

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF
DEFENSE FOR THE FISCAL YEAR ENDING SEPTEMBER
30, 2006, AND FOR OTHER PURPOSES

DECEMBER 18, 2005.—Ordered to be printed

Mr. YOUNG of Florida, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 2863]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2863) “making appropriations for the Department of Defense 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:

DIVISION A

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (includ-

penses to carry out the direct loan program, as authorized by section 417 of the Stafford Act: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISION—THIS CHAPTER

SEC. 401. Notwithstanding 10 U.S.C. 701(b), the Secretary of the Department of Homeland Security may authorize a member on active duty who performed duties in support of Hurricanes Katrina or Rita disaster relief operations and who, except for this section, would lose any accumulated leave in excess of 60 days at the end of fiscal year 2005, to retain an accumulated leave total not to exceed 120 days leave. Leave in excess of 60 days accumulated under this section is lost unless it is used by the member before October 1, 2007.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for “Construction” for response, cleanup, recovery, repair and reconstruction expenses related to hurricanes in the Gulf of Mexico in calendar year 2005, \$30,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for “Construction” for response, cleanup, recovery, repair and reconstruction expenses related to hurricanes in the Gulf of Mexico in calendar year 2005, \$19,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for “Surveys, Investigations, and Research”, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005 and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, \$5,300,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For an additional amount for “Royalty and Offshore Minerals Management”, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005 and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, \$16,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ENVIRONMENTAL PROTECTION AGENCY

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For an additional amount for “Leaking Underground Storage Tank Program”, not to exceed \$85,000 per project, \$8,000,000, to remain available until expended, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount for “State and Private Forestry”, \$30,000,000, to remain available until expended, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL FOREST SYSTEM

For an additional amount for “National Forest System”, \$20,000,000, to remain available until expended, for necessary expenses, including hazardous fuels reduction, related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for “Capital Improvement and Maintenance”, \$7,000,000, to remain available until expended, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005: Provided, That the amount provided under this heading is designated as an emergency require-

ment pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 6

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services" to award national emergency grants under section 173 of the Workforce Investment Act of 1998 related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005, \$125,000,000, to remain available until June 30, 2006: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That these sums may be used to replace grant funds previously obligated to the impacted areas.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Funds provided under this heading in Public Law 108-447 which have been allocated to the States of Alabama, Louisiana, and Mississippi for activities authorized by title III of the Social Security Act, as amended, shall remain available for obligation by such States through September 30, 2006, except that funds used for automation by such States shall remain available through September 30, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

SOCIAL SERVICES BLOCK GRANT

For an additional amount for "Social Services Block Grant", \$550,000,000, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005, notwithstanding section 2003 and paragraphs (1) and (4) of section 2005(a) of the Social Security Act (42 U.S.C. 1397b and 1397d(a)): Provided, That in addition to other uses permitted by title XX of the Social Security Act, funds appropriated under this heading may be used for health services (including mental health services) and for repair, renovation and construction of health facilities (including mental health facilities): Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for "Children and Families Services Programs", \$90,000,000, for Head Start to serve children displaced by hurricanes in the Gulf of Mexico in calendar year 2005, notwithstanding sections 640(a)(1) and 640(g)(1) of the Head Start Act, and

ing is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISION—THIS CHAPTER

SEC. 2301. *Within 30 days from the date of enactment of this Act and every six months thereafter, the Administrator of the United States Agency for International Development shall submit to the Committees on Appropriations a report which identifies, for all projects funded from amounts appropriated by this Act that are administered by that agency, the following: the program objectives for each such project, the approximate timeline for achieving each of those objectives, the amounts obligated and expended for each project, and the current status of program performance with reference to identified program objectives and the timeline for achieving those objectives.*

