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Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

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

Let us pray.

O God, our Father, You alone can strengthen us to do Your will. Strengthen us to trust You when life brings more shadows than sunshine. Strengthen us to have faith, faith in You, even when doubts assail. Strengthen us with hope when things seem at their worst.

Strengthen the Members of this body with a reliance upon Your loving and powerful providence. Remind each Senator that all things work together for the good of those who love You. Strengthen us all to fight the good fight, to run a noble race, and to refuse to give in to despair.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today, at 3 o'clock, we will begin consideration of the Transportation, Treasury, and HUD appropriations bill. We expect amendments to be offered during today's session and, as I announced prior to the recess, the first vote will occur at 5:30. We expect that vote to be in relation to an amendment to the Transportation-Treasury bill, and we will coordinate with the two managers once we begin debate on the bill itself.

We are now in the final weeks of the first session. Members should expect busy weeks with rollcall votes possible each day of the week, including Fridays. I say including on Fridays not as a threat but as a reality of the large amount of work remaining that we have to do and the time left for completing our business.

I do thank all Senators in advance for their patience and cooperation as we try to wrap up our business next month.

SENATE AGENDA

Mr. FRIST. Mr. President, I welcome back our colleagues from the Columbus Day recess. As we open our session, I hope everyone—I am sure they did—had a productive and rejuvenating week with their constituents and their families and their friends. We have a very busy 5-week session ahead of us. There is a lot of work to do.

First up is going to be spending reconciliation. This week our committees are taking up the hard work of thoughtfully considering spending cuts to ensure fiscal discipline, particularly in light of our responsibilities in the wake of Hurricane Katrina. It is not an easy job. It is not going to be an easy job over the next several days and weeks. I do want to thank our committees and their chairmen and ranking members for their determination and focus.

On appropriations, we have made steady progress. We have made good progress in the last several weeks. I anticipate we will be able to finish the Transportation, Treasury, HUD, and DC appropriations bill this week, which means once we are successful with that—and we will be—we will have only one bill remaining. I thank, particularly, Chairman THAD COCHRAN for his tremendous leadership in this appropriations process.

The appropriations process is one of our primary responsibilities. It funds the basic functions of our Government. And we are committed to doing so in a way that is disciplined and is fiscally responsible.

This is equally true as we continue to meet the challenges of Hurricane Katrina and Hurricane Rita. In the wake of these twin disasters, we focused on providing the targeted relief, the immediate relief, and the effective tax incentives that we know will work to help the gulf coast recover and rebuild.

As this process moves forward, we are going to face a lot of tough decisions, a lot of difficult decisions. But with each of these decisions does come an opportunity, an opportunity to encourage growth, to lower costs, to create jobs, and to strengthen the economy as the gulf recovers and rebuilds stronger and, indeed, more prosperous than ever.

Throughout, we need to keep a sharp eye on the bottom line, and we need to set clear priorities. Some have called for higher taxes to cover the short-term expense. I disagree. America's families are already bearing the burden of higher taxes in higher gasoline prices and heating bills as a result of the storms. We cannot and should not burden the American people with even greater Government-imposed expenses.

We need to stick to a rigorous program of fiscal discipline and strong progrowth and deliver meaningful solutions that are responsible and effective, that we know will work.

Before the Columbus Day recess, I asked our committee chairmen to keep working on the spending controls we agreed to earlier this year and to look for ways to find additional savings.

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

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I asked our Budget Committee chairman, JUDD GREGG, to put together feasible and achievable savings recommendations. I also asked him to coordinate his work with the House and the White House.

We have also endorsed the concept of creating an independent inspector general to make sure the Katrina and Rita disaster relief will be well spent.

To further control costs, we have asked the President to send the Congress a rescissions package under the Budget Act. This is the only guaranteed way to ensure both the House and Senate jointly take a stand on spending. This authority, last used in 1992, resulted in savings, then, of nearly $8 billion.

We are moving forward, and I urge all of our colleagues to continue to work together to impose aggressive fiscal discipline to restrain Government spending.

In the next 5 weeks, we will also consider the President's nomination of Harriet Miers to the Supreme Court of the United States. I expect the Senate to carry out its constitutional advice and consent responsibility in an expeditious, fair, and civil manner, as we did with Chief Justice John Roberts.

Harriet Miers is an accomplished and experienced lawyer, who is respected by her peers and trusted by the President. In the weeks ahead, we will have the opportunity to learn more about her background and more about her qualifications. Through courtesy calls and hearings, we will have that opportunity to hear from Ms. Miers herself.

I urge all of my colleagues to let her be heard and to resist a rush to judgment. Such as with all judicial nominees, Harriet Miers deserves a fair up-or-down vote.

In the meantime, we will continue to work for consent on pensions and Defense authorization. I urge my colleagues to work together to get these critical pieces of legislation done.

Protecting our fellow citizens' safety and well-being is our highest obligation. The American people expect and deserve a Senate that is purpose driven and that does get results. We are called upon to govern with meaningful solutions.

In this session, we have worked hard to address some daunting challenges: defeating our terrorist enemies, tackling rising energy costs, and securing our borders from illegal immigration and terrorist threat. More remains to be done. We face a serious threat of avian flu, as well as taking a hard look at our spending priorities.

These are just two examples. There will be many more. But I am confident that by pulling together with a sense of common purpose we can secure a stronger, safer, healthier, freer, and more prosperous America. I am confident that with determination and focus we will continue to move America forward.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

PRIORITIES OF THE AMERICAN PEOPLE

Mr. REID. Mr. President, similar to all Senators, with rare exception, I spent last week's recess at home. I traveled Nevada meeting with my constituents. I met with a wide range of people. I had many conversations. But all the conversations came back to the same issues, including rising energy prices.

One of the last conversations I had was at my home in Searchlight, where some of our friends who live in Searchlight came to visit with us, Judy and Dick Hill. He works at a powerplant, the Mojave Generating Facility, about 35 miles from Las Vegas. She is the assistant postmistress of Searchlight. They have two boys. One of them is going to school. She is even taking some courses at a community college.

They spend about $500 a month on gasoline. Maybe they should get vehicles that do not use as much gas, and I am sure they are considering that, but it would not matter what kind of vehicle they drove; they need lots of gasoline to be able to do what they have to do, such as going back and forth to work, taking the boy to school.

People in Nevada are concerned about Iraq, as well they should be. I certainly applaud the people of Iraq. A little more than half of them turned out to vote. That is courageous. They are proud people, and I am glad they have shown their strength by turning out to vote. And it appears the constitution is going to pass. We will know in a few days.

We lost five soldiers yesterday in Iraq. We are very quickly approaching 2,000. We have not quite arrived at that number yet, but we are 10 or 12 short of that number.

The costs are ongoing. The war seems to be intractable. Surprisingly, the administration is still claiming, as Secretary Rice did over the weekend on a Sunday talk show, that the war is a result of 9/11. The American people do not accept that because it is simply not true.

Of course, constituents were concerned about Katrina and, of course, whether we are ready for another disaster such as the avian flu. I am sure this is not unique. I am sure other Senators had the same experiences I did these past 10 days. Americans from all walks of life are focused on these important issues, and they are looking to us for help. As the Democratic leader, I felt comfortable assuring my constituents that my Democratic colleagues are doing everything we can to meet these three areas about which they spoke.

On Iraq, we continue to press the President to answer key questions about how he is going to change course and achieve military and political success and to get an accounting of how the money has been spent.

On energy, we believe we must remain committed—and we will remain committed—to energy independence by the year 2020. And we have pushed to help families fill their tanks and heat their homes.

With Katrina, we have continued to fight to make sure the needs of displaced families are placed at the top of the Senate's agenda.

And with the avian flu, we have taken the lead in offering solutions to help prepare America and Americans for the next possible disaster.

You see, Democrats understand these issues are the priorities of the American people. That is why they are priorities for us.

Mr. President, a couple of comments regarding the statement of my friend, the Republican leader. I do not know of anyone who is calling for higher taxes, as he suggests. But I know there are people calling for doing away with the budget resolution and reconciliation that calls for $70 billion more in tax cuts—$70 billion more in tax cuts—that go to the elite of the country.

On top of that, I would suggest that we need to, in effect, get rid of the reconciliation.

The resolution that will be executed by the reconciliation process now before the Congress, that was called by all leaders of Protestant Churches the night we voted on it immoral, is even more so now, the resolution before us, not counting what the House says they are going to do. They are going to cut more, Medicaid by $10 billion, cut Medicaid more, cut medical care to the poorest of the poor in America. They want to increase it by another $5 or $10 billion. That is unconscionable.

My distinguished friend, the majority leader, said the high energy costs are a result of the storm of Katrina. That is simply without fact. Prior to Katrina, oil prices were at $70 a barrel. This is a problem that has been going on for a while. We Democrats are concerned about the priorities of the American people. I suggest that those issues about which my friend spoke are not priorities, certainly not to the people of Nevada. We are focused on addressing America's pressing needs. Republicans are acting as though nothing is wrong, that the storm caused the problems.

Take energy. The price of gas continues to hover around $3. I already told you about Dick and Judy Hill in Searchlight. Millions of other people are in the same boat as Dick and Judy. The administration's own Energy Department predicts families will pay hundreds more to heat their homes this winter.

I met with Governor Doyle of Wisconsin today. He said in Wisconsin to heat your home will cost $300 a month more. Despite these facts, Republicans have refused to help families at the

pump. They have blocked our efforts to help working families heat their homes. Senate Republicans have taken a similar hands-off approach to Iraq and Katrina. We still have done nothing to help the victims of Katrina. We have appropriated money. The majority leader says we should have somebody to make sure the money is spent right. We have begged for legislation to create a czar so this money can be spent wisely. No, no legislation in that regard. They won't allow us to bring it to the floor. The huddled masses we all saw on TV—I read the spokesperson for this administration, Bob Novak, in the Washington Post today, the columnist. He said it looks good in Louisiana, especially New Orleans: We just won't let the people come back. We will have the city about half of what it was before, and that will be great for Louisiana.

That is their response to this catastrophe. The people who needed the help the most have still gotten no help. And preparedness for avian flu, let's see what happens on that.

The best example, though, of the Republicans, the best example is the Defense authorization bill. We haven't done one. At a time of war, we have not done a Defense authorization bill. In that bill we have money for troops, for pay raises so that they will pay taxes, money for health care, for new equipment. Republicans refuse to bring it to the floor. We even agreed to 12 amendments, 12 amendments. The average number of amendments is about 150. We agreed to 12. The only real vote we have had on the Defense authorization bill was an amendment offered by the majority leader on Boy Scouts. Yet we don't have time for the Defense authorization bill. Why won't they let us go forward with the 12 amendments? Because one of the amendments calls for an independent, bipartisan commission to study what went wrong with Katrina. They will not let us do that. They are willing to bring down the whole Defense authorization bill because they know on that vehicle we have a right to offer an amendment. On the things they are bringing up now, the appropriations bills, we can't do it procedurally in the Senate. They do not want an independent, bipartisan commission to take a look at what went wrong with this administration's response to Katrina. You would think the administration would want this. But, no, they are fighting this, just as this President fought the 9/11 Commission.

I would hope that we would get someone like Senator MCCAIN, who was the one who forced the issue on 9/11, to come forward. Let's have this as a bipartisan call for help, for review. From Defense authorization to Katrina relief, the Republican record is clear: Their plans for the future are bad. Instead of helping Americans, Republicans have decided to use the months ahead to make problems worse. For the next 5 weeks, Republicans have decided we should focus on cutting health care funding for the sick and elderly, cutting education for students, cutting housing and food assistance, food stamps. That is part of the budget reconciliation. They want to cut food stamps. Republicans will be arguing that all this is justified in the name of fiscal discipline.

Now we have about 20 people who are running the House. With Congressman DELAY's problems, the Speaker has lost control of the House. We read in papers all over America today that the House is being run by 20 renegades who are telling him what to do. It appears he is listening, and he is going to do what they want. What are some of the things they want to do? Cut Medicaid even more, more tax cuts, forget about the people in Louisiana and Mississippi. The group that now runs the House of Representatives is arguing that all this is justified in the name of fiscal discipline, and these are the same people who have brought us the largest deficits and debt increases in this Nation's history. Remember when President Bush took office, some say there was a surplus over 10 years of $7 trillion. That has all since gone. Now we are $7 trillion in the hole. Some turnaround. These are the same people who voted for trillions in additional tax cuts and hundreds of billions for Iraq without batting an eye about the fact that none of this spending was offset.

The same people would like to move forward on another round of expensive tax breaks for the elite. America can do better than this. It is time for Congress to focus on the needs of the United States. The American people have concerns about a number of issues, and we have an obligation to address them. I know the majority leader would like to proceed with business as usual, but that is not what the American people expect or want. They aren't interested in more tax breaks for the rich or perks for big oil. They want us to come together and focus on real problems. We have 5 weeks before the next recess—that is Thanksgiving—and a host of issues to address, including energy prices, Katrina, preparedness for avian flu, and other disasters.

It is the pledge of the Democrats that we will not allow these issues to be swept under the rug. Democrats will do everything in our power to make sure these issues are addressed before we leave. On energy, we will fight to make sure the Senate takes real steps to help millions of families fill their tanks and heat their homes, like LIHEAP, like price gouging. On avian flu, we will continue to push the Senate to consider our comprehensive legislation so that our country has the tools and resources it needs to focus and confront this threat. With Katrina, we will make sure hundreds of thousands of victims are helped, not forgotten. Displaced families may no longer be front-page news, but that doesn't mean their needs are met. Thousands are still without health care and housing, and we have an obligation to help. Energy costs, preparedness, Katrina relief—top priorities for the American people, and Democrats will fight to make sure they are the top priorities for the Senate as well. America must do better than what we have done.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Illinois.

Mr. DURBIN. My understanding is the Senate is now in morning business?

MORNING BUSINESS

The PRESIDING OFFICER. If the Senator will allow, under the previous order, we are scheduled to go into a period for the transaction of morning business until 3 p.m. The time will be equally divided until 3 p.m.

Mr. DURBIN. Could the Chair advise me how much time I would have under that understanding? Is it half of 35 minutes?

The PRESIDING OFFICER. The Senator is correct.

