

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006, AND FOR OTHER PURPOSES

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JULY 26, 2005.—Ordered to be printed
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Mr. TAYLOR of North Carolina, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 2361]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate 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”, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

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)),

\$860,791,000, to remain available until expended, of which \$1,250,000 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 \$860,791,000, 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, \$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

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, \$1,991,490,000, 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 \$464,585,000 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, \$275,637,000, 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 avail-

able 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, \$76,883,000, of which: (1) \$69,502,000 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

scribe 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 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 must be replenished by a supplemental appropriation which must be requested as promptly as possible: Pro-

vided 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. (a) For fiscal year 2006 and each succeeding fiscal year, any funds made available by this Act for the Southwest Indian Polytechnic Institute and Haskell Indian Nations University for postsecondary programs of the Bureau of Indian Affairs in excess of the amount made available for those postsecondary programs for fiscal year 2005 shall be allocated in direct proportion to the need of the schools, as determined in accordance with the postsecondary funding formula adopted by the Office of Indian Education Programs.

(b) For fiscal year 2007 and each succeeding fiscal year, the Bureau of Indian Affairs shall use the postsecondary funding formula adopted by the Office of Indian Education Programs based on the needs of the Southwest Indian Polytechnic Institute and Haskell Indian Nations University to justify the amounts submitted as part of the budget request of the Department of the Interior.

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. 460zz.

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, and funds provided in division E of Public Law 108-447 (118 Stat. 3050) for land acquisition at the Niobrara National Scenic River, 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 re-

removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 115. 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. 116. 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. 117. The Secretary of the Interior may use discretionary funds to pay private attorney 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. 118. 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. 119. (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. 120. 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. 121. 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. 122. 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: Provided, 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. 123. 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. 124. 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. 125. 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. 126. 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. 127. 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. 128. 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. 410jj–7) is amended by striking “twenty-five years from” and inserting “on the date that is 45 years after”.

SEC. 129. 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.”.

SEC. 130. None of the funds in this or any other Act may be used to set up Centers of Excellence and Partnership Skills Bank training without prior approval of the House and Senate Committees on Appropriations.

SEC. 131. Section 114 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (16 U.S.C. 460bb–3 note; 117 Stat. 239; division F of Public Law 108–7), is amended—

(1) in the second sentence, by inserting “, including utility expenses of the National Park Service or lessees of the National Park Service” after “Fort Baker properties”; and

(2) by inserting between the first and second sentences the following: “In furtherance of a lease entered into under the first sentence, the Secretary of the Interior or a lessee may impose fees on overnight lodgers for the purpose of covering the cost of providing utilities and transportation services at Fort Baker properties at a rate not to exceed the annual cost of providing these services.”.

SEC. 132. (a) Section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) is amended by striking “and (i)” and inserting “and (i) (except for paragraph (1)(C))”.

(b) Section 4(i)(1)(C)(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)(1)(C)(i)) is amended—

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

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

(c) Except as provided in this section, section 4(i)(1)(C) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)(1)(C)) shall be applied and administered as if section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) (and the amendments made by that section) had not been enacted.

(d) *This section and the amendments made by this section take effect as of December 8, 2004.*

SEC. 133. *Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:*

“(43)(A) The Captain John Smith Chesapeake National Historic Watertrail, a series of routes extending approximately 3,000 miles along the Chesapeake Bay and the tributaries of the Chesapeake Bay in the States of Virginia, Maryland, Pennsylvania, and Delaware and the District of Columbia that traces Captain John Smith’s voyages charting the land and waterways of the Chesapeake Bay and the tributaries of the Chesapeake Bay.

“(B) The study shall be conducted in consultation with Federal, State, regional, and local agencies and representatives of the private sector, including the entities responsible for administering—

“(i) the Chesapeake Bay Gateways and Watertrails Network authorized under the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; title V of Public Law 105–312); and

“(ii) the Chesapeake Bay Program authorized under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267).

“(C) The study shall include an extensive analysis of the potential impacts the designation of the trail as a national historic watertrail is likely to have on land and water, including docks and piers, along the proposed route or bordering the study route that is privately owned at the time the study is conducted.”.

Sec. 134. (a) *Notwithstanding section 508(c) of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 8903 note; Public Law 104–333) there is hereby appropriated to the Secretary of the Interior \$10,000,000, to remain available until expended, for necessary expenses for the Memorial to Martin Luther King, Jr. authorized in that Act.*

(b) The funds appropriated in subsection (a) shall only be made available after the entire amount is matched by non-federal contributions (not including in-kind contributions) that are pledged and received after July 26, 2005, but prior to the date specified in subsection (c).

(c) Section 508(b)(2) of the Omnibus Parks and Public Lands Management Act of 1996 is amended by striking “November 12, 2006” and inserting “November 12, 2008”.

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, reha-

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 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 Disabilities 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 Senate Report 109-80: 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, \$358,485,000, 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 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 head-

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF
REMEMBRANCE

SALARIES AND EXPENSES

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 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. 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. 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. 410. The National Endowment for the Arts and the National Endowment for the Humanities are hereafter 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. 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. 412. 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. 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 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. 417. 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. 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. Notwithstanding any other provision of law or regulation, to promote the more efficient 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. 420. 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. 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 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.

(e) In carrying out any competitive sourcing study involving Forest Service employees, the Secretary of Agriculture shall—

(1) determine whether any of the employees concerned are also qualified to participate in wildland fire management activities; and

(2) take into consideration the effect that contracting with a private sector source would have on the ability of the Forest Service to effectively and efficiently fight and manage wildfires.

SEC. 423. 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. 424. (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. 425. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(3) of Public Law 106-113; 113 Stat. 1501A-196; 16 U.S.C. 497 note), as amended, is amended—

(1) in subsection (a) by striking “2005” and inserting “2006”; and

(2) in subsection (b) by striking “2005” and inserting “2006”.

SEC. 426. Section 321 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (division F of Public Law 108-7; 117 Stat. 274; 16 U.S.C. 565a-1 note) is amended by striking “September 30, 2005” and inserting “September 30, 2007”.

SEC. 427. 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. 428. 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 first sentence by striking “may pilot test agency-wide joint permitting and leasing programs” and inserting after “Congress,” the following: “may establish pilot programs involving the land management agencies referred to in this section to conduct projects, planning, permitting, leasing, contracting and other activities, either jointly or on behalf of one another; may co-locate in Federal offices and facilities leased by an agency of either Department.”;

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

(4) 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, including transfers and reimbursements for multi-year projects, except that this authority may not be used to circumvent requirements and limitations imposed on the use of funds.”.

SEC. 429. 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. 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. (a) IN GENERAL.—

(1) 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) 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. 432. (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 subsection 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 as of January 1, 2005.

SEC. 433. None of the funds made available to the Forest Service under this Act shall be expended or obligated for the demolition of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada.

SEC. 434. Section 323(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; as contained in section 101(e) of Public Law 105–277), is amended by striking “fiscal year 1999” and all that follows through “2005” and inserting “each of fiscal years 2006 through 2011”.

SEC. 435. CONGRESSIONAL SECURITY RELATING TO CERTAIN REAL PROPERTY. (a) IN GENERAL.—Except as provided under subsection (b)—

(1) the District of Columbia Board of Zoning Adjustments and the District of Columbia Zoning Commission may not take any action to grant any variance relating to the property located at 51 Louisiana Avenue NW, Square 631, Lot 17 in the District of Columbia; and

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

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

(1) the Capitol Police Board makes a determination that any such variance shall not—

(A) negatively impact congressional security; and

(B) increase Federal expenditures relating to congressional security;

(2) the Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives approve such determination; and

(3) the Capitol Police Board certifies the determination in writing to the District of Columbia Board of Zoning Adjustments and the District of Columbia Zoning Commission.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply to the remaining portion of the fiscal year in which enacted and each fiscal year thereafter.

SEC. 436. WISCONSIN NATIONAL FOREST ACQUISITION. (a) PROSPECTIVE MANAGEMENT REQUIREMENTS.—The Secretary of Agriculture is authorized to acquire property located within Sections 1 and 2, Township 44 North, Range 4 West; Section 31, Township 45 North, Range 3 West; and Section 36, Township 45 North, Range 4 West; Fourth Principal Meridian, Ashland County, State of Wisconsin, and upon such acquisition, such lands shall be subject to the special management requirements of subsection (b).