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For an additional amount for “Office of the Secretary and Executive Management”, \$47,283,000, to remain available until expended, for necessary expenses to train, plan, and prepare for a potential outbreak of highly pathogenic influenza: Provided, That these funds may be transferred to other Department of Homeland Security appropriations accounts in accordance with section 503 of Public Law 109–90: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for “Resource Management” for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, \$7,398,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for “Operation of the National Park System” for the detection of highly pathogenic avian influenza in

wild birds, including the investigation of morbidity and mortality events, \$525,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES GEOLOGICAL SURVEY
SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for “Surveys, Investigations, and Research” for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, \$3,670,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for “Public Health and Social Services Emergency Fund” to prepare for and respond to an influenza pandemic, including the development and purchase of vaccines, antivirals, and necessary medical supplies, and for planning activities, \$3,054,000,000, to remain available until expended: Provided, That \$350,000,000 shall be for Upgrading State and Local Capacity and \$50,000,000 shall be for laboratory capacity and research at the Centers for Disease Control and Prevention: Provided further, That products purchased with these funds may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile: Provided further, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: Provided further, That the Secretary may negotiate a contract with a vendor under which a State may place an order with the vendor for antivirals; may reimburse a State for a portion of the price paid by the State pursuant to such an order; and may use amounts made available herein for such reimbursement: Provided further, That funds appropriated herein and not specifically designated under this heading may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th

CHAPTER 3

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

(RESCISSION)

Of the unobligated balances available under this heading in Public Law 109-102 and Public Law 108-447, \$25,000,000 are rescinded.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

(RESCISSION OF FUNDS)

Of the funds appropriated under this heading in Public Law 109-90, \$260,533,000 are rescinded.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(RESCISSION OF FUNDS)

Of the funds appropriated under this heading in Public Law 109-62, \$23,409,300,000 are rescinded.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the unobligated balances available under this heading, \$500,000 are rescinded.

UNITED STATES FISH AND WILDLIFE SERVICE

LANDOWNER INCENTIVE PROGRAM

(RESCISSION)

Of the unobligated balances available under this heading, \$2,000,000 are rescinded.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

(RESCISSION)

Of the unobligated balances available under this heading, \$1,000,000 are rescinded.

(6) with respect to item number 26 by striking “Center” and inserting “College”;

(7) with respect to item number 372 by striking “Fairview, Kansas” and inserting “Fairway, Kansas”;

(8) with respect to item number 584 by striking “City of Asheville, North Carolina for the renovation of the Asheville Veterans Memorial Stadium” and inserting “UNC Asheville Science and Multimedia Center, City of Asheville, North Carolina for the construction of a new science and multi-media building”; and

(9) with respect to item number 341 by striking “Village of Northfield, IL” and inserting “Northfield Park District of Illinois”.

SEC. 5024. *The referenced statement of the managers under the heading “Community development fund” in title II of division I of Public Law 108–447 is deemed to be amended with respect to item 571 by striking “\$575,000 to the Metropolitan Development Association in Syracuse, New York for the Essential New York Initiative” and inserting “\$200,000 to the Monroe County Industrial Development Agency for streetscape and infrastructure improvements to the Medley Center in the Town of Irondequoit, New York; \$90,000 to the City of Syracuse, New York for facilities and equipment improvements for the Syracuse Food Bank; \$200,000 to the City of Syracuse, New York for renovations and infrastructure improvements to the Lofts on Willow Urban Village project; and, \$85,000 to Cayuga County, New York for the CIVIC Heritage Historical Society for the construction of a history center;”.*

SEC. 5025. *Effective upon the enactment of this Act, none of the funds appropriated or otherwise made available by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38) shall be transferred to or from the Emergency Response Fund.*

This division may be cited as the “Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006”.

DIVISION C—AMERICAN ENERGY INDEPENDENCE AND SECURITY ACT OF 2005

SEC. 1. SHORT TITLE.

This division may be cited as the “American Energy Independence and Security Act of 2005”.

SEC. 2. DEFINITIONS.

In this division:

(1) **COASTAL PLAIN.**—*The term “Coastal Plain” means that area identified as the “1002 Coastal Plain Area” on the map.*

(2) **FEDERAL AGREEMENT.**—*The term “Federal Agreement” means the Federal Agreement and Grant Right-of-Way for the Trans-Alaska Pipeline issued on January 23, 1974, in accordance with section 28 of the Mineral Leasing Act (30 U.S.C. 185) and the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.).*

(3) *FINAL STATEMENT.*—The term “Final Statement” means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(4) *MAP.*—The term “map” means the map entitled “Arctic National Wildlife Refuge”, dated September 2005, and prepared by the United States Geological Survey.