CONCERNS OF THE AMERICAN PEOPLE

Mr. DURBIN. Mr. President, I thank the Democratic leader for coming to the floor. We have all returned from our time back home. The Columbus Day recess gave us a chance to go back to our home States. I have run into Senators in the hallway. Senator CORNYN said: I was blazing across Texas. I know Senator REID was in Nevada. I was going across the State of Illinois. It is a good time. It is a good chance to see if some of the things we are talking about in Washington are really resonating and important to the families back home.

I sense, after having been around here for a while, where we spend a lot of time, the people back home scratch their heads and think: They are wasting time. It is all political talk and speeches. When are they going to talk about the things that really count?

I will tell you what I found really counts back home. I went to Wheaton, IL, and visited with Joel Gomez. Joel Gomez, a year and a half ago, was injured in Iraq as an American soldier and became a quadriplegic. Joel Gomez is a wonderful young man. This was the first time I had met him face to face. He lights up a room with his smile, and he is so engaging. He is in a hospital bed and cannot move. The people in the community and the veterans organizations have come together and built him a new home. They built it in 3 months. They broke all construction records. It is for his mother and father and himself. It cost over $700,000. They put all of that into it to make sure that Joel Gomez can have a good life from this point forward.

I talked to his mom and dad and the people who are around him. I said: How is care at the veterans hospital for Joel? They are trying their best. Sometimes his condition is so challenging, they have to go to other places. But

they said: Senator, he is offered 16 hours of nursing care each week. Joel Gomez needs 24/7. He gets 16 hours from the Veterans' Administration. The rest comes from friends and family, other veterans and relatives who are giving money so Joel can have nursing care.

So when I come back here and join in the debate with Senator PATTY MURRAY and other Democrats and talking about the war in Iraq, I think of Joel Gomez. I think of the soldier who did what we asked of him, as so many hundreds of thousands have. He risked his life for America, has suffered a life-transforming injury, and now doesn't have the support of his Government that he should.

In terms of the priorities of America, when it comes to Iraq, I am glad the constitutional referendum took place, but I also think we have to look at the security needs of Iraq and the reality of Iraq today. One hundred fifty thousand American soldiers are there today. As Senator REID said, we have lost almost 2,000 of our best and bravest so far with no end in sight. So when we say to the administration, we are holding you accountable, we want to see this move forward so American troops can come home, I think that is our responsibility. We are not saying cut and run, retreat. We are saying: Tell us when the Iraqi army has improved to the point where it can take over for American soldiers.

Two weeks ago, Generals Casey and Abizaid came to Capitol Hill disclosing information to congress that had been classified for months. The information was this: There is only one battalion in the Iraqi army standing ready to fight independently, alone, today, out of 110. Four months ago there were three. They have gone downhill because of desertions, because of the infiltration of insurgents. The Iraqi army is not growing in strength, as we had planned it would, so we could come home. So when the Democratic side of the aisle holds the White House accountable, it is so that we can start bringing these soldiers home. So that Iraq can take control of its own future and security; and, secondly, to make sure, as well, that when we consider cuts in appropriations, we never cut the Veterans' Administration—never.

We made a solemn promise to these men and women. We said, If you will risk your life for America, we will stand by you when you come home. I think of Joel Gomez when I think about that.

Then I went up to Elgin and went to the local community center there and met with the United Way and a young woman named Sheila Balthazar. Sheila Balthazar and her 2-year-old son are from New Orleans. They were lucky. They were traveling when Hurricane Katrina hit and they managed to escape and made their way, with her father, up to Illinois to a community in Kane County. The community of Elgin embraced her—because they wanted to make her feel at home—finding a home for her, finding a job for her, and taking care of her son.

I said, What about Government help in this situation? You have lost your home; you have lost everything you own. She said there hasn't been much if any in terms of Government assistance.

I thought to myself, we have appropriated $60 billion, and yet when it comes right down to it, the people who are suffering turn to the best place one can turn, and that is the compassion and caring of their fellow Americans. But where is their Government? Where was our preparation? Where was our preparedness? We were told by this administration: We are ready, whatever the disaster might be. It did not happen. We saw those horrifying images on television as a reminder that it did not happen.

The one issue that kept coming back was the cost of energy. It was announced while I was home that even in the upper Midwest, northern Illinois, people can expect historically high natural gas heating bills. We rely on natural gas more than anything else. People in the Northeast use heating oil. They expect the average home to see an increase of $200 or $300 a month in their heating bills this approaching winter.

It shows us that what we passed and had signed into law a few weeks ago, the Energy bill, is not much of an energy bill. It did have some good provisions in it. I voted for the bill because it helped ethanol, biodiesel—alternative fuels—that I think move us in the right direction. But when we offered an amendment on the floor and said to the Senate, Shouldn't we as a nation accept as a challenge for every President—Democrat and Republican—from this day forward to reduce our dependence on foreign oil by at least 40 percent by the year 2020, the amendment was defeated on a partisan rollcall, Republicans voting no on energy independence for America by 2020.

Now take a look at where we are. We are still heavily dependent on foreign oil, still finding our economy at the mercy of the OPEC cartel and others who run prices up as high as they can. What is even worse, we are finding that the big oil companies are making obscene profits at the expense of individuals and families and businesses across America.

The top four big oil companies in America in the first 6 months of this year reported $40 billion in profits, recordbreaking profits. So as we stick that nozzle into the gas tank and look at those numbers rolling, trust me, a small part may be going to Saudi Arabia, but the biggest part of it is not going to the man who owns the gas station, it is going to that oil company that owns the gas station: $40 billion in new profits, windfall profits that consumers are paying across America. We will see it with heating bills this winter, and we are going to see it as well with the pressure on airlines for the cost of jet fuel.

The obvious question is this: What will this Congress do about it? Before we leave in 5 weeks, will we do anything? Will we make a move now to establish a goal of energy independence by the year 2020? Will we set up a strategic gasoline and jet fuel reserve so that when we have these price spikes, the President has a tool he can use to reduce these costs? Will we hold the oil companies accountable for these windfall profits, $40 billion, that have come at the expense of average Americans over the last 6 months?

You can understand that the President and Vice President, because of their business backgrounds, are not excited about these ideas, but the American people expect us to do something. The Democrats have come forward with specific proposals dealing with energy. The Republican side has said, Let business continue as usual. Let these billions of dollars continue.

Then I ran into a friend of mine in Springfield with whom I have worked for years. We talked about credit card debt. He said he understood that his credit card company by the end of the year was going to do something that could hurt his family. I said, What is that? He said they are going to increase the minimum amount you can pay each month on your balance from 2 percent to 4 percent. He said: I am not sure I can keep up with it.

I thought to myself: If you can't pay off 4 percent of your credit card balance each month, how can you ever get ahead of the game? The interest they are going to charge you is going to eat up 4 percent—2 percent at least. And if you are not paying down that principal and still charging away, how are you ever going to get out from under?

The reason why that is especially appropriate to mention today is because today is the first day of the new bankruptcy law in America. The Republican leadership here points with pride to the fact that they put in a new bankruptcy law.

The most basic question one can ask in Washington when people say they want a law passed is, Who wants it passed and why? This bankruptcy reform bill was the darling and pet project of the financial institutions and credit card companies of America for almost 10 years. Why did they want to change the bankruptcy law? Because this individual I mentioned in Springfield and others who become so heavily indebted to credit card companies sometimes reach a breaking point. The one thing that pushes them over the edge more than anything is medical bills uncovered by their health insurance. When these medical bills come crashing on them, some are forced into the bankruptcy court.

Other things can happen—a death in the family, a divorce, a loss of a job. But the No. 1 reason people go to bankruptcy court is because of medical bills. So this bankruptcy reform which we passed—I voted against it—with a majority in the Senate will make it

more difficult for individuals with medical debt forced into bankruptcy to discharge their debt. In other words, at the end of this legal proceeding in bankruptcy, they are still in debt. They walk out the door with the debts all over again. The credit card debt and medical debt is still there.

So, of course, the financial institutions and credit card companies couldn't be happier. If you can't get out from under this debt, they will get more money from you, they will harass you for years and months to come. That is the idea of breakthrough legislation by the Republican leadership in the Senate.

From my point of view, it does not help the average person in America. It puts an unreasonable burden on people who are struggling to survive as each year we see fewer and fewer people with health insurance, as each year the Republicans resist efforts to increase the minimum wage in this country so people who get up and go to work every day can make enough money to get by. As the number of impoverished people in America continues to grow each year, we end up making it more difficult to go to bankruptcy court and get out from under that debt, even if that debt is caused by medical bills.

That, to me, is not the people's agenda, it is not America's agenda, and it does not reflect what I found when I returned to Illinois. The people I represent believe America can do better. We can do a lot better. We can have an energy policy that moves us toward independence and gives us some way to deal with these obscene profits by the oil companies that are dragging our economy down, as well as family budgets. We can do better in Iraq by establishing standards of accountability for this administration: How many Iraqi soldiers are going to be prepared to fight, and how soon can American soldiers come home? What is the progress on reconstructing Iraq? There is less electricity in Iraq now than when we invaded. There is less potable water available. There is a 50-percent unemployment rate and less oil production than at the time of the invasion.

We need to hold this administration and the Iraqi Government accountable so our American soldiers can come home successfully with their mission truly accomplished.

We also need to see accountability when it comes to health care in America. This is a topic that neither the President nor leaders in Congress are willing to talk about in public, and it is the No. 1 issue. When I sat down with the Chamber of Commerce in Elgin, IL, and asked the gathering of business leaders, If you had to rank the top three issues facing your business today as a challenge, how many of you would put the cost of health insurance in the top three? Every single hand went up.

What are we doing about that in Washington? The answer is absolutely nothing. While people are making a handsome profit as providers and insurance companies and HMOs, we are doing nothing to help the average American.

We had a hearing on the Medicare prescription drug bill in Chicago with Congresswoman SCHAKOWSKY. I feel sorry for the seniors of this country. I am glad they have a benefit coming their way, but it couldn't have been more complicated. In an effort to protect the profits of pharmaceutical companies, we would not let Medicare offer—simply offer—one plan for all seniors across America, a plan that could compete by bulk purchases and discounts in lowering the price of drugs. No way. The pharmaceutical companies opposed it, and they, of course, rule the roost when it comes to Capitol Hill. They get what they want. As a result, we have the jumbled mess of bureaucracy and redtape that our seniors have to go through to try to figure out what this Medicare prescription drug benefit is all about.

We should have done a lot better for our seniors than this Medicare prescription drug bill. It is not as good as America can do. I think we have an obligation to do better.

In the weeks ahead, the 5 weeks when we are scheduled to adjourn, I hope we rise to the challenge on a bipartisan basis. I hope the Republican leadership looks to the real issues facing America: energy, dealing with the Katrina crisis with a truly independent nonpartisan commission, and making certain we have accountability with what is happening in the war in Iraq. That will move the Senate forward and move America forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The assistant majority leader.

HONORING OUR ARMED FORCES

SERGEANT MICHAEL DUANE ACKLIN II

Mr. MCCONNELL. Mr. President, I ask the Senate to pause for a moment today in loving memory and honor of Sergeant Michael Duane Acklin II.

Sergeant Acklin of Louisville, KY, served with the First Battalion, 320th Field Artillery, 101st Airborne Division. Nearly 2 years ago, he gave his life in defense of our country in the northern Iraqi city of Mosul. He was 25 years old and had served in the Army for 5 years.

On November 15, 2003, Sergeant Acklin was on an evening patrol over Mosul in a Blackhawk helicopter, and his team was responding to an ambush of a squad of American soldiers on the ground. As the helicopter hovered above the fight, a second helicopter, which had also come to help, was struck by a rocket-propelled grenade.

That helicopter lost control and hit Sergeant Acklin's aircraft, cutting off the tail rotor of Sergeant Acklin's helicopter. Both helicopters lost control and crashed, killing 17 soldiers. Sergeant Acklin was one of them. It was the largest loss of American lives during a single incident in Iraq at the time.

Sergeant Acklin was buried in Louisville at the Zachary Taylor National Cemetery, named for America's 12th President who is also laid to rest there. For his valor, Sergeant Acklin was awarded the Bronze Star and the Purple Heart. During his service, he also received the Global War on Terrorism Service Medal and the Global War on Terrorism Expeditionary Medal.

Michael attended Butler High School and then Western High School, where he graduated in 1996. After graduation, he worked as a bus boy, a cook, and at several other temporary jobs, but none gave Michael the challenge or the fulfillment that he was looking for. Then he began to see the Army as a way to focus his life and spirit.

Michael's family has a long and distinguished career of military service. His grandfather, Eugene Acklin, his great-grandfather, Fred Bible, and three of his cousins have all served in either the Army or Air Force. In fact, before making his decision to enlist, Michael spoke with one of those cousins, Curtis Luckett Jr., an Army veteran. Michael also sought the advice of his father's cousin, LTC Charles Mitchell, Jr., a career military officer who gave him a personal perspective on Army life. However, Michael made his decision to join the Army in his own way.

A devout Christian, Michael enlisted in the Army in the summer of 1998, after hearing, according to what he told his family later, what he could describe only as the voice of God. In hopes of following God's calling, Michael had a friend drive him to a nearby Army recruiting station, and he signed up. He felt this was to be his path into adulthood. His father applauded his decision, and his mother hoped it would provide him the direction he was seeking.

While he found basic training tough, Michael embraced the discipline the Army provided him, and he successfully completed his training and emerged with a greater awareness of his strengths and talents. Early-morning wake-up calls at 4:30 and ceaseless drills gave Michael a new sense of commitment and confidence. He was made a recruit leader, and after training to use large artillery pieces, he was assigned to the 101st Airborne Division based in Fort Campbell, KY, not too far from his home back in Louisville.

Sergeant Acklin was a part of the initial wave of forces sent to liberate Iraq in March 2003. The 101st Airborne took the lead, as it always does whenever our country calls, and Michael and his unit were charged with providing cover fire in support of our troops.

After the fall of Saddam Hussein's tyrannical regime, Michael's unit built schools, cleared streets, and tracked down suspected terrorists. He commanded five other men, and made sure they wrote their families back home often.