(b) *SPECIAL MANAGEMENT.*—Subject to valid existing rights of record, upon acquisition by the Secretary of Agriculture of any land referenced in subsection (a), that area of the land encompassed within 300 feet of the ordinary high water mark of the Brunsweler River or Beaverdam Lake, whether or not the waterways are impounded, shall be subject to the laws and regulations pertaining to the National Forest System with the following management emphasis:

(1) *Enhancing the physical, biological, and cultural features and values for public use, interpretation, research, and monitoring;*

(2) *Maintenance of the natural character of Brunsweler River, whether or not impounded; and*

(3) *Prohibition of structures, motorized use of trails, developed recreation facilities, and surface occupancy for mineral exploration or extraction.*

(c) *NATIONAL FOREST BOUNDARIES.*—Without further action by the Secretary of Agriculture, the boundaries of the Chequamegon National Forest are hereby expanded to encompass the lands referenced in subsection (a).

(d) *SAVINGS PROVISION.*—Nothing in this section shall be construed to prohibit the maintenance or reconstruction of the existing dam on the Brunsweler River, located within the area referenced in subsection (a).

SEC. 437. In addition to amounts provided to the Department of the Interior in this Act, \$5,000,000 is provided for a grant to Kendall County, Illinois.

SEC. 438. Section 344 of the Department of the Interior and Related Agencies Appropriations Act, 2005 as contained in division E of the Consolidated Appropriations Act, 2005 (Public Law 108-447) is amended as follows:

(1) by striking: “seven”; “14910001,”; and “, 14913007, and 14913008”;

(2) by inserting “and” after “14913005,”; and

(3) by striking all language after “(2)” and inserting in lieu thereof “immediately transfer to the Alaska SeaLife Center for various acquisitions, waterfront improvements and facilities that complement the new Federal facility, any remaining balance of previously appropriated funds.”

SEC. 439. (a) *ACROSS-THE-BOARD RESCISSIONS.*—There is hereby rescinded an amount equal to 0.476 percent of the budget authority provided for fiscal year 2006 for any discretionary appropriation in titles I through IV of this Act.

(b) *PROPORTIONATE APPLICATION.*—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President’s budget).

(c) *INDIAN LAND AND WATER CLAIM SETTLEMENTS.*—Under the heading “Bureau of Indian Affairs, Indian Land and Water Claim

Settlements and Miscellaneous Payments to Indians”, the across-the-board rescission in this section, and any subsequent across-the-board rescission for fiscal year 2006, shall apply only to the first dollar amount in the paragraph and the distribution of the rescission shall be at the discretion of the Secretary of the Interior who shall submit a report on such distribution and the rationale therefor to the House and Senate Committees on Appropriations.

TITLE V—FOREST SERVICE FACILITY REALIGNMENT AND ENHANCEMENT

SECTION 501. SHORT TITLE.

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

SEC. 502. DEFINITIONS.

In this title:

(1) **ADMINISTRATIVE SITE.**—*The term “administrative site” means—*

(A) *any facility or improvement, including curtilage, that was acquired or is used specifically for purposes of administration of the National Forest System;*

(B) *any Federal land associated with a facility or improvement described in subparagraph (A) that was acquired or is used specifically for purposes of administration of Forest Service activities and underlies or abuts the facility or improvement; or*

(C) *not more than 10 isolated, undeveloped parcels per fiscal year of not more than 40 acres each that were acquired or used for purposes of administration of Forest Service activities, but are not being so utilized, such as vacant lots outside of the proclaimed boundary of a unit of the National Forest System.*

(2) **FACILITY OR IMPROVEMENT.**—*The term “facility or improvement” includes—*

(A) *a forest headquarters;*

(B) *a ranger station;*

(C) *a research station or laboratory;*

(D) *a dwelling;*

(E) *a warehouse;*

(F) *a scaling station;*

(G) *a fire-retardant mixing station;*

(H) *a fire-lookout station;*

(I) *a guard station;*

(J) *a storage facility;*

(K) *a telecommunication facility; and*

(L) *other administrative installations for conducting Forest Service activities.*

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

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

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate 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, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 2361 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 109–80 or Senate Report 109–80 that are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

REPROGRAMMING GUIDELINES

The managers have revised the reprogramming guidelines to add an exception for certain Environmental Protection Agency grants (section 3(b)) and to delete certain instructions to the Forest Service dealing with boundary adjustments and transfer of funds.

The following are the procedures governing reprogramming actions for programs and activities funded in the Interior, Environment, and Related Agencies Appropriations Act:

1. *Definitions.*—(a) “Reprogramming,” as defined in these procedures, includes the reallocation of funds from one budget activity to another. In cases where either the House or Senate Committee report displays an allocation of an appropriation below the activity level, that more detailed level shall be the basis for reprogramming. For construction accounts, a reprogramming constitutes the reallocation of funds from one construction project (identified in the justification or Committee report) to another. A reprogramming shall also consist of any significant departure from the program described in the agency’s budget justifications. This includes proposed reorganizations even without a change in funding.

(b) “Committees” refer to the House and Senate Committees on Appropriations and, specifically, the Subcommittee on Interior, Environment, and Related Agencies.

2. *Guidelines for Reprogramming.*—(a) A reprogramming should be made only when an unforeseen situation arises; and then only if postponement of the project or the activity until the next appropriation year would result in actual loss or damage. Mere convenience or desire should not be factors for consideration.

(b) Any project or activity, which may be deferred through reprogramming, shall not later be accomplished by means of further reprogramming; but, instead, funds should again be sought for the deferred project or activity through the regular appropriations process.

(c) Reprogramming should not be employed to initiate new programs or to change allocations specifically denied, limited or increased by the Congress in the Act or the report. In cases where unforeseen events or conditions are deemed to require changes, proposals shall be submitted in advance to the Committees, regardless of amounts involved, and be fully explained and justified.

(d) Reprogramming proposals submitted to the Committees for approval shall be considered approved 30 calendar days after receipt if the Committees have posed no objection. However, agencies will be expected to extend the approval deadline if specifically requested by either Committee.

(e) Proposed changes to estimated working capital fund bills and estimated overhead charges, deductions, reserves or holdbacks, as such estimates were presented in annual budget justifications, shall be submitted through the reprogramming process.

3. *Criteria and Exceptions.*—Any proposed reprogramming must be submitted to the Committees in writing prior to implementation if it exceeds \$500,000 annually or results in an increase or decrease of more than 10 percent annually in affected programs, with the following exceptions:

(a) With regard to the tribal priority allocations activity of the Bureau of Indian Affairs, Operation of Indian Programs account, there is no restriction on reprogrammings among the programs within this activity. However, the Bureau shall report on all reprogrammings made during the first 6 months of the fiscal year by no later than May 1 of each year, and shall provide a final report of all reprogrammings for the previous fiscal year by no later than November 1 of each year.

(b) With regard to the Environmental Protection Agency, State and Tribal Assistance Grants account, reprogramming requests associated with States and Tribes applying for partnership grants do not need to be submitted to the Committees for approval should such grants exceed the normal reprogramming limitations. In addition, the Agency need not submit a request to move funds between wastewater and drinking water objectives for those grants targeted to specific communities.

4. *Quarterly Reports.*—(a) All reprogrammings shall be reported to the Committees quarterly and shall include cumulative totals.

(b) Any significant shifts of funding among object classifications also should be reported to the Committees.

5. *Administrative Overhead Accounts.*—For all appropriations where costs of administrative expenses are funded in part from “assessments” of various budget activities within an appropriation, the assessments shall be shown in justifications under the discussion of administrative expenses.

6. *Contingency Accounts.*—For all appropriations where assessments are made against various budget activities or allocations for contingencies the Committees expect a full explanation, as part of

the budget justification, consistent with section 405 of this Act. The explanation shall show the amount of the assessment, the activities assessed, and the purpose of the fund. The Committees expect reports each year detailing the use of these funds. In no case shall a fund be used to finance projects and activities disapproved or limited by Congress or to finance new permanent positions or to finance programs or activities that could be foreseen and included in the normal budget review process. Contingency funds shall not be used to initiate new programs.

7. *Report Language.*—Any limitation, directive, or earmarking contained in either the House or Senate report which is not contradicted by the other report nor specifically denied in the conference report shall be considered as having been approved by both Houses of Congress.

8. *Assessments.*—No assessments shall be levied against any program, budget activity, subactivity, or project funded by the Interior, Environment, and Related Agencies Appropriations Act unless such assessments and the basis therefore are presented to the Committees and are approved by such Committees, in compliance with these procedures.