(5) *SECRETARY.*—The term “Secretary” means the Secretary of the Interior (or the designee of the Secretary), acting through the Director of the Bureau of Land Management in consultation with the Director of the United States Fish and Wildlife Service and in coordination with a State coordinator appointed by the Governor of the State of Alaska.

SEC. 3. LEASING PROGRAM FOR LAND WITHIN THE COASTAL PLAIN.

(a) *IN GENERAL.*—

(1) *AUTHORIZATION.*—Congress authorizes the exploration, leasing, development, production, and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain.

(2) *ACTIONS.*—The Secretary shall take such actions as are necessary—

(A) to establish and implement, in accordance with this division, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain while taking into consideration the interests and concerns of residents of the Coastal Plain, which is the homeland of the Kaktovikmiut Inupiat; and

(B) to administer this division through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(i) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment; and

(ii) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this division in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) *REPEAL.*—

(1) *REPEAL.*—Section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3143) is repealed.

(2) *CONFORMING AMENDMENT.*—The table of contents contained in section 1 of that Act (16 U.S.C. 3101 note) is amended by striking the item relating to section 1003.

(c) *COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.*—

(1) *COMPATIBILITY.*—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)—

(A) the oil and gas pre-leasing and leasing program, and activities authorized by this section in the Coastal Plain, shall be considered to be compatible with the purposes for which the Arctic National Wildlife Refuge was established; and

(B) no further findings or decisions shall be required to implement that program and those activities.

(2) *ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.*—The Final Statement shall be considered to satisfy the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to pre-leasing activities, including exploration programs and actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this division before the conduct of the first lease sale.

(3) *COMPLIANCE WITH NEPA FOR OTHER ACTIONS.*—

(A) *IN GENERAL.*—Before conducting the first lease sale under this division, the Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the actions authorized by this division that are not referred to in paragraph (2).

(B) *IDENTIFICATION AND ANALYSIS.*—Notwithstanding any other provision of law, in carrying out this paragraph, the Secretary shall not be required—

(i) to identify nonleasing alternative courses of action; or

(ii) to analyze the environmental effects of those courses of action.

(C) *IDENTIFICATION OF PREFERRED ACTION.*—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(i) identify only a preferred action and a single leasing alternative for the first lease sale authorized under this division; and

(ii) analyze the environmental effects and potential mitigation measures for those 2 alternatives.

(D) *PUBLIC COMMENTS.*—In carrying out this paragraph, the Secretary shall consider only public comments that are filed not later than 20 days after the date of publication of a draft environmental impact statement.

(E) *EFFECT OF COMPLIANCE.*—Notwithstanding any other provision of law, compliance with this paragraph shall be considered to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this division.

(d) *RELATIONSHIP TO STATE AND LOCAL AUTHORITY.*—Nothing in this division expands or limits any State or local regulatory authority.

(e) *SPECIAL AREAS.*—

(1) *DESIGNATION.*—

(A) *IN GENERAL.*—The Secretary, after consultation with the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, may designate not more than 45,000 acres of the Coastal Plain as a special area if the Secretary determines that the special area would be of such unique character and interest as to require special management and regulatory protection.

(B) *SADLEROCHIT SPRING AREA.*—The Secretary shall designate as a special area in accordance with subparagraph (A) the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map.

(2) *MANAGEMENT.*—The Secretary shall manage each special area designated under this subsection in a manner that—

(A) respects and protects the Native people of the area; and

(B) preserves the unique and diverse character of the area, including fish, wildlife, subsistence resources, and cultural values of the area.

(3) *EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.*—

(A) *IN GENERAL.*—The Secretary may exclude any special area designated under this subsection from leasing.

(B) *NO SURFACE OCCUPANCY.*—If the Secretary leases all or a portion of a special area for the purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the land comprising the special area.

(4) *DIRECTIONAL DRILLING.*—Notwithstanding any other provision of this subsection, the Secretary may lease all or a portion of a special area under terms that permit the use of horizontal drilling technology from sites on leases located outside the special area.

(f) *LIMITATION ON CLOSED AREAS.*—The Secretary may not close land within the Coastal Plain to oil and gas leasing or to exploration, development, or production except in accordance with this division.