Michael Acklin, or ''Mikey'' as his mother Dorothy calls him, grew up as a bright young boy who enjoyed playing football or video games with the neighborhood kids, many of whom would remain lifelong friends. He played basketball with his dad, who first taught him how to dunk. He was a good kid with a big smile who was known at school to be a prankster, but also a good student.

''My son always had a jolly outlook everyday,'' said Sergeant Acklin's father, Michael Acklin Sr. ''He was just always filled with joy.''

Growing up, Mrs. Acklin recalls her son playing the drums, writing poems, and helping younger children at church, bringing a quiet thoughtfulness to everything he did. Michael listened to people, that was his style.

While stationed at Fort Campbell, Michael drove to the base everyday from his rented room in a servicemen's church. When not on duty, he taught Sunday school, attended Bible studies, and helped out around the church by cooking meals or cutting the grass. His fellow soldiers began calling him ''Preacher'' for his frequent praying before missions. Michael talked to his father about going to a Bible college and becoming a minister when he got back. He was able to find a direction for his life, before he was tragically taken from us.

We thank Michael's parents, Dorothy Acklin and Michael Acklin Sr., for sharing Michael's story with us. As Michael's father said, ''I know my son has gone to be with the Lord. I do know my son certainly will be honored.''

It is my hope that we have done our part to help honor Michael today, even if only a small part. Words cannot erase the grief and despair that hang over Michael's parents, family and beloved friends. But they can declare boldly to all that Michael was a hero. He gave his life to defend us, and our freedoms. His mission was to spread that freedom, like a light, into places that had only known darkness. Michael may have been taken from us. But the light he planted in people's hearts will never be extinguished.

I ask my colleagues to keep the family of SGT Michael Acklin II in their thoughts and prayers. I know they will be in mine.

I yield the floor.

STAFF SERGEANT MATT KIMMELL

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave soldier from Paxton. Matt Kimmell, 30 years old, died on October 11 in Muqdadiyah, Iraq, when an improvised explosive device exploded near the military vehicle in which he was riding. With so much of his life before him, Matt risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A man remembered for kindness, compassion, and deep faith, Matt joined the National Guard just 1 year after graduating from Faith Christian School in Carlisle. Soon committed to military life, he signed up for a tour of duty and was chosen to be an Army airborne ranger. When his training was over, he returned home, studied law enforcement at Vincennes University and joined the Vanderburgh County Sheriff's Department as a road patrol deputy, where he worked 3 years before reenlisting in the Army. Universally liked and admired, his friends and colleagues recounted that Matt had not joined the military for glory but rather because of his deep sense of right and wrong.

Matt served as the newspaper carrier for the Sullivan Daily Times during his childhood in Paxton. Even as a young boy, customers remember him as prompt and diligent. All of his actions were underscored by his Christian faith. Three years ago, he married Mylissa Hall, a nurse from Worthington. He loved children and the couple planned to start a family when he returned from Iraq. A friend of Matt's told the Terre Haute Tribune Star, ''He broke the mold when they made him.'' Matt's small hometown has been hit hard by the death of one of their own. This week, townsfolk planted 542 small American flags down a half mile stretch in Matt's honor and they have started a fund to build a monument to him.

Matt was killed while serving his country in Operation Iraqi Freedom. He was assigned to the 5th Special Forces Group, based at Fort Campbell, KY. This brave young soldier leaves behind his wife Mylissa; his father Pastor Larry Kimmell and his mother Jeanne; his brother Matt; and his sister Suzanne.

Today, I join Matt's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Matt, a memory that will burn brightly during these continuing days of conflict and grief.

Matt was known for his dedication to his family, his faith, and his love of country. Today and always, Matt will be remembered by family members, friends, and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Matt's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Matt's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Matt Kimmell in the CONGRESSIONAL RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Matt's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Matt.

The PRESIDING OFFICER. The Senator from Tennessee.

ORDER OF PROCEDURE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that following the remarks of the Senator from Texas I be allowed to speak for up to 10 minutes as in morning business.

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

Mr. ALEXANDER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. CORNYN. I ask unanimous consent to speak for 10 minutes as in morning business.

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

IRAQ ELECTION

Mr. CORNYN. Mr. President, this past weekend, the people of Iraq voted on their new constitution. Soon they will participate in parliamentary elections that will provide for a fully constitutional government. By any measure of history, the nation of Iraq has made remarkable progress in the past 2 years despite the criticism of naysayers who seem, in some instances, intent on scoring political points more than encouraging our brave comrades to win the war in Iraq and assist us in winning the larger global war on terror.

Iraqi participation in this election yesterday was strong, including Sunnis who boycotted the January election. The election was also more peaceful than the previous election, in large measure due to the determination and professionalism of the new Iraqi security services. If 3 short years ago someone would have predicted the Iraqis would vote on a constitution in the near future, the same critics who are

today calling for retreat would have scoffed.

However, the critics have consistently underestimated the Iraqi people, the American military, and, I might add, the American people as well. America must remain engaged in stabilization efforts in order to ensure the triumph of democracy over the return of tyranny.

Since the beginning of the war on terror, members of our military have been asked to execute both difficult and dangerous work. As always, the good men and women who serve have met these challenges with determination, courage, and honor. They are a credit to our Nation and deserve our deepest respect and gratitude.

We all know there remains difficult work to be done in Iraq. Terrorists regard this country as the central battle ground in the war on terror, and these enemies acknowledge no standards and no rules governing warfare. Their stated goal is to bring great harm to any government or country that opposes their actions. We in the United States, of course, are a primary target, and we must therefore continue to show leadership and courage in the fight.

Some critics have said that we should cut and run, that we should leave according to some arbitrary timetable, claiming that the Pentagon and the administration have failed to be realistic about the problems that exist in Iraq and the challenges that lie ahead. I firmly disagree.

President Bush and other members of the administration have consistently told the American people that our efforts in Iraq will require much sacrifice, but that we must stay the course. We must not let the politics of the moment undermine the path to democracy in Iraq. We should consider, though, the alternative: what would happen if our troops left Iraq prematurely. The country would likely face a civil war or would fragment in a dangerous way. Terrorists such as Ayman al-Zawahiri, al-Qaida's No. 2 operative and Bin Laden's deputy, and Abu Masab al-Zarqawi, al-Qaida's chief terrorist in Iraq, and others who vow to destroy America could be counted on to seize power in at least a portion of the country. At a minimum, they would find patronage in any regime to plan attacks and train terrorists and offer them harbor and material support.

The consequences of a U.S. pullout and coalition pullout from Iraq should not be in question, as a letter from Zawahiri and Zarqawi released this week by the Pentagon makes clear. In this letter, Zawahiri tells Zarqawi when the United States leaves Iraq that al-Qaida must be prepared to claim the most political territory possible in the inevitable vacuum of power that will arise.

Yes, Iraq would be more dangerous, not less, if we fail to finish the job. Failure in Iraq would empower and embolden the enemy. Failure to stay the course and lay the foundation of a functioning democracy would result in more, not fewer, terrorist attacks, including here at home.

I must also express disappointment with those in this country who are trying to use the situation in Iraq to score political points or undermine America's resolve.

Last week, the leadership in the Senate on the other side of the aisle put out a statement claiming that we do not have a plan for victory in Iraq. Nothing could be further from the truth.

For the record, the Senate has been briefed numerous times by our military leadership regarding the plan in Iraq and the war on terror. This weekend's successful election was a key element in that plan to build a stable and self-governing Iraq. Sadly, the claim by political partisans that we do not have a plan in Iraq is nothing more than politics at its worst. To imply that our military leadership does not understand what it takes to win in Iraq is simply wrong and even insulting.

I trust the wisdom and experience of GEN John Abizaid and GEN George Casey over the many armchair generals inside the beltway who seem to pontificate with great frequency. They understand the facts on the ground and what is necessary to achieve victory.

Finally, some critics are fond of comparing Iraq to Vietnam. Yet the differences far outweigh the flawed comparisons some attempt to make. The only obvious and striking similarity is that the enemy is counting on American public opinion to force a retreat. In fact, Zawahiri noted in his letter that ''we are in a battle and more than half of this battle is taking place in the battlefield of the media.'' Al-Qaida understands that they cannot win on the battlefield against the spirit of determination of America and our allies. Prematurely leaving Iraq would have catastrophic consequences far greater than those we saw in Vietnam, as retreat would, in effect, hand the Iraqi people over to the terrorists who have stated their intention and proven their ability to launch horrifying attacks.

Yes, we have seen significant progress in Iraq, and our confidence in the desire of the Iraqi people to self-govern is well placed as we have seen the value that they place on liberty. We have seen record numbers show up at the polls, more than 60 percent, despite threats of car bombs and other acts of terrorism. We have seen Iraqi elected officials vocally defend the values of freedom and democracy at their own peril. In 2½ years, this country has moved from the rule of a tyrant to implementing the rule of law. They have held national elections, and they were followed by the writing of a constitution. They are formulating their own military and security forces that grow more and more capable.

While much remains to be done, much has been accomplished. To ignore these strides forward would be to diminish the good work of both the Iraqi people and the United States and their contributions that have allowed this effort to occur. Yes, we must stay the course. In so doing we honor both the ideals upon which this great Nation was founded and our own national security interests. America has sacrificed much in this global war, and we do not yet know the trials that will come. We can be confident that there will be a struggle and a greater sacrifice, but we can also be confident that in the midst of this struggle and sacrifice there is hope.

We are encouraging democracy, freedom, progress, free markets, self-governance, and the rule of law and the Iraqi people are reaching out and taking hold of that hope.

So we must stand confident and strong, shoulder to shoulder with the Iraqi people in the defense of their nascent democracy, confident that freedom will, in the end, triumph.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Tennessee is recognized for up to 10 minutes.

Mr. ALEXANDER. I ask the Chair to inform me when I have 1 minute remaining.

The PRESIDING OFFICER. The Chair will so inform the Senator.

KEEPING OUR COMPETITIVE EDGE

Mr. ALEXANDER. Mr. President, in May, Senator JEFF BINGAMAN and I, with the encouragement of the Senate Energy Committee Chairman, PETE DOMENICI, asked the National Academies of Sciences and Engineering and the Institute of Medicine the following question: What are the top 10 actions, in priority order, that Federal policymakers could take over the next decade to help the United States keep our advantage in science and technology? That was our question.

To answer the question, the academies assembled a distinguished panel of business, government, and university leaders, headed by Norm Augustine, the former chair of Lockheed Martin. The panel also included three Nobel Prize laureates. The panel took our question seriously, and I intend to do everything within my power to take their recommendations seriously. Tomorrow, the Energy Committee will take the first step in that response by holding a hearing to hear from Mr. Augustine and the Academies. It will be the first opportunity Congress will have to hear their answer to our question.

This hearing is primarily about brainpower and the relationship of brainpower to good American jobs. The United States produces almost one-third of all the wealth in the world, in terms of gross domestic product but has only 5 percent of the world's population. We are a fortunate country indeed. The Academies explained this phenomenon in this way:

. . . as much as 85 percent of measured growth in U.S. income per capita is due to technological change.

This technological change is the result, in the report's words, of an outpouring of:

. . . well-trained people and the steady stream of scientific and technological innovations they produce.

The United States has taken extraordinary steps to help create this outpouring of trained people and new discoveries that have given us such a disproportionate share of the world's wealth. We have in our country almost all of the world's great research universities. We have a unique array of 36 Federal research laboratories. More Americans attend college than people in any other country, and the colleges they attend are the best in the world. We have had, until at least recently, a system of K–12 education unsurpassed in the world.

Government support for all these enterprises has been massive. In 2001, the Federal Government spent $22.5 billion for university-based research in science and engineering. This year the Government will provide 60 percent of American students with grants or loans to help them attend the college or university of their choice. The Federal Government will spend nearly $17 billion on grants and work-study programs and will provide an additional $52 billion in student loans.

In my last year as Governor of Tennessee, and I am sure it must have been as true in Ohio as well, or nearly true, half of State dollars and a larger proportion of local tax dollars went to support education. Our free-market environment encouraged innovation and enterprise, as well as billions of dollars invested in corporate research. Finally, to top it all off, while we have been outsourcing jobs, we have been insourcing brainpower—572,000 foreign students attend our colleges and universities. One-half of the students in our graduate programs of engineering, science, and computing are foreign students.

There are three reasons I put this question to the National Academies. First, Congress is facing huge budget challenges over the next decade as we grapple with restraining the growth of entitlement spending. I did not want tight budgets to squeeze out the necessary investments in science and technology that create good jobs. Second, as the Augustine report details, there are worrisome reports from all sides in the new competitive world marketplace that the United States will have to make an even greater effort to keep our high standard of living. To put it bluntly, people in India, China, Singapore, Finland, and Ireland know very well that since their brains work similar to our brains, if brainpower is the secret weapon to produce good jobs, then there is no reason they can't have a standard of living more similar to ours. They are working to develop better trained citizens and create their own stream of discoveries.

Third, I wanted to ask this question to those who should know the answer. Members of Congress are not the best ones to guess what the first 10 things we should do are, in the next 10 years, to keep our science and technology edge. This panel represents the best of those brains. Congress is not efficiently organized to deal with broad recommendations such as these. I intend to work with my colleagues to see that all of the recommendations in the report are introduced and given a fair hearing in various committees that have jurisdiction. I see the senior Senator from Missouri and the Senator from Ohio. Both of them have been leaders in this body on this very question of how do we keep our secret weapon, our brainpower advantage, in order to keep good jobs.

But what should happen is that President Bush should make this report the subject of his State of the Union Address and the focus of his remaining 3 years in office. This challenge cries out for executive leadership. This challenge is the real answer to most of our hopes and the solution to most of our big problems. From high gasoline prices to the outsourcing of chemical industry jobs, from the shortage of engineers to the growing number of lower wage jobs, from energy independence to controlling health care costs, this is the challenge that most Americans wish their Government would put up front.

We have begun the discussion with a bipartisan question to the wisest Americans who know the answer. We have a remarkable opportunity now because of the Augustine report, upon which we will have our hearing tomorrow. We will have an opportunity now to act on the recommendations of that report in the same spirit.