9. *Land Acquisitions and Forest Legacy.*—(a) Lands shall not be acquired for more than the approved appraised value (as addressed in section 301(3) of Public Law 91-646) except for condemnations and declarations of taking, unless such acquisitions are submitted to the Committees for approval in compliance with these procedures.

(b) Subsection (a) does not apply to the National Park Service for tracts with an appraised value of \$500,000 or less.

10. *Land Exchanges.*—Land exchanges, wherein the estimated value of the Federal lands to be exchanged is greater than \$500,000, shall not be consummated until the Committees have had a 30-day period in which to examine the proposed exchange.

11. *Appropriations Structure.*—The appropriation structure for any agency shall not be altered without advance approval of the Committees.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

The conference agreement provides \$860,791,000 for management of lands and resources instead of \$845,783,000 as proposed by the House and \$867,045,000 as proposed by the Senate.

Land Resources.—Changes to the House level for land resources include an increase of \$1,000,000 for the National Center for Invasive Plant Management, and decreases of \$100,000 for Santa Ana River land management, \$156,000 for Wyoming soil surveys, which is addressed under realty and ownership management, and \$250,000 for Santa Ana River conservation efforts.

The managers encourage the Bureau to work with the Bighorn Institute to conserve and recover the peninsular desert bighorn sheep.

OIL SPILL RESEARCH

The conference agreement provides \$7,006,000 for oil spill research as proposed by both the House and the Senate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
REGULATION AND TECHNOLOGY

The conference agreement provides \$110,535,000 for regulation and technology as proposed by both the House and the Senate. This total includes an indefinite appropriation estimated to be \$100,000.

ABANDONED MINE RECLAMATION FUND

The conference agreement provides \$188,014,000 for the abandoned mine reclamation fund as proposed by both the House and the Senate. The managers note that bill language within Title I, general provisions, provides an extension until June 30, 2006, of the Secretary's authority to collect fees pursuant to the Surface Mining Control and Reclamation Act. The conference agreement includes the bill language proposed by the House which provides for a one-time transfer of the balance in the fund for the rural abandoned mine program, which has not been used for 10 years, to the Federal share fund, so the funds could be used in the future for emergencies and other Federal obligations. The conference agreement also includes the bill language recommended by the Senate concerning special grant authorities for Maryland's acid mine abatement program.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The conference agreement provides \$1,991,490,000 for the operation of Indian programs instead of \$1,992,737,000 as proposed by the House and \$1,971,132,000 as proposed by the Senate.

The managers agree that an alternative budget structure for the operation of Indian programs would provide greater opportunity for reviewing funding levels and assessing performance on a programmatic level. The managers are concerned that there was inadequate consultation with Tribes when preparing this new budget structure. The Bureau should follow previous guidance given in the House and Senate reports on this issue.

Tribal Priority Allocations.—The change to the House level for tribal priority allocations is a decrease of \$750,000 for the Indian Child Welfare Act.

Other Recurring Programs.—Changes to the House level for other recurring programs include increases of \$12,500,000 for tribally controlled community colleges, \$500,000 for technical assistance for tribally controlled community colleges, \$210,000 for fish hatchery maintenance, \$98,000 for the Alaska Sea Otter Commission, \$450,000 for the Bering Sea Fishermen's Association, \$300,000 for the Chugach Regional Resources Commission, \$350,000 for Lake Roosevelt management, and decreases of \$12,000,000 for ISEP formula funding, \$1,500,000 for student transportation, \$200,000 for irrigation operations and maintenance,

\$1,000,000 for the Washington State Fish and Wildlife program and \$1,250,000 for the Chippewa Ottawa Resource Authority.

The managers have included funding in the ISEP program and direct this increase to the Bureau's FOCUS program for assisting at-risk children, encouraging more parental participation in schools, and encouraging participation in after-school activities.

The managers are aware that the Department is examining how to strengthen management of education programs and would consider a reprogramming from education program adjustments to support education management.

The managers have retained the increases provided in both the House and Senate bills for the Intertribal Bison Cooperative.

Non-recurring Programs.—Changes to the House level for non-recurring programs include increases of \$500,000 for the Rocky Mountain Patient Advocate program, \$750,000 for the rural Alaska fire program, \$1,500,000 for the Salish and Kootenai College information technology program, \$1,500,000 for water management planning, \$400,000 for Alaska legal services, and a decrease of \$970,000 for the endangered species program.

The managers expect funding provided for the Rocky Mountain Patient Advocate Program to be the last installment from this account. The program is expected to seek other methods of funding to become a self-sufficient, long term, advocacy program for Native Americans seeking health care.

The managers agree that within the water management and planning program, \$200,000 is for the operation, maintenance, and repair of the Fort Peck Reservation tribal water system.

Special Programs and Pooled Overhead.—Changes to the House level for special programs and pooled overhead include increases of \$49,000 for the United Tribes Technical College, \$450,000 for the United Sioux Tribes Development Corporation, \$1,250,000 for the Western Heritage Center tribal history and education project, \$100,000 for the Rocky Mountain Tribal education symposia, \$74,000 for the Crownpoint Institute and decreases of \$4,500,000 for public safety and justice law enforcement and \$58,000 for the National Ironworkers Training program.

The managers believe that the United Tribes Technical College and Crownpoint Institute are institutions of higher learning that provide an educational benefit to Indian country and should be included in future budget requests.

Bill Language.—The conference agreement includes language proposed by the Senate that continues to allow the use of contract support funds for indirect contract support costs. The House included language that allowed the use of contract support funds for both direct and indirect costs.

The managers believe that any change to the allocation of contract support costs must be done formally with tribal consultation and any funding for direct contract support costs should be above the current levels provided for indirect contract support costs.

CONSTRUCTION

The conference agreement provides \$275,637,000 for construction instead of \$284,137,000 as proposed by the House and \$267,137,000 as proposed by the Senate. Changes to the House

level include an increase of \$7,500,000 for irrigation projects and decreases of \$10,000,000 for replacement school construction, \$1,000,000 for employee housing, and \$5,000,000 for facilities improvement and repair.

The addition of \$7,500,000 in non-reimbursable construction funds for Indian irrigation rehabilitation is separate from the Navajo Indian Irrigation Project, which retains its own construction budget of \$12,773,000. Within the funds provided for Indian irrigation rehabilitation, a number of Bureau and tribal projects are in desperate need of immediate attention to continue delivering water to users. The Bureau is expected to consult with the House and Senate Committees on Appropriations, in the form of a detailed proposal, prior to obligating funds. The Bureau is expected to administer these funds from the central office program level to address projects with the greatest need of rehabilitation. Construction of new projects or expansion of existing projects is secondary to the rehabilitation, reconstruction, and necessary upgrade of current irrigation projects and systems. Specific projects to be addressed under these guidelines, and to be addressed in the Bureau's proposal for the obligation of these funds are: the Fort Yates Unit of the Standing Rock Sioux Project, the Blackfeet Irrigation Project, the Crow Irrigation Project, the Fort Belknap Irrigation Project, the Fort Peck Irrigation Project, and the Wind River Irrigation Project.

indian land and water claim settlements and miscellaneous

PAYMENTS TO INDIANS

The conference agreement provides \$34,754,000 for Indian land and water claim settlements and miscellaneous payments to Indians as proposed by the House instead of \$24,754,000 as proposed by the Senate.

The managers have agreed to \$10,000,000 for the Quinault Indian Nation settlement and retained bill language included in the House that authorized the payment. The managers understand that this is the final payment for this settlement.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The conference agreement provides \$6,348,000 for the Indian guaranteed loan program as proposed by both the House and the Senate.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

The conference agreement provides \$76,883,000 for assistance to territories instead of \$76,563,000 as proposed by the House and \$76,683,000 as proposed by the Senate. Changes in funding levels from the House recommendation include the Senate recommendation for an additional \$320,000 to continue judicial, court education, and court administration training.

COMPACT OF FREE ASSOCIATION

The conference agreement provides \$5,362,000 for the compact of free association as proposed by the House instead of \$4,862,000 as proposed by the Senate. The conference agreement follows the funding recommendations made by the House.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement provides \$127,183,000 for departmental management instead of \$97,755,000 as proposed by the House and \$104,627,000 as proposed by the Senate. The changes described below are to the House recommended funding level.

Management and Coordination.—Performance data contracting/financial management is reduced by \$250,000.

Central Services.—IT certification and accreditation is reduced by \$322,000.

Financial and Business Management System.—The conference agreement reduces the Financial and Business Management System by \$1,000,000.

