short run it hurts; in the long run, it is healthy.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I was thinking of asking unanimous consent so that each time I take the floor it would be assumed that I frame my comments preceded by “don't you agree” to satisfy the quaint rules of the Senate with respect to asking a question. I will refrain from that and when asking my colleague to yield the next time, I will say “don't you agree” before I give my speech.

My colleague does a service. I don't disagree with him. I think we ought to be tightfisted; we spend money on things we should not spend money on. We are getting huge blocks of funding requests coming in our direction by the administration calling it “emergency funding.” We have had almost \$200 billion worth, and another \$45 billion is coming now. They say, don't pay for it, don't worry about it. We will declare it an emergency and we won't count it.

Mr. COBURN. Mr. President, the question I have for the Senator is, does that request not come from the Appropriations Committee?

Mr. DORGAN. Yes.

Mr. COBURN. Therefore, it comes to the floor, does it not, with the recommendation of the Appropriations Committee? So we are equal partners in asking for that money. It is not just the administration.

Mr. DORGAN. Absolutely. No question about that. And the control of Congress is of the same political party as the White House, and there is no interest in having a discussion about whether we should pay for that which we are spending in Iraq. The administration decided we are going to simply declare it an emergency, add it to the national debt, and let somebody else pay for it.

That doesn't happen in most wars. Usually, the leadership says here is why we have to spend this, and it is a national purpose. But we are going to ask the soldiers to represent the country and let's find a way to do it.

I will make this point. The Senator says we have some mutual responses. No question. On one of the early tranches of appropriations to replenish these accounts, there was a vote on the floor of the Senate to pay for some of it. But the Congress, as he knows, is not of a mind to do that, when the President says he doesn't want to. You can dramatically cut spending or increase some revenue. It would be interesting to see if the administration would be interested in sitting down with the Congress to talk about whether we even should pay for it because the administration thinks we should. It would be interesting if we had a sit-down discussion about how to pay for it.

I happen to think that would be useful for the country. I would like us to do that. I think this country has a fiscal policy that is dramatically off track. I don't diminish the tax side as much as my friend does. About two-thirds of the current deficit comes from reduced revenue. We are at a lower revenue of GDP than we have been for a long time. Most of that came from the tax cut, and most of it didn't benefit people that I represent, by the way. Making the rich richer doesn't benefit everybody. The President says extend all of the tax cuts, which is a substantial amount of money and lost resources, and let's repeal the death tax, which doesn't exist.

We should have a long discussion. I think our country deserves a fiscal policy grounded in fact and good thought about the future. My colleague from Oklahoma does a service by coming to the floor to talk about those red lines on that chart. I feel strongly about them, not just in fiscal policy but also trade policy. I hope at some point all of us could decide this is a crisis. There is an urgency here and we should work together on that basis.

If my colleague wishes me to yield further, I am happy to do that.

Mr. COBURN. Yes. If you took the whole cost of the war today, it is less than half of this. The whole cost of the war is less than half of this, thus far. The fact is, tax policy aside, we could even agree on it—there is no question that \$1 out of every \$3 is either wasted, inefficient, or defrauded in the Federal Government. That has been said by the Grace Commission and the Comptroller General of the country, in terms of us failing to do the oversight. So we can raise taxes, I believe, as a consequence of that. Would the Senator agree that if in fact we held the spending level—no increase in spending—and worked toward efficiency in the Federal agencies, could we not accomplish a great deal and still stimulate the economy?

Mr. DORGAN. The Grace Commission has long since been discredited. I will

not go into the recommendations, some of which were adopted but many of which were absurd. That is a 20-year-old debate. Let's assume for the moment there was no increase in spending of any type. That would represent a huge problem for the poorest of the poor who get medical care from Medicaid.

As you know, health care costs are rising dramatically, not having to do with much that is happening in this Chamber. Nonetheless, there is substantial increase in health care costs every year. If you said to the poorest of the poor, everybody else is going to get health care, but we are going to freeze health care funding for you, I am sorry, they would be in big trouble.

We also have more people every month becoming eligible for Medicare. The fact is, we have a rising Medicare population. Every single month more and more people hit the Medicare rolls. With increased medical costs and more people being eligible, does Medicare cost more? Of course, it does. People are living longer, better lives.

I have spoken at great length on the floor of the Senate about my Uncle Harold. My Uncle Harold is 84 years old now, and he is a runner. He has 43 Gold Medals. He is a 400-meter specialist in the Senior Olympics. My aunt thinks he is half goofy. He is always off running road races. He runs the 400-meter and runs faster than anybody his age.

It used to be when you reached 80, you found a Lazy Boy and you just sat in the house until you died. You were old and you had a right to act old. Now people are living longer, active lives.

That puts a strain on Medicare. More people are living longer, so they hit the Medicare rolls. Health care costs are up very substantially, double digits in many cases. So we bear the burden of that on the spending side.

If we were to decide tomorrow we are not going to spend a penny above last year, all you say to poor people on Medicaid is: Sorry, you are out of luck. You are going to have less health care.

My colleague from Colorado is a very interesting Senator. We do not know each other very well. He just arrived in the Senate in January. I am looking forward to getting to know him. I am sure I will.

I hope we can have further discussions about the economy. I do not dismiss quite as quickly, as I think my colleague was trying to do, the fact that when you decide to have large tax cuts mostly to benefit the wealthiest of the wealthy in this country that you have an enormous consequence on the revenue side that therefore causes a substantial amount of that red bar on that chart, and one-half to two-thirds, at the moment, of the current deficit is because of less revenue because of the tax cuts. I know the minute I started talking about maybe we should pay for the cost of the war, my colleague segued immediately into we want to raise taxes.

I am looking to see a fiscal policy that meets the needs of this country.

That is a combination of things that are thoughtful and interesting that puts us right on track so we can have a future that expands opportunity for our children rather than contracts opportunity for our children.

I will be happy to yield one more time. I see my colleague would like for me to yield.

Mr. COBURN. Mr. President, I am trying to think of how to phrase this as a question. First, I think my statement was on discretionary spending, not mandatory spending in terms of my relationship to an increase in spending. I would think the Senator would agree that if, in fact, we froze discretionary spending, we would drive efficiency, innovation, and productivity among all those agencies. I hope that he would agree with that.

Mr. DORGAN. Mr. President, let me make a final comment. I know we have a couple colleagues who want to speak. Frankly, we Senators are not much of an audience. We much prefer listening to ourselves than others, and we are probably boring them to tears.

Discretionary spending is very interesting. As the Senator knows, what comes from the Appropriations Committee to the floor of the Senate is the discretionary spending side. Much of the spending is mandatory. The Senator from Oklahoma is correct that health care is mandatory spending. We could virtually eliminate the entire discretionary spending side and probably still not put this back on track.

The Senator made a point that I want to emphasize. It is a point on which we agree. All these people walk around saying this is what the deficit is. That is not what the deficit is. My colleague, Fritz Hollings, who used to sit right behind me, talked about this forever. For him it was a religion. The number they publish as to the Federal budget deficit is total nonsense. That is not what the deficit is. It is much higher than that because they are raiding all the trust funds to get to that point.

We will have a longer discussion. I enjoyed this one. This is an important issue. There are some issues that are small and unimportant, some big, and often the Senate treats the serious issues too lightly and the light issues too seriously. In this case, this is a big issue and will affect this country for decades to come. We ought to have more discussions, both on and off the floor, about how we put America back on track.

Mr. President, I wish to make one final point. This morning's New York Times said IBM is cutting their hiring here to hire over there. Get rid of American workers, hire workers in India. The first step—not the second, third, or fourth step—the first step toward sanity would be for everyone in this Chamber to vote the next time I have an amendment on the floor—I have done it twice and lost twice—that says the first step we ought to do is to decide to stop having tax breaks for

those who move their American jobs overseas. Stop the American public from having to pay for this nonsense.

We are providing tax cuts to companies that fire their American workers and move them to Bangladesh, Sri Lanka, China, or, in this case, India. That is absurd.

I am going to offer that amendment again for a third time, and perhaps I will have enough support so we can take the first baby step toward sanity in dealing with job loss in this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL COMPROMISE

Mr. PRYOR. Mr. President, I would like to change gears for a few moments and talk about something that is also important to this body, and that is the judicial compromise that 14 Senators, including myself, reached on May 23.

This agreement, or memorandum of understanding, was signed by seven Democrats and seven Republicans. I hope it has helped bring this august body back from the brink of what we have called nuclear catastrophe.

The agreement or compromise on judicial nominees helped prevent the so-called nuclear option from occurring. This agreement allowed an up-or-down vote on several of President Bush's most controversial judicial nominations while protecting minority rights in the Senate, as well as the checks and balances on which our Government was founded.

It has been about a month since the agreement was entered into. I have had a little bit of time to reflect on some of the things that happened leading up to and during that time and since that time. So if I may, I would like to take just a few moments to share some thoughts.

The first thought I wish to share is that I felt it very important to avoid the nuclear option. The reason I say that is because one of the great things about this body throughout its history is this body's emphasis on protecting the rights of the minority, the rights of those who maybe in other places might not have a chance to be heard. But in the Senate, given our sense of checks and balances and given our history and the way the Founding Fathers established the Senate, the voice of the minority can be heard.

I also think in order to avoid the nuclear winter, if you want to continue with the analogy of the nuclear option, after the nuclear trigger had been pulled would have been devastating for this body. It would have set a terrible precedent and probably what would have happened—I could be wrong about this; maybe we will never know—probably what would have happened is that we would not have gotten anything passed in the Senate, with the excep-

tion of our appropriations bills and a few pieces of emergency legislation. It would have just been awful.

Quite frankly, I know when the people in Arkansas elected me to the Senate, they did not elect me to come up here to twiddle my thumbs and get into partisan brouhahas. They elected me to get things done for the State, the Nation, and the world. In fact, in the last few weeks we have been able to work through many issues on the Energy bill—we anticipate it will pass next week—and the Transportation bill. There are a lot of issues involved. Both those bills still have to go to conference and have final passage. Regardless, I wonder if those would have been possible had the nuclear option trigger been pulled.

I also must say that I have been a little disappointed with some of the rabid rhetoric by special interests around the country and by commentators, maybe statements I have heard on various radio and television talk shows. Quite frankly, I think the rhetoric is not helpful. I think it is unfair, it is untrue, and I think a lot of it is just plain wrong.

I have heard some people say that the Senators who entered into this agreement are sellouts or traitors or they call for retribution. If I may say about my 13 colleagues, it took great courage for them to enter into this agreement because they knew the political risk they were taking, but they also knew they were standing up to try to do the right thing.

One observation I have made about a lot of the people who are critical about this agreement is that they do not necessarily want to see the Senate get things done, that their agenda is not for productivity. Their agenda may be limited to a few narrow issues, and they just want those issues emphasized, talked about, with a sort of "win at all costs" mentality.

One of the great things about the Senate is that it is a place where people can come together and find common ground. That has been the history of the Senate. We learned from this compromise that good things happen when Senators talk to each other.

One of the lessons I have learned in Washington—I have been here about 2½ years now—is, quite frankly, we spend a lot more time talking about each other than we do talking to each other. Hopefully, this compromise is an example of when we talk with each other, good things can happen and positive things can flow from that.

In fact, I know a lot of people around the country—I have a few in my State of Arkansas—who think that compromise is a dirty word. I just cannot disagree more strongly. If we look at the Constitution, the fact that we have a bicameral legislature, the fact that we have a Senate and a House of Representatives, and the different structure of those two, that has always been called the Great Compromise in the Constitutional Convention. The fact

the Senate even exists today is a result of a compromise. The fact that our Government is located in Washington, DC, we all know now from history, is the result of a compromise. In fact, you can go throughout American history and see compromise after compromise where people find common ground and put the common good above their private interests or their narrow set of interests.

We have seen that just as recently as this week on the Energy bill. I think if you ask all 100 people, they would say this bill is not perfect, but it is a compromise, trying to find common ground, trying to set national energy policy for the Nation. Compromise can be very good.

I think in this particular compromise, both parties won. It was good for the Democrats, and it was good for the Republicans. Both sides had to give up something in order to get there. The Senate won, but most important of all the American people won because the fact the Senate is back in business and we have moved through a number of nominations and we already moved through major pieces of legislation and we are starting another piece of legislation today is a win-win for the American people.

I have no doubt at all—and this is another observation—that this agreement will be tested. I have no doubt people will shake it to see how strong it is. It will be scrutinized, and it has been scrutinized. There has been a lot of ink spilled over this agreement as to what certain phrases mean or how it will be applied, how it will be interpreted.

One thing I found a little humorous, if I may say, during the course of the last 30 days, is I have heard a lot of so-called experts talk or write, and they try to apply their own definitions to this agreement. It seems particularly true for those who disagree with the agreement most. They try to define it and refine it and shape it in a way that meets with their approval.

I will run through a couple of items in the agreement. I will try to do this very quickly because I know there are other colleagues who are very patiently waiting to speak. Sections A and B in the agreement, part A states:

Future Nominations. Signatories will exercise their responsibilities under the Advice and Consent Clause of the United States Constitution in good faith. Nominees should only be filibustered under extraordinary circumstances, and each signatory must use his or her own discretion and judgment in determining whether such circumstances exist.

Part B states:

Rule Changes. In light of the spirit and continuing commitments made in this agreement, we commit to oppose the rules changes in the 109th Congress, which we understand to be any amendment to or interpretation of the Rules of the Senate that would force a vote on a judicial nomination by means other than unanimous consent or Rule XXII.

I will run through a few issues in those phrases, if I may. There are two basic questions I get continuously. In

fact, I was talking to some of the Capitol Hill interns yesterday and the first question out of the box, they asked: What are extraordinary circumstances? That is a fair question. I get that everywhere I go now.

The other question I get is: Is the nuclear option off the table for the 109th Congress?

As to the question about extraordinary circumstances, I would say this: The 14 Senators sat down in many of our offices for days on end, hours and hours of meetings and discussions and one might say negotiations. We would look each other in the eye. We understand how important this is and we have a strong sense of where our other 13 colleagues are coming from. Extraordinary circumstances will not be defined by outside groups. With all due respect to the leaders and even the other Senators who are not part of this, it will not be defined by our leaders or by our colleagues.

Extraordinary circumstances means exactly what it says in the agreement. We will use our discretion and our judgment in making that determination. In fact, I would say all 100 Senators, when they were sent to Congress by their 50 States, the voters in those States expect their Senators to use their discretion and judgment in everything we do. This is no different. All 14 of us are very committed to doing that and using our discretion and judgment.

I think I can speak for the group that we all hope we do not have to deal with extraordinary circumstances, but in the event we do, we trust each other. I think that is the bottom line on this agreement. This agreement is one that is based on trust.

So when we are asked about extraordinary circumstances or when we are asked about is the nuclear option off the table, the bottom line we will keep coming back to is trust. We trust each other. The 14 of us have built that level of trust through this process and we are committed to doing our dead level best to try and make this agreement work.

The answer to the second question, is the nuclear option off the table for the 109th Congress, I would say, yes, it is because it is based on trust. During the negotiations and ever since the negotiations have concluded and to this very point today, we have proceeded in good faith. The Democrats have had to make some hard votes on some of these judges who had not received up-or-down votes before and we have done that. I think some of the Republican signatories will acknowledge that it was very hard for some of the Democrats to do what we have done on some of these judicial nominations.

At the same time, we trust our Republican colleagues, our Republican signatories to this agreement, to act in good faith in the future. This is based on trust. I am proud of my colleagues. I am proud I was able to be part of this agreement.

Let me talk about one more section. I know I have colleagues waiting to

speak so I will try to be very brief. But after part II, sections A and B, there is another section that deals with advice and consent. As everyone now knows, this language was agreed to, but it was really hammered out by Senator ROBERT BYRD and Senator JOHN WARNER, two great statesmen we have in the Senate.

The language states:

We believe that, under Article II, Section 2, of the United States Constitution, the word "Advice" speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations. We encourage the executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration.

Such a return to the early practices of our government may serve to reduce the rancor that unfortunately accompanies the advice and consent process in the Senate. Again, Senator BYRD and Senator WARNER deserve a lot of credit for the phrasing of this language. I think this language is exactly right. I think when the Constitution says advice and consent, the Founding Fathers meant what they said, advice and consent.

Oftentimes we talk about consent, but the word "advice" gets overlooked. I would hope that every President would seek the Senate's advice on nominations. I think not only is it required in the Constitution, but it is smart and it shows good judgment by the President.

I also think if Presidents would do this, a lot of this rancor would go away and a lot of the nomination process for these folks would get much smoother. I have not been around the Senate very long, about 2½ years, but I did in some ways grow up around the Senate. One of the things I have seen over the years that has changed is there used to be much more bipartisan cooperation.

In fact, I think the people in my State—I cannot speak for people all over the country, but I have a clear sense from people in my State that they are sick and tired of the partisan bickering in Washington. They want us to work together. They elect us to work together. They expect us to do that. That is their hope, because we all know, they all know, that for us to get things done in Washington we have to work together.

I am hoping this agreement is an important step in doing that. That is not just true within this body—and, by the way, if I can editorialize for one moment, I would say we need to be very clear. Both parties are to blame for the partisan rancor. It is not limited to one side or the other. When it comes to judicial nominations, the Senate shares some responsibility and the President shares responsibility, not just this President but previous Presidents and previous administrations, Democrats and Republicans. We all share some of the blame, we should all own up to that responsibility, and we should all do our best to make it better.

Maybe back in the old days the President might call a few Senators over to the White House and say, hey, let's have a drink and let's talk about this. I am not going to make a recommendation on the having a drink part, but I do want to strongly encourage the President to invite Members of the Senate over to talk about upcoming judicial nominations. I hope he will not just talk to one or two. I hope he does not just talk to members of his party. I hope he will talk to a number of Senators about nominations. I think it is very important.

The last thing I wanted to say is I cannot speak for my 13 colleagues, but I think if one asks all 14 of us, we would want to be very clear on one point, and that is when we entered into the agreement, we in no way, shape, or form wanted to become a rump Judiciary Committee. We do not want to do that. We do not want that role. I am speaking for myself here, but I think one could ask my 13 colleagues. We do not see ourselves as having any veto power or any unique role now in judicial nominations. I would hope very strongly that the Senate Judiciary Committee would continue to be the place in the normal process these nominations go through. I have a ton of respect for Senators ARLEN SPECTER and Senator PATRICK LEAHY. They are great leaders. They are great Americans. They do yeoman's work in the Senate Judiciary Committee. I would hope those two would be the first two the President would consult.

Quite frankly, I wish they would consult with JOHN WARNER and ROBERT BYRD because I think those two add a lot. Certainly I would hope the White House would talk to all members of the Judiciary Committee and the home State Senators before these nominations are made. I think that, again, is a way for us to tone down the rhetoric and to provide a smoother course for these nominations to get through.