Mr. President, I ask unanimous consent to have printed in the RECORD the following items: A copy of the executive summary of the Augustine report entitled ''Rising Above the Gathering Storm.'' This is the report of the National Academy of Sciences, National Academy of Engineering, and the Institute of Medicine—4 recommendations with 20 specific steps that we ought to take over the next 10 years to keep our brainpower advantage so we can keep good jobs. Second, I ask unanimous consent to have printed after that the article by Thomas L. Friedman in the New York Times, on October 14, called ''Keeping Us in the Race,'' which is his commentary on the Augustine report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RISING ABOVE THE GATHERING STORM

COMMITTEE BIOGRAPHIC INFORMATION

NORMAN R. AUGUSTINE [NAE] (Chair) is the retired chairman and CEO of the Lockheed Martin Corporation. He serves on the President's Council of Advisors on Science and Technology and has served as undersecretary of the Army. He is a recipient of the National Medal of Technology.

CRAIG BARRETT [NAE] is chairman of the Board of the Intel Corporation.

GAIL CASSELL [IOM] is vice president for scientific affairs and a Distinguished Lilly Research Scholar for Infectious Diseases at Eli Lilly and Company.

STEVEN CHU [NAS] is the director of the E.O. Lawrence Berkeley National Laboratory. He was a cowinner of the Nobel prize in physics in 1997.

ROBERT GATES is the president of Texas A&M University and served as Director of Central Intelligence.

NANCY GRASMICK is the Maryland State Superintendent of Schools.

CHARLES HOLLIDAY JR. [NAE] is chairman of the Board and CEO of DuPont.

SHIRLEY ANN JACKSON [NAE] is president of Rensselaer Polytechnic Institute. She is the immediate past president of the American Association for the Advancement of Science and was chairman of the U.S. Nuclear Regulatory Commission.

ANITA K. JONES [NAE] is the Lawrence R. Quarles Professor of Engineering and Applied Science at the University of Virginia. She served as director of defense research and engineering at the U.S. Department of Defense and was vice-chair of the National Science Board.

JOSHUA LEDERBERG [NAS/IOM] is the Sackler Foundation Scholar at Rockefeller University in New York. He was a cowinner of the Nobel prize in physiology or medicine in 1958.

RICHARD LEVIN is president of Yale University and the Frederick William Beinecke Professor of Economics.

C.D. (DAN) MOTE JR. [NAE] is president of the University of Maryland and the Glenn L. Martin Institute Professor of Engineering.

CHERRY MURRAY [NAS/NAE] is the deputy director for science and technology at Lawrence Livermore National Laboratory. She was formerly the senior vice president at Bell Labs, Lucent Technologies.

PETER O'DONNELL JR. is president of the O'Donnell Foundation of Dallas, a private foundation that develops and funds model programs designed to strengthen engineering and science education and research.

LEE R. RAYMOND [NAE] is the chairman of the Board and CEO of Exxon Mobil Corporation.

ROBERT C. RICHARDSON [NAS] is the F.R. Newman Professor of Physics and the vice provost for research at Cornell University. He was a cowinner of the Nobel prize in physics in 1996.

P. ROY VAGELOS [NAS/IOM] is the retired chairman and CEO of Merck & Co., Inc. He serves as chairman of New Jersey's Commission on Jobs, Growth, and Economic Development.

CHARLES M. VEST [NAE] is president emeritus of MIT and a professor of mechanical engineering. He serves on the President's Council of Advisors on Science and Technology and is the immediate past chair of the Association of American Universities.

GEORGE M. WHITESIDES [NAS/NAE] is the Woodford L. & Ann A. Flowers University Professor at Harvard University. He has served as an adviser for the National Science Foundation and the Defense Advanced Research Projects Agency.

RICHARD N. ZARE [NAS] is the Marguerite Blake Wilbur Professor of Natural Science at Stanford University. He was chair of the National Science Board from 1996 to 1998.

FOR MORE INFORMATION: This report was developed under the aegis of the National Academies Committee on Science, Engineering, and Public Policy (COSEPUP), a joint committee of the three honorific academies—the National Academy of Sciences [NAS], the National Academy of Engineering [NAE], and the Institute of Medicine [IOM]. Its overall charge is to address cross-cutting

issues in science and technology policy that affect the health of the national research enterprise.

More information, including the full body of the report, is available at COSEPUP's Web site, *www.nationalacademies.org/cosepup.*

EXECUTIVE SUMMARY

The United States takes deserved pride in the vitality of its economy, which forms the foundation of our high quality of life, our national security, and our hope that our children and grandchildren will inherit ever-greater opportunities. That vitality is derived in large part from the productivity of well-trained people and the steady stream of scientific and technical innovations they produce. Without high-quality, knowledge-intensive jobs and the innovative enterprises that lead to discovery and new technology, our economy will suffer and our people will face a lower standard of living. Economic studies conducted before the information-technology revolution have shown that even then as much as 85% of measured growth in U.S. income per capita is due to technological change.

Today, Americans are feeling the gradual and subtle effects of globalization that challenge the economic and strategic leadership that the United States has enjoyed since World War II. A substantial portion of our workforce finds itself in direct competition for jobs with lower-wage workers around the globe, and leading-edge scientific and engineering work is being accomplished in many parts of the world. Thanks to globalization, driven by modem communications and other advances, workers in virtually every sector must now face competitors who live just a mouse-click away in Ireland, Finland, China, India, or dozens of other nations whose economies are growing.

CHARGE TO THE COMMITTEE

The National Academies was asked by Senator Lamar Alexander and Senator Jeff Bingaman of the Committee on Energy and Natural Resources, with endorsement by Representatives Sherwood Boehlert and Bart Gordon of the House Committee on Science, to respond to the following questions: What are the top 10 actions, in priority order, that federal policy-makers could take to enhance the science and technology enterprise so that the United States can successfully compete, prosper, and be secure in the global community of the 21st Century? What strategy, with several concrete steps, could be used to implement each of those actions?

The National Academies created the Committee on Prospering in the Global Economy of the 21st Century to respond to this request. The charge constitutes a challenge both daunting and exhilarating: To recommend to the Nation specific steps that can best strengthen the quality of life in America—our prosperity, our health, and our security. The committee has been cautious in its analysis of information. However, the available information is only partly adequate for the committee's needs. In addition, the time allotted to develop the report (10 weeks from the time of the committee's meeting to report release) limited the ability of the committee to conduct a thorough analysis. Even if unlimited time were available, definitive analyses on many issues are not possible given the uncertainties involved.

This report reflects the consensus views and judgment of the committee members. Although the committee includes leaders in academe, industry, and government—several current and former industry chief executive officers, university presidents, researchers (including three Nobel prize winners), and former presidential appointees—the array of topics and policies covered is so broad that it was not possible to assemble a committee of 20 members with direct expertise in each relevant area. Because of those limitations, the committee has relied heavily on the judgment of many experts in the study's focus groups, additional consultations via e-mail and telephone with other experts, and an unusually large panel of reviewers. Although other solutions are undoubtedly possible, the committee believes that its recommendations, if implemented, will help the United States achieve prosperity in the 21st century.

FINDINGS

Having reviewed trends in the United States and abroad, the committee is deeply concerned that the scientific and technical building blocks of our economic leadership are eroding at a time when many other nations are gathering strength. We strongly believe that a worldwide strengthening will benefit the world's economy—particularly in the creation of jobs in countries that are far less well-off than the United States. But we are worried about the future prosperity of the United States. Although many people assume that United States will always be a world leader in science and technology, this may not continue to be the case inasmuch as great minds and ideas exist throughout the world. We fear the abruptness with which a lead in science and technology can be lost—and the difficulty of recovering a lead once lost, if indeed it can be regained at all.

This Nation must prepare with great urgency to preserve its strategic and economic security. Because other nations have, and probably will continue to have, the competitive advantage of a low-wage structure, the United States must compete by optimizing its knowledge-based resources, particularly in science and technology, and by sustaining the most fertile environment for new and revitalized industries and the well-paying jobs they bring. We have already seen that capital, factories, and laboratories readily move wherever they are thought to have the greatest promise of return to investors.

RECOMMENDATIONS

The committee reviewed hundreds of detailed suggestions—including various calls for novel and untested mechanisms—from other committees, from its focus groups, and from its own members. The challenge is immense, and the actions needed to respond are immense as well.

The committee identified two key challenges that are tightly coupled to scientific and engineering prowess: Creating high-quality jobs for Americans and responding to the nation's need for clean, affordable, and reliable energy. To address those challenges, the committee structured its ideas according to four basic recommendations that focus on the human, financial, and knowledge capital necessary for U.S. prosperity.

The four recommendations focus on actions in K–12 education (10,000 Teachers, 10 Million Minds), research (Sowing the Seeds), higher education (Best and Brightest), and economic policy (Incentives for Innovation) that are set forth in the following sections. Also provided are a total of 20 implementation steps for reaching the goals set forth in the recommendations.

Some actions involve changes in the law. Others require financial support that would come from reallocation of existing funds or, if necessary, from new funds. Overall, the committee believes that the investments are modest relative to the magnitude of the return the Nation can expect in the creation of new high-quality jobs and in responding to its energy needs.

10,000 TEACHERS, 10 MILLION MINDS AND K–12 SCIENCE AND MATHEMATICS EDUCATION

Recommendation A: Increase America's talent pool by vastly improving K–12 science and mathematics education.

Implementation Actions. The highest priority should be assigned to the following actions and programs. All should be subjected to continuing evaluation and refinement as they are implemented:

Action A–1: Annually recruit 10,000 science and mathematics teachers by awarding 4-year scholarships and thereby educating 10 million minds. Attract 10,000 of America's brightest students to the teaching profession every year, each of whom can have an impact on 1,000 students over the life of their careers. The program would award competitive 4-year scholarships for students to obtain bachelor's degrees in the physical or life sciences, engineering, or mathematics with concurrent certification as K–12 science and mathematics teachers. The merit-based scholarships would provide up to $20,000 a year for 4 years for qualified educational expenses, including tuition and fees, and require a commitment to 5 years of service in public K–12 schools. A $10,000 annual bonus would go to participating teachers in underserved schools in inner cities and rural areas. To provide the highest-quality education for undergraduates who want to become teachers, it would be important to award matching grants, perhaps $1 million a year for up to 5 years, to as many as 100 universities and colleges to encourage them to establish integrated 4-year undergraduate programs leading to bachelor's degrees in science, engineering, or mathematics with teacher certification.

Action A–2: Strengthen the skills of 250,000 teachers through training and education programs at summer institutes, in master's programs, and Advanced Placement and International Baccalaureate (AP and IB) training programs and thus inspires students every day. Use proven models to strengthen the skills (and compensation, which is based on education and skill level) of 250,000 *current* K–12 teachers:

Summer institutes: Provide matching grants to state and regional 1- to 2-week summer institutes to upgrade as many as 50,000 practicing teachers each summer. The material covered would allow teachers to keep current with recent developments in science, mathematics, and technology and allow for the exchange of best teaching practices. The Merck Institute for Science Education is a model for this recommendation.

Science and mathematics master's programs: Provide grants to universities to offer 50,000 current middle-school and high-school science, mathematics, and technology teachers (with or without undergraduate science, mathematics, or engineering degrees) 2-year, part-time master's degree programs that focus on rigorous science and mathematics content and pedagogy. The model for this recommendation is the University of Pennsylvania Science Teachers Institute.

AP, IB, and pre-AP or pre-IB training: Train an additional 70,000 AP or IB and 80,000 pre-AP or pre-IB instructors to teach advanced courses in mathematics and science. Assuming satisfactory performance, teachers may receive incentive payments of up to $2,000 per year, as well as $100 for each student who passes an AP or IB exam in mathematics or science. There are two models for this program: the Advanced Placement Incentive Program and Laying the Foundation, a pre-AP program.

K–12 curriculum materials modeled on world-class standards. Foster high-quality teaching with world-class curricula, standards, and assessments of student learning.

Convene a national panel to collect, evaluate, and develop rigorous K–12 materials that would be available free of charge as a voluntary national curriculum. The model for this recommendation is the Project Lead the Way pre-engineering courseware.

Action A–3: Enlarge the pipeline by increasing the number of students who take AP and IB science and mathematics courses. Create opportunities and incentives for middle-school and high-school students to pursue advanced work in science and mathematics. By 2010, increase the number of students in AP and IB mathematics and science courses from 1.2 million to 4.5 million, and set a goal of tripling the number who pass those tests, to 700,000, by 2010. Student incentives for success would include 50% examination fee rebates and $100 mini-scholarships for each passing score on an AP or IB mathematics and science examination.

The committee proposes expansion of two additional approaches to improving K–12 science and mathematics education that are already in use:

Statewide specialty high schools. Specialty secondary education can foster leaders in science, technology, and mathematics. Specialty schools immerse students in high-quality science, technology, and mathematics education; serve as a mechanism to test teaching materials; provide a training ground for K–12 teachers; and provide the resources and staff for summer programs that introduce students to science and mathematics.

Inquiry-based learning. Summer internships and research opportunities provide especially valuable laboratory experience for both middle-school and high-school students.

SOWING THE SEEDS THROUGH SCIENCE AND ENGINEERING RESEARCH

Recommendation B: Sustain and strengthen the nation's traditional commitment to long-term basic research that has the potential to be transformational to maintain the flow of new ideas that fuel the economy, provide security, and enhance the quality of life.

Action B–1: Increase the federal investment in long-term basic research by 10% a year over the next 7 years, through reallocation of existing funds or if necessary through the investment of new funds. Special attention should go to the physical sciences, engineering, mathematics, and information sciences and to Department of Defense (DOD) basic-research funding. This special attention does not mean that there should be a disinvestment in such important fields as the life sciences (which have seen growth in recent years) or the social sciences. A balanced research portfolio in all fields of science and engineering research is critical to U.S. prosperity. This investment should be evaluated regularly to realign the research portfolio—unsuccessful projects and venues of research should be replaced with emerging research projects and venues that have greater promise.

Action B–2: Provide new research grants of $500,000 each annually, payable over 5 years, to 200 of our most outstanding early-career researchers. The grants would be made through existing Federal research agencies—the National Institutes of Health (NIH), the National Science Foundation (NSF), the Department of Energy (DOE), DOD, and the National Aeronautics and Space Administration—to underwrite new research opportunities at universities and government laboratories.