Other Items.—The conference agreement restores \$21,000,000 for necessary expenses for management of the Department of the Interior.

Bill Language.—The conference agreement retains language proposed by the Senate deriving \$7,441,000 from the Land and Water Conservation Fund for consolidated land acquisition appraisal services, and prohibiting the use of funds in this Act or previous appropriations Acts to establish reserves in the Working Capital Fund other than for accrued annual leave and depreciation of equipment without prior House and Senate Committee approval.

PAYMENTS IN LIEU OF TAXES

The conference agreement provides \$236,000,000 for payments in lieu of taxes instead of \$242,000,000 as proposed by the House and \$235,000,000 as proposed by the Senate.

CENTRAL HAZARDOUS MATERIALS FUND

The conference agreement provides \$9,855,000 for the central hazardous materials fund as proposed by the House and the Senate.

The conference agreement includes language included in the Senate bill that makes provisions for this account permanent. The House did not include permanent language.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

The conference agreement provides \$55,440,000 for the office of the solicitor instead of \$55,340,000 as proposed by the House and \$55,652,000 as proposed by the Senate. The change described below is to the House recommended funding level.

General Administration.—Funding for a FOIA appeals support position is increased by \$100,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides \$39,116,000 for office of inspector general as proposed by the Senate, instead of \$39,566,000 as proposed by the House. The changes described below are to the House recommended funding level.

Audits.—Funding for FISMA/audit capability is decreased by \$300,000.

Investigations.—Funding for additional audit staff is decreased by \$150,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

The conference agreement provides \$191,593,000 for Federal trust programs as proposed by both the House and the Senate. The managers have retained language contained in the House bill that caps the total amount of funding that can be used for historical accounting activities at \$58,000,000.

The managers are closely following efforts to settle the long-standing Cobell v. Norton case and reiterate their position that any settlement to the case must be implemented in such a way that the programs in this bill are not adversely affected. The House and Senate Committees on Appropriations will not consider any settlement that decreases available funding for programs in Indian country funded in this bill. Further, the managers disagree with the continued insistence by the court that the Department of the Interior, to fulfill the intent of Congress, must perform a full historical accounting. This results in the Department of the Interior being forced to divert resources and negatively impacts programs in Indian country.

INDIAN LAND CONSOLIDATION

The conference agreement provides \$34,514,000 for Indian land consolidation programs as proposed by both the House and the Senate.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The conference agreement provides \$6,106,000 for the natural resource damage assessment fund as proposed by both the House and the Senate.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Sec. 101. The conference agreement modifies a provision in section 101 of both the House and Senate bills, providing Secretarial authority to transfer program funds for expenditures in cases of emergency when all other emergency funds are exhausted.

Sec. 102. The conference agreement modifies a provision in section 102 of both the House and Senate bills, providing for expenditure or transfer of funds by the Secretary in the event of actual or

potential emergencies including forest fires, range fires, earthquakes, floods, volcanic eruptions, storms, oil spills, grasshopper and Mormon cricket outbreaks, and surface mine reclamation emergencies. The modification requires transferred funds to be replenished by a supplemental appropriation and to be reimbursed on a pro rata basis.

Sec. 103. The conference agreement retains an identical provision in section 103 of both the House and Senate bills, continuing a provision providing for use of appropriated funds for contracts, rental cars and aircraft, certain library memberships, and certain telephone expenses.

Sec. 104–106. The conference agreement retains identical provisions in sections 104–106 of both the House and Senate bills, continuing provisions prohibiting the expenditure of funds for Outer Continental Shelf (OCS) leasing activities in certain areas.

Sec. 107. The conference agreement retains an identical provision in section 108 of the House bill and section 107 of the Senate bill, continuing a provision permitting the transfer of funds between the Bureau of Indian Affairs and the Office of Special Trustee for American Indians.

Sec. 108. The conference agreement retains a provision in section 108 of the Senate bill, continuing through fiscal year 2010 a provision that allows the hiring of administrative law judges to address the Indian probate backlog. The House had a similar provision in section 109 of the House bill.

Sec. 109. The conference agreement retains an identical provision in section 110 of the House bill and section 109 of the Senate bill, continuing a provision permitting the redistribution of tribal priority allocation and tribal base funds to alleviate funding inequities.

Sec. 110. The conference agreement retains a provision in section 110 of the Senate bill, continuing a provision requiring the allocation of Bureau of Indian Affairs postsecondary schools funds consistent with unmet needs. The House had a similar provision in section 111 of the House bill.

Sec. 111. The conference agreement retains an identical provision in section 112 of the House bill and section 111 of the Senate bill, continuing a provision permitting the conveyance of the Twin Cities Research Center of the former Bureau of Mines for the benefit of the National Wildlife Refuge System.

Sec. 112. The conference agreement retains an identical provision in section 113 of the House bill and section 112 of the Senate bill, continuing a provision authorizing the Secretary of the Interior to use helicopters or motor vehicles to capture and transport horses and burros at the Sheldon and Hart National Wildlife Refuges.

Sec. 113. The conference agreement modifies an identical provision in section 114 of the House bill and section 113 of the Senate bill, continuing a provision allowing certain funds provided for land acquisition at the Shenandoah Valley Battlefield NHD and Ice Age NST to be granted to a State, a local government, or any other land management entity. The modification adds Niobrara NSR.

Sec. 114. The conference agreement retains an identical provision in section 115 of the House bill and section 114 of the Senate

bill, continuing a provision prohibiting the closure of the underground lunchroom at Carlsbad Caverns NP, NM.

Sec. 115. The conference agreement retains a provision in section 116 of the House bill, continuing a provision preventing the demolition of a bridge between New Jersey and Ellis Island. The Senate had no similar provision.

Sec. 116. The conference agreement retains an identical provision in section 117 of the House bill and section 115 of the Senate bill, continuing a provision limiting compensation for the Special Master and Court Monitor appointed by the Court in *Cobell v. Norton* to 200 percent of the highest Senior Executive Service rate of pay.

Sec. 117. The conference agreement retains an identical provision in section 118 of the House bill and section 116 of the Senate bill, continuing a provision allowing the Secretary to pay private attorney fees for employees and former employees incurred in connection with *Cobell v. Norton*.

Sec. 118. The conference agreement retains a provision in section 119 of the House bill dealing with the U.S. Fish and Wildlife Service's responsibilities for mass marking of salmonid stocks. The Senate had no similar provision.

Sec. 119. The conference agreement retains an identical provision in section 121 of the House bill and section 117 of the Senate bill, continuing a provision prohibiting certain activities on lands described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001, or land that is contiguous to that land.

Sec. 120. The conference agreement retains an identical provision in section 122 of the House bill and 118 of the Senate bill, continuing a provision prohibiting the use of funds to study or implement a plan to drain or reduce water levels in Lake Powell.

Sec. 121. The conference agreement retains an identical provision in section 123 of the House bill and section 119 of the Senate bill, continuing a provision allowing the National Indian Gaming Commission to collect \$12,000,000 in fees for fiscal year 2007.

Sec. 122. The conference agreement retains a provision in section 120 of the Senate bill, continuing a provision making funds available to the tribes within the California Tribal Trust Reform Consortium and others on the same basis as funds were distributed in fiscal year 2003 and separates this demonstration project from the Department of the Interior's trust reform organization. The House had a similar provision in section 124 of the House bill.

Sec. 123. The conference agreement retains an identical provision in section 125 of the House bill and section 121 of the Senate bill, continuing a provision dealing with grazing permits in the Jarbidge field office of the Bureau of Land Management.

Sec. 124. The conference agreement retains an identical provision in section 126 of the House bill and section 122 of the Senate bill, continuing a provision authorizing the Secretary of the Interior to acquire lands for the operation and maintenance of facilities in support of transportation of visitors to Ellis, Governors, and Liberty Islands.

Sec. 125. The conference agreement retains a provision in section 127 of the House bill, continuing a provision regarding special

use grazing permits on the Mojave National Preserve, CA. The Senate had no similar provision.

Sec. 126. The conference agreement retains a provision in section 123 of the Senate bill, continuing a provision implementing rules concerning winter snowmobile use in Yellowstone National Park. The House had a similar provision with a slight technical difference in section 128 of the House bill.

Sec. 127. The conference agreement retains a provision in section 124 of the Senate bill, requiring the Secretary of the Interior to obtain the approval of the governing body of an Indian tribe before closing or taking any other action relating to a school of the tribe. The House had no similar provision.

Sec. 128. The conference agreement retains a provision in section 126 of the Senate bill, extending authority of the Kalaupapa National Historic Park Advisory Commission. The House had no similar provision.