I cannot predict the future, but I do know what it has been like around here in the past. I think things have gotten a little bit better in the last 30 days since we entered into this agreement. I am so proud of my colleagues that sensible voices have come to the floor. We have found common ground on judicial nominations. I am not sure there has been a more contentious issue since I have been in the Senate. If we can work that out, we hope that is a good sign for the American people that we can work out a lot of things.

Our compromise shows there is still a spirit of trust and bipartisanship in this body, and I hope we can foster that and move it forward.

I thank my 13 colleagues who entered into this agreement. I know many of them showed great courage when they did it. Many of them have been heavily criticized for doing it, but I am convinced it is the right thing to do. I am proud we did it and I hope it provides us a model for how we can move forward and try to find common ground in

the future on a whole variety of issues. I am not saying the 14 should get back together on every single issue, but I hope it shows that Members of the Senate will continue to reach across the aisle, find that common ground. Just as we heard a few moments ago with the Senator from Oklahoma and the Senator from North Dakota, they may come out in the process at different places, but it is great to hear that dialogue where they can hash out ideas and try to get things done and try to do the right thing for this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I will get back on the subject of the Interior appropriations bill, if I might. I start out my comments by thanking Senator BURNS, my good friend and colleague from Montana, chairman of the Interior Appropriations Subcommittee, and the ranking member, Senator DORGAN, and their staffs for the hard work that went into this bill. We all knew this was not going to be an easy process this year because it is a tough budget year and difficult adjustments had to be made.

I respect the President and his effort to try and hold down Federal spending. Senator BURNS and I, who both serve on the Budget Committee, understand the importance of trying to bring some fiscal sanity to the process. I do respect many of the comments my colleague from Oklahoma made on the floor. The only comment I have is that the time to have made many of those points is when the budget itself was before us. When the budget was before us, we had an opportunity to hold down spending. Many of us were disappointed at the level of spending that ended up being reflected out of the budget proposal, but I do want to commend Senator BURNS and his staff for staying within the 302(b) allocation, or the amount of money that was allocated through the budget to the Appropriations Committee, that eventually was reflected in the total amount of spending in this bill. So from my point of view, I found the chairman of the Interior Appropriations Subcommittee to be very responsible and diligent in his duties. I, for one, am very appreciative of that.

As I mentioned earlier, I respect what the President was trying to do to hold down spending. Some of the cuts he put forward, I strongly support. Some of them I have a disagreement with, and some of those disagreements are reflected in this particular legislation.

To give a little historical background, when the State of Colorado joined the Union in 1876, we were known as the Centennial State because we came in 100 years after our independence in 1776. Our first Senator, Senator Teller, was one of two Senators who assumed his duties and then, after his second term, became Secretary of the Interior. He became

known eventually as the representative of the entire West because a lot of States were still territories. The jurisdiction of the territories fell under the Department of the Interior. So, historically, the programs in the Interior Department have been very important to States in the West. Colorado is no exception to that.

If we look at today's figures, the Federal Government owns approximately 24 million acres in Colorado. That is 34 percent of the total State lands. All told, about 60 percent of all the lands in the State of Colorado are owned by public entities—whether it is the Federal Government with its 34-percent share, or State and local lands which are owned by school districts in the State, as well as State parks and local parks and that type of thing. So, like other Western States, the Interior appropriations bill becomes very important.

If we contrast that with the State of Indiana, which is made up of less than 23 million acres, then the Members of Congress begin to appreciate the real significance of Federal lands in States such as Colorado. Only eight States, all in the West, have a higher percentage of Federal land ownership than the State of Colorado. This is important when we get to programs like the PILT Program, which means Payments In Lieu of Taxes. This is a program very important to the State of Colorado, as it is to many Western States. Payments In Lieu of Taxes is designed to help prevent property tax imbalance.

The Federal Government does not pay property taxes. So we have come up with this program called PILT, or Payments In Lieu of Taxes. The program helps those local governments whose property tax bases have been impacted because of Federal agencies, and helps to fund the services that they provide to their communities. This is an area where the President had suggested a reduction in funding.

I support the committee action in this bill to restore those dollars. The PILT funding in this bill is \$235 million, \$35 million above the amount of the President's budget request and \$8.2 million more than last year's level. But the chairman was able to do this and stay within the budget numbers that were allocated to this committee.

Let me say a little bit more about the PILT Programs. These dollars go to the States, but what they help pay for primarily is education because in the Western States so much of the property tax goes to education. For example, in the State of Colorado a good share of educational effort is paid by the local property taxes. There are some Federal dollars and some State dollars that go in and match in with the local dollars, but basically education is a local program. So if you want to have a strong educational program, particularly in the rural areas of Colorado, this is an important program.

Why shouldn't the Federal Government do its fair share? If they are

using the resources of the communities in the States in which the Federal Government is doing business and costing those taxpayers money because of their presence, I think they owe those States, and those counties and local governments, their fair share of the property tax burden.

Another important program funded through the Interior appropriations bill is the Bureau of Land Management Oil and Gas Management Office. This is the office that is responsible for the leasing and permitting of onshore oil and gas wells. Throughout the West, there are very long delays in processing these permits, solely because the Bureau of Land Management lacks the staff to do it.

I have been told that each month of delay getting these wells on the line means that 28 million cubic feet of gas is not reaching the market. I believe that is critical. It is important to the Western States, but it is critical to the overall good of this country. Again, I commend the chairman for seeing the need and addressing the issue in this particular bill. But it concerns me when one considers the constrained supply and high prices all of our constituents are facing. So I am hopeful that down the line, we will be able to find some additional funding for these activities.

A program that is new to the Interior appropriations bill this year is the State and Tribal Assistance Grant Program, often called STAG. Just over \$2.5 million in STAG funds will be going to Colorado. The nice thing about this program is that it is based on grants, so for those communities that have true needs, that money is going to be available to them.

This program helps communities around the country fund upgrades to their drinking water treatment systems. It is especially important to small communities that have severely aging infrastructure and are disproportionately impacted by increases in requirements and water standards. We have gone through a recent change in water standards that is having a disproportionate impact on some of the smaller communities that I represent in the State of Colorado.

I would also mention a number of projects that are funded throughout this bill that are important to me and to the State of Colorado. These projects are not locale-designated projects. In other words, not one community or one county necessarily benefits, but they do tend to benefit a larger geographical area. As I go through these, I think you will begin to understand what I am trying to accomplish.

We get a lot of requests as Members of the Senate from specific cities and specific counties wanting projects designated specifically for their area. But I have tried to keep these generally spread out because then the entire State of Colorado benefits. There are a lot of needs out there.

We set aside some money for the High Elk Corridor. It is a migration

route for elk, and it is important in central Colorado, so we have set some money aside for that. The Platte River fish recovery project—this is for the entire drainage system of the south Platte and also the north Platte. It affects, actually, more States than just Colorado. It is an attempt to restore endangered species within the drainage system so the Endangered Species Act doesn't come into play in a way that impacts property rights, which is a very important issue as far as Western States are concerned.

I also have some money here for the Upper Colorado Fish Recovery Program. This is the Colorado River drainage system. Not only does it help the State of Colorado, but other States that are on the Colorado River, because we are trying to sustain an endangered fish population in that river system so that our water users do not get disproportionately impacted.

We have some money in there to complete a conservation easement on the Banded Peaks Ranch, and funds for the Colorado Canyons conservation area. We want to help sustain the conservation efforts there.

It is projects such as these that benefit the public as a whole, and I am pleased we were able to secure funding for them.

Finally, before closing, I again thank the full committee chairman and ranking member, Senators COCHRAN and BYRD, and the majority and minority leader for bringing this bill to the floor so quickly. Again, I also recognize the diligent effort by Senator BURNS and his ranking member, Senator DORGAN. This is the first appropriations bill we have up on the Senate floor this year. It reflects their hard work and commitment to getting us through this session in a timely way.

I believe it is very important that Congress meet its responsibilities to pass funding bills before the end of the fiscal year. I think that continuing resolutions and omnibus bills tend to be messy, and an inappropriate way to go about fulfilling our responsibilities to fund the Federal Government. I am pleased we seem to be on track to pass the appropriations bills on time this year.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 1010

Mr. BURNS. Mr. President, on behalf of Senator VOINOVICH, I call up amendment No. 1010, which relates to Indian gaming.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. VOINOVICH, proposes an amendment numbered 1010.

Mr. BURNS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds to take certain land into trust without the consent of the Governor of the State in which the land is located)

On page 254, after line 25, add the following:

SEC. 4 . . . None of the funds made available by this Act may be used to take land into trust on behalf of an Indian tribe for the specific purpose of gaming without the consent of the Governor of the State in which the land is located.

Mr. BURNS. Mr. President, I think that is about the only amendment that we have to be offered in today's business. We have kind of run our trap lines. Senator DORGAN?

Mr. DORGAN. I don't know of any amendment also intended to be offered today. I do know we have had some colleagues talking to us about amendments they wish to offer on Monday, but at least on this side, I know of no amendments to be offered for the remainder of the day. My understanding about the amendment the Senator has just laid down on behalf of Senator VOINOVICH is we are not going to dispose of that amendment at this point. We have some issues we need to discuss. We will begin to think about action on that on Monday; is that right?

Mr. BURNS. That is correct. We will huddle on that, on this amendment and others that will be coming to the floor later on.

Mr. DORGAN. I ask unanimous consent to speak for as long as I continue.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DORGAN. I will not speak for a lengthy time, but I wanted to thank my colleague from Montana as he leaves. He will be back on Monday as we take up this bill again, and I look forward continuing to work with him. We put together a pretty decent bill.

As I indicated previously, this bill actually cuts by \$½ billion, slightly more, spending over the previous year. So it has been a chore to get this done because of the substantial cuts. But the Senator from Montana has been good to work with.

MORNING BUSINESS

Mr. BURNS. I ask unanimous consent that we now have a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CUBA POLICY

Mr. DORGAN. Mr. President, I do wish to mention two issues before we complete today. I talked a few moments ago about a soldier who is trying to see his sick children in Cuba. I put in a call to Secretary Snow to see if we can't make that happen. I will not go through all of that again. But, again, it is unbelievable to me that we are penalizing this soldier, who has earned a Bronze Star and is an American citizen who wants to see his sick child in

Cuba, and penalizing him because we are upset with Fidel Castro.

PUBLIC BROADCASTING

Mr. DORGAN. Mr. President, I want to make a comment today about actions taken yesterday by the Corporation for Public Broadcasting. I have spoken about this on the floor of the Senate previously. Let me describe just a bit of the history here.

I read some while ago that Mr. Kenneth Tomlinson, who is the Chairman of the Board of the Corporation for Public Broadcasting—again, Chairman of the Board of the Corporation for Public Broadcasting, was making the case publicly that public broadcasting has a liberal bias. He was relentlessly making the case that public broadcasting has a liberal bias—public television, public radio, and so on. Maybe he thinks Big Bird is a Republican—or a Democrat. Maybe he thinks the Cookie Monster goes to precinct meetings someplace for some political party or other. I have no idea what he thinks. Frankly, he was concerned about Bill Moyers, who was doing a program called “NOW.” He was sufficiently concerned about that, having made allegations that there is a liberal bias in the public television, that he hired a consultant to do an evaluation of the program that Bill Moyers does.

This consultant was paid for with public funds. So I wrote Mr. Tomlinson and I said: You believe there is a liberal bias here with public broadcasting. You have paid taxpayers’ monies to have a consultant—who himself, by the way, is a partisan—a consultant to evaluate a specific set of programming. I would like the results of that.

So he sent me the raw data, which is about I think maybe 70 pages. It is a rather large stack of raw data—no summary. So I called him back and said: I really want the summary. There wasn’t a summary, he said. He said he is making a summary, preparing a summary. He said he would have it to me, I think, a week ago now. And I have not yet received the summary, but the raw data was interesting. At least in portions, this program was evaluated, by a particular consultant who himself was a partisan, as is Mr. Tomlinson, the raw data was evaluating segments in public television, particularly in the NOW program, on whether they were anti-Bush or pro-Bush. Anti-Bush, anti-Bush, anti-Bush. Apparently the lens or prism through which they are evaluating public broadcasting was: Do they support the President or not?

One was interesting. For example, in one case, it was labeled “antidefense” because it was a program about waste in the Pentagon. My colleague from Oklahoma talked about waste a little earlier. He said there is a lot of waste in the Pentagon. If you talk about waste in the Pentagon, you, apparently, are “antidefense.” Unbelievable.

I mentioned previously, my colleague, Senator CHUCK HAGEL from Ne-

braska, a red-blooded American patriot who served this country, a Republican conservative, by all accounts, who serves in the Senate, someone with whom I am proud to serve, was on one of the programs. He apparently said something that was at odds with the President’s policy, so he was labeled a “liberal.” Yes, my friend, CHUCK HAGEL, conservative Republican Senator from Nebraska, is labeled liberal because he was on public broadcasting and said something at odds with the policy of the Bush administration. Unbelievable.

Anti-Bush, anti-Bush, liberal, antidefense. What an unbelievable thing to have done to hire a partisan consultant to evaluate for a liberal bias in public broadcasting.

Is Big Bird a Democrat? What a weighted question.

So Mr. Tomlinson, Chairman of the Board of the Corporation for Public Broadcasting, was not only embarking on this effort to prove an allegation he had been making—that is, there is a liberal bias in public broadcasting—but also working to put in a new president of the Corporation for Public Broadcasting.

So who does Mr. Tomlinson want as the head of the Corporation for Public Broadcasting? The former Co-Chair of the Republican National Committee. Yes, that is right.

You say, well, that cannot be.

Of course, that is exactly right. In fact, that person was just hired in a split vote by the Board of Directors of the Corporation for Public Broadcasting. It is unbelievable.

The Chairman spends his time alleging the organization he heads has a liberal bias, hires a partisan to try to prove it, to put together work papers that come from evaluating programming, and then embarks on an effort to decide there should be a former Co-Chair of the Republican National Committee to run the Corporation for Public Broadcasting.

I don’t know, maybe it is hard to take a level look when you are a partisan. But public television has a program that deals with the Wall Street Journal editorial board. No one would suggest the Wall Street Journal editorial pages are anything other than solid, hard-rock Republican. No question about that. They don’t pretend. There is no veil over their secrecy about their politics. That is what they are.

They have a program on public broadcasting with Tucker Carlson. I don’t know Tucker Carlson. I don’t know Tucker Carlson from a block of wood. He wears a bow tie. He is a conservative Republican, and so they hire him to do a program. I think he has just left. It is not as if public broadcasting has not had conservative voices. They are just upset with the “NOW” program by Bill Moyers. Why are they upset with Bill Moyers? Let me give one example.

Public broadcasting tackles subjects others will not tackle. One subject is

the concentration of media ownership in this country. What has happened with the radio and television industry is it has been gobbled up into huge packages. One company owns 1,200 radio stations. The Federal Communications Commission, under pressure from the broadcast industry, was going to change the rules on ownership, and they did. Pressure from the publishers, pressure from the television, pressure from the radio industry. The Federal Communications Commission did the most complete cave-in to corporate interests I have ever seen in my life. They have new ownership rules that say, totus porcus, you can own everything. Here is what they said in the rules: In the largest city in this country, or in the largest cities, it is okay for one company to own eight radio stations, three television stations, the dominant newspaper, and the cable company. That is all fine. That is nirvana.

That is absolutely nuts. Yet that was the rule the FCC came up with. Majority party, representing the interests of the President, says this is what we are doing. We will allow more concentration in broadcasting so that four, five, or six people will largely control what the American people see, hear, and read.

Guess what. A Federal appeals court decided they were going to stay those rules. Three-quarters of a million people wrote to the FCC saying, do not do this. It was the largest outpouring of letters I can recall. The FCC did it anyway, caved in to the corporate interests, and the Federal court stayed the rules, it went up to the Supreme Court, the stay was not lifted and it is back to the FCC to do over. We will see whether they cave in, once again, or whether the public interest might prevail.

My point of telling that story is this: Bill Moyers did stories on this issue about the concentration in the broadcasting industry. Do you think anybody else was interested in doing big stories about this? Do you think CBS would do a story about that? Or FOX? Or ABC? Or NBC? Not on your life, because they are the beneficiaries of those policies. They want to be bigger. They want more. They think it is fine if you live in one city, that one company will call the tune on information. One company will own eight radio stations, three television stations, the newspaper, and the cable company. They think that is fine.

You are not going to see stories as you peruse the television dial about this subject from the major companies. They will not do it. Guess who did it. Bill Moyers, on a program called “NOW.” Did that upset some people? I suppose, sure. They do not like that. But the fact is, public broadcasting has been independent. It was created as the independent source of news, oblivious and impervious to the pressures and partisan wins.

So the “NOW” program does a couple of programs on concentration of broadcasting and they collect a firestorm of

protests by the big economic interests and by those who support the President's policies on this.

Let them all merge. They say, well, all these mergers do not matter. You have all these television channels these days, you have more opportunities. What you have are more voices coming from one ventriloquist. Add up where all the channels are owned and where they come from. It is exactly the same concentration.

There are investigations going on at the Corporation for Public Broadcasting. Mr. Tomlinson was named Chairman by the President, September 2003. He spends his time telling us there is a liberal bias in public broadcasting so he hired a consultant to track the political leanings of certain programming. He hired a conservative partisan to do that. Paid for it with taxpayers' money. That is now being evaluated by the Inspector General. He did not tell the Board of Directors about this expenditure. He, in a letter to me, said, maybe I didn't tell the Board of Directors but that is because the President of CPB signed the contract.

That is not accurate. He signed the contract several months before the President that he alleged signed it had actually become President at the Corporation for Public Broadcasting.

Now they have appointed a new President at the urging of Mr. Tomlinson, a partisan former Co-Chair of the Republican National Committee. Some of the members of the Board of Directors of the Corporation for Public Broadcasting have alleged to me personally that the process by which that was done was a stilted process, not a fair and open process. I am going to ask the Inspector General to include that in his investigation as well.

I did not join all those in the Senate last week who signed a letter to suggest Mr. Tomlinson should resign. I was not one of those who signed it. But I now think he should. I think orchestrating the hiring of a partisan former Co-Chair of the Republican National Committee to run the Corporation for Public Broadcasting after he has made a mini-career here out of alleging there is a liberal bias, to suggest he should be the point of the spear to move it in a direction that clearly is partisan is unfortunate, in my judgment, and will do dramatic injury to public broadcasting.

My hope is public broadcasting will recover from these missteps. Public broadcasting has done a wonderful service in our country. I kidded about Big Bird. Big Bird is not a partisan. When American children watch "Sesame Street" and see wonderful programming—which, by the way, they took care of that program and it does not exist on commercial television—most Americans in the polls I have seen believe public broadcasting does a real service.

I don't think there is a better news-cast than PBS, Jim Lehrer. I think he

is incredibly good. You get it straight. You do not get it in 8-second sound bites as is the case with the network news. You get a discussion by both sides, in depth, about issues that matter to this country. Those who are deciding to take it upon themselves to try to do injury to public broadcasting did no service to this country.