(g) *REGULATIONS.*—

(1) *IN GENERAL.*—Not later than 15 months after the date of enactment of this Act, in consultation with appropriate agencies of the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, the Secretary shall issue such regulations as are necessary to carry out this division, including rules and regulations relating to protection of the fish and wildlife, fish and wildlife habitat, and subsistence resources of the Coastal Plain.

(2) *REVISION OF REGULATIONS.*—The Secretary may periodically review and, as appropriate, revise the rules and regulations issued under paragraph (1) to reflect any significant scientific or engineering data that come to the attention of the Secretary.

SEC. 4. LEASE SALES.

(a) *IN GENERAL.*—Land may be leased pursuant to this division to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) *PROCEDURES.*—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after that nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) **LEASE SALE BIDS.**—Bidding for leases under this division shall be by sealed competitive cash bonus bids.

(d) **ACREAGE MINIMUM IN FIRST SALE.**—For the first lease sale under this division, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) **TIMING OF LEASE SALES.**—The Secretary shall—

(1) not later than 22 months after the date of enactment of this Act, conduct the first lease sale under this division;

(2) not later than September 30, 2010, conduct a second lease sale under this division; and

(3) conduct additional sales at appropriate intervals if sufficient interest in exploration or development exists to warrant the conduct of the additional sales.

SEC. 5. GRANT OF LEASES BY THE SECRETARY.

(a) **IN GENERAL.**—Upon payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 4 a lease for any land on the Coastal Plain.

(b) **SUBSEQUENT TRANSFERS.**—

(1) **IN GENERAL.**—No lease issued under this division may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) **CONDITION FOR APPROVAL.**—Before granting any approval described in paragraph (1), the Secretary shall consult with and give due consideration to the opinion of the Attorney General.

SEC. 6. LEASE TERMS AND CONDITIONS.

(a) **IN GENERAL.**—An oil or gas lease issued pursuant to this division shall—

(1) provide for the payment of a royalty of not less than 12½ percent of the amount or value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, such portions of the Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that each lessee of land within the Coastal Plain shall be fully responsible and liable for the reclamation of land within the Coastal Plain and any other Federal land that is adversely affected in connection with exploration, development, production, or transportation activities within the Coastal Plain

conducted by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, that reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for land required to be reclaimed under this division shall be, to the maximum extent practicable—

(A) a condition capable of supporting the uses that the land was capable of supporting prior to any exploration, development, or production activities; or

(B) upon application by the lessee, to a higher or better standard, as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 3(a)(2);

(7) provide that each lessee, and each agent and contractor of a lessee, use their best efforts to provide a fair share of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State of Alaska, as determined by the level of obligation previously agreed to in the Federal Agreement; and

(8) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this division and regulations issued under this division.

(b) **PROJECT LABOR AGREEMENTS.**—The Secretary, as a term and condition of each lease under this division, and in recognizing the proprietary interest of the Federal Government in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this division (including the special concerns of the parties to those leases), shall require that each lessee, and each agent and contractor of a lessee, under this division negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 7. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) **NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.**—In accordance with section 3, the Secretary shall administer this division through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other provisions that—

(1) ensure, to the maximum extent practicable, that oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, fish and wildlife habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum surface acreage covered in connection with the leasing program by production and support facilities, including airstrips and any areas covered by gravel

berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) *SITE-SPECIFIC ASSESSMENT AND MITIGATION.*—The Secretary shall require, with respect to any proposed drilling and related activities on the Coastal Plain, that—

(1) a site-specific environmental analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, fish and wildlife habitat, subsistence resources, subsistence uses, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the maximum extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan occur after consultation with—

(A) each agency having jurisdiction over matters mitigated by the plan;

(B) the State of Alaska;

(C) North Slope Borough, Alaska; and

(D) the City of Kaktovik, Alaska.

(c) *REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.*—Before implementing the leasing program authorized by this division, the Secretary shall prepare and issue regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other measures designed to ensure, to the maximum extent practicable, that the activities carried out on the Coastal Plain under this division are conducted in a manner consistent with the purposes and environmental requirements of this division.