Sec. 129. The conference agreement retains a provision in section 127 of the Senate bill, extending the authority of the Secretary of the Interior to collect fees pursuant to the Surface Mining Control and Reclamation Act until June 20, 2006.

Sec. 130. The conference agreement includes a new provision prohibiting the use of funds to set up Centers of Excellence and Partnership Skills Bank training without prior approval.

Sec. 131. The conference agreement modifies a provision in section 430 of the Senate bill that authorizes the National Park Service to assess a fee on overnight lodging guests at leased Fort Baker buildings in Golden Gate National Recreation Area to pay the operating expenses associated with the utilities and shuttle system of those facilities at Fort Baker. The House had no similar provision.

Sec. 132. The conference agreement modifies a provision in section 431 of the Senate bill, authorizing the retention of campground fees at Great Smoky Mountains National Park. The House had no similar provision.

Sec. 133. The conference agreement modifies a provision in section 438 of the Senate bill, providing for a feasibility study on designation of the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail. The modification requires an analysis of the impacts on privately owned land and water. The House had no similar provision.

Sec. 134. Provides \$10,000,000 for the Martin Luther King, Jr. Memorial in Washington, DC, and extends for two years the authorization for the Memorial. The funds provided in this section are to be matched by the newly raised, non-Federal funds.

The conference agreement does not include a provision in section 107 of the House bill prohibiting the National Park Service from reducing recreation fees for non-local travel through any park unit.

The conference agreement does not include a provision in section 120 of the House bill dealing with paying for operational needs at the Midway Atoll National Wildlife Refuge airport using funds appropriated under the "Departmental Management, Salaries and Expenses" appropriation.

The conference agreement does not include a provision in section 129 of the House bill, limiting the use of funds for staffing for

the Department of the Interior’s Office of Law Enforcement and Security. The Department has assured the managers that staffing will be limited to 34 full time equivalent employees and eight detailed staff, except in the event of an emergency.

The conference agreement does not include a provision in section 125 of the Senate bill authorizing the Secretary of the Interior to collect and retain parking fees at the U.S.S. Arizona Memorial. The managers understand that the Department has determined that the Secretary currently has such authority pursuant to the Federal Lands Recreation Enhancement Act (FLREA).

TITLE II—ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

The conference agreement provides \$741,722,000 for science and technology instead of \$765,340,000 as proposed by the House and \$730,795,000 as proposed by the Senate. Changes to the House recommended level are described below.

Air Toxics and Quality.—In air toxics and quality, there is a decrease of \$619,000 for the clean air allowance trading programs.

Climate Protection.—In climate protection programs, there is a decrease of \$1,000,000.

Research/Congressional Priorities.—The conference agreement provides a total of \$33,275,000 for high priority projects, a decrease of \$6,725,000 below the House recommended level. The managers have not agreed to a competitive solicitation this year for these programs. This issue may be revisited in future years. The managers agree to the following distribution of funds:

State	Project name	Amount
1. AL	University of South Alabama Center for Estuarine Research	\$500,000
2. CA	Central California Ozone Study, San Joaquin Valleywide Air Pollution Study Agency.	375,000
3. CA	Irrigation Training and Research Center—Cal Poly., San Luis Obispo Flow Rate Measurement.	1,200,000
4. DE	Center for the Study of Metals in the Environment at the University of Delaware.	250,000
5. FL	FL Dept. of Citrus Abscission Chemical Studies	1,000,000
6. ID	Boise State University to continue research on multi-purpose sensors to detect and analyze contaminants and time-lapse imaging of shallow subsurface fluid flow.	500,000
7. IL	Clean Air Counts program emission reduction partnership with the Illinois Environmental Protection Agency.	800,000
8. KY	University of Louisville Lung Biology/Translational Lung Disease Program.	1,500,000
9. LA	Louisiana Smart Growth program in the State of Louisiana	500,000
10. NC	UNC Charlotte VisualGRID	500,000
11. ND	Center for Air Toxic Metals, EERC at the University of North Dakota	2,000,000
12. NM	National Environmental Respiratory Center [NERC] at the Lovelace Respiratory Research Institute in Albuquerque, New Mexico.	500,000
13. NY	Alfred University Center for Environmental and Energy Research	750,000
14. NY	Environmental Systems Center of Excellence at Syracuse Univ., NY Indoor Environment Quality.	2,000,000
15. OH	Ohio University Consortium for Energy, Economics, and the Environment.	500,000
16. OH	The Ohio State University Olentangy River Wetlands Park Teaching, Research, and Outreach Initiative.	500,000
17. SD	Missouri River Institute at the University of South Dakota	400,000
18. TN	University of Memphis Groundwater Institute to conduct a groundwater study.	500,000

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

The conference agreement provides \$2,732,298,000 for Indian health services as proposed by the House instead of \$2,732,323,000 as proposed by the Senate.

Bill Language.—The conference agreement modifies language included in both the House and the Senate bills concerning the Individuals with Disabilities Education Act. The two versions contained minor technical differences. The conference agreement includes language included in the Senate bill concerning the distribution of Alaska alcohol wellness funds.

The managers are aware of Indian health care needs in the state of Nevada and expect the Service to continue to meet with the 22 tribes in Nevada, as well as the Intertribal Council of Nevada and the Intertribal Health Board of Nevada, to discuss ways to improve the delivery and quality of their health services. The managers expect the Service to report to the House and Senate Committees on Appropriations by December 31, 2005 with recommendations on how to improve secondary and tertiary care in Nevada, including facility needs and the contract health services program that can be accomplished within current budgetary levels.

INDIAN HEALTH FACILITIES

The conference agreement provides \$358,485,000 for Indian health facilities instead of \$370,774,000 as proposed by the House and \$335,643,000 as proposed by the Senate.

The managers agree to the following distribution of funds:

<i>Project</i>	<i>Amount</i>
Barrow Hospital, AK	\$8,000,000
Fort Belknap, MT staff quarters	3,326,000
Kayenta, AZ health center	3,878,000
Mobile dental units	2,000,000
Phoenix Indian Medical Center, AZ	8,000,000
San Carlos, AZ Health Center	6,139,000
Small ambulatory facilities	7,000,000
Subtotal	38,343,000
Other:	
Maintenance and improvement	52,404,000
Sanitation facilities	93,519,000
Facilities and environmental health support	152,959,000
Equipment	21,260,000
Total	358,485,000

Bill Language.—The conference agreement includes language proposed by the Senate authorizing the construction of a replacement health facility in Nome, Alaska, on land owned by the Norton Sound Health Corporation. The House had no similar provision.

The managers consider the health facilities construction program to be a critical component in the provision of better health care to Native Americans and, therefore, expect that future budget submissions by the Service will include a much more aggressive schedule to fund these projects.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF
REMEMBRANCE

SALARIES AND EXPENSES

The conference agreement provides \$250,000 for salaries and expenses of the White House Commission on the National Moment of Remembrance as proposed by the House and the Senate.

TITLE IV—GENERAL PROVISIONS

Sec. 401. The conference agreement retains the House recommendation; there was a minor technical difference between the House and Senate versions.

Sec. 402. The conference agreement retains the Senate recommendation; the Senate version included a reference to the U.S. code not included by the House.

Sec. 403 and Sec. 404 were identical in both the House and Senate bills.

Sec. 405. The conference agreement retains the Senate recommended language that was in Senate section 405 rather than similar language the House had included in section 423. Related language dealing with assessments, which was in House section 405, is not included in the conference agreement.

Sec. 406. The conference agreement retains the Senate recommended language that was in Senate section 406 rather than similar language the House had included in section 419.

Sec. 407. The conference agreement retains the Senate recommended language dealing with giant sequoia trees rather than similar language the House had included in section 406.

Sec. 408. The House and Senate bills had identical language dealing with patents for mining, although the House had included it as section 407.

Sec. 409. The conference agreement retains the House recommended language dealing with contract support costs for the Bureau of Indian Affairs and the Indian Health Service that was in House section 408. The Senate had no similar provision.

Sec. 410. The conference agreement retains the Senate recommended language permitting the collection and use of private funds by the National Endowment for the Arts and the National Endowment for the Humanities that was in Senate section 409 rather than similar language the House had included in section 410. The conference agreement now makes this authority permanent rather than one-year as recommended by the House.

Sec. 411. The House and Senate bills had identical language dealing with the Forest and Rangeland Renewable Resources Planning Act; it was in House section 412 and in Senate section 410.