I know there is a network of radio and broadcast opportunities out there for largely one voice, the conservative voice, that is relentless, every day, all over the dial. The fairness doctrine is gone so they can do that. There does not have to be balance on commercial stations. There used to be. It does not have to be anymore because under President Reagan the fairness doctrine was obliterated.

I know they do not like this message about the push-back on public broadcasting. In my judgment, when I see someone doing injury to public broadcasting, I think it is important to speak out. I think Mr. Tomlinson is doing injury to something that is very important to our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the Senator from North Dakota was an important part of the work on clean energy that we finished work on last night and will vote on next Tuesday. I will make some remarks about that in a few minutes, but I acknowledge his contribution and that of the ranking Democrat, JEFF BINGAMAN, who worked with our chairman, PETE DOMENICI, and the Presiding Officer, who has experience in the House of Representatives on the Energy Committee.

These last 2 weeks have been extraordinarily good for the Senate. I think we got a good result.

ENERGY POLICY ACT

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, I support what Senator DURBIN is trying to achieve with this amendment regarding CAFE standards. Over the past few years, I have looked closely at this issue and believe strongly that we need a consensus path forward. I do not believe, however, that Senator DURBIN's amendment or Senator BOND's amendment will achieve that goal. I have followed closely the information available from the National Academy of Sciences and have spoken with labor groups, automobile manufacturers, and environmental groups. We can, and must, significantly increase the efficiency of our automobile fleet, but we cannot do it without creating new incentives for automobile manufacturers to retool plants to produce advanced technology, more efficient vehicles, and lead the way toward an energy-independent America. •

Ms. STABENOW. Mr. President, I want to thank the bill managers, Sen-

ator BINGAMAN and Senator DOMENICI, for accepting my amendment calling for an investigation by the Federal Trade Commission into gasoline price manipulation and anticompetitive practices by oil companies and refineries. I also want to thank Senator DORGAN and Senator BOXER for their hard work on this issue.

We are living in a time when the average American family has no assurance from week to week that they will be able to afford to fill their vehicle with gas.

Over the past year, gasoline prices have increased by 23 percent. And since December the average price for oil has climbed 40 cents per gallon. To make matters even worse, prices fluctuate wildly from week to week and month to month, making it impossible for families to budget for the cost of gasoline. In fact, I heard from a constituent in Lansing on Monday that gasoline was \$2.10 a gallon at 7:30 in the morning and by 9:30 it had jumped over 12 percent to \$2.35 a gallon. Gas prices in the Upper Peninsula range from \$2.19 to \$2.24 a gallon. People in Detroit are paying the highest prices in the State at \$2.40 a gallon.

Furthermore, the Energy Information Administration estimates that pump prices for the summer will average about \$2.17 per gallon, which is 26 cents per gallon above the price from last year. So what does this mean for the average American family? Using the AAA Trip Calculator I discovered that a family driving their Ford station wagon from Grand Rapids, MI to Washington, DC, would spend \$89.82 on gas. These high prices may mean the difference between a family trip to visit grandparents and extended family and staying home. So you see we are talking about real impacts to working families.

At the same time that our families are struggling to find room for the cost of gasoline in their household budgets and canceling their summer vacations, oil companies are chalking up record-breaking profits for the first quarter of this year.

Families are worried about whether or not they can afford the gas to get to work, while oil companies are raking in billions of dollars.

I think my colleagues must agree with me that there is something seriously wrong when American families are struggling to make ends meet and the world's top five petroleum companies are reporting more than \$230 billion in profits since 2001.

Furthermore, when we consider that the cost of crude oil makes up less than 50 percent of the total cost of gasoline, there can be no doubt that oil companies and refineries are making their profits off the backs of hardworking Americans.

In a recent CNN/USA Today/Gallup poll, 78 percent of people surveyed said that gasoline prices are not fair.

I agree with them.

There are two ways we can start to lower gasoline prices. One way is to release oil from our National Strategic Petroleum Reserves, which will lower prices by increasing supply while sending a clear signal to OPEC that we are not going to sit back and take whatever they decide to deal. The second is to make sure that no anticompetitive practices are taking place among the big oil companies and oil refineries here in our own country.

My amendment gets to this second point. I have called for an investigation by the Federal Trade Commission into gasoline price manipulation. We need to make sure that American families are not being unfairly taken advantage of by oil companies and refineries.

Should the FTC's investigation find that illegal practices are taking place, they have a couple of options. First, the FTC can pursue a civil action and fine companies breaking the law. Or, if they find evidence of criminal behavior, the FTC can then notify the Department of Justice, which would then pursue criminal action.

We have seen the devastating effects that market manipulation can have when energy companies withheld power from California's power grid in 2000 and 2001 in order to drive up the price of electricity. The result was 38 days of blackouts, rolling brownouts, service interruptions, and ultimately over \$11 billion from the California State Treasury. A later report by the California Public Utilities Commission stated that the vast majority of the power failures could have been prevented.

We need to make sure the same kind of intentional market manipulation and preventable economic losses do not happen to American consumers when they buy gasoline.

Mr. DORGAN. Mr. President, I was necessarily absent for part of this week and want to indicate how I would have voted if I had been present.

If present, I would have voted in the following ways: "no" on the Nelson (FL) amendment, rollcall vote No. 143; "yes" on the Hagel amendment, rollcall vote No. 144; "yes" on the Voinovich amendment, rollcall vote No. 145; "no" on the McCain-Lieberman amendment, rollcall vote No. 148; "yes" on the motion to table the Bingaman amendment, rollcall No. 149; "no" on the Alexander amendment, rollcall vote No. 150; "yes" on the Kerry amendment, rollcall vote No. 151; "yes" to invoke cloture on the energy bill; rollcall vote No. 152; and "yes" to waive the budget point of order on the Domenici-Landrieu amendment, rollcall No. 153.

ADDITIONAL STATEMENTS

HONORING JEAN O'LEARY

• Mrs. FEINSTEIN. Mr. President, I rise today to honor an outstanding American whose tireless work helped bring to national attention the matter

of gay civil rights. Jean O'Leary represented the ideals of a truly integrated society, a Nation that saw equality for gay, lesbian, bisexual, and transgender people of this world. On June 4, 2005, my dear friend, Jean O'Leary died at the age of 57, in her home in San Clemente, CA. Her passing is a great loss to her family and she will be missed by all who knew her. I offer my deepest condolences to her family and am joined by the thousands of Californians, as well as those throughout the country, who have benefited from her work to end the injustices that segregate this great Nation. Jean O'Leary's was a light, a remarkable voice in an area that needed a champion. Her legacy will live on through the passion and energy she gave to the gay rights movement.

Jean Marie O'Leary lived a life of extraordinary accomplishments. Born in Kingston, NY, but raised mostly in Ohio, Ms. O'Leary attended parochial schools from third grade through high school and in 1966 joined the Sisters of the Holy Humility of Mary to become a nun. Many were surprised by her decision which contradicted her independent and rebellious nature. Years later she revealed that she wanted to become a nun because she "wanted to do something special, to have an impact on the world."

Jean O'Leary left the covenant in 1971, returning to New York where she immersed herself in the gay rights movement. She was a member of the Gay Activists Alliance, founder of the Lesbian Feminist Liberation, co-executive director of the National Gay Task Force, and head of the National Gay Rights Advocates where she helped bring visibility to the movement.

In 1977, Ms. O'Leary through her close friendship with Midge Costanza, an advisor to President Jimmy Carter, organized the first-ever meeting of gay rights advocates in the White House. This historic gathering of gay and lesbian leaders spurred a national discussion to review and begin to correct the antigay policies by Federal Government agencies. President Carter later appointed her to the National Commission on the Observance of International Women's Year where she negotiated the inclusion of gay and lesbian rights on the commission's conference held in Houston. In her work as a Democratic Party activist, O'Leary was a pillar of strength and support that helped advance the rights of gay men and lesbians, women and people living with HIV and AIDS.

Truly, she lived up to her dreams to shape the world. In a career that spanned 35 years, I remember Ms. O'Leary as an exception activist, a woman with a soft-spoken, charming, and compassionate nature that shown through in her tremendous ability to pioneer an issue that involves millions worldwide.

Jean O'Leary was an exemplary American who worked to improve the life of all persons in the Nation. She

was an outstanding individual, a close and trusted friend, and an inspiration to this Nation. We will all miss her spirit and passion, and our thoughts go out to her family and friends. •

MESSAGE FROM THE HOUSE

At 11:27 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2985. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2985. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ALLARD, from the Committee on Appropriations, with amendments:

H.R. 2985. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109-89).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 1310. A bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Mr. BINGAMAN, Mr. SALAZAR, and Mr. KERRY):

S. 1311. A bill to provide grants for use by rural local educational agencies in purchasing new school buses; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 277

At the request of Mr. JOHNSON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 277, a bill to amend title XVIII of the Social Security Act to provide for direct access to audiologists for Medicare beneficiaries, and for other purposes.

S. 392

At the request of Mr. LEVIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee

Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 555

At the request of Mr. DEWINE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 555, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1139

At the request of Mr. SANTORUM, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1139, a bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry.

S. 1197

At the request of Mr. BIDEN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1246

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1246, a bill to require the Secretary of Education to revise regulations regarding student loan payment deferment with respect to borrowers who are in postgraduate medical or dental internship, residency, or fellowship programs.

S. 1290

At the request of Mrs. MURRAY, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from Illinois (Mr. OBAMA), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1290, a bill to appropriate \$1,975,183,000 for medical care for veterans.

S. 1300

At the request of Mr. SANTORUM, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1300, a bill to amend the Agricultural Marketing Act of 1946 to establish a voluntary program for the provision of country of origin information with respect to certain agricultural products, and for other purposes.

S. RES. 154

At the request of Mr. BIDEN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Res. 154, a resolution designating October 21, 2005 as "National Mammography Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. BINGAMAN, Mr. SALAZAR, and Mr. KERRY):

S. 1311. A bill to provide grants for use by rural local educational agencies in purchasing new school buses; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, many years ago, when I attended school in Searchlight, I walked to school. And when it was time for high school, I hitched a ride into a town forty miles away and had to stay with family during the week. There weren't many options back then. That was the transportation system in rural America: walk or hitchhike.

Now, of course, we have school buses to get children to school.

Unfortunately, rural school districts across America are strapped. They can't afford to buy newer, safer buses. And skyrocketing gas prices have only made the problem worse. As a result, many rural areas have no choice but to operate outdated, unsafe school buses for as long as they can pass inspection.

Last year, I met with the school superintendents in my State. While each district identified their own, unique challenge, they all had an urgent need for school buses. I was astonished to learn that the school buses in some rural Nevada counties travel a combined million miles in a single school year.

The superintendents asked for my help, and I want to help. And based on conversations with some of my colleagues on both sides of the aisle, I am pretty confident the need for newer and safer school buses is not unique to Nevada's rural school districts.

I am introducing legislation today that will help rural districts transport children to school in a way that is safe, affordable, and environmentally sound.

The "Bus Utility and Safety in School Transportation Opportunity and Purchasing Act of 2005"—or BUS STOP—authorizes the Federal Government to provide \$50,000,000 in grants on a competitive basis to rural local educational agencies seeking Federal share assistance to purchase school buses. The Federal share will be 75 percent.

Some may wonder why we need such a program when the Environmental Protection Agency already has a cost-share grant program to help school districts purchase new buses powered by natural gas or other alternative fuels.

Unfortunately, most of the rural districts in my State, and, I would imagine, across the country cannot apply for these grants because they don't have the infrastructure in place to support this technology.

However, working in the spirit of clean air and healthy children, my bill will help rural school districts buy newer buses that are better for our air, and safer for our children.

There are many small, rural towns in America, like Searchlight, where the kids need our help. They deserve no less than safe, clean, economical buses to get them to school.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bus Utility and Safety in School Transportation Opportunity and Purchasing Act of 2005".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) school transportation issues remain a concern for parents, local educational agencies, lawmakers, the National Highway Traffic Safety Administration, the National Transportation Safety Board, and the Environmental Protection Agency;

(2) millions of children face potential future health problems because of exposure to noxious fumes emitted from older school buses;

(3) many rural local educational agencies are operating outdated, unsafe school buses that are failing inspection, resulting in a depletion of the school bus fleets of the local educational agencies; and

(4) many rural local educational agencies are unable to afford newer and safer buses.

(b) PURPOSE.—The purpose of this Act is to establish within the Department of Education a Federal cost-sharing program to assist rural local educational agencies with older, unsafe school bus fleets in purchasing newer, safer school buses.

SEC. 3. DEFINITIONS.

In this Act:

(1) RURAL LOCAL EDUCATIONAL AGENCY.—The term "rural local educational agency" means a local educational agency, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), with respect to which—

(A) each county in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile;

(B) all schools served by the local educational agency are designated with a school locale code of 7 or 8, as determined by the Secretary of Education; or

(C) all schools served by the local educational agency have been designated, by official action taken by the legislature of the State in which the local educational agency is located, as rural schools for purposes relating to the provision of educational services to students in the State.

(2) SCHOOL BUS.—The term "school bus" means a vehicle the primary purpose of which is to transport students to and from school or school activities.

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. 4. GRANT PROGRAM.

(a) IN GENERAL.—From amounts made available under subsection (e) for a fiscal year, the Secretary shall provide grants, on a competitive basis, to rural local educational agencies to pay the Federal share of the cost of purchasing new school buses.

(b) APPLICATION.—

(1) IN GENERAL.—Each rural local educational agency that seeks to receive a grant under this Act shall submit to the Secretary for approval an application at such time, in such manner, and accompanied by such information (in addition to information required under paragraph (2)) as the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

(A) documentation that, of the total number of school buses operated by the rural local educational agency, not less than 50

percent of the school buses are in need of repair or replacement;

(B) documentation of the number of miles that each school bus operated by the rural local educational agency traveled in the most recent 9-month academic year;

(C) documentation that the rural local educational agency is operating with a reduced fleet of school buses;

(D) a certification from the rural local educational agency that—

(i) authorizes the application of the rural local educational agency for a grant under this Act; and

(ii) describes the dedication of the rural local educational agency to school bus replacement programs and school transportation needs (including the number of new school buses needed by the rural local educational agency); and

(E) an assurance that the rural local educational agency will pay the non-Federal share of the cost of the purchase of new school buses under this Act from non-Federal sources.

(c) PRIORITY.—

(1) IN GENERAL.—In providing grants under this Act, the Secretary shall give priority to rural local educational agencies that, as determined by the Secretary—

(A) are transporting students in a bus manufactured before 1977;

(B) have a grossly depleted fleet of school buses; or

(C) serve a school that is required, under section 1116(b)(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(9)), to provide transportation to students to enable the students to transfer to another public school served by the rural local educational agency.

(d) PAYMENTS; FEDERAL SHARE.—

(1) PAYMENTS.—The Secretary shall pay to each rural local educational agency having an application approved under this section the Federal share described in paragraph (2) of the cost of purchasing such number of new school buses as is specified in the approved application.

(2) FEDERAL SHARE.—The Federal share of the cost of purchasing a new school bus under this Act shall be 75 percent.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act—

(1) \$50,000,000 for fiscal year 2006; and

(2) such sums as are necessary for each of fiscal years 2007 through 2011.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1010. Mr. BURNS (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

SA 1011. Mrs. BOXER (for Mr. ALEXANDER (for himself and Mr. SMITH)) proposed an amendment to the bill S. 714, to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

SA 1012. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1013. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1014. Mr. COBURN submitted an amendment intended to be proposed by him

to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1015. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1016. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1017. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1018. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1019. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1010. Mr. BURNS (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 4 _____. None of the funds made available by this Act may be used to take land into trust on behalf of an Indian tribe for the specific purpose of gaming without the consent of the Governor of the State in which the land is located.

SA 1011. Mrs. BOXER (for Mr. ALEXANDER (for himself and Mr. SMITH)) proposed an amendment to the bill S. 714, to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions; as follows:

On page 2, line 15, strike “and”.

On page 2, between lines 15 and 16, insert the following:

“(ii) the sender obtained the number of the telephone facsimile machine through—

“(I) the voluntary communication of such number, within the context of such established business relationship, from the recipient of the unsolicited advertisement, or

“(II) a directory, advertisement, or site on the Internet to which the recipient voluntarily agreed to make available its facsimile number for public distribution,

except that this clause shall not apply in the case of an unsolicited advertisement that is sent based on an established business relationship with the recipient that was in existence before the date of enactment of the Junk Fax Prevention Act of 2005 if the sender possessed the facsimile machine number of the recipient before such date of enactment; and”

On page 2, strike lines 16 through 26 and insert the following:

“(iii) the unsolicited advertisement contains a notice meeting the requirements under paragraph (2)(D),

except that the exception under clauses (i) and (ii) shall not apply with respect to an unsolicited advertisement sent to a telephone facsimile machine by a sender to whom a request has been made not to send future unsolicited advertisements to such telephone facsimile machine that complies with the requirements under paragraph (2)(E); or”.

On page 7, line 17, strike “(1)(C)(ii),” and insert “(1)(C)(iii),”.

On page 7, line 25, strike “(1)(C)(ii)” and insert “(1)(C)(iii)”.

SA 1012. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 254, after line 25, add the following:

SEC. 4 _____. (a) In this section:

(1) The term “Federal land” means the approximately 115 acres of Bureau of Land Management land identified on the map as “Lands identified for Las Vegas Speedway Parking Lot Expansion”.

(2) The term “map” means the map entitled “Las Vegas Motor Speedway Improvement Act”, dated February 4, 2005, and on file in the Office of the Director of the Bureau of Land Management.

(3) The term “Secretary” means the Secretary of the Interior.

(b)(1) If, not later than 30 days after the date of completion of the appraisal required under paragraph (2), Nevada Speedway, LLC, submits to the Secretary an offer to acquire the Federal land for the appraised value, notwithstanding the land use planning requirements of section 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall, not later than 30 days after the date of the offer, convey to Nevada Speedway, LLC, the Federal land, subject to valid existing rights.

(2)(A) Not later than 90 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal land.

(B) The appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(C) All costs associated with the appraisal required under subparagraph (A) shall be paid by Nevada Speedway, LLC.

(c) Not later than 30 days after the date on which the Federal land is conveyed under subsection (b)(1), as a condition of the conveyance, Nevada Speedway, LLC, shall pay to the Secretary an amount equal to the appraised value of the Federal land, as determined under subsection (b)(2).

(d) As a condition of the conveyance, any costs of the conveyance under subsection (b)(1) shall be paid by Nevada Speedway, LLC.

(e) If Nevada Speedway, LLC, or any subsequent owner of the Federal land conveyed under subsection (b)(1), uses the Federal land for purposes other than a parking lot for the Nevada Speedway, all right, title, and interest in and to the land (and any improvements to the land) shall revert to the United States at the discretion of the Secretary.