(d) *COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.*—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this division shall require—

(1) compliance with all applicable provisions of Federal and State environmental law (including regulations);

(2) implementation of and compliance with—

(A) standards that are at least as effective as the safety and environmental mitigation measures, as described in items 1 through 29 on pages 167 through 169 of the Final Statement, on the Coastal Plain;

(B) seasonal limitations on exploration, development, and related activities, as necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration;

(C) design safety and construction standards for all pipelines and any access and service roads that minimize, to the maximum extent practicable, adverse effects on—

(i) the passage of migratory species (such as caribou); and

(ii) the flow of surface water by requiring the use of culverts, bridges, or other structural devices;

(D) prohibitions on general public access to, and use of, all pipeline access and service roads;

(E) stringent reclamation and rehabilitation requirements in accordance with this division for the removal from the Coastal Plain of all oil and gas development and pro-

- duction facilities, structures, and equipment on completion of oil and gas production operations, except in a case in which the Secretary determines that those facilities, structures, or equipment—*
- (i) would assist in the management of the Arctic National Wildlife Refuge; and*
 - (ii) are donated to the United States for that purpose;*
- (F) appropriate prohibitions or restrictions on—*
- (i) access by all modes of transportation;*
 - (ii) sand and gravel extraction; and*
 - (iii) use of explosives;*
- (G) reasonable stipulations for protection of cultural and archaeological resources;*
- (H) measures to protect groundwater and surface water, including—*
- (i) avoidance, to the maximum extent practicable, of springs, streams, and river systems;*
 - (ii) the protection of natural surface drainage patterns and wetland and riparian habitats; and*
 - (iii) the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling; and*
- (I) research, monitoring, and reporting requirements;*
- (3) that exploration activities (except surface geological studies) be limited to the period between approximately November 1 and May 1 of each year and be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods (except that those exploration activities may be permitted at other times if the Secretary determines that the exploration will have no significant adverse effect on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment of the Coastal Plain);*
- (4) consolidation of facility siting;*
- (5) avoidance or reduction of air traffic-related disturbance to fish and wildlife;*
- (6) treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including, in accordance with applicable Federal and State environmental laws (including regulations)—*
- (A) preparation of an annual waste management report;*
 - (B) development and implementation of a hazardous materials tracking system; and*
 - (C) prohibition on the use of chlorinated solvents;*
- (7) fuel storage and oil spill contingency planning;*
- (8) conduct of periodic field crew environmental briefings;*
- (9) avoidance of significant adverse effects on subsistence hunting, fishing, and trapping;*
- (10) compliance with applicable air and water quality standards;*
- (11) appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited; and*

(12) development and implementation of such other protective environmental requirements, restrictions, terms, or conditions as the Secretary, after consultation with the State of Alaska, North Slope Borough, Alaska, and the City of Kaktovik, Alaska, determines to be necessary.

(e) *CONSIDERATIONS.*—In preparing and issuing regulations, lease terms, conditions, restrictions, prohibitions, or stipulations under this section, the Secretary shall take into consideration—

(1) the stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement;

(2) the environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 through 37.33 of title 50, Code of Federal Regulations (or successor regulations); and

(3) the land use stipulations for exploratory drilling on the KIC-ASRC private land described in Appendix 2 of the agreement between Arctic Slope Regional Corporation and the United States dated August 9, 1983.

(f) *FACILITY CONSOLIDATION PLANNING.*—

(1) *IN GENERAL.*—After providing for public notice and comment, the Secretary shall prepare and periodically update a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of oil and gas resources from the Coastal Plain.

(2) *OBJECTIVES.*—The objectives of the plan shall be—

(A) the avoidance of unnecessary duplication of facilities and activities;

(B) the encouragement of consolidation of common facilities and activities;

(C) the location or confinement of facilities and activities to areas that will minimize impact on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(D) the use of existing facilities, to the maximum extent practicable; and

(E) the enhancement of compatibility between wildlife values and development activities.

(g) *ACCESS TO PUBLIC LAND.*—The Secretary shall—

(1) manage public land in the Coastal Plain in accordance with subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public land in the Coastal Plain for traditional uses.

SEC. 8. EXPEDITED JUDICIAL REVIEW.