Sec. 412. The conference agreement retains the Senate recommended language amending the Knutson-Vandenberg reforestation act, which was in Senate section 411. The House had no similar provision.

Sec. 413. The House and Senate bills had identical language dealing with Forest Service roads and trails; it was in House section 413 and in Senate section 410.

Sec. 414. The House and Senate bills had identical language dealing with telephone answering machines; it was in House section 414 and in Senate section 413.

Sec. 415. The House and Senate bills had identical language dealing with Forest Service land management planning.

Sec. 416. The conference agreement retains the Senate recommended language addressing timber sales involving Alaska western redcedar, which was in Senate section 414. The House had no similar provision.

Sec. 417. The House and Senate bills had identical language dealing with mineral leasing within National Monuments; it was in section 416 of each bill.

Sec. 418. The House and Senate bills had identical language continuing a provision providing the Secretary of the Interior and the Secretary of Agriculture the authority to enter into reciprocal agreements with foreign nations concerning the personal liability of firefighters. It was in House section 418 and in Senate section 417.

Sec. 419. The conference agreement retains the Senate recommended language, which was in Senate section 418, allowing the Eagle Butte Service Unit of the Indian Health Service to utilize health care funding in a more efficient manner. The House had no similar provision.

Sec. 420. The conference agreement retains the Senate recommended language, which was in Senate section 419, allowing the Secretary of Agriculture and the Secretary of the Interior to consider local contractors when awarding contracts for certain activities on public lands. The House had a similar provision in section 420 of the House bill.

Sec. 421. The House and Senate bills had identical language continuing a provision that limits the use of funds for filing declarations of takings or condemnations. This provision does not apply to the Everglades National Park Protection and Environmental Act. It was in House section 421 and in Senate section 420.

Sec. 422. The conference agreement retains the Senate recommended language, which was in Senate section 421, limiting competitive sourcing studies by the Secretary of the Interior and the Forest Service. The House had a similar provision in section 422 of the House bill. The conference agreement now allows the Secretary of the Interior up to \$3,450,000 and the Forest Service up to \$3,000,000 for this work. In addition, the Secretary of Agriculture should consider the impact on wildland fire management activities when conducting competitive sourcing studies.

Sec. 423. The House and Senate bills had identical language prohibiting the transfer of funds for SAFECOM and Disaster Management projects; it was in section 424 of the House bill and section 422 of the Senate bill.

Sec. 424. The House and Senate bills had identical language requiring that contact centers associated with the national recreation reservation service be located within the United States; it was in section 425 of the House bill and section 423 of the Senate bill.

Sec. 425. The conference agreement modifies similar language extending a pilot program to enhance Forest Service administration of rights-of-way recommended by both the House and the Senate.

It was in section 426 of the House bill and section 424 of the Senate bill. The language now is effective for one year.

Sec. 426. The conference agreement retains the Senate recommended language, which was in Senate section 425, extending the Forest Service's ability to enter into certain cooperative agreements with third parties that are of mutually significant benefit. The House had no similar provision.

Sec. 427. The conference agreement retains the Senate recommended language, which was in Senate section 426, amending the Arts and Artifacts Indemnity Act to raise the Federal indemnity ceilings on individual exhibitions from \$600,000,000 to \$1,200,000,000, and in the aggregate from \$8,000,000,000 to \$10,000,000,000. The House had no similar provision.

Sec. 428. The conference agreement modifies the House recommended language, which was in House section 427, extending the authority for the Service First program of the Department of the Interior and the Forest Service. The Senate had no similar provision. The authority now extends through fiscal year 2008 and also clarifies that the National Park Service and the Fish and Wildlife Service may participate, as well as the Bureau of Land Management and the Forest Service.

Sec. 429. The conference agreement retains the House recommended language concerning a land exchange in San Bernardino, CA, which was in House section 428. The Senate had no similar provision.

Sec. 430. The conference agreement retains the House recommended language continuing a previous provision concerning Finger Lakes National Forest, NY, oil and gas leasing, which was in House section 430. The Senate had no similar provision.

Sec. 431. The conference agreement modifies the Senate recommended provision, which was in Senate section 427, authorizing the Eastern Nevada Landscape Coalition to enter into agreements with the Departments of the Interior and Agriculture. The language now is effective for one year. The House had no similar provision.

Sec. 432. The conference agreement retains, with minor technical modifications, the Senate recommended language, which was in Senate section 426, amending the Valles Caldera Preservation Act. This provision requires the Secretary of Agriculture to develop a fire management plan and enter into a cooperative fire management agreement for the Valles Caldera National Preserve. The Forest Service shall also provide wildfire pre-suppression and non-emergency rehabilitation and restoration services for the Trust, which manages the Preserve, on a reimbursable basis. The House had no similar provision.

Sec. 433. The conference agreement retains the Senate recommended language, which was in Senate section 429, prohibiting the use of funds to demolish certain structures on the Zephyr Shoals property, Lake Tahoe, NV. The House had no similar provision.

Sec. 434. The conference agreement modifies the Senate recommended language, which was in Senate section 432, extending the Forest Service authority to conduct certain work on non-Forest

Service land. The authority now extends for five years. The House had no similar provision.

Sec. 435. The conference agreement retains the Senate recommended language, which was in Senate section 433, setting certain conditions for the grant of a zoning variance for the property at 51 Louisiana Ave., NW, Washington D.C. The House had no similar provision.

Sec. 436. The conference agreement includes a new provision authorizing the acquisition of lands for the Chequamegon-Nicolet National Forest, WI, and directing the Secretary to maintain existing management practices on those lands.

Sec. 437. The conference agreement includes a new provision for a \$5,000,000 grant to Kendall County, Illinois.

Sec. 438. Modifies section 344 of the Department of the Interior and Related Agencies Appropriations Act, 2005 regarding the lands to be acquired for the Kenai Fjords interagency visitor center and the use of funds not required for land acquisition.

Sec. 439. The conference agreement includes an across the board rescission of 0.476 percent. This reduction should be applied to each program, project, and activity, except for Miscellaneous Payments to Indians, which has a different application of the rescission as specified in the statutory language.

The conference agreement does not include a provision in section 405 of the House bill providing for restrictions on departmental assessments unless approved by the Committees on Appropriations.

The conference agreement does not include a provision in section 409 of the House bill specifying reforms and limitations dealing with the National Endowment for the Arts.

The conference agreement does not include a provision in section 411 of the House bill providing direction to the National Endowment for the Arts on funding distribution.

The conference agreement does not include a provision in section 417 of the House bill extending the Forest Service Conveyance Pilot Program.

The conference agreement does not include a provision in section 429 of the House bill requiring a report of the expenditure of funds pursuant to the Southern Nevada Public Lands Management Act.

The conference agreement does not include a provision in section 431 of the House bill prohibiting the Fish and Wildlife Service to use land acquisition funds for the purchase of water rights in the Klamath Basin, CA.

The conference agreement does not include a provision in section 435 of the House bill limiting the number of federal employees that can be sent to international conferences.

The conference agreement does not include a provision in section 437 of the House bill prohibiting the use of funds for the sale or slaughter of wild free roaming horses and burros.

The managers have not included language proposed by the Senate in section 434 dealing with the Biscuit fire recovery but the managers would like to have a report from the Forest Service on this issue. Accordingly, by March 1, 2006 the Forest Service should submit a report to the House and Senate Committees on Appro-

priations (and make this report publicly available on the agency web-site) which discusses the following issues concerning the Biscuit fire in southern Oregon:

1. The change in reforestation capabilities and costs between the date of the containment of the Biscuit Fire and the completion of the Biscuit Fire Recovery Project, as detailed in the Record of Decision.

2. The commercial value lost, as well as recovered, of fire-killed timber within the Biscuit Fire area.

3. All actions included in the Record of Decision for the Biscuit Fire Recovery Project, but forgone because of delay or funding shortfall.

4. The Forest Service original estimate of the acres that should be reforested and the cost in dollars and per acre, including planting stock and overhead and a summary of the original schedule to do the work.

5. A summary of the initial Forest Service plan to salvage timber; including a discussion of the acres which would have been harvested and the estimated volume and value of that salvage, as well as the cost to the Federal government to develop and administer the sale and the anticipated cost to the purchasers.

6. A similar summary for the final Forest Service salvage plan.

7. A presentation and list of all of the timber sales offered and planned, including the volume, and appraised value. The presentation should indicate sales offered but not sold, and sales not yet underway. It should also separate out sales by land management regime.