(f) The Secretary shall deposit the proceeds from the conveyance of Federal land under subsection (b)(1) in accordance with section 4(e)(1) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

(g)(1) Except as provided in subsection (b)(1) and subject to valid existing rights, the Federal land is withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) The withdrawal of the Federal land under paragraph (1) shall be in effect for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) the date that is 2 years after the date of enactment of this Act; or

(B) the date of the completion of the conveyance of Federal land under subsection (b)(1).

SA 1013. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 254, after line 25, add the following:

SEC. 4. None of the funds made available to the Forest Service under this Act shall be expended or obligated for any activity relating to the demolition of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada.

SA 1014. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 234, line 5, strike “127,605,000” and insert “122,156,000”.

On page 130, line 24, strike “766,564,000” and insert “772,013,000”.

SA 1015. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 233, line 9, strike “126,264,000” and insert “121,264,000”.

On page 234, line 5, strike “127,605,000” and insert “122,156,000”.

On page 130, line 24, strike “766,564,000” and insert “777,013,000”.

SA 1016. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 133, strike lines 16 through 22.

On page 139, strike lines 18 through 26.

On page 150, line 22, strike “86,005,000” and insert “30,000,000”.

On page 207, strike lines 4 through 12.

SA 1017. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 133, strike lines 16 through 22.

On page 139, strike lines 18 through 26.

On page 150, line 22, strike “86,005,000” and insert “30,000,000”.

On page 207, strike lines 4 through 12.

On page 216, strike “2,732,323,000” and insert “2,886,330,000”.

At the appropriate place, insert the following:

Provided further, That of the funds provided to the Indian Health Service, no less than \$227,000,000 shall be made available for the Special Diabetes Program for Indians, and no less than \$216,080,000 shall be made available for the Alcohol and Substance Abuse Program.

SA 1018. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Provided further, That none of the funds in this or any other Act may be used for the acquisition of land for inclusion in the Deep Fork National Wildlife Refuge.

SA 1019. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 133, strike lines 16 through 22.

On page 139, line 24, strike “40,827,000” and insert “8,827,000”.

On page 150, line 22, strike “86,005,000” and insert “54,005,000”.

On page 207, strike lines 4 through 12.

On page 216, strike “2,732,323,000” and insert “2,853,498,000”.

At the appropriate place, insert the following:

Provided further, That of the funds provided to the Indian Health Service, no less than \$210,000,000 shall be made available for the Special Diabetes Program for Indians, and no less than \$200,248,000 shall be made available for the Alcohol and Substance Abuse Program.

PRIVILEGE OF THE FLOOR

Mr. BURNS. Mr. President, I ask unanimous consent that privilege of the floor be granted to George Matejko, a detailee on my personal staff, and Michele Gordon and Rachael Taylor of the Appropriations Committee staff during consideration of H.R. 2361, the fiscal year 2006 Interior and related agencies appropriations bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

JUNK FAX PREVENTION ACT OF 2005

Mr. ALEXANDER. Mr. President, on behalf of the leader, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar 120, S. 714, the junk fax bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 714) to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science and Transportation, with amendments.

[Strike the part shown in black brackets and insert the part shown in italic.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Junk Fax Prevention Act of 2005”.

SEC. 2. PROHIBITION ON FAX TRANSMISSIONS CONTAINING UNSOLICITED ADVERTISEMENTS.

(a) PROHIBITION.—Section 227(b)(1)(C) of the Communications Act of 1934 (47 U.S.C. 227(b)(1)(C)) is amended to read as follows:

“(C) to use any telephone facsimile machine, computer, or other device to send, to a telephone facsimile machine, an unsolicited advertisement, unless—

“(i) the unsolicited advertisement is from a sender with an established business relationship with the recipient; and

“(ii) the unsolicited advertisement contains a notice meeting the requirements under paragraph (2)(D), except that the exception under clauses (i) and (ii) shall not apply with respect to an unsolicited advertisement sent to a telephone facsimile machine by a sender to whom a request has been made not to send future unsolicited advertisements to such telephone facsimile machine that complies with the requirements under paragraph (2)(E); or”.

(b) DEFINITION OF ESTABLISHED BUSINESS RELATIONSHIP.—Section 227(a) of the Communications Act of 1934 (47 U.S.C. 227(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) The term ‘established business relationship’, for purposes only of subsection (b)(1)(C)(i), shall have the meaning given the term in section 64.1200 of title 47, Code of Federal Regulations, as in effect on January 1, 2003, except that—

“(A) such term shall include a relationship between a person or entity and a business subscriber subject to the same terms applicable under such section to a relationship between a person or entity and a residential subscriber; and

“(B) an established business relationship shall be subject to any time limitation established pursuant to paragraph (2)(G)).”.

(c) REQUIRED NOTICE OF OPT-OUT OPPORTUNITY.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)) is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(D) shall provide that a notice contained in an unsolicited advertisement complies with the requirements under this subparagraph only if—

“(i) the notice is clear and conspicuous and on the first page of the unsolicited advertisement;

“(ii) the notice states that the recipient may make a request to the sender of the unsolicited advertisement not to send any future unsolicited advertisements to a telephone facsimile machine or machines and that failure to comply, within the shortest reasonable time, as determined by the Commission, with such a request meeting the requirements under subparagraph (E) is unlawful;

“(iii) the notice sets forth the requirements for a request under subparagraph (E);

“(iv) the notice includes—

“(I) a domestic contact telephone and facsimile machine number for the recipient to transmit such a request to the sender; and

“(II) a cost-free mechanism for a recipient to transmit a request pursuant to such notice to the sender of the unsolicited advertisement; the Commission shall by rule require the sender to provide such a mechanism and may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, exempt certain classes of small business senders, but only if the Commission determines that the costs to such class are unduly burdensome given the revenues generated by such small businesses;

“(v) the telephone and facsimile machine numbers and the cost-free mechanism set forth pursuant to clause (iv) permit an individual or business to make such a request [during regular business hours;] *at any time on any day of the week; and*

“(vi) the notice complies with the requirements of subsection (d);”.

(d) REQUEST TO OPT-OUT OF FUTURE UNSOLICITED ADVERTISEMENTS.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsection (c), is further amended by adding at the end the following:

“(E) shall provide, by rule, that a request not to send future unsolicited advertisements to a telephone facsimile machine complies with the requirements under this subparagraph only if—

“(i) the request identifies the telephone number or numbers of the telephone facsimile machine or machines to which the request relates;

“(ii) the request is made to the telephone or facsimile number of the sender of such an unsolicited advertisement provided pursuant to subparagraph (D)(iv) or by any other method of communication as determined by the Commission; and

“(iii) the person making the request has not, subsequent to such request, provided express invitation or permission to the sender, in writing or otherwise, to send such advertisements to such person at such telephone facsimile machine;”.

(e) AUTHORITY TO ESTABLISH NONPROFIT EXCEPTION.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsections (c) and (d), is further amended by adding at the end the following:

“(F) may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, allow professional or trade associations that are tax-exempt nonprofit organizations to send unsolicited advertisements to their members in furtherance of the association's tax-exempt purpose that do not contain the notice required by paragraph (1)(C)(ii), except that the Commission may take action under this subparagraph only—

“(i) by regulation issued after public notice and opportunity for public comment; and

“(ii) if the Commission determines that such notice required by paragraph (1)(C)(ii) is not necessary to protect the ability of the members of such associations to stop such associations from sending any future unsolicited advertisements; and”.

(f) AUTHORITY TO ESTABLISH TIME LIMIT ON ESTABLISHED BUSINESS RELATIONSHIP EXCEPTION.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsections (c), (d), and (e) of this section, is further amended by adding at the end the following:

“(G)(i) may, consistent with clause (ii), limit the duration of the existence of an established business relationship, however, before establishing any such limits, the Commission shall—

“(I) determine whether the existence of the exception under paragraph (1)(C) relating to an established business relationship has resulted in a significant number of complaints to the Commission regarding the sending of unsolicited advertisements to telephone facsimile machines;

“(II) determine whether a significant number of any such complaints involve unsolicited advertisements that were sent on the basis of an established business relationship that was longer in duration than the Commission believes is consistent with the reasonable expectations of consumers;

“(III) evaluate the costs to senders of demonstrating the existence of an established business relationship within a specified period of time and the benefits to recipients of establishing a limitation on such established business relationship; and

“(IV) determine whether with respect to small businesses, the costs would not be unduly burdensome; and

“(ii) may not commence a proceeding to determine whether to limit the duration of the existence of an established business relationship before the expiration of the [18-month period] *3-month period* that begins on the date of the enactment of the Junk Fax Prevention Act of 2005.”.

(g) UNSOLICITED ADVERTISEMENT.—Section 227(a)(5) of the Communications Act of 1934, as so redesignated by subsection (b)(1), is amended by inserting “, in writing or otherwise” before the period at the end.

(h) REGULATIONS.—Except as provided in section 227(b)(2)(G)(ii) of the Communications Act of 1934 (as added by subsection (f)), not later than 270 days after the date of enactment of this Act, the Federal Communications Commission shall issue regulations to implement the amendments made by this section.

SEC. 3. FCC ANNUAL REPORT REGARDING JUNK FAX ENFORCEMENT.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended by adding at the end the following:

“(g) JUNK FAX ENFORCEMENT REPORT.—The Commission shall submit an annual report to Congress regarding the enforcement during the past year of the provisions of this section relating to sending of unsolicited advertisements to telephone facsimile machines, which report shall include—

“(1) the number of complaints received by the Commission during such year alleging that a consumer received an unsolicited advertisement via telephone facsimile machine in violation of the Commission's rules;

“(2) the number of citations issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

“(3) the number of notices of apparent liability issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

“(4) for each notice referred to in paragraph (3)—

“(A) the amount of the proposed forfeiture penalty involved;

“(B) the person to whom the notice was issued;

“(C) the length of time between the date on which the complaint was filed and the date on which the notice was issued; and

“(D) the status of the proceeding;

“(5) the number of final orders imposing forfeiture penalties issued pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

“(6) for each forfeiture order referred to in paragraph (5)—

“(A) the amount of the penalty imposed by the order;

“(B) the person to whom the order was issued;

“(C) whether the forfeiture penalty has been paid; and

“(D) the amount paid;

“(7) for each case in which a person has failed to pay a forfeiture penalty imposed by such a final order, whether the Commission referred such matter for recovery of the penalty; and

“(8) for each case in which the Commission referred such an order for recovery—

“(A) the number of days from the date the Commission issued such order to the date of such referral;

“(B) whether an action has been commenced to recover the penalty, and if so, the number of days from the date the Commission referred such order for recovery to the date of such commencement; and

“(C) whether the recovery action resulted in collection of any amount, and if so, the amount collected.”.

SEC. 4. GAO STUDY OF JUNK FAX ENFORCEMENT.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding complaints received by the Federal Communications Commission concerning unsolicited advertisements sent to telephone facsimile machines, which study shall determine—

(1) the mechanisms established by the Commission to receive, investigate, and respond to such complaints;

(2) the level of enforcement success achieved by the Commission regarding such complaints;

(3) whether complainants to the Commission are adequately informed by the Commission of the responses to their complaints; and

(4) whether additional enforcement measures are necessary to protect consumers, including recommendations regarding such additional enforcement measures.

(b) ADDITIONAL ENFORCEMENT REMEDIES.—In conducting the analysis and making the recommendations required under subsection (a)(4), the Comptroller General shall specifically examine—

(1) the adequacy of existing statutory enforcement actions available to the Commission;

(2) the adequacy of existing statutory enforcement actions and remedies available to consumers;

(3) the impact of existing statutory enforcement remedies on senders of facsimiles;

(4) whether increasing the amount of financial penalties is warranted to achieve greater deterrent effect; and

(5) whether establishing penalties and enforcement actions for repeat violators or abusive violations similar to those established under section 1037 of title 18, United States Code, would have a greater deterrent effect.

(c) REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study under this section to the

Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

Mr. ALEXANDER. Mr. President, I ask unanimous consent the committee-reported amendments, as amended, be agreed to, the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table en bloc, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 1011) was agreed to, as follows:

(Purpose: To require post-date-of-enactment authorization for an established business relationship to a telephone facsimile machine)

On page 2, line 15, strike “and”.

On page 2, between lines 15 and 16, insert the following:

“(ii) the sender obtained the number of the telephone facsimile machine through—

“(I) the voluntary communication of such number, within the context of such established business relationship, from the recipient of the unsolicited advertisement, or

“(II) a directory, advertisement, or site on the Internet to which the recipient voluntarily agreed to make available its facsimile number for public distribution,

except that this clause shall not apply in the case of an unsolicited advertisement that is sent based on an established business relationship with the recipient that was in existence before the date of enactment of the Junk Fax Prevention Act of 2005 if the sender possessed the facsimile machine number of the recipient before such date of enactment; and”

On page 2, strike lines 16 through 26 and insert the following:

“(iii) the unsolicited advertisement contains a notice meeting the requirements under paragraph (2)(D),

except that the exception under clauses (i) and (ii) shall not apply with respect to an unsolicited advertisement sent to a telephone facsimile machine by a sender to whom a request has been made not to send future unsolicited advertisements to such telephone facsimile machine that complies with the requirements under paragraph (2)(E); or”.

On page 7, line 17, strike “(1)(C)(ii),” and insert “(1)(C)(iii),”.

On page 7, line 25, strike “(1)(C)(ii)” and insert “(1)(C)(iii)”.

The bill (S. 714), as amended, was read the third time and passed, as follows:

S. 714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Junk Fax Prevention Act of 2005”.

SEC. 2. PROHIBITION ON FAX TRANSMISSIONS CONTAINING UNSOLICITED ADVERTISEMENTS.

(a) PROHIBITION.—Section 227(b)(1)(C) of the Communications Act of 1934 (47 U.S.C. 227(b)(1)(C)) is amended to read as follows:

“(C) to use any telephone facsimile machine, computer, or other device to send, to a telephone facsimile machine, an unsolicited advertisement, unless—

“(i) the unsolicited advertisement is from a sender with an established business relationship with the recipient;

“(ii) the sender obtained the number of the telephone facsimile machine through—

“(I) the voluntary communication of such number, within the context of such established business relationship, from the recipient of the unsolicited advertisement, or

“(II) a directory, advertisement, or site on the Internet to which the recipient voluntarily agreed to make available its facsimile number for public distribution,

except that this clause shall not apply in the case of an unsolicited advertisement that is sent based on an established business relationship with the recipient that was in existence before the date of enactment of the Junk Fax Prevention Act of 2005 if the sender possessed the facsimile machine number of the recipient before such date of enactment; and

“(iii) the unsolicited advertisement contains a notice meeting the requirements under paragraph (2)(D),

except that the exception under clauses (i) and (ii) shall not apply with respect to an unsolicited advertisement sent to a telephone facsimile machine by a sender to whom a request has been made not to send future unsolicited advertisements to such telephone facsimile machine that complies with the requirements under paragraph (2)(E); or”.

(b) DEFINITION OF ESTABLISHED BUSINESS RELATIONSHIP.—Section 227(a) of the Communications Act of 1934 (47 U.S.C. 227(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) The term ‘established business relationship’, for purposes only of subsection (b)(1)(C)(i), shall have the meaning given the term in section 64.1200 of title 47, Code of Federal Regulations, as in effect on January 1, 2003, except that—

“(A) such term shall include a relationship between a person or entity and a business subscriber subject to the same terms applicable under such section to a relationship between a person or entity and a residential subscriber; and

“(B) an established business relationship shall be subject to any time limitation established pursuant to paragraph (2)(G)).”.

(c) REQUIRED NOTICE OF OPT-OUT OPPORTUNITY.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)) is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(D) shall provide that a notice contained in an unsolicited advertisement complies with the requirements under this subparagraph only if—

“(i) the notice is clear and conspicuous and on the first page of the unsolicited advertisement;

“(ii) the notice states that the recipient may make a request to the sender of the unsolicited advertisement not to send any future unsolicited advertisements to a telephone facsimile machine or machines and that failure to comply, within the shortest reasonable time, as determined by the Commission, with such a request meeting the requirements under subparagraph (E) is unlawful;

“(iii) the notice sets forth the requirements for a request under subparagraph (E);

“(iv) the notice includes—

“(I) a domestic contact telephone and facsimile machine number for the recipient to transmit such a request to the sender; and

“(II) a cost-free mechanism for a recipient to transmit a request pursuant to such notice to the sender of the unsolicited advertisement; the Commission shall by rule require the sender to provide such a mechanism and may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, exempt certain classes of small business senders, but only if the Commission determines that the costs to such class are unduly burdensome given the revenues generated by such small businesses;

“(v) the telephone and facsimile machine numbers and the cost-free mechanism set forth pursuant to clause (iv) permit an individual or business to make such a request at any time on any day of the week; and

“(vi) the notice complies with the requirements of subsection (d);”.

(d) REQUEST TO OPT-OUT OF FUTURE UNSOLICITED ADVERTISEMENTS.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsection (c), is further amended by adding at the end the following:

“(E) shall provide, by rule, that a request not to send future unsolicited advertisements to a telephone facsimile machine complies with the requirements under this subparagraph only if—

“(i) the request identifies the telephone number or numbers of the telephone facsimile machine or machines to which the request relates;

“(ii) the request is made to the telephone or facsimile number of the sender of such an unsolicited advertisement provided pursuant to subparagraph (D)(iv) or by any other method of communication as determined by the Commission; and

“(iii) the person making the request has not, subsequent to such request, provided express invitation or permission to the sender, in writing or otherwise, to send such advertisements to such person at such telephone facsimile machine;”.

(e) AUTHORITY TO ESTABLISH NONPROFIT EXCEPTION.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsections (c) and (d), is further amended by adding at the end the following:

“(F) may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, allow professional or trade associations that are tax-exempt nonprofit organizations to send unsolicited advertisements to their members in furtherance of the association’s tax-exempt purpose that do not contain the notice required by paragraph (1)(C)(iii), except that the Commission may take action under this subparagraph only—

“(i) by regulation issued after public notice and opportunity for public comment; and

“(ii) if the Commission determines that such notice required by paragraph (1)(C)(iii) is not necessary to protect the ability of the members of such associations to stop such associations from sending any future unsolicited advertisements; and”.

(f) AUTHORITY TO ESTABLISH TIME LIMIT ON ESTABLISHED BUSINESS RELATIONSHIP EXCEPTION.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsections (c), (d), and (e) of this section, is further amended by adding at the end the following:

“(G)(i) may, consistent with clause (ii), limit the duration of the existence of an established business relationship, however, before establishing any such limits, the Commission shall—

“(I) determine whether the existence of the exception under paragraph (1)(C) relating to

an established business relationship has resulted in a significant number of complaints to the Commission regarding the sending of unsolicited advertisements to telephone facsimile machines;

“(II) determine whether a significant number of any such complaints involve unsolicited advertisements that were sent on the basis of an established business relationship that was longer in duration than the Commission believes is consistent with the reasonable expectations of consumers;

“(III) evaluate the costs to senders of demonstrating the existence of an established business relationship within a specified period of time and the benefits to recipients of establishing a limitation on such established business relationship; and

“(IV) determine whether with respect to small businesses, the costs would not be unduly burdensome; and

“(ii) may not commence a proceeding to determine whether to limit the duration of the existence of an established business relationship before the expiration of the 3-month period that begins on the date of the enactment of the Junk Fax Prevention Act of 2005.”.