(a) *FILING OF COMPLAINTS.*—

(1) *DEADLINE.*—A complaint seeking judicial review of a provision of this division or an action of the Secretary under this division shall be filed—

(A) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(B) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph

(A), by not later than 90 days after the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) *VENUE*.—A complaint seeking judicial review of a provision of this division or an action of the Secretary under this division shall be filed in the United States Court of Appeals for the District of Columbia.

(3) *SCOPE*.—

(A) *IN GENERAL*.—Judicial review of a decision of the Secretary under this division (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this division; and

(ii) based on the administrative record of the decision.

(B) *PRESUMPTIONS*.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this division shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) *LIMITATION ON OTHER REVIEW*.—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 9. RIGHTS-OF-WAY AND EASEMENTS ACROSS COASTAL PLAIN.

For purposes of section 1102(4)(A) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3162(4)(A)), any rights-of-way or easements across the Coastal Plain for the exploration, development, production, or transportation of oil and gas shall be considered to be established incident to the management of the Coastal Plain under this section.

SEC. 10. CONVEYANCE.

Notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), to remove any cloud on title to land, and to clarify land ownership patterns in the Coastal Plain, the Secretary shall—

(1) to the extent necessary to fulfill the entitlement of the Kaktovik Inupiat Corporation under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613), as determined by the Secretary, convey to that Corporation the surface estate of the land described in paragraph (1) of Public Land Order 6959, in accordance with the terms and conditions of the agreement between the Secretary, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation, dated January 22, 1993; and

(2) convey to the Arctic Slope Regional Corporation the remaining subsurface estate to which that Corporation is entitled under the agreement between that corporation and the United States, dated August 9, 1983.

SEC. 11. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) *ESTABLISHMENT OF FUND*.—

(1) *IN GENERAL*.—As a condition on the receipt of funds under section 1(a) of division D, the State of Alaska shall estab-

lish in the treasury of the State, and administer in accordance with this section, a fund to be known as the "Coastal Plain Local Government Impact Aid Assistance Fund" (referred to in this section as the "Fund").

(2) *DEPOSITS.*—Subject to paragraph (1), the Secretary of the Treasury shall deposit into the Fund, in accordance with section 1(a)(2) of division D, \$35,000,000 each year from adjusted bonus, rental, and royalty revenues from oil and gas leasing and operations under this division.

(3) *INVESTMENT.*—The Governor of the State of Alaska (referred to in this section as the "Governor") shall invest amounts in the Fund in interest-bearing securities of the United States or the State of Alaska.

(b) *ASSISTANCE.*—The Governor, in cooperation with the Mayor of the North Slope Borough, shall use amounts in the Fund to provide assistance to North Slope Borough, Alaska, the City of Kaktovik, Alaska, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on the Coastal Plain under this division, or any Alaska Native Regional Corporation acting on behalf of the villages and communities within its region whose lands lie along the right of way of the Trans Alaska Pipeline System, as determined by the Governor.

(c) *APPLICATION.*—

(1) *IN GENERAL.*—To receive assistance under subsection (b), a community or Regional Corporation described in that subsection shall submit to the Governor, or to the Mayor of the North Slope Borough, an application in such time, in such manner, and containing such information as the Governor may require.

(2) *ACTION BY NORTH SLOPE BOROUGH.*—The Mayor of the North Slope Borough shall submit to the Governor each application received under paragraph (1) as soon as practicable after the date on which the application is received.

(3) *ASSISTANCE OF GOVERNOR.*—The Governor shall assist communities in submitting applications under this subsection, to the maximum extent practicable.

(d) *USE OF FUNDS.*—A community or Regional Corporation that receives funds under subsection (b) may use the funds—

(1) to plan for mitigation, implement a mitigation plan, or maintain a mitigation project to address the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence resources of the community;

(2) to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) services to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, and other medical services;

(3) to compensate residents of the Coastal Plain for significant damage to environmental, social, cultural, recreational, or subsistence resources; and

(4) in the City of Kaktovik, Alaska—

(A) to develop a mechanism for providing members of the Kaktovikmiut Inupiat community an opportunity to—

(i) monitor development on the Coastal Plain; and

(ii) provide information and recommendations to the Governor based on traditional aboriginal knowledge of the natural resources, flora, fauna, and ecological processes of the Coastal Plain; and

(B) to establish a local coordination office, to be managed by the Mayor of the North Slope Borough, in coordination with the City of Kaktovik, Alaska—

(i) to coordinate with and advise developers on local conditions and the history of areas affected by development;

(ii) to provide to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate annual reports on the status of the coordination between developers and communities affected by development;

(iii) to collect from residents of the Coastal Plain information regarding the impacts of development on fish, wildlife, habitats, subsistence resources, and the environment of the Coastal Plain; and

(iv) to ensure that the information collected under clause (iii) is submitted to—

(I) developers; and

(II) any appropriate Federal agency.