The conference agreement does not include a provision in section 437 of the Senate bill expressing the sense of the Senate with regard to the national debt and funding for the global war on terror.

TITLE V—FOREST SERVICE FACILITY REALIGNMENT AND ENHANCEMENT ACT

The conference report modifies legislation recommended by the Senate in Title V. This provision allows the Forest Service to dispose of administrative facilities that are no longer needed and use all of the revenue to reduce the administrative-site deferred maintenance backlog. This improves the Service's ability to realign facilities to meet the needs of the workforce and the Nation. The legislation authorizes the Secretary of Agriculture to sell, lease, exchange or combine a sale and exchange of certain administrative sites the Secretary determines are no longer needed for National Forest System purposes. The legislation incorporates new authorities for streamlining regulations to facilitate the timely disposal of administrative sites and to improve the marketability of the sites. All receipts derived from the conveyance of administrative sites and facilities shall be deposited in the Sisk Act fund and remain available to the Secretary until expended, without further appropriations. These funds will be used for the administrative costs incurred in conveying sites; the acquisition of land for administrative

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
General Administration				
Executive direction.....	2,057	2,086	2,116	+59
Policy and management improvement.....	4,132	4,216	4,246	+114
Administrative operations.....	16,984	17,025	17,275	+311
General support services.....	23,702	24,149	24,299	+597
Subtotal, General Administration.....	46,855	47,476	47,936	+1,081
Subtotal (gross).....	270,550	283,148	276,381	+5,831
Use of receipts.....	-103,730	-122,730	-122,730	-19,000
Total, Royalty and Offshore Minerals Management.....	166,820	160,416	153,651	-13,169
Oil Spill Research				
Oil spill research.....	7,006	7,006	7,006	---
TOTAL, MINERALS MANAGEMENT SERVICE.....	173,826	167,422	160,657	-13,169
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT				
Regulation and Technology				
Environmental restoration.....	158	159	159	+1
Environmental protection.....	79,821	79,566	79,566	-255
Technology development and transfer.....	13,300	15,126	15,126	+1,826
Financial management.....	485	488	488	+3
Executive direction.....	14,505	15,096	15,096	+591
Subtotal, Regulation and Technology.....	108,269	110,435	110,435	+2,166
Civil penalties.....	99	100	100	+1
Total, Regulation and Technology.....	108,368	110,535	110,535	+2,167
Abandoned Mine Reclamation Fund				
Environmental restoration.....	167,861	170,112	170,112	+2,251
Legislative proposal.....	---	58,000	---	---
Technology development and transfer.....	4,479	3,922	3,922	-557
Financial management.....	8,444	6,234	6,234	-2,210
Executive direction.....	7,421	7,746	7,746	+325
Total, Abandoned Mine Reclamation Fund.....	188,205	246,014	188,014	-191
TOTAL, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT.....	296,573	356,549	298,549	+1,976
BUREAU OF INDIAN AFFAIRS				
Operation of Indian Programs				
Tribal Budget System				
Tribal Priority Allocations				
Tribal government.....	389,183	394,558	394,558	+5,375
Human services.....	147,387	141,561	148,731	+1,344
Education.....	48,300	39,466	48,304	+4
Public safety and justice.....	1,222	---	1,162	-60
Community development.....	40,412	40,789	40,789	+377
Resources management.....	61,999	63,149	63,149	+1,150
Trust services.....	56,115	56,038	56,038	-77
General administration.....	24,925	24,588	24,588	-337
Subtotal, Tribal Priority Allocations.....	769,543	780,149	777,319	+7,776

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Other Recurring Programs				
Education				
School operations				
Forward-funded.....	449,721	454,725	464,585	+14,864
Other school operations.....	67,926	66,908	66,908	-1,018
Subtotal, School operations.....	517,647	521,633	531,493	+13,846
Continuing education.....	53,141	43,375	56,375	+3,234
Subtotal, Education.....	570,788	565,008	587,868	+17,080
Resources management.....	42,131	37,293	46,927	+4,796
Subtotal, Other Recurring Programs.....	612,919	602,301	634,795	+21,876
Non-Recurring Programs				
Community development.....	3,452	---	2,750	-702
Resources management.....	36,225	32,348	35,244	-981
Trust services.....	36,308	32,977	33,377	-2,931
Subtotal, Non-Recurring Programs.....	75,985	65,325	71,371	-4,614
Total, Tribal Budget System.....	1,458,447	1,427,775	1,483,465	+25,038
BIA Operations				
Central Office Operations				
Tribal government.....	2,248	2,288	2,288	+40
Human services.....	867	912	912	+25
Community development.....	---	500	500	+500
Resources management.....	3,416	3,044	3,044	-372
Trust services.....	19,071	27,169	27,169	+8,098
General administration				
Education program management.....	2,348	2,411	2,411	+63
Personnel services.....	5,863	8,378	8,378	+2,515
Other general administration.....	106,188	106,832	106,832	+644
Subtotal, General administration.....	114,399	117,621	117,621	+3,222
Subtotal, Central Office Operations.....	140,021	151,534	151,534	+11,513
Regional Office Operations				
Tribal government.....	1,095	1,323	1,323	+228
Human services.....	3,038	3,019	3,019	-19
Community development.....	778	966	966	+188
Resources management.....	5,319	5,403	5,403	+84
Trust services.....	24,049	27,376	27,376	+3,327
General administration.....	7,083	3,503	3,503	-3,580
Subtotal, Regional Office Operations.....	41,362	41,590	41,590	+228

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Special Programs and Pooled Overhead				
Education.....	16,336	17,499	17,499	+1,163
Public safety and justice.....	180,063	192,265	196,265	+16,202
Community development.....	8,102	---	7,550	-552
Resources management.....	1,269	1,269	1,269	---
General administration.....	80,491	92,298	92,298	+11,807
Subtotal, Special Programs and Pooled Overhead..	286,261	303,331	314,881	+28,620
Total, BIA Operations.....	467,644	496,455	508,005	+40,361
Total, Operation of Indian Programs.....	1,926,091	1,924,230	1,991,490	+65,399
BIA SPLITS				
Natural resources.....	(150,359)	(142,506)	(155,036)	(+4,677)
Forward-funding.....	(449,721)	(454,725)	(464,585)	(+14,864)
Education.....	(188,051)	(169,659)	(191,497)	(+3,446)
Community development.....	(1,137,960)	(1,157,340)	(1,180,372)	(+42,412)
Total, BIA splits.....	(1,926,091)	(1,924,230)	(1,991,490)	(+65,399)
Construction				
Education.....	263,372	173,875	209,875	-53,497
Public safety and justice.....	7,381	11,777	11,777	+4,396
Resources management.....	40,289	38,272	45,772	+5,483
General administration.....	2,126	2,136	2,136	+10
Construction management.....	5,961	6,077	6,077	+116
Total, Construction.....	319,129	232,137	275,637	-43,492
Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians				
Cherokee, Choctaw, and Chickasaw settlement.....	9,833	10,167	10,167	+334
Colorado Ute Settlement.....	7,889	8,111	8,111	+222
Cuba Lake Settlement.....	1,726	---	---	-1,726
Hoopa-Yurok settlement fund.....	247	254	254	+7
Pyramid Lake water rights settlement.....	140	144	144	+4
Quinault Settlement.....	9,893	---	10,000	+107
White Earth Land Settlement Act (Admin).....	616	634	634	+18
Zuni Water Settlement.....	13,806	5,444	5,444	-8,362
Total, Miscellaneous Payments to Indians.....	44,150	24,754	34,754	-9,396
Indian Guaranteed Loan Program Account				
Indian guaranteed loan program account.....	6,332	6,348	6,348	+16
TOTAL, BUREAU OF INDIAN AFFAIRS.....	2,295,702	2,187,469	2,308,229	+12,527
DEPARTMENTAL OFFICES				
Insular Affairs				
Assistance to Territories				
Territorial Assistance				
Office of Insular Affairs.....	6,472	6,881	7,381	+909
Technical assistance.....	11,716	8,561	10,681	-1,035
Maintenance assistance fund.....	2,268	2,300	2,300	+32
Brown tree snake.....	2,663	2,700	2,700	+37
Insular management controls.....	1,470	1,491	1,491	+21
Coral reef initiative.....	493	500	500	+7
Water and wastewater projects.....	---	1,000	1,000	+1,000
Subtotal, Territorial Assistance.....	25,082	23,433	26,053	+971
American Samoa				
Operations grants.....	22,779	23,110	23,110	+331
Northern Marianas				
Covenant grants.....	27,720	27,720	27,720	---
Total, Assistance to Territories.....	75,581	74,263	76,883	+1,302