Action B–3: Institute a National Coordination Office for Research Infrastructure to manage a centralized research-infrastructure fund of $500 million per year over the next 5 years—through reallocation of existing funds or if necessary through the investment of new funds—to ensure that universities and government laboratories create and maintain the facilities and equipment needed for leading-edge scientific discovery and technological development. Universities and national laboratories would compete annually for these funds.

Action B–4: Allocate at least 8% of the budgets of Federal research agencies to discretionary funding that would be managed by technical program managers in the agencies and be focused on catalyzing high-risk, high-payoff research.

Action B–5: Create in the Department of Energy (DOE) an organization like the Defense Advanced Research Projects Agency (DARPA) called the Advanced Research Projects Agency-Energy (ARPA–E). The director of ARPA–E would report to the under secretary for science and would be charged with sponsoring specific research and development programs to meet the nation's long-term energy challenges. The new agency would support creative ''out-of-the-box'' transformational generic energy research that industry by itself cannot or will not support and in which risk may be high but success would provide dramatic benefits for the nation. This would accelerate the process by which knowledge obtained through research is transformed to create jobs and address environmental, energy, and security issues. ARPA–E would be based on the historically successful DARPA model and would be designed as a lean and agile organization with a great deal of independence that can start and stop targeted programs on the basis of performance. The agency would itself perform no research or transitional effort itself but would fund such work conducted by universities, startups, established firms, and others. Its staff would turn over about every 4 years. Although the agency would be focused on specific energy issues, it is expected that its work (like that of DARPA or NIH) will have important spinoff benefits, including aiding in the education of the next generation of researchers. Funding for ARPA–E would start at $300 million the first year and increase to $1 billion per year over 5–6 years, at which point the program's effectiveness would be evaluated.

Action B–6: Institute a Presidential Innovation Award to stimulate scientific and engineering advances in the national interest. Existing presidential awards address lifetime achievements or promising young scholars, but the proposed new awards would identify and recognize persons who develop unique scientific and engineering innovations in the national interest at the time they occur.

BEST AND BRIGHTEST IN SCIENCE AND ENGINEERING HIGHER EDUCATION

Recommendation C: Make the United States the most attractive setting in which to study and perform research so that we can develop, recruit, and retain the best and brightest students, scientists, and engineers from within the United States and throughout the world.

Action C–1: Increase the number and proportion of U.S. citizens who earn physical-sciences, life-sciences, engineering, and mathematics bachelor's degrees by providing 25,000 new 4-year competitive undergraduate scholarships each year to U.S. citizens attending U.S. institutions. The Undergraduate Scholar Awards in Science, Technology, Engineering, and Mathematics (USA–STEM) would be distributed to states on the basis of the size of their congressional delegations and awarded on the basis of national examinations. An award would provide up to $20,000 annually for tuition and fees.

Action C–2: Increase the number of U.S. citizens pursuing graduate study in ''areas of national need'' by funding 5,000 new graduate fellowships each year. NSF should administer the program and draw on the advice of other Federal research agencies to define national needs. The focus on national needs is important both to ensure an adequate supply of doctoral scientists and engineers and to ensure that there are appropriate employment opportunities for students once they receive their degrees. Portable fellowships would provide funds of up to $20,000 annually directly to students, who would choose where to pursue graduate studies instead of being required to follow faculty research grants.

Action C–3: Provide a Federal tax credit to encourage employers to make continuing education available (either internally or through colleges and universities) to practicing scientists and engineers. These incentives would promote career-long learning to keep the workforce current in the face of rapidly evolving scientific and engineering discoveries and technological advances and would allow for retraining to meet new demands of the job market.

Action C–4: Continue to improve visa processing for international students and scholars to provide less complex procedures and continue to make improvements on such issues as visa categories and duration, travel for scientific meetings, the technology-alert list, reciprocity agreements, and changes in status.

Action C–5: Provide a 1-year automatic visa extension to international students who receive doctorates or the equivalent in science, technology, engineering, mathematics, or other fields of national need at qualified U.S. institutions to remain in the United States to seek employment. If these students are offered jobs by United States-based employers and pass a security screening test, they should be provided automatic work permits and expedited residence status. If students are unable to obtain employment within 1 year, their visas would expire.

Action C–6: Institute a new skills-based, preferential immigration option. Doctoral-level education and science and engineering skills would substantially raise an applicant's chances and priority in obtaining U.S. citizenship. In the interim, the number of H–1B visas should be increased by 10,000, and the additional visas should be available for industry to hire science and engineering applicants with doctorates from U.S. universities.

Action C–7: Reform the current system of ''deemed exports''. The new system should provide international students and researchers engaged in fundamental research in the United States with access to information and research equipment in U.S. industrial, academic, and national laboratories comparable with the access provided to U.S. citizens and permanent residents in a similar status. It would, of course, exclude information and facilities restricted under national-security regulations. In addition, the effect of deemed-exports regulations on the education and fundamental research work of international students and scholars should be limited by removing all technology items (information and equipment) from the deemed-exports technology list that are available for purchase on the overseas open market from foreign or U.S. companies or that have manuals that are available in the public domain, in libraries, over the Internet, or from manufacturers.

INCENTIVES FOR INNOVATION AND THE INVESTMENT ENVIRONMENT

Recommendation D: Ensure that the United States is the premier place in the world to innovate; invest in downstream activities such as manufacturing and marketing; and create high-paying jobs that are

based on innovation by modernizing the patent system, realigning tax policies to encourage innovation, and ensuring affordable broadband access.

Action D–1: Enhance intellectual-property protection for the 21st century global economy to ensure that systems for protecting patents and other forms of intellectual property underlie the emerging knowledge economy but allow research to enhance innovation. The patent system requires reform of four specific kinds:

Provide the Patent and Trademark Office sufficient resources to make intellectual-property protection more timely, predictable, and effective.

Reconfigure the U.S. patent system by switching to a ''first-inventor-to-file'' system and by instituting administrative review after a patent is granted. Those reforms would bring the U.S. system into alignment with patent systems in Europe and Japan.

Shield research uses of patented inventions from infringement liability. One recent court decision could jeopardize the long-assumed ability of academic researchers to use patented inventions for research.

Change intellectual-property laws that act as barriers to innovation in specific industries, such as those related to data exclusivity (in pharmaceuticals) and those which increase the volume and unpredictability of litigation (especially in information-technology industries).

Action D–2: Enact a stronger research and development tax credit to encourage private investment in innovation. The current Research and Experimentation Tax Credit goes to companies that increase their research and development spending above a base amount calculated from their spending in prior years. Congress and the administration should make the credit permanent, and it should be increased from 20% to 40% of the qualifying increase so that the U.S. tax credit is competitive with that of other countries. The credit should be extended to companies that have consistently spent large amounts on research and development so that they will not be subject to the current de facto penalties for previously investing in research and development.

Action D–3: Provide tax incentives for United States-based innovation. Many policies and programs affect innovation and the nation's ability to profit from it. It was not possible for the committee to conduct an exhaustive examination, but alternatives to current economic policies should be examined and, if deemed beneficial to the United States, pursued. These alternatives could include changes in overall corporate tax rates, provision of incentives for the purchase of high-technology research and manufacturing equipment, treatment of capital gains, and incentives for long-term investments in innovation. The Council of Economic Advisers and the Congressional Budget Office should conduct a comprehensive analysis to examine how the United States compares with other nations as a location for innovation and related activities with a view to ensuring that the United States is one of the most attractive places in the world for long-term innovation-related investment. From a tax standpoint, that is not now the case.

Action D–4: Ensure ubiquitous broadband Internet access. Several nations are well ahead of the United States in providing broadband access for home, school, and business. That capability will do as much to drive innovation, the economy, and job creation in the 21st century as did access to the telephone, interstate highways, and air travel into the 20th century. Congress and the administration should take action—mainly in the regulatory arena and in spectrum management—to ensure widespread affordable broadband access in the near future.

CONCLUSION

The committee believes that its recommendations and the actions proposed to implement them merit serious consideration if we are to ensure that our nation continues to enjoy the jobs, security, and high standard of living that this and previous generations worked so hard to create. Although the committee was asked only to recommend actions that can be taken by the federal government, it is clear that related actions at the state and local levels are equally important for U.S. prosperity, as are actions taken by each American family. The United States faces an enormous challenge because of the disadvantage it faces in labor cost. Science and technology provide the opportunity to overcome that disadvantage by creating scientists and engineers with the ability to create entire new industries—much as has been done in the past.

It is easy to be complacent about U.S. competitiveness and pre-eminence in science and technology. We have led the world for decades, and we continue to do so in many research fields today. But the world is changing rapidly, and our advantages are no longer unique. Without a renewed effort to bolster the foundations of our competitiveness, we can expect to lose our privileged position. For the first time in generations, the nation's children could face poorer prospects than their parents and grandparents did. We owe our current prosperity, security, and good health to the investments of past generations, and we are obliged to renew those commitments in education, research, and innovation policies to ensure that the American people continue to benefit from the remarkable opportunities provided by the rapid development of the global economy and its not inconsiderable underpinning in science and technology.

SOME WORRISOME INDICATORS

When asked in spring 2005 what is the most attractive place in the world in which to ''lead a good life'', respondents in only one of the 16 countries polled (India) indicated the United States.

For the cost of one chemist or one engineer in the United States, a company can hire about five chemists in China or 11 engineers in India.

For the first time, the most capable high-energy particle accelerator on Earth will, beginning in 2007, reside outside the United States.

The United States is today a net importer of high-technology products. Its share of global high-technology exports has fallen in the last 2 decades from 30% to 17%, and its trade balance in high-technology manufactured goods shifted from plus $33 billion in 1990 to a negative $24 billion in 2004.

Chemical companies closed 70 facilities in the United States in 2004 and have tagged 40 more for shutdown. Of 120 chemical plants being built around the world with price tags of $1 billion or more, one is in the United States and 50 in China.

Fewer than one-third of U.S. 4th grade and 8th grade students performed at or above a level called ''proficient'' in mathematics; ''proficiency'' was considered the ability to exhibit competence with challenging subject matter. Alarmingly, about one-third of the 4th graders and one-fifth of the 8th graders lacked the competence to perform basic mathematical computations.

U.S. 12th graders recently performed below the international average for 21 countries on a test of general knowledge in mathematics and science. In addition, an advanced mathematics assessment was administered to U.S. students who were taking or had taken precalculus, calculus, or Advanced Placement calculus and to students in 15 other countries who were taking or had taken advanced mathematics courses. Eleven nations outperformed the United States, and four countries had scores similar to the U.S. scores. No nation scored significantly below the United States.

In 1999, only 41% of U.S. 8th grade students received instruction from a mathematics teacher who specialized in mathematics, considerably lower than the international average of 71%.

In one recent period, low-wage employers, such as Wal-Mart (now the nation's largest employer) and McDonald's, created 44% of the new jobs, while high-wage employers created only 29% of the new jobs.

In 2003, only three American companies ranked among the top 10 recipients of patents granted by the United States Patent and Trademark Office.

In Germany, 36% of undergraduates receive their degrees in science and engineering. In China, the figure is 59%, and in Japan 66%. In the United States, the corresponding figure is 32%.

The United States is said to have 10.5 million illegal immigrants, but under the law the number of visas set aside for ''highly qualified foreign workers'' dropped to 65,000 a year from its 195,000 peak.

In 2004, China graduated over 600,000 engineers, India 350,000, and America about 70,000.

In 2001 (the most recent year for which data are available), U.S. industry spent more on tort litigation than on R&D.

[From the New York Times, Oct. 14, 2005]

KEEPING US IN THE RACE

(By Thomas L. Friedman)

What if we were really having a national discussion about what is most important to the country today and on the minds of most parents?

I have no doubt that it would be a loud, noisy dinner-table conversation about why so many U.S. manufacturers are moving abroad—not just to find lower wages, but to find smarter workers, better infrastructure and cheaper health care. It would be about why in Germany, 36 percent of undergrads receive degrees in science and engineering; in China, 59 percent; in Japan, 66 percent; and in America, only 32 percent. It would be about why Japanese on bullet trains can get access to the Internet with cellphones, and Americans get their cellphone service interrupted five minutes from home.

It would be about why U.S. 12th graders recently performed below the international average for 21 countries in math and science, and it would be about why, in recent years, U.S. industry appears to have spent more on lawsuits than on R.&D. Yes, we'd be talking about why the world is racing us to the top, not the bottom, and why we are quietly falling behind.

And late in the evening, as the wine bottles emptied, someone at the national dinner table might finally say: ''Hey, what if we were really thinking ahead? What if we asked some of the country's best minds to make a list of the steps we could take right now to enhance America's technology base?''

Fortunately, two senators, Lamar Alexander and Jeff Bingaman, asked the National Academy of Sciences, the National Academy of Engineering and the Institute of Medicine to form a bipartisan study group to produce just such a list, which was released on Wednesday in a report called ''Rising Above the Gathering Storm.''

Because of globalization, the report begins, U.S. ''workers in virtually every sector must now face competitors who live just a mouse-click away in Ireland, Finland, India or dozens of other nations whose economies are growing. Having reviewed the trends in the

United States and abroad, the committee is deeply concerned that the scientific and technical building blocks of our economic leadership are eroding at a time when many other nations are gathering strength. We are worried about the future prosperity of the United States. We fear the abruptness with which a lead in science and technology can be lost and the difficulty of recovering a lead once lost—if indeed it can be regained at all.''

The report's key recommendations? Nothing fancy. Charles Vest, the former president of M.I.T., summed them up: ''We need to get back to basic blocking and tackling''—educating more Americans in the skills needed for 21st-century jobs.

Among the top priorities, the report says, should be these:

(1) Annually recruiting 10,000 science and math teachers by awarding four-year merit-based scholarships, to be paid back through five years of K–12 public school teaching. (We have too many unqualified science and math teachers.)

(2) Strengthening the math and science skills of 250,000 other teachers through extracurricular programs.

(3) Creating opportunities and incentives for many more middle school and high school students to take advanced math and science courses, by offering, among other things, $100 mini-scholarships for success in exams, and creating more specialty math-and-science schools.