(g) **UNSOLICITED ADVERTISEMENT.**—Section 227(a)(5) of the Communications Act of 1934, as so redesignated by subsection (b)(1), is amended by inserting “, in writing or otherwise” before the period at the end.

(h) **REGULATIONS.**—Except as provided in section 227(b)(2)(G)(ii) of the Communications Act of 1934 (as added by subsection (f)), not later than 270 days after the date of enactment of this Act, the Federal Communications Commission shall issue regulations to implement the amendments made by this section.

SEC. 3. FCC ANNUAL REPORT REGARDING JUNK FAX ENFORCEMENT.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended by adding at the end the following:

“(g) **JUNK FAX ENFORCEMENT REPORT.**—The Commission shall submit an annual report to Congress regarding the enforcement during the past year of the provisions of this section relating to sending of unsolicited advertisements to telephone facsimile machines, which report shall include—

“(1) the number of complaints received by the Commission during such year alleging that a consumer received an unsolicited advertisement via telephone facsimile machine in violation of the Commission’s rules;

“(2) the number of citations issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

“(3) the number of notices of apparent liability issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

“(4) for each notice referred to in paragraph (3)—

“(A) the amount of the proposed forfeiture penalty involved;

“(B) the person to whom the notice was issued;

“(C) the length of time between the date on which the complaint was filed and the date on which the notice was issued; and

“(D) the status of the proceeding;

“(5) the number of final orders imposing forfeiture penalties issued pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

“(6) for each forfeiture order referred to in paragraph (5)—

“(A) the amount of the penalty imposed by the order;

“(B) the person to whom the order was issued;

“(C) whether the forfeiture penalty has been paid; and

“(D) the amount paid;

“(7) for each case in which a person has failed to pay a forfeiture penalty imposed by such a final order, whether the Commission referred such matter for recovery of the penalty; and

“(8) for each case in which the Commission referred such an order for recovery—

“(A) the number of days from the date the Commission issued such order to the date of such referral;

“(B) whether an action has been commenced to recover the penalty, and if so, the number of days from the date the Commission referred such order for recovery to the date of such commencement; and

“(C) whether the recovery action resulted in collection of any amount, and if so, the amount collected.”.

SEC. 4. GAO STUDY OF JUNK FAX ENFORCEMENT.

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study regarding complaints received by the Federal Communications Commission concerning unsolicited advertisements sent to telephone facsimile machines, which study shall determine—

(1) the mechanisms established by the Commission to receive, investigate, and respond to such complaints;

(2) the level of enforcement success achieved by the Commission regarding such complaints;

(3) whether complainants to the Commission are adequately informed by the Commission of the responses to their complaints; and

(4) whether additional enforcement measures are necessary to protect consumers, including recommendations regarding such additional enforcement measures.

(b) **ADDITIONAL ENFORCEMENT REMEDIES.**—In conducting the analysis and making the recommendations required under subsection (a)(4), the Comptroller General shall specifically examine—

(1) the adequacy of existing statutory enforcement actions available to the Commission;

(2) the adequacy of existing statutory enforcement actions and remedies available to consumers;

(3) the impact of existing statutory enforcement remedies on senders of facsimiles;

(4) whether increasing the amount of financial penalties is warranted to achieve greater deterrent effect; and

(5) whether establishing penalties and enforcement actions for repeat violators or abusive violations similar to those established under section 1037 of title 18, United States Code, would have a greater deterrent effect.

(c) **REPORT.**—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

FREEDOM OF INFORMATION ACT EXEMPTIONS

Mr. ALEXANDER. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar 126, S. 1181.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1181) to ensure an open and deliberate process in Congress by providing that any future legislation to establish a new exemption to section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) be stated explicitly within the text of the bill.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President. Earlier this month, Senator CORNYN and I introduced a simple and straightforward bill to strengthen open Government and the Freedom of Information Act, or FOIA. It was the third commonsense proposal on Government openness we have offered to the Senate this year. The Senator from Texas has a long record of promoting open government, most significantly during his tenure as attorney general of Texas. He and I have forged a productive partnership in this Congress to support and strengthen FOIA. We introduced two bills earlier this year and held a hearing on our bill, S. 394, the Open Government Act, during Sunshine Week in March.

The bill we pass today simply requires that when Congress sees fit to provide a statutory exemption to FOIA, it must state its intention to do so explicitly. The language of this bill was previously introduced as section 8 of the Open Government Act.

No one argues with the notion that some Government information is appropriately kept from public view. FOIA contains a number of exemptions for national security, law enforcement, confidential business information, personal privacy, and other matters. One provision of FOIA, commonly known as the (b)(3) exemption, states that records that are specifically exempted by statute may be withheld from disclosure. Many bills that are introduced contain statutory exemptions or contain language that is ambiguous and might be interpreted as such by the courts. In recent years, we have seen more and more such exemptions offered in legislation. A 2003 Justice Department report stated that Congress has been “increasingly active in enacting such statutory provisions.” A June 3, 2005, article by the Cox News Service titled, “Congress Cloaks More Information in Secrecy,” pointed to 140 instances “where congressional lawmakers have inserted such exemptions” into proposed legislation.

Our shared principles of open government lead us to believe that individual statutory exemptions should be vigorously debated before lawmakers vote in favor of them. Sometimes such proposed exemptions are clearly delineated in proposed legislation, but other times they amount to a few lines within a highly complex and lengthy bill. These are difficult to locate and analyze in a timely manner, even for those of us who stand watch. As a result, such exemptions are often enacted with little scrutiny, and as soon as one is granted, others are requested.

The private sector has sought many exemptions in exchange for agreeing to

share information with the Government. One example of great concern to me is the statutory exemption for critical infrastructure information that was enacted as part of the Homeland Security Act of 2002, the law that created the Department of Homeland Security. In this case, a reasonable compromise—approved by the White House—to balance the protection of sensitive information with the public's right to know was pulled out of the bill in conference. It was then replaced with text providing an overly broad statutory exemption that undermines Federal and State sunshine laws. I have introduced separate legislation, called the Restoration of Freedom of Information Act, to revert to that reasonable compromise language.

Not every statutory exemption is inappropriate, but every proposal deserves scrutiny. Congress must be diligent in reviewing new exemptions to prevent possible abuses. Focusing more sunshine on this process is an antidote to exemption creep. The American people deserve our ongoing diligence in limiting undue exemptions that only serve to clog the plumbing and limit the public's right to know.

When we introduced the Open Government Act in February, we addressed this matter with a provision that would require Congress to identify proposed statutory exemptions in newly introduced legislation in a uniform manner. Today, we pass that single section as a new bill. I urge the House to take action quickly and the President to sign this bill into law.

I want to thank the Senator from Texas for his personal dedication to these issues, and I thank all Senators for their support of this bill.

Mr. CORNYN. Mr. President, I rise to express strong support for S. 1181, concerning the Federal Freedom of Information Act—or FOIA. The bill is cosponsored by Senator LEAHY—with whom I am pleased to be working on a number of FOIA issues—as well as by Senators ALEXANDER, FEINGOLD, ISAKSON, and SPECTER. I am pleased that S. 1181 enjoys strong bipartisan support and the support of numerous organizations across the ideological spectrum. I can't imagine a more commonsense, good government bill. It should not be controversial. I am aware of any opposition to it. I am informed that the administration has no concerns about it. The Senate Judiciary Committee approved the measure by voice vote on June 9, and I am hopeful that the Senate will take up this matter shortly.

On February 16, shortly before the President's Day recess, the Senator from Vermont and I introduced the OPEN Government Act of 2005, S. 394—bipartisan legislation to promote accountability, accessibility, and openness in government, principally by strengthening and enhancing the Federal law commonly known as the Freedom of Information Act. On March 15, the Terrorism subcommittee convened

a hearing on that legislation. Like S. 1181, the OPEN Government Act is a good bill to strengthen and enhance FOIA. But I recognize that the OPEN Government Act will take some time to work through.

When I served as attorney general of Texas, it was my responsibility to enforce Texas's open government laws. I am pleased to report that Texas is known for having one of the strongest set of open government laws in our Nation. And since that experience, I have long believed that our Federal Government could use "a little Texas sunshine." I am thus especially enthusiastic about the OPEN Government Act because that bill attempts to incorporate some of the most important principles and elements of Texas law into the Federal Freedom of Information Act. And I am gratified that Senators ALEXANDER, FEINGOLD, ISAKSON, and NELSON of Nebraska are cosponsors of this bipartisan Cornyn-Leahy legislation.

The OPEN Government Act is the culmination of months of extensive discussions between the offices of Senators CORNYN and LEAHY and members of the requestor community. It is supported by Texas Attorney General Greg Abbott and a broad coalition of organizations across the ideological spectrum, including:

American Association of Law Libraries; American Civil Liberties Union; American Library Association; American Society of Newspaper Editors; Associated Press Managing Editors; Association of Alternative Newsweeklies; Association of Health Care Journalists; Center for Democracy & Technology; Coalition of Journalists for Open Government; Committee of Concerned Journalists; Common Cause; Defenders of Property Rights; Education Writers Association; Electronic Privacy Information Center; Federation of American Scientists/Project on Government Secrecy; Free Congress Foundation/Center for Privacy & Technology Policy; Freedom of Information Center, Univ. of Mo.; The Freedom of Information Foundation of TX; The Heritage Foundation/Center for Media and Public Policy; Information Trust; League of Women Voters of the United States; Liberty Legal Institute; Magazine Publishers of America; National Conference of Editorial Writers; National Freedom of Information Coalition; National Newspaper Association; National Press Club; National Security Archive/Geo. Wash. Univ.; Newspaper Association of America; OMB Watch; One Nation Indivisible; OpenTheGovernment.org; People for the American Way; Project on Government Oversight; Radio-Television News Directors Association; Reporters Committee for Freedom of the Press; Society of Environmental Journalists.

I am particularly pleased to report the recent endorsements of three conservative public interest groups—one devoted to the defense of property rights—Defenders of Property Rights, led by Nancie G. Marzulla—one devoted to the issue of racial preferences in affirmative action programs—One Nation Indivisible, led by Linda Chavez—and one devoted to the protection of religious liberty—Liberty Legal Institute, led by Kelly Shackelford.

This broad and diverse support across political parties and across the ideological spectrum is important because it demonstrates that the cause of open government is neither a Republican nor a Democrat issue—neither a conservative nor a liberal issue. Rather, it is an American issue. Accordingly, I look forward to future Senate action on the OPEN Government Act.

In the meantime, S. 1181 should be very easy for the Senate to approve today. It simply implements section 8 of the OPEN Government Act. It would simply help to ensure an open and deliberate process in Congress by providing that any future legislation to establish a new exemption to the Federal Freedom of Information Act must be stated explicitly within the text of the bill. Specifically, any future attempt to create a new so-called "(b)(3) exemption" to the Federal FOIA law must specifically cite section (b)(3) of FOIA if it is to take effect.

The justification for this provision is simple: Congress should not establish new secrecy provisions through secret means. If Congress is to establish a new exemption to FOIA, it should do so in the open and in the light of day. FOIA establishes a presumption of disclosure. But if documents are to be kept secret pursuant to a future act of Congress, as is sometimes appropriate and necessary, we should at least make sure that that act of Congress itself not be undertaken in secret.

I want to be clear: This bill does not affect current law in any way, and it does not affect the executive branch in any direct way. It only applies to the process through which Congress must enact any FOIA exemption in the future. For those who are interested in the technical aspects of this bill, I will point out that this provision is modeled after other Federal laws—such as the War Powers Resolution—50 U.S.C. §1547(a)—and the Federal Vacancies Reform Act—5 U.S.C. §3347—which also require Congress to act in an explicit fashion in order to carry out particular objectives. Think of it as a direction to the courts—a canon of interpretation, advising on how to construe future acts of Congress.

Senator LEAHY and I firmly believe that all of the provisions of the OPEN Government Act are important—and that, as a recent Cox News Service report demonstrates, section 8 in particular is a worthy provision that can and should be quickly enacted into law.

July 4 is the anniversary of the 1966 enactment of the original Federal Freedom of Information Act. Accordingly, we have devoted our efforts this month to getting section 8 approved by Congress and submitted to the President for his signature by that anniversary date. Toward that end, we ask our Senate colleagues to support this measure. And we look forward to working with our colleagues in the House—including Representatives LAMAR SMITH and BRAD SHERMAN, the lead sponsors of the OPEN Government Act

in the House, H.R. 867; Chairman TOM DAVIS, who leads the House Committee on Government Reform; Chairman TODD PLATTS, who leads the House Government Reform Subcommittee that recently held a hearing to review the Federal FOIA law; and Representatives HENRY WAXMAN and EDOLPHUS TOWNS, the ranking members of the committee and subcommittee.

S. 1181 is a commonsense, uncontroversial provision that deserves the support of every Member of Congress. I hope that it can be enacted into law quickly, and that Congress will then move to consider the other important provisions of the OPEN Government Act.

I ask unanimous consent that a copy of the news report I previously mentioned be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Cox News Service, Jun. 3, 2005]

CONGRESS CLOAKS MORE INFORMATION IN
SECRECY

(By Rebecca Carr)

WASHINGTON.—Few would argue with the need for a national livestock identification system to help the federal government handle a disease outbreak such as mad cow.

But pending legislation calling for the nation's first electronic livestock tracking system would prohibit the public from finding out anything about animals in the system, including the history of a cow sick with bovine spongiform encephalopathy.

The only way the public can find out such details is if the secretary of agriculture makes the information public.

That's because the legislation, sponsored by Rep. Collin C. Peterson, D-Minn., includes a provision that exempts information about the system from being released under the Freedom of Information Act.

Formally called the "third exemption," it is one of nine exemptions the government can use to deny the release of information requested under the FOI Act.

Open government advocates say it is the most troubling of the nine exemptions because it allows Congress to cloak vital information in secrecy through legislation, often without a public hearing or debate. They say Congress frequently invokes the exemption to appease private sector businesses, which argue it is necessary to protect proprietary information.

"It is an easy way to slap a secrecy stamp on the information," said Rick Blum, director of openthegovernment.org, a coalition of more than 30 groups concerned about government secrecy.

The legislative intent of Congress is far more difficult to challenge than a federal agency's denial for the release of information, said Kevin M. Goldberg, general counsel to the American Society of Newspaper Editors.

"This secrecy is often perpetuated in secret as most of the (third exemption) provisions consist of one or two paragraphs tucked into a much larger bill with no notice that the Freedom of Information Act will be affected at all," Goldberg said.

There are at least 140 cases where congressional lawmakers have inserted such exemptions, according to a 2003 Justice Department report.

The report notes that Congress has been "increasingly active in enacting such statutory provisions."

The exemptions have become so popular that finding them in proposed legislation is

"like playing a game of Wackamole," one staffer to Sen. Patrick Leahy, D-Vt., joked. "As soon as you handle one, another one pops up."

Congress used the exemption in its massive Homeland Security Act three years ago, granting businesses protection from information disclosure if they agreed to share information about the vulnerabilities of their facilities.

And in another twist on the exemption, Congress inserted a provision into the Consolidated Appropriations Act of 2004 that states that "no funds appropriated under this or any other act may be used to disclose" records about firearms tracking to the public.

Government agencies have also sought protection from information disclosure.

For example, Congress passed an amendment to the National Security Act in 1984 that exempted the CIA from having to comply with the search and review requirements of the FOI Act for its "operational files."

Most of the information in those files, which included records about foreign and counterintelligence operations, was already protected from disclosure under the other exemptions in the FOI Act.

But before Congress granted the exemption, the agency had to search and review each document to justify withholding the information, which cost time and money.

Open government advocates say many of the exemptions inserted into legislation are not justified.

"This is back door secrecy," said Thomas Blanton, executive director of the National Security Archive at George Washington University, a nonprofit research institute based in Washington.

When an industry wants to keep information secret, it seeks the so-called third exemption, he said.

"It all takes place behind the sausage grinder," Blanton said. "You don't know what gristle is going through the spout, you just have to eat it."

But Daniel J. Metcalfe, co-director of the Justice Department's Office of Information and Privacy, said the exemption is crucial to the FOI Act's structure.

In the case of the animal identification bill, the exemption is critical to winning support from the cattle industry and on Capitol Hill.

"If we are going to develop an animal ID system that's effective and meaningful, we have to respect participants' private information," said Peterson, the Minnesota lawmaker who proposed the identification system. "The goal of a national animal I.D. system is to protect livestock owners as well as the public."

As the livestock industry sees it, it is providing information that will help protect the public health. In exchange for proprietary information about their herds, they believe they should receive confidence that their business records will not be shared with the public.

"The producers would be reluctant to support the bill without the protection," said Bryan Dierlam, executive director of government affairs at the National Cattleman's Beef Association.

The animal identification bill provides the government with the information it needs to protect the public in the event of a disease outbreak, Dierlam said. "But it would protect the producers from John Q. Public trying to willy-nilly access their information."

Food safety experts agree there is a clear need for an animal identification system to protect the public, but they are not certain that the exemption to the FOI Act is necessary.

"It's sad that Congress feels they have to give away something to the cattle industry

to achieve it," said Caroline Smith DeWaal, director of the food safety program at the Center for Science in the Public Interest, a nonprofit organization based in Washington.

Slipping the exemption into legislation without notice is another problem cited by open government advocates.

It has become such a problem that the Senate's strongest FOI Act supporters, Sen. John Cornyn, R-Texas, and Sen. Patrick Leahy, D-Vt., proposed that lawmakers be required to uniformly identify the exemption in all future bills.

"If Congress wants to create new exemptions, it must do so in the light of day," Cornyn said. "And it must do so in a way that provides an opportunity to argue for or against the new exemption—rather than have new exemptions creep into the law unnoticed."

Leahy agreed, saying that Congress must be diligent in reviewing new exemptions to prevent possible abuses.

"In Washington, loopholes tend to beget more loopholes, and it's the same with FOI Act exemptions," Leahy said. "Focusing more sunshine on this process is an antidote to exemption creep."

Mr. ALEXANDER. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1181) was read the third time and passed, as follows:

S. 1181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIFIC CITATIONS IN EXEMPTIONS.

Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute—

"(A) if enacted after July 1, 2005, specifically cites to this section; and

"(B)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

"(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;"

Mr. ALEXANDER. Are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. ALEXANDER. I ask unanimous consent to speak for as much time as I may require on energy.

The PRESIDING OFFICER. The Senator is recognized.