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Infrastructure improvement.....	13,829	9,725	13,000	-829
Subtotal, Capital improvement and maintenance...	514,701	380,792	441,178	-73,523
Emergency appropriations (P.L. 108-324):				
Facilities.....	9,195	---	---	-9,195
Roads.....	33,204	---	---	-33,204
Trails.....	8,416	---	---	-8,416
Funded in Defense Bill (P.L. 108-287) (sec. 8098)...	(10,000)	---	---	(-10,000)
Emergency appropriations (P.L. 109-13).....	24,390	---	---	-24,390
Total, Capital Improvement and Maintenance.....	589,906	380,792	441,178	-148,728
Land Acquisition				
Forest Service				
Acquisitions.....	45,722	25,000	28,500	-17,222
Acquisition management.....	12,820	13,000	12,500	-320
Cash equalization.....	986	500	500	-486
Critical inholdings/wilderness protection.....	1,479	1,500	1,000	-479
Total, Land Acquisition.....	61,007	40,000	42,500	-18,507
Acquisition of lands for national forests, special acts.....	1,054	1,069	1,069	+15
Acquisition of lands to complete land exchanges.....	231	234	234	+3
Range betterment fund.....	3,021	2,963	2,963	-58
Gifts, donations and bequests for forest and rangeland research.....	64	64	64	---
Management of national forest lands for subsistence uses.....	5,879	5,467	5,067	-812
TOTAL, FOREST SERVICE.....	4,770,596	4,066,000	4,263,489	-507,109
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
INDIAN HEALTH SERVICE				
Indian Health Services				
Clinical Services				
IHS and tribal health delivery				
Hospital and health clinic programs.....	1,289,418	1,359,541	1,359,541	+70,123
Dental health program.....	109,023	119,489	119,489	+10,466
Mental health program.....	55,060	59,328	59,328	+4,268
Alcohol and substance abuse program.....	139,073	145,336	145,336	+6,263
Contract care.....	480,318	507,021	507,021	+26,703
Catastrophic health emergency fund.....	17,750	18,000	18,000	+250
Subtotal, Clinical Services.....	2,090,642	2,208,715	2,208,715	+118,073
Preventive Health				
Public health nursing.....	45,015	49,690	49,690	+4,675
Health education.....	12,429	13,787	13,787	+1,358
Community health representatives program.....	51,365	53,737	53,737	+2,372
Immunization (Alaska).....	1,572	1,645	1,645	+73
Subtotal, Preventive Health.....	110,381	118,859	118,859	+8,478
Urban health projects.....	31,816	33,233	33,233	+1,417
Indian health professions.....	30,392	31,503	31,503	+1,111
Tribal management.....	2,343	2,430	2,430	+87
Direct operations.....	61,649	63,123	63,123	+1,474
Self-governance.....	5,586	5,752	5,752	+166
Contract support costs.....	263,683	268,683	268,683	+5,000
Medicare/Medicaid Reimbursements				
Hospital and clinic accreditation (Est. collecting).....	(598,662)	(648,208)	(648,208)	(+49,546)
Total, Indian Health Services.....	2,596,492	2,732,298	2,732,298	+135,806
(Non-contract services).....	(2,098,424)	(2,207,277)	(2,207,277)	(+108,853)
(Contract care).....	(480,318)	(507,021)	(507,021)	(+26,703)
(Catastrophic health emergency fund).....	(17,750)	(18,000)	(18,000)	(+250)
Indian Health Facilities				
Maintenance and improvement.....	49,204	49,904	52,404	+3,200
Sanitation facilities.....	91,767	93,519	93,519	+1,752

DEPARTMENT OF INTERIOR AND RELATED AGENCIES
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Conference	Conference vs. Enacted
Construction facilities.....	88,597	3,326	38,343	-50,254
Facilities and environmental health support.....	141,669	150,959	152,959	+11,290
Equipment.....	17,337	17,960	21,260	+3,923
Total, Indian Health Facilities.....	308,574	315,668	358,485	-30,089
TOTAL, INDIAN HEALTH SERVICE.....	2,985,066	3,047,966	3,090,783	+105,717
NATIONAL INSTITUTES OF HEALTH				
National Institute of Environmental Health Sciences...	79,842	80,289	80,289	+447
AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY				
Toxic substances and environmental public health.....	76,041	76,024	76,024	-17
TOTAL, DEPARTMENT OF HEALTH AND HUMAN SERVICES...	3,140,949	3,204,279	3,247,096	+106,147
OTHER RELATED AGENCIES				
EXECUTIVE OFFICE OF THE PRESIDENT				
Council on Environmental Quality and Office of Environmental Quality.....	3,258	2,717	2,717	-541
CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD				
Salaries and expenses.....	9,027	9,200	9,200	+173
Emergency fund.....	397	---	---	-397
Total, Chemical Safety and Hazard.....	9,424	9,200	9,200	-224
OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION				
Salaries and expenses.....	4,930	8,601	8,601	+3,671
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT				
Payment to the Institute.....	5,916	6,300	6,300	+384
SMITHSONIAN INSTITUTION				
Salaries and Expenses				
Museum and Research Institutes				
Anacostia Museum and Center for African American History and Culture.....	1,864	1,897	1,897	+33
Archives of American Art.....	1,806	1,843	1,843	+37
Arthur M. Sackler Gallery/Freer Gallery of Art.....	5,657	5,772	5,772	+115
Center for Folklife and Cultural Heritage.....	1,910	1,945	1,945	+35
Cooper-Hewitt, National Design Museum.....	3,054	3,118	3,118	+64
Hirshhorn Museum and Sculpture Garden.....	3,997	4,078	4,078	+81
National Air and Space Museum.....	16,262	16,596	16,596	+334
National Museum of African American History and Culture.....	3,944	5,098	3,944	---
National Museum of African Art.....	4,175	4,257	4,257	+82
Smithsonian American Art Museum.....	7,561	12,028	12,028	+4,467
National Museum of American History.....	19,962	20,441	20,441	+479
National Museum of the American Indian.....	31,739	30,540	30,540	-1,199
National Museum of Natural History.....	42,177	44,063	44,063	+1,886
National Portrait Gallery.....	4,957	8,409	8,409	+3,452
National Zoological Park.....	17,576	20,194	20,194	+2,618
Astrophysical Observatory.....	21,301	22,295	22,295	+994
Center for Materials Research and Education.....	3,184	3,251	3,251	+67
Environmental Research Center.....	3,006	3,065	3,065	+59
Tropical Research Institute.....	11,514	11,219	11,419	-95
Subtotal, Museums and Research Institutes.....	205,646	220,109	219,155	+13,509

CONFERENCE TOTAL--WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2006 recommended by the Committee of Conference, with comparisons to the fiscal year 2005 amount, the 2006 budget estimates, and the House and Senate bills for 2006 follow:

(In thousands of dollars)	
New budget (obligational) authority, fiscal year 2005.....	\$27,017,724
Budget estimates of new (obligational) authority, fiscal year 2006.....	25,724,328
House bill, fiscal year 2006.....	26,159,125
Senate bill, fiscal year 2006.....	26,256,625
Conference agreement, fiscal year 2006.....	26,201,541
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2005.....	-816,183
Budget estimates of new (obligational) authority, fiscal year 2006.....	+477,213
House bill, fiscal year 2006.....	+42,416
Senate bill, fiscal year 2006.....	-55,084

CHARLES H. TAYLOR,
JERRY LEWIS,
ZACH WAMP,
JOHN E. PETERSON,
DON SHERWOOD,
ERNEST J. ISTOOK, Jr.,
ROBERT B. ADERHOLT,
JOHN T. DOOLITTLE,
MICHAEL SIMPSON,
NORMAN D. DICKS,
JAMES P. MORAN,
MAURICE D. HINCHEY,
JOHN W. OLVER,
ALAN B. MOLLOHAN,

Managers on the Part of the House.

CONRAD BURNS,
TED STEVENS,
THAD COCHRAN,
PETE V. DOMENICI,
ROBERT F. BENNETT,
JUDD GREGG,
LARRY CRAIG,
WAYNE ALLARD,
BYRON L. DORGAN,
ROBERT C. BYRD,
PATRICK J. LEAHY,
HARRY REID,
DIANNE FEINSTEIN,
BARBARA A. MIKULSKI,
HERB KOHL,

Managers on the Part of the Senate.