(4) Increasing federal investment in long-term basic research by 10 percent a year over the next seven years.

(5) Annually providing research grants of $500,000 each, payable over five years, to 200 of America's most outstanding young researchers.

(6) Creating a new Advanced Research Projects Agency in the Energy Department to support ''creative out-of-the-box transformational energy research that industry by itself cannot or will not support and in which risk may be high, but success would provide dramatic benefits for the nation.''

(7) Granting automatic one-year visa extensions to foreign students in the U.S. who receive doctorates in science, engineering or math so they can seek employment here, and creating 5,000 National Science Foundation-administered graduate fellowships to increase the number of U.S. citizens earning doctoral degrees in fields of ''national need.'' (See the rest at *www.nationalacademies.org* <*http://www.nationalacademies.org*>.)

These proposals are the new New Deal urgently called for by our times. This is where President Bush should have focused his second term, instead of squandering it on a silly, ideological jag called Social Security privatization. Because, as this report concludes, ''Without a renewed effort to bolster the foundations of our competitiveness, we can expect to lose our privileged position.''

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

TRANSPORTATION, TREASURY, THE JUDICIARY, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Senate will proceed to the consideration of H.R. 3058, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, the District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 3058

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

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

[TITLE I

[DEPARTMENT OF TRANSPORTATION

[OFFICE OF THE SECRETARY

[SALARIES AND EXPENSES

[For necessary expenses of the Office of the Secretary, $84,913,000 (increased by $250,000) (reduced by $17,339,000), of which not to exceed $2,198,000 shall be available for the immediate Office of the Secretary; not to exceed $698,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,183,000 (increased by $250,000) shall be available for the Office of the General Counsel; not to exceed $11,680,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $7,593,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,052,000 (reduced by $2,052,000) shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $23,139,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,910,000 (reduced by $1,910,000) shall be available for the Office of Public Affairs; not to exceed $1,442,000 (reduced by $1,422,000) shall be available for the Office of the Executive Secretariat; not to exceed $697,000 shall be available for the Board of Contract Appeals; not to exceed $1,265,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $2,033,000 for the Office of Intelligence and Security; not to exceed $3,128,000 shall be available for the Office of Emergency Transportation; and not to exceed $11,895,000 (reduced by $11,895,000) shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed $60,000 (reduced by $60,000) shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

[OFFICE OF CIVIL RIGHTS

[For necessary expenses of the Office of Civil Rights, $8,550,000.

[TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

[For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $40,613,000 (reduced by $31,583,000).

[WORKING CAPITAL FUND

[Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $120,014,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

[MINORITY BUSINESS RESOURCE CENTER PROGRAM

[For the cost of guaranteed loans, $500,000, as authorized by 49 U.S.C. 332: *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 $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

[MINORITY BUSINESS OUTREACH

[For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, to remain available until September 30, 2007: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

[PAYMENTS TO AIR CARRIERS

[(AIRPORT AND AIRWAY TRUST FUND)

[In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731–41742, $54,000,000 to remain available until expended: *Provided*, That the Secretary may transfer amounts appropriated to the Federal Aviation Administration under any heading in this Act or otherwise available to the Federal Aviation Administration, to make such amounts available for obligation and expenditure for the essential air service program, in satisfaction of the requirements of section 41742(a)(1) of title 49, United States Code, in advance of the collection of fees under section 45301 of title 49, United States Code: *Provided further*, That the Secretary shall reimburse such amounts to the Federal Aviation Administration proportionally by transfer, to the extent possible, from amounts credited to the account established under section 45303 of title 49, United States

Code, as such fees are collected during the fiscal year: *Provided further,* That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers.

[NEW HEADQUARTERS BUILDING

[For necessary expenses of the Department of Transportation's new headquarters building and related services, $100,000,000 (reduced by $25,000,000) (reduced by $20,000,000), to remain available until expended.

[FEDERAL AVIATION ADMINISTRATION

[OPERATIONS

[For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $8,042,920,000 (increased by $263,000,000), of which $4,986,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $6,424,229,000 shall be available for air traffic services activities; not to exceed $951,042,000 (increased by $263,000,000) shall be available for aviation regulation and certification activities; not to exceed $222,171,000 shall be available for research and acquisition activities; not to exceed $11,759,000 shall be available for commercial space transportation activities; not to exceed $50,583,000 shall be available for financial services activities; not to exceed $69,943,000 shall be available for human resources program activities; not to exceed $150,744,000 shall be available for region and center operations and regional coordination activities; not to exceed $140,337,000 shall be available for staff offices; and not to exceed $36,612,000 shall be available for information services: *Provided,* That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further,* That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further,* That of the funds appropriated under this heading, not less than $7,500,000 shall be for the contract tower cost-sharing program: *Provided further,* That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further,* That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further,* That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further,* That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: *Provided further,* That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further,* That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card. In addition, $150,000,000 (reduced by $59,000,000) for transition costs associated with OMB Circular A–76 Flight Service Station competition.

[FACILITIES AND EQUIPMENT

[(AIRPORT AND AIRWAY TRUST FUND)

[For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $3,053,000,000, of which $2,618,000,000 shall remain available until September 30, 2008, and of which $435,000,000 shall remain available until September 30, 2006: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further,* That upon initial submission to the Congress of the fiscal year 2007 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2007 through 2011, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

[RESEARCH, ENGINEERING, AND DEVELOPMENT

[(AIRPORT AND AIRWAY TRUST FUND)

[For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $130,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2008: *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

[GRANTS-IN-AID FOR AIRPORTS

[(LIQUIDATION OF CONTRACT AUTHORIZATION)

[(LIMITATION ON OBLIGATIONS)

[(AIRPORT AND AIRWAY TRUST FUND)

[(INCLUDING RESCISSION)

[For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; $3,600,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided,* That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,600,000,000 in fiscal year 2006, notwithstanding section 47117(g) of title 49, United States Code: *Provided further,* That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further,* That of the amount authorized for the fiscal year ending September 30, 2005, under sections 48103 and 48112 of title 49, United States Code, $469,000,000 are rescinded.

[ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

[SEC. 101. Notwithstanding any other provision of law, airports may transfer without consideration to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: *Provided,* That, the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

[SEC. 102. None of the funds in this Act may be used to compensate in excess of 375 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2005.

[SEC. 103. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided,* That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

[SEC. 104. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey.

[SEC. 105. (a) Section 44302(f)(1) of title 49, United States Code, is amended by striking "2005," each place it appears and inserting "2006,".

[(b) Section 44303(b) of such title is amended by striking "2005," and inserting "2006,".

[SEC. 106. None of the funds made available in this Act shall be used for engineering work related to an additional runway at Louis Armstrong New Orleans International Airport.

[FEDERAL HIGHWAY ADMINISTRATION

[LIMITATION ON ADMINISTRATIVE EXPENSES

[Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $359,529,000 shall

be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration.

[FEDERAL-AID HIGHWAYS

[(LIMITATION ON OBLIGATIONS)

[(HIGHWAY TRUST FUND)

[None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $36,287,100,000 for Federal-aid highways and highway safety construction programs for fiscal year 2006: *Provided,* That within the $36,287,100,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $485,000,000 shall be available for the implementation or execution of programs for transportation research (as authorized by title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178, as amended) for fiscal year 2006: *Provided further,* That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further,* That the Secretary may, as authorized by sections 183 and 184 of title 23, United States Code, charge and collect a fee, from the applicant for a direct loan, guaranteed loan, or line of credit to cover the cost of the financial and legal analyses performed on behalf of the Department: *Provided further,* That such fees are available until expended to pay for such costs: *Provided further,* That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under 23 U.S.C. 188.

[FEDERAL-AID HIGHWAYS

[(LIQUIDATION OF CONTRACT AUTHORIZATION)

[(HIGHWAY TRUST FUND)

[For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $36,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

[ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

[SEC. 110. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided,* That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

[FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

[MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

[(LIMITATION ON OBLIGATIONS)

[(LIQUIDATION OF CONTRACT AUTHORIZATION)

[(HIGHWAY TRUST FUND)

[(INCLUDING TRANSFER OF FUNDS)

[None of the funds provided for expenses for administration of motor carrier safety programs and motor carrier safety research shall be available for fiscal year 2006, the obligations for which are in excess of $215,000,000: *Provided,* That for payment of obligations incurred to pay administrative expenses of and motor carrier research by the Federal Motor Carrier Safety Administration, $215,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended.

[NATIONAL MOTOR CARRIER SAFETY PROGRAM

[LIQUIDATION OF CONTRACT AUTHORIZATION

[(LIMITATION ON OBLIGATIONS)

[(HIGHWAY TRUST FUND)

[For payment of obligations incurred in carrying out motor carrier safety grant programs in accordance with title 49, United States Code, $286,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided,* That none of the funds provided for the implementation or execution of motor carrier safety grant programs authorized by title 49, United States Code, shall be available for fiscal year 2006, the obligations for which are in excess of $286,000,000.

[ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

[SEC. 120. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

[NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[OPERATIONS AND RESEARCH

[For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $152,367,000, of which $135,367,000 is to remain available until September 30, 2008, and $17,000,000 is to remain available until expended: *Provided,* That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

[OPERATIONS AND RESEARCH

[(LIQUIDATION OF CONTRACT AUTHORIZATION)

[(LIMITATION ON OBLIGATIONS)

[(HIGHWAY TRUST FUND)

[For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $75,000,000, to be derived from the Highway Trust Fund: *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2006, are in excess of $75,000,000 for programs authorized under 23 U.S.C. 403.

[NATIONAL DRIVER REGISTER

[(LIQUIDATION OF CONTRACT AUTHORIZATION)

[(LIMITATION ON OBLIGATIONS)

[(HIGHWAY TRUST FUND)

[For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,000,000, to be derived from the Highway Trust Fund: *Provided,* That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $4,000,000 for the National Driver Register authorized under chapter 303 of title 49, United States Code.

[HIGHWAY TRAFFIC SAFETY GRANTS

[(LIQUIDATION OF CONTRACT AUTHORIZATION)

[(LIMITATION ON OBLIGATIONS)

[(HIGHWAY TRUST FUND)

[For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, and 410, to remain available until expended, $551,000,000 to be derived from the Highway Trust Fund and to remain available until expended: *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2006, are in excess of $551,000,000 for programs authorized under 23 U.S.C. 402, 405, and 410, and the State Traffic Safety Information Systems Improvements, High Visibility Enforcement, Child Safety and Booster Seat, and Motorcyclist Safety grants programs, to be allocated as follows: $229,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402, $136,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405, $129,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Grants'' under 23 U.S.C. 410, $30,000,000 shall be for State Traffic Safety Information Systems Improvement grants, $15,000,000 shall be for High Visibility Enforcement grants, $6,000,000 shall be for Child Safety and Booster Seat grants, and $6,000,000 shall be for Motorcyclist Safety grants: *Provided further,* That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further,* That not to exceed $10,000,000 of the funds made available for section 402, not to exceed $3,306,000 of the funds made available for section 405, and not to exceed $3,000,000 of the funds made available for section 410 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: *Provided further,* That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States.

[FEDERAL RAILROAD ADMINISTRATION

[SAFETY AND OPERATIONS

[For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $145,949,000, of which $13,856,000 shall remain available until expended.

[RAILROAD RESEARCH AND DEVELOPMENT

[For necessary expenses for railroad research and development, $26,325,000 (reduced by $26,325,000), to remain available until expended.

[RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

[The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided,* That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2006.

[NEXT GENERATION HIGH-SPEED RAIL

[For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $10,165,000, to remain available until expended.

[GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

[To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation, $550,000,000 (increased by $626,248,000), to remain available until September 30, 2006: *Provided*, That of the funds provided, $50,000,000 shall be used by the Secretary of Transportation to enter into contracts to make improvements to the Northeast Corridor, as authorized under chapters 241 and 249 of title 49, United States Code.

[ADMINISTRATIVE PROVISION—FEDERAL RAILROAD ADMINISTRATION

[SEC. 140. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: *Provided*, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

[FEDERAL TRANSIT ADMINISTRATION

[ADMINISTRATIVE EXPENSES

[For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $12,000,000: *Provided*, That no more than $80,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds available not to exceed $989,000 shall be available for the Office of the Administrator; not to exceed $7,284,000 shall be available for the Office of Administration; not to exceed $4,140,000 shall be available for the Office of the Chief Counsel; not to exceed $1,276,000 shall be available for the Office of Communication and Congressional Affairs; not to exceed $7,916,000 shall be available for the Office of Program Management; not to exceed $7,123,000 shall be available for the Office of Budget and Policy; not to exceed $4,712,000 shall be available for the Office of Demonstration and Innovation; not to exceed $3,113,000 shall be available for the Office of Civil Rights; not to exceed $4,155,000 shall be available for the Office of Planning; not to exceed $21,408,000 shall be available for regional offices; and not to exceed $17,884,000 shall be available for the central account: *Provided further*, That the Administrator is authorized to transfer funds appropriated for an office of the Federal Transit Administration: *Provided further*, That no appropriation for an office shall be increased or decreased by more than a total of 5 percent during the fiscal year by all such transfers: *Provided further*, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: *Provided further*, That upon submission to the Congress of the fiscal year 2007 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, proposed allocations of funds for fiscal year 2007.

[FORMULA GRANTS

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, 5335 and section 3038 of Public Law 105–178, $662,550,000, to remain available until expended: *Provided*, That no more than $4,417,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the amount available, $2,500,000 shall be available for the National Transit database.

[UNIVERSITY TRANSPORTATION RESEARCH

[For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: *Provided*, That no more than $8,000,000 of budget authority shall be available for these purposes.

[TRANSIT PLANNING AND RESEARCH

[For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $24,049,000, to remain available until expended: *Provided*, That no more than $160,325,000 of budget authority shall be available for these purposes.

[TRUST FUND SHARE OF EXPENSES

[(LIQUIDATION OF CONTRACT AUTHORIZATION)

[(HIGHWAY TRUST FUND)

[For payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $7,209,700,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That $3,754,450,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further*, That $136,276,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further*, That $68,000,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further*, That $6,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further*, That $148,750,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: *Provided further*, That $3,095,424,000 shall be paid to the Federal Transit Administration's Capital Investment Grants account.