SEC. 12. PROHIBITION ON EXPORTS.

An oil or gas lease issued under this division shall prohibit the exportation of oil or gas produced under the lease.

SEC. 13. LEGISLATIVE PROCEDURE.

Effective immediately, the Presiding Officer shall apply all of the precedents of the Senate under Rule XXVIII in effect at the beginning of the 109th Congress.

SEC. 14. SEVERABILITY.

If any provision of this division or division D, or the application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this division and division D and the application of such provisions to any person or circumstance shall not be affected thereby.

DIVISION D—DISTRIBUTION OF REVENUES AND DISASTER ASSISTANCE

SEC. 1. FEDERAL AND STATE DISTRIBUTION OF REVENUES.

(a) **RECEIPTS.**—Subject to section 11(a)(1) of division C and notwithstanding any other provision of law—

(1) 50 percent of the amount of adjusted bonus, rental, and royalty receipts from Federal oil and gas leasing and operations authorized under division C shall be deposited in the Treasury as miscellaneous receipts, in accordance with subsection (b), of which 5 percent shall be appropriated to the Department of Health and Human Services to make payments under title

CHAPTER 5

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

The conference agreement provides \$30,000,000 for construction costs of the United States Fish and Wildlife Service related to Hurricanes Katrina, Rita, Wilma, and Ophelia. These funds will be used for repair and reconstruction and operational costs incurred in responding to and cleaning up from the storms. In addition to repair and reconstruction of Federal facilities, the funds should be used to repay construction projects from which funds were transferred on an emergency basis. They also are available to pay for un-reimbursed overtime and operational costs.

NATIONAL PARK SERVICE

CONSTRUCTION

The conference agreement provides \$19,000,000 for construction costs of the National Park Service related to Hurricanes Katrina, Rita, and Wilma. These funds will be used for repair and reconstruction and operational costs incurred in responding to and cleaning up from the storms. In addition to repair and reconstruction of Federal facilities, the funds should be used to repay construction projects from which funds were transferred on an emergency basis. They also are available to pay for un-reimbursed overtime and operational costs.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides \$5,300,000, as requested, for surveys, investigations, and research costs of the United States Geological Survey. The funds are for facility and equipment repair and replacement needs, including stream gage repair and replacement, at Survey sites in the Southeast that were damaged by Hurricanes Katrina and Rita.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

The conference agreement provides \$16,000,000 for royalty and offshore minerals management. The funds are provided for the temporary relocation of the Minerals Management Service's Gulf of Mexico regional office from Louisiana to Houston, TX; including immediate recovery costs to purchase new equipment, locate temporary offices and additional personnel, and operational costs incurred as a result of the hurricanes during the first six months after the events.

ENVIRONMENTAL PROTECTION AGENCY
LEAKING UNDERGROUND STORAGE TANK PROGRAM

The conference agreement provides \$8,000,000 for the leaking underground storage tank program. These funds will be used to address the most immediate underground storage tank needs in areas affected by Hurricanes Katrina and Rita; including site assessments of leaking tanks to identify problems and initiate appropriate corrective actions.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

The conference agreement provides \$30,000,000 for State and private forestry instead of providing the \$50,000,000 requested for a new forestry disaster assistance fund. The managers believe that the proposed new fund is unnecessary in that the activities that would be funded, including assistance to timber land owners for debris removal, timber salvage, wildfire mitigation, and wildlife habitat stabilization, are more appropriately funded within authorized activities under the existing State and private forestry account. The funding provided should be used for urgently needed activities associated with Hurricanes Katrina and Rita recovery, clean-up, and restoration. The managers direct the Secretary of Agriculture to notify the House and Senate Committees on Appropriations on the proposed distribution of funds at least ten days before allocating these funds to the field.