ENERGY POLICY ACT OF 2005

Mr. ALEXANDER. Mr. President, late last night the Senate finished work on what I call the Clean Energy Act of 2005. For Americans who watch the legislative process, this is not likely to have been the front-page news, but it is by far one of most important things we have done in this Senate because it affects millions of Americans. Our final vote is on Tuesday. I anticipate it will be a strong, bipartisan vote in support, just as the work that was done here was strong and bipartisan.

The first thing the bill will do, and most important, in my opinion, is to stabilize and lower natural gas prices. We hear a lot of talk about \$60 a barrel oil. No one likes to pay high prices for gasoline at the pump. The bigger problem is the price of natural gas. In North Carolina and Tennessee, all across this country, there are millions of blue-collar workers who work in plants where the cost of natural gas is driving their jobs overseas. Natural gas used to be in this country the lowest price in the industrial world at a unit price of \$2 or \$3. Our economy was geared to it. Today it is at \$7, and headed up.

If you are working at the Eastman plant in Tennessee, where 10,000 or 11,000 people work, and 40 percent of the cost of your product is natural gas—because they make chemicals there; and you can buy natural gas at \$7 here, and you can buy it at \$5, \$4 overseas—those jobs are going to be headed overseas if that keeps up for very long.

If you are a farmer in North Carolina or Tennessee, the cost of fertilizer has gone up \$200 to \$500 per unit. That is a big pay cut for you if you are a farmer.

If you are a homeowner across this country and you rely on natural gas to heat and cool your home—and natural gas heats and cools more homes than any other kind of fuel—you might find your bill going up 50 percent recently.

So for blue-collar workers, for farmers, and for homeowners, this legislation we will be voting on Tuesday stabilizes and potentially lowers the price of natural gas. That is one of the single most important things we can do for our country.

The second thing, in my view, the bill does that is important is it recognizes that global warming is a problem. There is not a complete consensus about that in the Senate, but the bill has a different kind of consensus that makes more difference, in my opinion, than the mandates that we did not adopt because the bill changes the way we produce electricity toward ways that are low carbon and no carbon. If you produce less carbon, then you have less global warming, if you believe carbon makes a difference in global warming.

So there is a big difference in the conversation and debate in the Senate this year over last year, in my judgment. While the McCain-Lieberman amendment was rejected—I voted against it myself—there was adopted the Hagel amendment, which has significant new incentives for producers of carbon across this country to reduce the amount of carbon they emit.

We did pass the Bingaman sense-of-the-Senate resolution, which I voted for, which says we expect one day to have mandatory controls that lead us toward a lower carbon production economy. But I, for one, am not yet ready to impose mandatory controls on this big, complicated economy because I do not think we know enough about what

it would do to the economy, and I do not think it is wise.

Senator DOMENICI and Senator BINGAMAN have said they will begin, in July, to hold hearings about this complicated process and to assess how the incentives we may enact—or likely will enact—in this bill operate. Over the next year or two or three or four years, we may learn more.

We may learn enough where a majority of us are willing to have some system of mandatory caps, just as we have in other areas of clean air and acid rain, for example. But in my opinion, we are not there yet.

But the second most important thing in this legislation, in my view, is a shift in attitude toward global warming, a recognition by a majority of the Senators that it is a real problem and taking significant steps to change the way we make electricity so that we make it in a low-carbon or no-carbon way.

The third big change, I believe, is the technologies we use to meet those objectives of lowering natural gas prices and of producing low-carbon or no-carbon electricity. I would call it a new realism about energy in this country. This is a big country. We produce 33 percent of all the money. We use 25 percent of all the energy in the world. We are not some desert island. We use a lot of electricity for our computers and our jobs and our homes. If we have any disruption in that—whether it is a blackout or it is a price that is too high or a lack of supply—it has devastating consequences for us.

So there is a new realism, I would say, about exactly what is available to help us get where we want to go. First is aggressive conservation. That is new about this bill. It is twice the amount of conservation that was in the bill that we passed a year ago which never became law. By conservation, I mean new efficiency standards for appliances. The estimate of our committee is that these new efficiency standards for appliances will avoid the building of as many as 45 large gas electricity plants. That is significant conservation.

There is a provision in the bill that would give 300,000 Americans a \$2,000 deduction to buy a hybrid or an advanced-diesel car. That reduces the use of oil. That is aggressive conservation.

There is an amendment in the bill that would have the President mandate a million-barrels-a-day reduction in the use of oil. That is aggressive conservation because that amount of oil equals about the entire production onshore of the State of Texas or the entire projected production from ANWR in Alaska. So we have aggressive conservation. We start there because that is the first thing we can do to save oil, increase supply, and reduce prices.

The second thing this bill does is recognize we need new supplies. We have taken steps to make it easier to bring liquefied natural gas into this country. Some may say: Oh, we don't want to go

down that road. We are already bringing in too much oil.

We all agree with that. But if we do not bring the natural gas in, we are going to be sending the jobs out. And for the foreseeable future, for the short term, if we want to reduce the cost of natural gas, we need to bring a lot of it in from overseas. And having a few more terminals, as provided in the streamlined provisions in this bill—which still give States and communities input into where it goes—is a very important provision.

This legislation basically relaunches the American interest in nuclear power. That is realistic, too. There is a growing interest in global warming. That is caused, many say, by carbon in the air. So we need energy that has less carbon. Seventy percent of the carbon-free electricity we produce in the United States today comes from nuclear power. So if we care about global warming, we better care about nuclear power. There is no other way around it.

There are incentives for advanced nuclear power, the kind of reactors that do not cost as much to build. We know how to operate them. Twenty percent of our electricity is already from that. We invented the technology. Dozens of our Navy vessels operate with nuclear reactors. They have, without incident, since the 1950s. France is now 80 percent nuclear power. They are the European country most likely to meet the Kyoto standards because they have adopted the technology that is likely to produce the largest amount of carbon-free electricity—nuclear power.

We also have come to a consensus within the last year—I think I am accurate on this—that waiting in the wings behind nuclear power is coal gasification and carbon sequestration. Long words, but it simply means we take this several-hundred-year supply of coal that we have and we find a clean way to burn it. The way we are encouraging that in this legislation is to turn the coal into gas and then burn the gas. That gets rid of the nitrogen and the mercury and the sulfur, but it leaves the carbon.

There are also provisions, incentives in this bill, and loan guarantees and authorization, then, to have large demonstrations of carbon sequestration, taking the remaining carbon dioxide—the major residue or pollutant from coal gasification—and putting it in the ground.

Now, this is the strategy that is preferred by several important environmental groups. That sounds like a surprise. They would prefer coal? Here is the reason. They have some concerns about nuclear—the proliferation problems, the storage of waste—but if coal can be burned in a clean way and the carbon can be recaptured and put in the ground, that is a solution to global warming without mandates.

That is a solution, and not just in the United States but around the world. Because we might clean up our air, but if China and India and the rest of the

world build hundreds of coal plants that are dirty, it will not matter what we do because the air just goes around the world, and we will be breathing it, too. So a very important way for us to help the world have clean air and an adequate supply of electricity is coal gasification.

So I call that the new realism: conservation; increased natural gas supplies, including from overseas; re-launching nuclear; and coal gasification and carbon sequestration. If we do that over the next 10 years, we will have an adequate supply of American-produced, reliable, low-carbon electricity. And the debate about global warming will be off our desks because we will not be producing enough carbon to affect global warming, and we can argue about something else.

Now, there is also generous support in this legislation for renewable energy. I am especially pleased that for the first time, we have support for solar energy in a useful way. Up to this time, we have had a renewable tax credit that solar could not take advantage of. But the Finance Committee changed that. Solar shows some promise, as does biomass, as does some geothermal, as does wind. I think my colleagues know I think wind is heavily oversubsidized and overestimated, but it is supported in here.

But there is a realism about that. We are not going to run the American economy on windmills and solar panels. They will provide a few percent of what we need by the year 2025. If we want carbon-free adequate supplies of American-produced energy, we are going to have to conserve, launch nuclear again, do coal gasification, and bring in supplies of natural gas. Renewables are fine, but they are a very small part of the answer. While we do not all agree on that here in the Senate, there is still a consensus.

There is also generous support for longer term technologies. I think we are realistic about that as well. There is a great deal of excitement about the hydrogen-fuel-cell vehicle.

When I was in Yokohama a year ago, I visited a hydrogen-fuel-cell vehicle filling station. There were seven SUVs parked, all of them from different manufacturers in the world, many of them American. I filled up the Nissan hydrogen-fuel-cell vehicle. Carlos Ghosn is the chief executive of Nissan. He drives that vehicle around Tokyo every weekend. He is spending \$700 million of Nissan money every year on hydrogen-fuel-cell research. And Toyota is doing the same. Others—Ford, General Motors—are all interested.

But the potential of hydrogen is down the road. It's several years away. We are going to be talking about it, working on it—and hopefully it will come to fruition. But it is several years down the road. When we produce enough hydrogen to run our automobiles, we will have to use nuclear power or natural gas or coal gasification to produce that hydrogen.

So I would say of special note—to re-emphasize some of the points I made—is the serious interest in conservation. This is a bipartisan bill. You do not hear the word “conservation” come out of the mouths of every Senator first. You might not think Republican Senators would start out talking, first, about conservation. But we know if we want to reduce the cost of natural gas, if we want to reduce our reliance on oil, that the quickest and easiest way to do that is aggressive conservation.

Nuclear power—Senator DOMENICI, our chairman, mentioned to me we had something like 167 amendments offered to this bill at one time, and so far as we could tell, not a single amendment was antinuclear, not a single amendment was antinuclear. There is a growing awareness that if we want carbon-free electricity, we are going to have to have some nuclear powerplants to do that. That is a big change even just from last year.

Another big change, as I mentioned, is the emergence of coal gasification and carbon sequestration and support and research for that in a very serious way, both in industrial sites and in freestanding plants, and sequestration demonstrations. None of that was being discussed broadly by the Energy Committee last year. A few Senators understood that, but most of us, I think it is fair to say, did not really see the significance of this technology. Now we do, and we have strong support for it.

The importance of liquefied natural gas and the streamlining of siting—that may be the most important provision in the bill in terms of an immediate impact because there are large amounts of natural gas that can be brought in.

Another important development is the serious discussion of new supplies of natural gas here at home. Now, this is a very controversial subject. But last year we could not even get an inventory of what supplies of natural gas we have offshore. We have plenty of natural gas; we just have rules that say you cannot drill for it. There was no serious discussion of giving States the opportunity—other States, such as Virginia—the option of drilling in Federal waters offshore for natural gas, as Texas, Alabama, Mississippi, and Louisiana now do.

We couldn't get a vote on that because of the controversy, but I believe there were 51 votes in the Senate for giving States the option of deciding for themselves whether they wanted to allow natural gas drilling offshore, take a share of the money for the State, put a share of the money in a national fund for wildlife preservation, put the rest in the Federal Treasury, and put the gas into our system so we could lower the cost of natural gas. There is a lot of progress there.

Finally, I pay tribute to two parts of the Senate. One is to the Finance Committee for what it did with the tax title. The total amount of money of in-

centives is \$14 to \$16 billion. But rather than the amount of money, it is what it is for because it is completely consistent with clean energy objectives for low-carbon and no-carbon, new technologies. There is money for clean energy bonds for certified coal products, consumer incentives for hybrid and diesel vehicles, incentives for energy-efficient appliances and buildings, incentives for coal gasification powerplants, incentives for solar energy development in an important way for the first time in a long time, incentives for the deployment of advanced nuclear power, incentives for cogeneration projects. All of these will change the way we produce electricity.

I compliment Chairman GRASSLEY and his staff for this. I hope very much that the Senate version of how we spend our tax dollars in support of research and development for clean energy is dominant in the conference rather than another version. That will be something we will have to work out with our friends in the House of Representatives.

I think a great deal of credit needs to go to Chairman DOMENICI and to Senator BINGAMAN, ranking Democrat on the committee. This bill came out 21 to 1 in favor from our committee. For those who are not in the Senate, this may sound like inside housekeeping. This body operates only by consensus. Nothing happens here—because of the unique nature of this body, where every Senator is an equal, every single one of us can stop anything at least for a while, unless there is a consensus. The consensus came because of the kind of leadership, beginning with Chairman DOMENICI, who personally visited all the members of the committee, including the Democratic members, in their offices, took their advice, incorporated their ideas, and we came to a consensus.

Senator BINGAMAN pointed out in our hearing that we had many votes, but he didn't remember a single party-line vote. We had close votes, but we voted our convictions and our regions of the country and our backgrounds and attitudes. We didn't line up and say: This is a Republican view and a Democratic view.

I am glad we have waited until next Tuesday morning to vote on the Clean Energy Act of 2005, until Chairman DOMENICI and Senator BINGAMAN can be here. They had to be in New Mexico yesterday for a BRAC hearing. They deserve to be here. I want the full Senate and our country to see the result that they have led. I believe their being here and the big vote we have will get us off to a big start.

I feel very good about what the Senate has done. I hope there is a big vote on Tuesday. For the American people, the result will be stabilized and lower natural gas prices for homeowners, for blue-collar workers, and for farmers; No. 2, a recognition that global warming is a problem, and the beginning of aggressive conservation and a variety

of technologies to deal with that by producing low-carbon and no-carbon electricity; and, finally, a realism about the base load that we need to encourage in this country to produce that kind of electricity, aggressive conservation, new supplies of natural gas, relaunching nuclear power, coal gasification, and carbon sequestration.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

GENERAL LOUIS H. WILSON, JR.

Mr. COCHRAN. Mr. President, this morning the Washington Post carries an article about the death of GEN Louis Wilson who was a former Commandant of the U.S. Marine Corps. He died on June 21 at his home in Birmingham, AL. He was a native of my State of Mississippi and was a personal friend and a great soldier and a wonderful Commandant of the U.S. Marine Corps. He and his wife Jane lived here in Washington in the Marine barracks, the Commandant's residence, and befriended my wife Rose and me when I was a young Member of Congress before I was elected to the Senate. He was serving as Commandant of the Marine Corps.

We enjoyed many opportunities to visit with them when they were resident in Washington. He was a very distinguished officer in the Marine Corps during World War II. He was given the congressional Medal of Honor for gallantry during his service in the battle in Guam on Fonte Hill. The description of his exploits and gallantry are contained in the citation that was issued when he was awarded the Congressional Medal of Honor.

The article talks about his career in glowing terms, a well-earned tribute for a courageous and brave soldier, and the first Marine Corps Commandant to serve as a member of the Joint Chiefs of Staff. He established a tradition when he was selected to serve on the Joint Chiefs of Staff which is carried on today. It was because of his strong leadership and his example that there is no question that a good decision was made to include in the Joint Chiefs of Staff the Commandant of the Marine Corps.

We mourn his passing, but we rejoice in the great life he lived and the inspiration that his career provided to marines in all of the succeeding generations of service in the U.S. Marine Corps.

I ask unanimous consent that the article in today's Washington Post and a copy of the citation for Louis Hugh Wilson, Jr., upon his being awarded the Congressional Medal of Honor be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jun. 24, 2005]
GEN. LOUIS WILSON DIES; AWARDED MEDAL OF HONOR

(By Adam Bernstein)

Gen. Louis H. Wilson Jr., 85, who received the Medal of Honor for taking and holding a key position on Guam during World War II and later served as commandant of the Marine Corps, died June 21 at his home in Birmingham. He had a degenerative nerve disorder.

On July 1, 1975, Gen. Wilson became the 26th commandant of the Marine Corps. He was the first commandant to serve full time on the Joint Chiefs of Staff, providing the corps with a greater say on defense matters.

During his four-year tenure, he was credited with shaping a post-Vietnam corps of strong expeditionary units ready for "high mobility and high-intensity combat." He made personnel changes to raise morale and address disciplinary problems.

He increased academic enlistment standards (he wanted 75 percent of recruits to have high school diplomas); ordered the discharge of thousands of Marines with discipline problems; and offered tougher directives on weight requirements. "Obesity must vanish," he said and set for himself a daily jogging regimen.

As commandant, he had a reputation for being blunt, thoughtful and refreshing. He publicly acknowledged the brutal treatment of recruits by some drill instructors and tried to change the policies that granted drill instructors "too much autonomy."

In 1975, he told an interviewer that the Vietnam War had been fought in vain from a military viewpoint.

He also castigated draft laws that "had been gerrymandered so that only the poor, the blacks and disadvantaged were really drafted. A great many fine young men came in. But many draftees, thrown in with them, were the dregs of society [and] many with continuing dissatisfaction with the war."

"It's not like the old days," he added, "when you could leave your wallet on your sack."

The Mississippi native was an effective witness on Capitol Hill, prepared and authoritative in his bearing. Earlier, he had been a corps liaison to Congress. He was a favorite of Sen. John C. Stennis (D-Miss.), head of the Senate Armed Services Committee, who became his advocate for full membership on the Joint Chiefs of Staff in October 1978.

Previously, Marine Corp commandants attended meetings of the Joint Chiefs only when there was business of pressing concern to the corps.

Louis Hugh Wilson Jr. was born Feb. 11, 1920, in Brandon, Miss. His father was a farmer who died when Louis was 5. He was raised by his mother, and her large, extended family helped them through the Depression.

As a young man, he sold vegetables from a goat cart. He later studied economics at Millsaps College in Jackson, Miss., where he played football and was on the track team. A Marine Corps recruiter who came to campus persuaded him to enter the service after his graduation in 1941.

He landed at Guadalcanal, Efate and Bougainville and received the Medal of Honor, the military's highest award for valor, while fighting Japanese forces at Fonte Hill, Guam, on July 25 and 26, 1944. At the time, he was a captain and the commanding officer of a rifle company.

Launching a daylight attack against massive machine gun resistance, he pushed his men 300 yards across open terrain and captured a portion of a hill that contained the enemy command post. That night, he took command of other disorganized units and motorized equipment and fortified defenses while risking exposure to enemy fire.

Wounded three times within five hours, he briefly sought treatment before volunteering to return to duty to defend against counterattacks that lasted through the night.

At one point, he dashed 50 yards through flying shrapnel and bullets to rescue a wounded Marine beyond the front lines. That was followed by hand-to-hand fighting over a 10-hour span, repelling Japanese troops that sought to overrun the Allied lines through 11 full-fledged attacks.

His Medal of Honor citation continued: "Then organizing a 17-man patrol, he immediately advanced upon a strategic slope essential to the security of his position and, boldly defying intense mortar, machinegun, and rifle fire which struck down 13 of his men, drove relentlessly forward with the remnants of his patrol to seize the vital ground."

He was credited with a pivotal role in the victory, which included the deaths of 350 Japanese troops. President Harry S. Truman presented him with the Medal of Honor on Oct. 5, 1945.

After the war, he held recruiting and command assignments, graduated from the National War College and served as assistant chief of staff to the 1st Marine Division in Vietnam during the war there.