[CAPITAL INVESTMENT GRANTS

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $546,251,000, to remain available until expended: *Provided*, That no more than $3,641,675,000 of budget authority shall be available for these purposes.

[JOB ACCESS AND REVERSE COMMUTE GRANTS

[For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $26,250,000, to remain available until expended: *Provided*, That no more than $175,000,000 of budget authority shall be available for these purposes: *Provided further*, That up to $300,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program.

[ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

[SEC. 150. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

[SEC. 151. Notwithstanding any other provision of law, any funds appropriated before October 1, 2005, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

[SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

[The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

[OPERATIONS AND MAINTENANCE

[(HARBOR MAINTENANCE TRUST FUND)

[For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $16,284,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

[MARITIME ADMINISTRATION

[MARITIME SECURITY PROGRAM

[For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $156,000,000, to remain available until expended.

[OPERATIONS AND TRAINING

[For necessary expenses of operations and training activities authorized by law, $112,336,000, of which $23,750,000 shall remain available until September 30, 2006, for salaries and benefits of employees of the United States Merchant Marine Academy; of which $17,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and of which $11,211,000 shall remain available until expended for the State Maritime Schools Schoolship Maintenance and Repair.

[SHIP DISPOSAL

[For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $21,000,000, to remain available until expended.

[MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

[(INCLUDING TRANSFER OF FUNDS)

[For administrative expenses to carry out the guaranteed loan program, not to exceed $3,526,000, which shall be transferred to and merged with the appropriation for Operations and Training.

[SHIP CONSTRUCTION

[(RESCISSION)

[Of the unobligated balances available under this heading, $2,071,280 are rescinded.

[ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

[SEC. 160. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services,

or repairs shall be covered into the Treasury as miscellaneous receipts.

[SEC. 161. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriations Act.

[PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

[ADMINISTRATIVE EXPENSES

[For necessary administrative expenses of the Pipeline and Hazardous Materials Safety Administration, $17,027,000, of which $645,000 shall be derived from the Pipeline Safety Fund.

[HAZARDOUS MATERIALS SAFETY

[For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $26,183,000, of which $1,847,000 shall remain available until September 30, 2008: *Provided,* That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further,* That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

[PIPELINE SAFETY

[(PIPELINE SAFETY FUND)

[(OIL SPILL LIABILITY TRUST FUND)

[For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $72,860,000, of which $15,000,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2008; of which $57,860,000 shall be derived from the Pipeline Safety Fund, of which $24,000,000 shall remain available until September 30, 2008: *Provided,* That not less than $1,000,000 of the funds provided under this heading shall be for the one-call State grant program.

[EMERGENCY PREPAREDNESS GRANTS

[(EMERGENCY PREPAREDNESS FUND)

[For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2007: *Provided,* That not more than $14,300,000 shall be made available for obligation in fiscal year 2006 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): *Provided further,* That none of the funds made available by 49 U.S.C. 5116(i), 5127(c), and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

[RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

[RESEARCH AND DEVELOPMENT

[For necessary expenses of the Research and Innovative Technology Administration, $4,326,000: *Provided,* That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

[OFFICE OF INSPECTOR GENERAL

[SALARIES AND EXPENSES

[For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $62,499,000: *Provided,* That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further,* That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

[SURFACE TRANSPORTATION BOARD

[SALARIES AND EXPENSES

[For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $26,622,000: *Provided,* That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further,* That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2006, to result in a final appropriation from the general fund estimated at no more than $25,372,000.

[ADMINISTRATIVE PROVISIONS—DEPARTMENT OF TRANSPORTATION

[(INCLUDING TRANSFERS OF FUNDS)

[SEC. 170. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

[SEC. 171. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

[SEC. 172. None of the funds in this Act shall be available for salaries and expenses of more than 100 political and Presidential appointees in the Department of Transportation: *Provided,* That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

[SEC. 173. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

[SEC. 174. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

[(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

[SEC. 175. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Transit Planning and Research'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

[SEC. 176. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

[SEC. 177. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided,* That no notification shall involve funds that are not available for obligation.

[SEC. 178. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

[SEC. 179. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

[(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

[(2) to pay contractors for services provided in recovering improper payments: *Provided,* That amounts in excess of that required for paragraphs (1) and (2)—

[(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

[(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided,* That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further,* That for purposes of this section, the term ''improper payments'', has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

[SEC. 180. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from ''Office of the Secretary, Salaries and expenses'' to ''Minority Business Outreach''.

[SEC. 181. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal

administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

[SEC. 182. None of the funds made available under this Act may be obligated or expended to establish or implement a pilot program under which not more than 10 designated essential air service communities located in proximity to hub airports are required to assume 10 percent of their essential air subsidy costs for a 4-year period commonly referred to as the EAS local participation program.

[TITLE II—DEPARTMENT OF THE TREASURY

[DEPARTMENTAL OFFICES

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, not to exceed $3,000,000 for official travel expenses; $187,452,000 (reduced by $30,000,000), of which not to exceed $7,216,000 for executive direction program activities; not to exceed $7,521,000 for general counsel program activities; not to exceed $32,011,000 for economic policies and programs activities; not to exceed $24,721,000 for financial policies and programs activities; not to exceed $16,843,000 for Treasury-wide management policies and programs activities; not to exceed $63,731,000 for administration programs activities: *Provided*, That $35,409,000 of the amount provided under this heading is for the Office of Terrorism and Financial Intelligence as authorized in Public law 108–447, of which $22,032,000 is for the Office of Foreign Assets Control, $5,882,000 is for the Office of Intelligence and Analysis, and $1,998,000 is for the Office of the Undersecretary: *Provided further*, That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any program activity shall be increased or decreased by more than 2 percent by all such transfers: *Provided further*, That any change in funding greater than 2 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That of the amount appropriated under this heading, not to exceed $3,000,000, to remain available until September 30, 2007, is for information technology modernization requirements; not to exceed $100,000 is for official reception and representation expenses; and not to exceed $258,000 is for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: *Provided further*, That of the amount appropriated under this heading, $5,173,000, to remain available until September 30, 2007, is for the Treasury-wide Financial Statement Audit Program and internal control programs, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act.

[DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

[(INCLUDING TRANSFER OF FUNDS)

[For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $21,412,000, to remain available until September 30, 2008: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated shall be used to support or supplement ''Internal Revenue Service, Information Systems'' or ''Internal Revenue Service, Business Systems Modernization''.

[OFFICE OF INSPECTOR GENERAL

[SALARIES AND EXPENSES

[For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $17,000,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

[TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

[SALARIES AND EXPENSES

[For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $133,286,000; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

[AIR TRANSPORTATION STABILIZATION PROGRAM ACCOUNT

[For necessary expenses to administer the Air Transportation Stabilization Board established by section 102 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42), $2,500,000 (reduced by $2,500,000) to remain available until expended.

[TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

[For the repair, alteration, and improvement of the Treasury Building and Annex, $10,000,000, to remain available until September 30, 2008.

[FINANCIAL CRIMES ENFORCEMENT NETWORK

[SALARIES AND EXPENSES

[For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $73,630,000 of which not to exceed $6,944,000 shall remain available until September 30, 2008; and of which $8,521,000 shall remain available until September 30, 2007: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

[FINANCIAL MANAGEMENT SERVICE

[SALARIES AND EXPENSES

[For necessary expenses of the Financial Management Service, $236,243,000, of which not to exceed $9,220,000 shall remain available until September 30, 2008, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

[ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

[SALARIES AND EXPENSES

[For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $91,126,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement.

[UNITED STATES MINT

[UNITED STATES MINT PUBLIC ENTERPRISE FUND

[Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2006 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $36,900,000.

[BUREAU OF THE PUBLIC DEBT

[ADMINISTERING THE PUBLIC DEBT

[For necessary expenses connected with any public-debt issues of the United States, $179,923,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: *Provided*, That the sum appropriated herein from the General Fund for fiscal year 2006 shall be reduced by not more than $3,000,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2006 appropriation from the General Fund estimated at $176,923,000. In addition, $70,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

[COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

[FUND PROGRAM ACCOUNT

[To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $55,000,000, to remain available until September 30, 2006, of which up to $13,000,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $6,000,000 may be used for the cost of direct loans, and up to $250,000 may be used for administrative expenses to carry out the direct loan program:

Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $11,000,000.

[INTERNAL REVENUE SERVICE

[PROCESSING, ASSISTANCE, AND MANAGEMENT

[For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,181,520,000, of which up to $4,100,000 shall be for the Tax Counseling for the Elderly Program, of which $8,000,000 shall be available for low-income taxpayer clinic grants, of which $1,500,000 shall be for the Internal Revenue Service Oversight Board; and of which not to exceed $25,000 shall be for official reception and representation expenses.

[TAX LAW ENFORCEMENT

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; expanded customer service and public outreach programs, strengthened enforcement activities, and enhanced research efforts to reduce erroneous filings associated with the earned income tax credit; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,541,466,000 (increased by $38,750,000), of which $55,584,000 shall be for the Interagency Crime and Drug Enforcement program: *Provided,* That up to $10,000,000 may be transferred as necessary from this account to the IRS Processing, Assistance, and Management appropriation or the IRS Information Systems appropriation solely for the purposes of management of the Interagency Crime and Drug Enforcement Program: *Provided further,* That up to $10,000,000 may be transferred as necessary from this account to the IRS Processing, Assistance, and Management appropriation or the IRS Information Systems appropriation solely for the purposes of management of the Earned Income Tax Credit compliance program and to reimburse the Social Security Administration for the cost of implementing section 1090 of the Taxpayer Relief Act of 1997 (Public Law 105–33): *Provided further,* That this transfer authority shall be in addition to any other transfer authority provided in this Act.

[INFORMATION SYSTEMS

[For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,606,846,000 (reduced by $24,000,000) (reduced by $7,700,000), of which $75,000,000 shall remain available until September 30, 2007.

[BUSINESS SYSTEMS MODERNIZATION

[For necessary expenses of the Internal Revenue Service, $199,000,000, to remain available until September 30, 2008, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided,* That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

[HEALTH INSURANCE TAX CREDIT ADMINISTRATION

[For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $20,210,000.

[ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

[(INCLUDING TRANSFER OF FUNDS)

[SEC. 201. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading ''Tax Law Enforcement'' may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

[SEC. 202. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

[SEC. 203. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

[SEC. 204. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

[SEC. 205. None of the funds in this title may be used to modify the number or location of Taxpayer Assistance Centers until the Treasury Inspector General for Tax Administration completes a study detailing the impact that such closures would have on taxpayer compliance and submits such study to the Committees on Appropriatons of the House of Representatives and the Senate for review: *Provided,* That no funds shall be obligated by the Internal Revenue Service for such purposes for 60 days after receipt of such study: *Provided further,* That the Internal Revenue Service shall consult with stakeholder organizations, including but no limited to, the National Taxpayer Advocate, the Internal Revenue Service Oversight Board, the Treasury Inspector General for Tax Administration, and Internal Revenue Service employees with respect to the types of data to be included in the model that will determine which Taxpayer Assistance Centers should be closed and the relative weight of such data as it relates to such model.

[ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

[(INCLUDING TRANSFER OF FUNDS)

[SEC. 210. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

[SEC. 211. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: *Provided,* That no transfer may increase or decrease any such appropriation by more than 2 percent.

[SEC. 212. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: *Provided,* That the Secretary may delegate this authority to the Assistant Secretary for Management.

[SEC. 213. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

[SEC. 214. The Secretary of the Treasury may transfer funds from ''Financial Management Services, Salaries and Expenses'' to ''Debt Collection Fund'' as necessary to cover the costs of debt collection: *Provided,* That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

[SEC. 215. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking ''7 years'' and inserting '' 8 years''.

[SEC. 216. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

[SEC. 217. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

[TITLE III—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[PUBLIC AND INDIAN HOUSING

[TENANT-BASED RENTAL ASSISTANCE

[(INCLUDING TRANSFER OF FUNDS)

[For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing act of 1937, as amended (42 U.S.C. 1437 et seq.) (''the Act'' herein), not otherwise provided for, $15,531,400,000 (increased by $100,000,000), to remain available until expended, of which $11,331,400,000 (increased by $100,000,000) shall be available on October 1, 2005, and $4,200,000,000 shall be available on October 1, 2006: *Provided,* That the amounts made available under this heading are provided as follows:

[(1) $14,089,755,725 (increased by $100,000,000) for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act: *Provided,* That notwithstanding any other provision of law, from amounts provided under this paragraph, the Secretary for the calendar year 2006 funding cycle shall provide renewal funding for each public housing agency based on each public housing agency's 2005 annual budget for renewal funding as calculated by HUD, prior to prorations, and by applying the 2006 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with the first-time renewal of tenant protection or HOPE VI vouchers: *Provided further,* That the Secretary shall, to the extent necessary to stay within the amount provided under this paragraph, pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further,* That except as provided in the following proviso, the entire amount provided under this paragraph shall be obligated to the public housing agencies based on the allocation and pro rata method described above: *Provided further,* That up to $45,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency and verification by HUD, whose allocations under this heading for contract renewals for the calendar year 2005 funding cycle were based on verified VMS leasing and cost data averaged for the months of May, June, and July of 2004 and solely because of temporarily low leasing levels during such 3-month period did not accurately reflect leasing levels and costs for the 2004 fiscal year of the agencies; and (2) for adjustments for public housing agencies that experienced a significant increase, as determined by the Secretary, in renewal costs resulting from the portability under section 8(r) of the United States Housing Act of 1937 of tenant-based rental assistance: *Provided further*, That none of the funds provided in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract;

[(2) $165,700,000 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, vouchers necessary to complete the consent decree requirements in Walker vs. U.S. Department of Housing and Urban Development, and tenant protection assistance including replacement and relocation assistance;

[(3) $45,000,000 for family self-sufficiency coordinators under section 23 of the Act;

[(4) $5,900,000 shall be transferred to the Working Capital Fund; and

[(5) $1,225,000,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $25,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs: *Provided,* That $1,200,000,000 of the amount provided in this paragraph shall be allocated for the calendar year 2006 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2005: *Provided further,* That all amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities, except that up to $200,000,000 of funds made available on October 1, 2006, to this account may be transferred to the ''Project Based Rental Assistance Account'' at the discretion of the Secretary.