NATIONAL FOREST SYSTEM

The conference agreement provides \$20,000,000 for the national forest system for urgently needed activities associated with Hurricanes Katrina and Rita recovery, clean-up, and restoration. A portion of these funds may be used for hazardous fuels reduction activities on national forest system lands. The managers direct the Secretary of Agriculture to notify the House and Senate Committees on Appropriations on the proposed distribution of funds at least ten days before allocating these funds to the field.

CAPITAL IMPROVEMENT AND MAINTENANCE

The conference agreement provides \$7,000,000 for capital improvement and maintenance to repair roads and to repair or replace hurricane damaged bridges and other facilities in National Forests affected by Hurricanes Katrina and Rita.

quirements for the reprogramming and transfer of funds in Section 503 of Public Law 109–90.

The additional funds will allow for training of Department of Homeland Security personnel in emergency response procedures and protocols related to the potential outbreak of a highly pathogenic pandemic influenza, preparedness planning within the Department, protection of Department employees, modeling capabilities of likely patterns of pathogen dispersion, and equipment to isolate potentially exposed individuals. Recognizing pandemic influenza is not the only pathogenic threat that may enter the Nation, the Department should leverage its pandemic influenza activities to guard against other highly infectious and deadly diseases.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The conference agreement provides \$7,398,000, as requested, for resource management to increase field monitoring for avian influenza.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

The conference agreement provides \$525,000, as requested, for operation of the National Park System to coordinate surveillance and monitoring of wild birds for avian influenza within national parks.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides \$3,670,000, as requested, for surveys, investigations, and research for an interagency effort to detect avian influenza in wild birds, with an initial focus on early detection activities in areas with a high potential for contact between Asian and North American birds.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The conference agreement provides \$3,300,000,000 to prepare for and respond to an influenza pandemic, of which \$3,204,000,000 is to remain available until expended. Section 8116 of the Senate bill included \$3,913,000,000 for this purpose to remain available until expended. In addition, the Senate included \$8,158,589,000 for pandemic influenza in H.R. 3010, the appropriations bill for the

(In thousands of dollars)

Account	Request	Conference
Rescissions:		
Operation and Maintenance:		
Support for International Sporting Competitions	26,000	
Disposal of Department of Defense Real Property	45,000	45,000
Lease of Department of Defense Real Property	30,000	30,000
Overseas Military Facility Investment Recovery	5,000	5,000
Research, Development, Test and Evaluation, RDT&E, Army:		
Venture Capital	14,000	—
Joint Common Missile (JCM) Program	34,600	—
Total Rescissions	154,600	80,000

CHAPTER 3

FOREIGN OPERATIONS

The conference agreement includes language that reduces balances in Public Law 109–102 and Public Law 108–447, under the heading, “Export-Import Bank Subsidy Appropriation”, by a total of \$25,000,000.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

(RESCISSION OF FUNDS)

The conferees agree to rescind \$260,533,000 for accrual payments for Medicare-eligible employees which have been met using permanent indefinite discretionary authority.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(RESCISSION OF FUNDS)

The conferees agree to rescind \$23,409,300,000 from the Disaster Relief Fund.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

The conference agreement rescinds \$500,000 in unobligated balances in the management of lands and resources account.

UNITED STATES FISH AND WILDLIFE SERVICE

LANDOWNER INCENTIVE PROGRAM

(RESCISSION)

The conference agreement rescinds \$2,000,000 in unobligated balances in the landowner incentive program.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

(RESCISSION)

The conference agreement rescinds \$1,000,000 in unobligated balances in the cooperative endangered species conservation fund.

CHAPTER 6

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

The conference agreement includes a rescission of \$7,000,000 from unobligated balances available under this heading.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

The conference agreement includes a rescission of \$10,000,000 from unobligated balances available under this heading.

EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE

(RESCISSION)

The conference agreement includes a rescission of \$20,000,000 from unobligated balances available under this heading.

CHAPTER 7

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

(RESCISSION)

The conference agreement includes a rescission of \$1,143,000,000 of the unobligated balances of funds apportioned to the States under chapter 1 of title 23, United States Code, excluding safety programs and funds set aside within the State for popu-