He was promoted to brigadier general in 1966 and, after being appointed lieutenant general in 1972, assumed command of the Marine force in the Pacific. His decorations included three awards of the Legion of Merit.

After retiring from the military in 1979, he served on the corporate boards of such businesses as Merrill Lynch, the financial services company, and Fluor Corp., an engineering and construction company.

Survivors include his wife of 61 years, Jane Clark Wilson, and a daughter, Janet Taylor, both of Birmingham; and two grandsons.

WILSON, LOUIS HUGH, JR.

Rank and organization: Captain, U.S. Marine Corps, Commanding Rifle Company, 2d Battalion, 9th Marines, 3d Marine Division. Place and date: Fonte Hill, Guam, 25-26 July 1944. Entered service at: Mississippi. Born: 11 February 1920, Brandon, Miss. Citation: For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as commanding officer of a rifle company attached to the 2d Battalion, 9th Marines, 3d Marine Division, in action against enemy Japanese forces at Fonte Hill, Guam, 25-26 July 1944. Ordered to take that portion of the hill within his zone of action, Capt. Wilson initiated his attack in mid-afternoon, pushed up the rugged, open terrain against terrific machinegun and rifle fire for 300 yards and successfully captured the objective. Promptly assuming command of other disorganized units and motorized equipment in addition to his own company and reinforcing platoon, he organized his night defenses in the face of continuous hostile fire and, although wounded 3 times during this 5-hour period, completed his disposition of men and guns before retiring to the company command post for medical attention. Shortly thereafter, when the enemy launched the first of a series of savage counterattacks lasting all night, he voluntarily rejoined his besieged units and repeatedly exposed himself to the merciless hail of shrapnel and bullets, dashing 50 yards into the open on 1 occasion to rescue a wounded marine lying helpless beyond the frontlines. Fighting fiercely in hand-to-hand encounters, he led his men in furiously waged battle for approximately 10 hours, tenaciously holding his line and repelling the fanatically renewed counterthrusts until he succeeded in crushing the last efforts of the hard-pressed Japanese early the following morning. Then

organizing a 17-man patrol, he immediately advanced upon a strategic slope essential to the security of his position and, boldly defying intense mortar, machinegun, and rifle fire which struck down 13 of his men, drove relentlessly forward with the remnants of his patrol to seize the vital ground. By his indomitable leadership, daring combat tactics, and valor in the face of overwhelming odds, Capt. Wilson succeeded in capturing and holding the strategic high ground in his regimental sector, thereby contributing essentially to the success of his regimental mission and to the annihilation of 350 Japanese troops. His inspiring conduct throughout the critical periods of this decisive action sustains and enhances the highest traditions of the U.S. Naval Service.

Mr. COCHRAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPROPRIATIONS

Mr. FRIST. Mr. President, as we bring this week to a close and look back, I am pleased with the progress that has been made on the Energy bill which we have completed, in essence, except for final passage which we will do Tuesday. Then we are ahead of what I initially anticipated, having proceeded to our first appropriations bill, the Interior appropriations.

The bill, as has been mentioned, is an excellent bill. I congratulate both the leaders on that bill, the chairman and the ranking member on the Interior Subcommittee, for their superb shepherding of this bill through their subcommittee, and now bringing it to the floor. I also thank the committee for reporting a bill that keeps to the spending allocation under this year's budget resolution.

As we travel back home, and as we will see when we go back during the Fourth of July recess, the American people expect us to adhere to that budget, a very strict spending budget, a budget on which Chairman GREGG led, and we passed, the fastest budget we have ever passed but, more important than that, a budget that shows fiscal discipline. Indeed, the ranking member and chairman of the subcommittee adhered to that allocation throughout. Senators BURNS and DORGAN have worked hard to be responsible stewards of American taxpayer dollars. At the same time it is reflected in the bill the importance of being stewards of the natural wonders and the heritage and the beauty of our great country. I thank Senator BURNS and Senator DORGAN for their hard work.

It is our first bill as we approach the appropriations process. It is the first of 12 newly constituted appropriations bills that we will consider. It is my hope to see all 12 of these bills passed. We need to do our very best to avoid

the scenario that has unfolded all too often in recent years. Come November or December, we should not have to resort to an omnibus bill that lumps all of these individual bills that we wouldn't have been able to pass into a single bill. We are going to do everything possible to systematically address each one of these bills as they come along, and then be able to pass them to avoid coming to what has almost become customary, and that is an omnibus process.

It has been a decade, 10 years, not since 1995, since all appropriations bills were wrapped up before beginning the fiscal year. Over that last decade, the average was sending only 2.1 appropriations bills to the President for his signature before the beginning of the fiscal year, only 2. Actually it was 2.1, as I mentioned, appropriations bills.

We need to do better. We can do better, and we will do better. We need to get the job done—get every bill done right and done on time. I am very optimistic we can do that. This year, we passed the budget, as I mentioned, in the fastest time in history. That budget establishes an overall 2006 spending ceiling for all appropriations bills. And because of that ceiling, because of all of us working together, and by working together, I am hopeful that the process will proceed smoothly. We have initiated that process today with the Interior Appropriations bill. As we considered the bill before us today, I want to leave with a special place I think of when I contemplate what my vote on this bill means for America.

On a second issue, as we look to the appropriations bill that is likely and almost certain to follow the Interior Appropriations bill, I want to comment very briefly and introduce what we will see at the end of next week, and that is a comment on homeland security.

As September 11 so tragically demonstrated, protecting our borders—whether by air, by sea, or by land—has taken on a level of urgency and importance as never before. When you are talking to people at home, it arises again and again—it is almost the first, second, or third question at every town meeting we hold—border security.

Border security is no longer just an immigration issue or a customs issue. Border security must be a unified and coordinated strategy to thwart terrorism, which is something we didn't think about prior to September 11 nearly as much as we do today—thwarting terrorism and enforcing the laws.

Next week, we will debate the Homeland Security Appropriations bill, and we must include the necessary resources to meet these challenges.

This bill will address concerns regarding insecurity of our borders, which we know in fact does threaten national security. It is time to address that issue. We will again do that next week.

As we all know, each year thousands of people cross our borders illegally.

The vast majority seek little more than better lives for their families, which we understand. But some do bring drugs. Some do traffic in human beings. Some may even have ties to terrorist groups. We don't know exactly how many come or will come. We don't know exactly what their backgrounds are. We don't know who might harm us. In today's time, that is wrong.

We know one thing: If drug dealers and human traffickers can operate on our borders, terrorists can as well. Our national security requires a safer and more secure border, and it is up to us to deliver that.

We face a crisis. Over 7,000 miles of land stretch across our borders. If you look at our ports, they handle as many as 16 million cargo containers; and 330 million noncitizens—students, visitors, and workers—cross our borders each year; 330 million noncitizens go back and forth across the borders. An unprecedented flow of illegal immigrants, criminals, terrorists, and unsecured cargo crosses our borders.

As representatives of the people, we need to focus on the rule of law. We will be focusing on that rule of law. This Nation is founded on the concept that all men are created equal and all have the inalienable right to be free. But those freedoms are protected by our institutions and these institutions require respect for the rule of law.

Those illegal immigrants who may wish us no harm have still violated our rule of law. We must remember this as this debate unfolds on border security next week.

Finally, America has always opened our doors to immigrants. We must continue to do so and we will continue to do so. People come to America looking for a better life, and we live better lives because of them. They contribute to our economy. They help weave that rich cultural fabric that makes up our society. But we must ensure that immigrants who come to America come here legally.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for such time as I may consume.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

MONTANA'S ROCKY MOUNTAIN FRONT

Mr. BAUCUS. Mr. President, I rise to address an amendment that is very important to me and my State relating to Montana's magnificent Rocky Mountain front. I filed the amendment to the Energy bill and, even though we are not on the bill at the moment, I will talk about the amendment. I will speak about what it would have accomplished because I will not press for action on this amendment. Rather, I will offer it at a later time.

So what is the front? The front, as we call it back home, is one of the largest

and most intact wild places left in the lower 48 States. We call it a front because that is what it is. It is a front.

Anybody driving across the State of Montana westward, coming in from the east, first encounters open plains and prairies; they are vast. And then, suddenly, out in the distance the Rocky Mountains, the Continental Divide, jumps out of the plains. That is what we call the eastern front.

It is amazing and it astounds me every time I drive across the State and see it from a distance. It is special to Montanans and it is sacred to the Blackfeet Indian tribe. It is home to the Nation's largest population of big horn sheep, and the second largest population of elk, as well as deer, grizzly bear, and countless other species of fish and wildlife. In fact, the front is the only place in the lower 48 where grizzly bears still roam the plains, just as they did when Lewis and Clark passed through the area 200 years ago.

Because of this exceptional wild space, which includes Glacier National Park, millions of acres of wilderness and the Blackfeet Indian Reservation, the front offers unsurpassed hunting, fishing, and recreational opportunities.

Sportsmen, local landowners, local elected officials, hikers, Tribal leaders, local communities, and many other Montanans have worked for decades to protect and preserve the front for future generations. I have hiked in the front many times, including to the top of Ear Mountain. It's special to me personally.

Most Montanans believe very strongly, frankly, that oil and gas development and the front just don't mix.

The front is too wild and too precious to subject it to roads, pipelines, noise and other such development activities. In addition, surveys of the area indicate that there just isn't that much oil and gas in the front, certainly not enough to justify disturbing this pristine area.

That is why it has been well over a decade since any development activity occurred there at all, and why this administration last year halted an environmental impact study in the Blackleaf Area of the Front. The administration conceded that the time and expense associated with evaluating drilling options in the front was not the best use of taxpayer dollars.

They conceded that this area might indeed be one of those special places where the benefits of oil and gas development do not outweigh its costs. Even the administration understands that it's highly unlikely that any leaseholder will ever be able to drill in the front.

I couldn't agree more.

That's why I filed an amendment to the energy bill that offers a permanent solution to the century-long conflict over development on the front.

My amendment would establish a voluntary program allowing leaseholders in the Badger-Two Medicine or Blackleaf Areas of the front to cancel

their leases. In exchange, leaseholders could receive rights to drill elsewhere in Montana, or bidding, rental or royalty credits for existing leases in Montana, or a tax credit.

Any canceled lease would be permanently withdrawn from future leasing and oil and gas development activity. This withdrawal provision would also apply to a lease canceled for any other reason, including as the result of a private buy-out.

To encourage leaseholders to take advantage of the program, it would expire at the end of 2009. Finally, it would provide economic development grants to Teton County, Montana, to compensate the county for the loss of any potential revenue from these leases.

This is a win-win proposal that provides leaseholders value for their investment, while providing permanent protections for the front. Because it's a purely voluntary program, leaseholders don't have to participate, but there will be a strong incentive for them to do so—they know that their leases will probably never be developed, given the intense local opposition and the expense and time involved with trying to drill in the front.

Unfortunately, Mr. President, the time was not right for me to call for a vote on an amendment, but I thought it was very important to share it with my colleagues. I will work hard in the coming months to build support for my proposal, which I think is critical to ending the conflict over the front and preserving its beauty and wildlife for future generations.

AMERICA'S PLACE IN THE WORLD

Mr. BAUCUS. Mr. President, a little less than 2500 years ago, in Athens, Pericles the king looked out from the Acropolis. In the bay beyond the port city, he saw some of Athens's 200 ships, which brought peace, commerce, and Athenian pottery to a free-trade area of more than 100 Greek city-states. Pericles boasted: "The wares of the whole world find their way to us."

Pericles stood astride one the wealthiest, most culturally-advanced states of his time. Greeks had vanquished the evil empire of Persia to the east. Pericles had transformed the Delian League, a defensive alliance formed to contain Persia, into an Athenian empire. And Pericles advanced the world of ideas, advocating the new idea of democracy.

Said Pericles: "Athens alone, of the states we know, comes to her testing time in a greatness that surpasses what was imagined of her. . . . Future ages will wonder at us, as the present age does now."

Pericles had every reason to believe that Divine Providence had smiled on him and on his city.

A little less than 500 years ago, in Aachen, Charles V looked up to receive the crown of Germany. Charles had become the most powerful ruler in Chris-

tendom: Holy Roman Emperor and sovereign over what is now Spain, Central Europe, southern Italy, and Spain's new overseas colonies. Sir Walter Scott said: "The sun never sets on the immense empire of Charles V." Charles sought to unite his empire into a universal, multinational, Christian empire. His motto was: "Even further."

Charles had every reason to believe that divine providence had smiled on him and on his empire.

A little more than 150 years ago, in London, Queen Victoria, adorned in pink, silver, and diamonds, escorted by a troop of the Household Cavalry, rode in a closed carriage from Buckingham Palace to Hyde Park to see the Great Exhibition at The Crystal Palace. Trumpets flourished, and a thousand voices greeted her, singing Handel's Hallelujah Chorus.

She walked through the Exhibition, a world's fair, and saw exhibits displaying the riches of Britain's far-flung colonies: carved ivory furniture from India, furs from Canada, hats made by convicts from Australia. The theme of the Exhibition was one word: "Progress."

Victoria saw exhibits representing an England that was industrially supreme. England controlled one-third of the world's international trade. The English merchant navy handled three-fifths of the world's oceangoing tonnage. Senator Daniel Webster called the English empire: "A power which has dotted over the surface of the whole globe with her possessions and military posts, whose morning drum-beat, following the sun, and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England."

Victoria had every reason to believe that Divine Providence had smiled on her and on her empire.

The citizens of Periclean Athens, Habsburg Spain, and Victorian England each could feel that their nation had reached the zenith of human endeavor. From where they stood, Pericles, Charles, and Victoria were the most powerful leaders of their time. Their centuries belonged to them.

Pericles looked to "future ages." Charles envisioned going "even further." And Victoria saw ever more "progress."

But within a century, each nation had been eclipsed.

Periclean Athens fell victim to war. Not long after Pericles's death, the devastating Peloponnesian War with Sparta weakened Athens. Within a hundred years, the great city was dominated by a little known northern country called Macedonia.

Charles V, seeking to harness a new technology of shipbuilding and royal navies, incurred spiraling defense costs. Charles's wars caused him to pledge his revenues to bankers for years into the future. By 1543, two-thirds of his ordinary revenue went to pay interest on past debts alone. Not

long after Charles' death, dynastic division rent his empire apart. And within a hundred years, Europe had become a continent of many roughly-equal powers.

Not long after Victoria's death, England found itself surpassed by American economic growth and mired in World War. And within a hundred years, Britain's once-great empire had spun off into a splintered commonwealth.

And so began what Henry Luce called "the American Century." At the beginning of the 20th century, America's economy was already 40 percent larger than China's and more than twice as big as Britain's.

And in the wake of World War II, America was the only major power whose homeland had not suffered massive devastation. America's economy dominated the world. At mid-century, America's gross domestic product was 5 times Britain's, 5½ times China's.

Look out today at the ships docked in the port of Seattle. Count the containers that bring grain and beef from Montana to the world. Count the containers that bring "the wares of the whole world . . . to us."

On behalf of a great and powerful nation, on February 2, President Bush could look out over lawmakers assembled in the House of Representatives and say: "[W]e've declared our own intention: America will stand with the allies of freedom to support democratic movements in the Middle East and beyond, with the ultimate goal of ending tyranny in our world."

America's is a great promise. Ours is the leading nation. We live in the pre-eminent country on earth.

Americans have every reason to believe that Divine Providence has smiled on us and on our Nation.

Today, Americans account for fewer than 1 in 20 of the world's people. But Americans produce more than a fifth of the world's economic output.

Today, America has a \$12 trillion economy, three times the size of Japan's, five times the size of Germany's.

But China's economy, when measured on a purchasing power parity basis, is now \$7.3 trillion. And it is growing fast.

Like Athens or Spain or England in their day, America is the greatest power of our time. But our lease on greatness is no more certain than those of the great powers of the past. We, no more than they, cannot maintain our leadership of the world without effort.

The next two decades will challenge America. We face competition from rising economic powers, powers with vast populations with nowhere to go but up. And foremost among those competitors will be China.

We cannot blithely sit back and rest on our laurels. We must energize ourselves anew to maintain America's place in the world.

Over the last two decades, China's economy has grown an average of 9.5 percent, roughly three times as fast as

America's. And although America is a populous country of almost 300 million people, China is home to 1.3 billion people. India is not far behind, with just over a billion people.

Starting in the late 1970s, China and India began to reform their economies. And in the late 1980s, Communism collapsed in Eastern Europe. In the last two decades, these transformations have led to nearly half the world's population—about 2.6 billion people—entering the global workforce. The world has only just begun to feel the effects of this awakening.

Visit export-zone China, and you will see that corporate America and corporate—Japan are already well in evidence. The international corporations already understand that China will fuel this century's economy.

Much of America, however, still has a shock ahead of it. Before 2020, China may surpass America as the world's largest economy. Superpower America has competition, after all. And we had better hustle, too, or the Chinese will eat our lunch.

Well-educated young people in China, India, and Eastern Europe increasingly have the skills to compete with Americans for high-value-added jobs. Companies are moving jobs offshore to workers in these countries not only because they work for less, but also because they are well educated in math and science.

An old Chinese proverb says: "What you cannot avoid, welcome." Dramatic Chinese growth appears unavoidable.

China has drunk the Kool-Aid of capitalism and it is not looking back. Big city China hustles, bargains, and works hard for a better life. Skylines soar in Shanghai and Beijing.

Big city Chinese public street signs come in Chinese and English. Western and Japanese companies' neon signs dominate the skyline. Western commerce is well represented, half a world from the West. China is no longer as foreign as you might expect.

You can see one district of Beijing that still sports Cyrillic billboards and shop signs. But this Russian enclave sells furs, not ideas. You can see which economic system won the cold war.

They call it "market socialism." And the European economic tradition is full of the melding of the two systems, so we cannot necessarily say that the term is a contradiction. But plainly the Maoist state-controlled economy is on the descent, and free-enterprise, self-interested capitalism is on the rise. Chinese government officials smile as they explain, quote, "Communism."

The bargaining economy now permeates China. Chinese merchants love to haggle over sales great and small.

The change began with Deng Xiaoping, who ruled from 1978 to 1997. But the change has now firmly taken root. Some will explain, in muffled tones, that in the wake of the 1989 Tiananmen massacre, the government made a concerted effort to demonstrate that China was "open for business."

China, India, and Eastern Europe are now actively seeking to move underemployed populations into more productive occupations—occupations that America and other developed countries once dominated. Millions of jobs in high-tech manufacturing, software development, and services are moving to these growing labor markets.

More than 700 million workers live in China. Half of them still work in agriculture and forestry. More than three out of every five Chinese still live in the countryside. As many as 200 million underemployed Chinese workers in rural areas could move into the cities and industrial jobs.

This huge pool of surplus labor presents China with a vast opportunity to modernize its economy, continue rapid growth, and move its people up the value-added ladder into more productive employment.

Tour an American or Japanese company plant in Shanghai. You will see rows of diligent, uniformed workers filling rows of clean, well-lit work stations. The plant manager will tell you how he pays these workers \$1 an hour—+about \$2,000 a year-plus food and housing benefits. That is a good wage in a country with an average income of \$1,100 a year. Compare that to America's average income of \$37,600. Plants like this boast of a 90-percent retention of employees.

The plant manager will complain, however, that for the less-sophisticated operations, still-lower-cost centers are already nipping at their heels. Even within China, competitive businesses need to profit from innovation and new ideas, or fall victim to even-lower-cost competition.

In the long-term, Chinese labor rights must advance to help lift Chinese wages. But with 200 million job seekers at the door, substantial wage increases still appear a ways off. For the near future, China appears to own the role of the world's low-cost manufacturer.

And China's workers are not all unskilled laborers. China has focused on its education system. It is quite good for a country its size. The literacy rate tops 86 percent.

Visit a primary school in a middle-sized Chinese city. Bright, enthusiastic, charming children will greet you and win your heart. Happy first graders will greet you in English. Chinese schools are preparing students to compete in an intertwined, multinational, multilingual world economy.

Are American schoolchildren learning Mandarin? Are they even learning Spanish? The coming generation of Chinese businesspeople will do business around the world. Americans need to broaden our linguistic abilities, or Chinese businesspeople will cut the deals before us.

China's growing population of college graduates also fuels its increasing strength in high tech. Last year, nearly 3 million Chinese entered the workforce from colleges and graduate programs. That was one-third more than

the year before and double the year before that. Last year, China produced 220,000 new engineers. America educated only 60,000.

China now has an unusually open economy. Foreign investment in China is more than a third of its economy, compared with only 2 percent in Japan. In 2004, the sum of exports and imports is likely to reach three-quarters of China's GDP, far more than in other large economies. In American, Japan, India, and Brazil, the figure is 30 percent or less. China has allowed foreigners to participate in its growth and development.

China has stoked the engines of its economic development through means both fair and foul. China promotes its domestic high-tech industry at the expense of foreign firms. World Trade Organization commitments prohibit discriminatory taxation of foreign products. But China applied a 17 percent value added tax on all semiconductor sales, and then rebated 11 percent of this for semiconductors produced in China and 14 percent for semiconductors designed and produced in China. The United States had to bring a WTO case to challenge the policy. China agreed to drop the policy last year.

And China does an abysmal job of protecting patents and intellectual property. Walk into an open-air market in Shanghai, and you can buy ties that bear less than credible labels: well-known brand names, "Made in Italy."

And it is not just ties that Chinese businesses knock off. A red sign festooned a Shanghai market: Respect "trademark law," it cajoled. But as you walk under the sign, literally dozens of men hawk DVDs and watches of plainly dubious vintage.

And China also uses its currency exchange rate to distort the market. China has set, or pegged, its currency to the dollar, with an exchange rate of 8.28 renminbi to the dollar. Critics argue that as China's economy has grown, its currency should have appreciated against the dollar, making Chinese goods more expensive relative to American goods. The renminbi has not appreciated—and Chinese goods have not gotten more expensive—because of the peg. Many argue that China keeps the peg in place to support its manufacturing sector.

The reality may be more complex. But there is no denying that China does not have a free-floating currency. And there is no denying that a free-floating currency would be better for China and its trading partners, over the longer term. How to get there, especially with China's badly insolvent banking system, is what the debate is about.

China's economy could easily stumble, as America's did during the booms and busts of the 19th century. But barring any truly devastating crisis, China's economy will likely continue its upward trajectory. China will become the world's largest economy. The only question is when.

Faster growth in China should mean faster growth elsewhere. If China's real income grows by 8 percent per year—and it is—income distribution remains unchanged, then by 2020, China's top 100 million households will have an average income equal to the current average in Western Europe. That is a giant new market for consumer goods.

China's boost to global growth could exceed even those that the world economy has recently enjoyed from the spread of computers. Like that IT revolution, China's growth may lead to the loss of some jobs in the United States. But it will also likely lead to the creation of different jobs in greater numbers.

Notwithstanding the pervasive influence of American and Western culture even in once-isolated China, one senses a love-hate relationship with America. Chinese officials will note how our two nations had once been sworn enemies in a war that Americans, with our short memories, forgot long ago. On Chinese streets, men will walk up to you, asked you if you are American, and debate you about American foreign policy.

The Chinese Government maintains power through two tools: One, an improving standard of living, and two, nationalistic sentiment. In furthering the latter, China often paints America as the enemy keeping China from reuniting with Taiwan. The U.S. is thus second only to the Japanese in unpopularity in China. It need not be so.

Together, America and China accounted for half the world's economic growth in recent years. We are economic partners. We share interests in a non-nuclear Korean peninsula. And we share a common concern with radical terrorists. But many Chinese appear put off by the swagger of current U.S. foreign policy. We still have work to do to thaw U.S.-Chinese relations.

No American Government can prevent the challenges to the American economy posed by the increasing sophistication of labor markets in China, India, and Eastern Europe. We must accept the reality of these challenges.

The ancient Persians looked with disdain at the Athenian marketplace, the Agora. It was a proverb among the Persians that there: "Greeks meet to cheat one another." But we can no more prevent the spread of the world's commerce than Persia could stop the spread of Hellenism.

Some may seek to avoid the unavoidable future. But we would do better to learn how to embrace it. We must adjust our policies to meet the challenge.

The American Government cannot stop international companies from hiring overseas workers instead of American workers, without inflicting great harm on the American economy. American companies compete in a global environment. If an American company cannot hire those hard-working but low-wage Shanghai workers, a foreign company will. That other company will

sell the products of that factory at lower cost. Consumers worldwide will buy them. And the American company will lose the business and jobs.

Neither can we erect tariff barriers that wall off foreign competition. Higher tariffs are taxes that harm both the foreign sellers trying to sell into America and the American buyers who seek to buy foreign products. Tariffs impose a dead-weight loss on both sides. And protectionist measures invite retaliation. Protectionism thus ultimately harms a country's economy. Protectionism puts at even greater risk the jobs the politicians seek to protect.

Rather, to help prepare America to meet the challenges of the next 2 decades, we need to ensure that Americans develop the skills needed to continue to compete in higher-value-added fields. We need to continue our tradition of rewarding innovation and risk-taking. We need to fight to open new markets around the world. And we need to remove burdens that hinder our international competitiveness, like the high cost of health care in America.

Engineers play a critical role in the development of new jobs and new industries. In 1975, the United States ranked third in the world in the percentage of 24-year olds who held a science or engineering degree. By 2000, we had slipped to fifteenth. By 2004, we were seventeenth. At the same time, the Department of Labor projects that new jobs requiring science, engineering, and technical training will increase four times faster than the average national job growth rate.

Only a little more than 1 in 20 high school seniors who took the 2002 college entrance exam planned to pursue an engineering degree. The United States trains only half as many engineers as Japan and Europe, and less than a third as many as China. We should increase scholarships and loan forgiveness for engineering students to entice more young Americans to study engineering.

We should support community colleges, and strengthen the link between them and the workforce. Schools can then develop training programs relevant to jobs that actually exist in any given community.

We should make it easier, consistent with the requirements of national security, for foreign students to study in America. America has benefited from our ability to attract and to retain the best and brightest students from countries all over the world. Yet, since 9/11, many students are having a difficult time getting visas to study in America. Foreign applications to American graduate schools fell 28 percent in 2004. And enrollments of foreign students at all levels of college declined for the first time in 30 years.

Foreign students are increasingly studying in Europe and elsewhere. We are losing a generation of foreign minds, minds that in another time would have come to our shores. These

declines are due in large part to the difficulties foreign students now face in getting a visa to study in America.

We must not compromise our security needs to host foreign businesspeople or students. But there must be ways to streamline visa procedures and otherwise lighten the burden to make it easier for foreigners to study and conduct business here.

American universities and research institutes do much of the most innovative research in the world. But over the last 20 years, Federal research funding in the physical sciences and engineering has actually declined by nearly one-third as a share of the economy.

Money invested in Federal research programs pays dividends many times the investment. For example, National Science Foundation funding of research in the basic sciences and engineering has helped discover new technologies that have led to multi-billion dollar industries and created countless new jobs. These include jobs in fiber optics, radar, wireless communication, nanotechnology, plant genomics, magnetic resonance imaging, ultrasound, and the Internet.

We should invest in our future by fully funding research support organizations such as the National Science Foundation, National Institutes of Health, and the Office of Science at the Department of Energy.

Without Government support, private investment in research and development would be less than it should be. The society as a whole needs to foster the research that will build a better nation in the future. The R&D tax credit has helped. But we can improve the R&D tax credit by simplifying it and making it permanent.

The Government has expended a tremendous amount of time, money, and manpower negotiating trade agreements with countries like Bahrain, Morocco, and Colombia. None of these small economies offers much to American exporters.

By contrast, last year, American companies lost more than \$3.8 billion to business software piracy in China alone. Putting more resources toward defending American intellectual property rights would have a real effect on the bottom line for many American companies.

American companies sold \$626.6 billion in copyrighted products in 2002, 6 percent of American GDP, and employed 5.5 million workers, or 4 percent of the American workforce. Their foreign sales and exports amount to \$89 billion, more than most other export sectors. Our intellectual property is among our most valuable assets. Some would say it is now the American comparative advantage. We must do a better job protecting it.

The political bargain that has kept a consensus in support of liberalized trade has long been that in exchange for labor market flexibility, those hurt by trade would have help finding new jobs. That bargain has eroded.

America spends less on labor-adjustment assistance than any major industrialized country. Japan spends nearly twice the share of GDP, Canada nearly three times, and Germany more than eight times as much.

Trade adjustment assistance provides retraining, income support, a health insurance tax credit, and other benefits to workers who lose their jobs due to trade. TAA is not a handout for idle workers, but a means to retrain them for competitive employment and help them through the transition.

We should expand trade adjustment assistance to service workers and emphasize, and possibly expand, the wage insurance program.

And we need to do more to keep jobs in America. For most American companies, health care costs are the single biggest disincentive to hiring new workers. The costs are enormous, increasing at a double-digit pace, far outstripping health care costs in other countries.

America spends more on health care than any other country in the world. Per capita spending on health care in America is nearly 2½ times the average in the industrialized world.

Employers in America also bear much of the cost of the rising number of uninsured Americans through cost-shifting by hospitals and other health care providers. Last year, employers paid an average of nearly \$2,900 for single employee coverage and more than \$6,500 for family coverage.

By contrast, most employers in other industrialized countries do not pay anything for their employees' health care. A Government-sponsored universal health program bears those costs. The difference is hurting America's competitiveness.

We can take several small, practical steps to help lessen health care's burden on American companies. We could provide tax credits to small employers, fund employer-based group-purchasing pools, increase funding for high-risk pools, expand Medicaid and the State Children's Health Insurance Program, and permit a Medicare buy-in for the near-elderly.

But we cannot keep kidding ourselves. We need real change to address the problem of American health care costs. We need to do so, to meet the challenge to America's place in the world.

In reality, the economic reforms in China, India, and Eastern Europe that cause the challenge to American leadership are a good thing. We should want China, India, and Eastern Europe to educate their people, open their markets, and trade with us.

Since World War II, there has been no greater advocate for free markets around the world than America. America has much to gain in a world of free markets. When foreign workers move into more productive work, their incomes will rise. As foreign workers become more prosperous, they will become better able to buy American

goods and services. And by keeping our markets open to foreign products, consumer prices fall on everything from footwear to electronics, making the American consumer's dollar go further. Everyone can be better off.

Trade is not a zero sum game. Increasing competition from China, India, and Eastern Europe does not mean that America will suffer.

Remember, after World War II, America prospered as it helped to rebuild a shattered Europe. Competition from recovering European economies did not hurt America. Rather, as Europe emerged from the devastation of war, the American economy grew along with Europe's. With the right policies, much the same can happen perhaps with much larger positive effects with the growth in China, India, and Eastern Europe.

Remember, in 1957, when the Soviet Union launched Sputnik, the first man-made satellite to orbit the Earth. The challenge of Sputnik gave America the political will to devote the resources needed to become the world's premier space power.

In the same vein, the economic challenge of the next 2 decades presents its own opportunities. The challenge posed by economic development in China, India, and Eastern Europe could help create a political consensus in favor of change and growth.

The former Librarian of Congress Daniel Boorstein wrote: "The most important lesson of American history is the promise of the unexpected. None of our ancestors would have imagined settling way over here on this unknown continent. So we must continue to have a society that is hospitable to the unexpected, which allows possibilities to develop beyond our own imaginings."

We cannot rest on our laurels. But if we remain open to the unexpected, if we allow the possibilities to develop, we can maintain America's leadership in the world.

It will take work. But if we redouble our education, if we open more markets, if we better manage our healthcare, then we can face the challenges of the decades to come.

We must get to work. But if we do, we can make an America that, in Pericles's words, "comes to her testing time in a greatness that surpasses what was imagined of her."

If we do, America can continue to "stand with the allies of freedom" throughout the world.

And if we do, "Future ages will wonder at us, as the present age does now."

The PRESIDING OFFICER (Mr. WARNER). The Senator from Utah.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BENNETT. I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 173, 174,

175, 176, 177, 178, 179, 180, 181, 182, 183, and 184.

I further ask unanimous consent that all of the mentioned nominations be confirmed en bloc, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

A. Noel Anketell Kramer, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Laura A. Cordero, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

EXECUTIVE OFFICE OF THE PRESIDENT

Linda Morrison Combs, of North Carolina, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

OFFICE OF PERSONNEL MANAGEMENT

Linda M. Springer, of Pennsylvania, to be Director of the Office of Personnel Management for a term of four years.

DEPARTMENT OF STATE

Emil A. Skodon, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brunei Darussalam.

Joseph A. Mussomeli, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Cambodia.

Larry Miles Dinger, of Iowa, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Fiji Islands, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, the Kingdom of Tonga, Tuvalu, and the Republic of Kiribati.

Ronald E. Neumann, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Afghanistan.

Gregory L. Schulte, of Virginia, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador.

INTERNATIONAL ATOMIC ENERGY AGENCY

Gregory L. Schulte, of Virginia, to be Representative of the United States of America to the International Atomic Energy Agency, Vienna Office of the United Nations, with the rank of Ambassador.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Michael E. Hess, of New York, to be an Assistant Administrator of the United States Agency for International Development, vice Roger P. Winter, resigned.

DEPARTMENT OF STATE

Dina Habib Powell, of Texas, to be an Assistant Secretary of State (Educational and Cultural Affairs), vice Patricia de Stacy Harrison.

NOMINATION OF LINDA SPRINGER

Mr. VOINOVICH. Mr. President, I would like to thank the Senate for its

expeditious consideration of Ms. Linda Springer of Pennsylvania to be the Director of the Office of Personnel Management.

On Wednesday, June 15, I chaired a hearing of the Committee on Homeland Security and Governmental Affairs to consider the nomination of Ms. Springer. One week later, the committee unanimously approved her nomination. As my colleagues in the Senate know, I am committed to finding solutions to the human capital challenges of the Federal Government. Clearly, there is no more important partner in the executive branch of Government than the Director of the Office of Personnel Management in addressing these issues.

The Federal civil service now is undergoing the most dramatic changes in more than a quarter century. For example, agencies are implementing new performance management and a related pay for performance systems for the senior executive service. The Department of Homeland Security and the Department of Defense are designing new, modern, and flexible personnel systems to meet their national security missions. As these and other reforms continue, leadership from the Office of Personnel Management is imperative to guarantee that the merit principles that are the core of our Federal civil service are upheld and that the new personnel systems are fair and equitable for employees.

During the committee's hearing, I found Ms. Springer to be focused, dedicated, and more than capable of taking on this important job. Prior to the hearing, I met with Ms. Springer in my office and was impressed with her candor and recognition of the challenges confronting the workforce.

Ms. Springer's experience in the private sector and as Controller of the Office of Management and Budget has prepared her to lead this Federal agency. Mr. President, I urge my colleagues to support this nomination. Thank you.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 108-136, appoints the following individual to serve as a member on the Veterans' Disability Benefits Commission: Mr. Ken Jordan of California vice Mr. Mike O'Callaghan of Nevada.

ORDERS FOR MONDAY, JUNE 27, 2005

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it

stand in adjournment until 1 p.m. on Monday, June 27. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business until 3 p.m., with the majority leader or his designee in control of the first half of the time, and the Democratic leader or his designee in control of the second half of the time; provided that at 3 p.m. the Senate resume consideration of H.R. 2361, the Interior appropriations bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. Mr. President, on Monday, following morning business, the Senate will resume consideration of the Interior appropriations bill. Under a previous agreement, all amendments to the bill must be offered during Monday's session. There will be no rollcall votes on Monday, but Senators who have amendments to the bill should make themselves available to offer and debate their amendments. We will begin voting with respect to amendments to the Interior appropriations bill on Tuesday.

I also inform our colleagues the next vote will occur on Tuesday morning shortly before 10 a.m. That vote will be on passage of H.R. 6, the Energy bill.

Finally, on behalf of the majority leader, I would like to remind all Senators that next week will be the final week prior to the Fourth of July recess, so Senators should expect a busy week with rollcall votes throughout.

ADJOURNMENT UNTIL 1 P.M. MONDAY, JUNE 27, 2005

Mr. BENNETT. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:18 p.m., adjourned until Monday, June 27, 2005, at 1 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, June 24, 2005:

EXECUTIVE OFFICE OF THE PRESIDENT

LINDA MORRISON COMBS, OF NORTH CAROLINA, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET.

OFFICE OF PERSONNEL MANAGEMENT

LINDA M. SPRINGER, OF PENNSYLVANIA, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT FOR A TERM OF FOUR YEARS.

DEPARTMENT OF STATE

EMIL A. SKODON, OF ILLINOIS, TO BE AMBASSADOR TO BRUNEI DARUSSALAM.

JOSEPH A. MUSSOMELI, OF VIRGINIA, TO BE AMBASSADOR TO THE KINGDOM OF CAMBODIA.

LARRY MILES DINGER, OF IOWA, TO BE AMBASSADOR TO THE REPUBLIC OF THE FIJI ISLANDS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR TO THE REPUBLIC OF NAURU, THE KINGDOM OF TONGA, TUVALU, AND THE REPUBLIC OF KIRIBATI.

RONALD E. NEUMANN, OF VIRGINIA, TO BE AMBASSADOR TO THE ISLAMIC REPUBLIC OF AFGHANISTAN.
GREGORY L. SCHULTE, OF VIRGINIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE VIENNA OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

INTERNATIONAL ATOMIC ENERGY AGENCY

GREGORY L. SCHULTE, OF VIRGINIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY, WITH THE RANK OF AMBASSADOR.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

MICHAEL E. HESS, OF NEW YORK, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF STATE

DINA HABIB POWELL, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS).

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO RE-

QUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

A. NOEL ANKETELL KRAMER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS.

LAURA A. CORDERO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.