[HOUSING CERTIFICATE FUND

[(RESCISSION)

[Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading ''Annual contributions for assisted housing'' or any other heading for fiscal year 2005 and prior years, $2,493,600,000 is rescinded, to be effected by the Secretary no later than September 30, 2006: *Provided,* That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: *Provided further,* That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled: *Provided further,* That no amounts recaptured from amounts appropriated in prior years under this heading or the heading ''Annual contributions for assisted housing'' and no carryover of such appropriated amounts for project-based assistance shall be available for the calendar year 2006 funding cycle for activities provided for under the heading ''Tenant-based rental assistance''.

[PROJECT-BASED RENTAL ASSISTANCE

[(INCLUDING TRANSFER OF FUNDS)

[For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (''the Act'' herein), not otherwise provided for, $5,088,300,000, to remain available until expended: *Provided*, That the amounts made available under this heading are provided as follows:

[(1) $4,940,100,000 for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act, for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

[(2) $147,200,000 for performance-based contract administrators for section 8 project-based assistance: *Provided,* That the Secretary may also use such amounts for performance-based contract administrators for: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); Section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959, as amended (12 U.S.C. 1701q, 1701q–1); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act; project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667).

[(3) $1,000,000 shall be transferred to the Working Capital Fund: *Provided further,* That amounts recaptured under this heading, the heading, 'Annual Contributions for Assisted Housing,' or the heading, 'Housing Certificate Fund,' for project-based section 8 activities may be used for renewals of or amendments to section 8 project-based subsidy contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

[PUBLIC HOUSING CAPITAL FUND

[(INCLUDING TRANSFERS OF FUNDS)

[For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g) (the ''Act''), $2,600,000,000, to remain available until September 30, 2009: *Provided,* That notwithstanding any other provision of law or regulation, during fiscal year 2006, the Secretary may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further,* That for purposes of such section 9(j), the term ''obligate'' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further,* That of the total amount provided under this heading, up to $11,000,000 shall be for carrying out activities under section 9(h) of such Act: *Provided further,* That $10,000,000 shall be transferred to the Working Capital Fund: *Provided further,* That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: *Provided further,* That of the total amount provided under this heading, up to $17,000,000 shall be available for the Secretary of Housing and Urban Development to make grants, notwithstanding section 305 of this Act, to public housing agencies for emergency capital needs resulting from unforeseen emergencies and natural disasters occurring in fiscal year 2006: *Provided further,* That of the total amount provided under this heading, $24,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act and the Native American Housing Assistance and Self-Determination Act of 1996:

Provided further, That up to $8,820,000 is to support the costs of administrative and judicial receiverships.

[PUBLIC HOUSING OPERATING FUND

[For 2006 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), $3,600,000,000: *Provided,* That all funds made available under this heading shall be allocated to public housing agencies in accordance with the terms, conditions, criteria and methodology set forth in the ''Post 4th Session Rule'' issued on June 10, 2004 and shall not be allocated using any other formula unless approved by the Committee: *Provided further,* That of the total amount provided under this heading, up to $50,000,000 shall be for assistance for the conversion to asset management including project-based accounting, budgeting and management for public housing agencies operating three or more public housing projects, which will under the ''Post 4th Session Rule'' formula experience a loss of subsidy greater than 5 percent from the amount which would otherwise have been receivable under the Performance Funding System regulations superceded by such formula: *Provided further,* That, in fiscal year 2006 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: *Provided further,* That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended.

[REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

[For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects, as authorized by section 24 of the United States Housing Act of 1937, as amended, and the amounts otherwise provided by this Act for ''INDEPENDENT AGENCIES—GENERAL SERVICES ADMINISTRATION—FEDERAL BUILDINGS FUND'' and for building operations under such item are hereby reduced by, $60,000,000.

[NATIVE AMERICAN HOUSING BLOCK GRANTS

[(INCLUDING TRANSFER OF FUNDS)

[For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $600,000,000, to remain available until expended. Notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts. Of funds made available under this heading, $1,200,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; of which $2,308,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel; of which $45,000,000 shall be for the Indian Community Development Block Grant program under title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.), for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, to be allocated using the same methodology as fiscal year 2005 funds of which up to $4,000,000 may be used for emergencies that constitute imminent threats to health and safety, notwithstanding any other provision of law (including section 205 of the Act): *Provided,* That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further,* That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $17,926,000: *Provided further,* That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for ''Salaries and Expenses''.

[NATIVE HAWAIIAN HOUSING BLOCK GRANT

[For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $8,815,000, to remain available until expended, of which $352,606 shall be for training and technical assistance activities.

[INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

[(INCLUDING TRANSFER OF FUNDS)

[For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $2,645,000, to remain available until expended: *Provided,* That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $98,966,942.

[In addition, for administrative expenses to carry out the guaranteed loan program, up to $250,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and Expenses''.

[NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

[(INCLUDING TRANSFER OF FUNDS)

[For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), $882,000, to remain available until expended: *Provided,* That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $35,000,000.

[In addition, for administrative expenses to carry out the guaranteed loan program, up to $35,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and Expenses''.

[COMMUNITY PLANNING AND DEVELOPMENT

[HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

[For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $285,000,000 (increased by $5,000,000) to remain available until September 30, 2007, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2008: *Provided,* That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: *Provided further,* That the Secretary may use up to $1,000,000 of the funds under this heading for training, oversight, and technical assistance activities.

[RURAL HOUSING AND ECONOMIC DEVELOPMENT

[For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $10,000,000 to remain available until expended, which amount shall be competitively awarded by September 1, 2006, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas.

[COMMUNITY DEVELOPMENT FUND

[(INCLUDING TRANSFERS OF FUNDS)

[For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,151,500,000 (increased by $67,500,000) (increased by $24,000,000), to remain available until September 30, 2008, unless otherwise specified: *Provided,* That of the amount provided, $3,859,900,000 (increased by $17,500,000) is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301 et seq.): *Provided further,* That unless explicitly provided for under this heading not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further,* That $1,600,000 shall be transferred to the Working Capital Fund.

[Of the amount made available under this heading, $290,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this Act: *Provided,* That none of the funds provided under this paragraph may be used for program operations.

[HOME INVESTMENT PARTNERSHIPS PROGRAM

[(INCLUDING TRANSFER OF FUNDS)

[For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,850,000,000 to remain available until September 30, 2008: *Provided,* That of the total amount provided in this paragraph, up to $41,700,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968, and $1,000,000 shall be transferred to the Working Capital Fund.

[In addition to amounts otherwise made available under this heading, $50,000,000, to remain available until September 30, 2008, for assistance to homebuyers as authorized under title I of the American Dream Downpayment Act.

[SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

[For the Self-Help and Assisted Homeownership Opportunity Program, $60,800,000,

to remain available until September 30, 2008: *Provided,* That of the total amount provided in this heading $23,800,000 shall be made available to the Self Help Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996 as amended: *Provided further,* That $28,000,000 shall be made available for capacity building, of which $27,000,000 shall be for capacity building for Community Development and affordable Housing for LISC and the Enterprise Foundation for activities authorized by Section 4 of the HUD Demonstration Act of 1993 (42 USC 9816 note), as in effect immediately before June 12, 1997 and $1,000,000 shall be made available for capacity building activities administered by Habitat for Humanity International: *Provided further,* That $3,000,000 shall be made available to the Housing Assistance Council, $1,000,000 shall be made available to the Native American Indian Housing Council, $4,000,000 shall be made available to the Housing Partnership Network, and $1,000,000 shall be made available to the Special Olympics, to remain available until September 30, 2008.

[HOMELESS ASSISTANCE GRANTS

[(INCLUDING TRANSFER OF FUNDS)

[For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,340,000,000, of which $1,320,000,000 shall remain available until September 30, 2008, and of which $20,000,000 shall remain available until expended: *Provided,* That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: *Provided further,* That all funds awarded for services shall be matched by 25 percent in funding by each grantee: *Provided further,* That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further,* That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further,* That up to $11,674,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: *Provided further,* That $1,000,000 of the funds appropriated under this heading shall be transferred to the Working Capital Fund: *Provided further,* That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2006.

[HOUSING PROGRAMS

[HOUSING FOR THE ELDERLY

[(INCLUDING TRANSFER OF FUNDS)

[For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $741,000,000, to remain available until September 30, 2009, of which amount $49,600,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which amount up to $24,800,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for emergency capital repairs as determined by the Secretary: *Provided,* That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: *Provided further,* That $400,000 shall be transferred to the Working Capital Fund: *Provided further,* That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

[HOUSING FOR PERSONS WITH DISABILITIES

[(INCLUDING TRANSFER OF FUNDS)

[For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, $238,100,000 to remain available until September 30, 2009: *Provided,* That $400,000 shall be transferred to the Working Capital Fund: *Provided further,* That, of the amount provided under this heading $78,300,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): *Provided further,* That of the amount provided under this heading, the Secretary may make available up to $5,000,000 for incremental tenant-based rental assistance, as authorized by section 811 of such Act (which assistance is 5 years in duration): *Provided further,* That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: *Provided further,* That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further That amounts made available under this heading shall be available for Real Estate Assessment Center Inspections and inspection-related activities associated with Section 811 Capital Advance Projects.

[OTHER ASSISTED HOUSING PROGRAMS

[RENTAL HOUSING ASSISTANCE

[For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, $26,400,000, to remain available until expended.

[FLEXIBLE SUBSIDY FUND

[(TRANSFER OF FUNDS)

[From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2005, and any collections made during fiscal year 2006 and all subsequent fiscal years, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

[PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

[For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), up to $12,896,000 to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: *Provided,* That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further,* That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2006 appropriation.

[FEDERAL HOUSING ADMINISTRATION

[MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

[(INCLUDING TRANSFERS OF FUNDS)

[During fiscal year 2006, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $185,000,000,000.

[During fiscal year 2006, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: *Provided,* That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

[For administrative expenses necessary to carry out the guaranteed and direct loan program, $355,000,000, of which not to exceed $351,000,000 shall be transferred to the appropriation for ''Salaries and expenses''; and not to exceed $4,000,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses, $62,600,000, of which $18,281,000 shall be transferred to the Working Capital Fund: *Provided,* That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2006, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

[GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

[(INCLUDING TRANSFERS OF FUNDS)

[For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $8,800,000, to remain available until expended: *Provided,* That commitments to guarantee loans shall not exceed $35,000,000,000 in total loan principal, any part of which is to be guaranteed.

[Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

[In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $231,400,000, of which $211,400,000 shall be transferred to the appropriation for ''Salaries and Expenses''; and of which $20,000,000 shall be transferred to the appropriation for ''Office of Inspector General''.

[In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $71,900,000, of which $10,800,000 shall be transferred to the Working Capital Fund: *Provided,* That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2006, an additional $1,980 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

[GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

[GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

[(INCLUDING TRANSFER OF FUNDS)

[New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2007.

[For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $10,700,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $10,700,000, shall be transferred to the appropriation for ''Salaries and Expenses''.

[POLICY DEVELOPMENT AND RESEARCH

[RESEARCH AND TECHNOLOGY

[For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $60,600,000, to remain available until September 30, 2007: *Provided,* That of the total amount provided under this heading, $5,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative: *Provided further,* That of the amounts made available for PATH under this heading, $2,500,000 shall not be subject to the requirements of section 305 of this title: *Provided further,* That of funds made available under this heading, $750,000 shall be transferred to the National Research Council for a study in accordance with the accompanying Report: *Provided further,* That $29,038,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974, as amended, as follows: $2,989,000 to support Alaska Native serving institutions and Native Hawaiian serving institutions as defined under the Higher Education Act, as amended; $2,562,000 for tribal colleges and universities to build, expand, renovate, and equip their facilities and to expand the role of the colleges into the community through the provision of needed services such as health programs, job training and economic development activities; $8,967,000 for Historically Black Colleges and Universities program, of which up to $2,000,000 may be used for technical assistance; $5,979,000 for the Community Outreach Partnership Program; $5,979,000 for the Hispanic Serving Institutions Program; and $2,562,000 for the Community Development Work Study Program.

[FAIR HOUSING AND EQUAL OPPORTUNITY

[FAIR HOUSING ACTIVITIES

[For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $38,800,000 (increased by $7,700,000), to remain available until September 30, 2007, of which $16,100,000 (increased by $3,900,000) shall be to carry out activities pursuant to such section 561: *Provided,* That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

[OFFICE OF LEAD HAZARD CONTROL

[LEAD HAZARD REDUCTION

[For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $119,000,000 (increased by $47,656,000), to remain available until September 30, 2007, of which $8,800,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided,* That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994.

[MANAGEMENT AND ADMINISTRATION

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF FUNDS)

[For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $25,000 for official reception and representation expenses, $1,152,535,000, of which $562,400,000 shall be provided from the various funds of the Federal Housing Administration, $10,700,000 shall be provided from funds of the Government National Mortgage Association, $150,000 shall be provided by transfer from the ''Native American housing block grants'' account, $250,000 shall be provided by transfer from the ''Indian housing loan guarantee fund program'' account and $35,000 shall be transferred from the ''Native Hawaiian housing loan guarantee fund'' account: *Provided,* That funds made available under this heading shall only be allocated in the manner specified in the Report accompanying this Act unless the Committees on Appropriations of both the House of Representatives and the Senate are notified of any changes in an operating plan or reprogramming: *Provided further,* That no official or employee of the Department shall be designated as an allotment holder unless the Office of the Chief Financial Officer (OCFO) has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives: *Provided further,* That the Chief Financial Officer shall establish positive control of and maintain adequate systems of accounting for appropriations and other available funds as required by 31 U.S.C. 1514: *Provided further,* That for purposes of funds control and determining whether a violation exists under the Anti-Deficiency Act (31 U.S.C. 1341 et seq.), the point of obligation shall be the executed agreement or contract, except with respect to insurance and guarantee programs, certain types of salaries and expenses funding, and incremental funding that is authorized under an executed agreement or contract, and shall be designated in the approved funds control plan: *Provided further,* That the Chief Financial Officer shall: (1) appoint qualified personnel to conduct investigations of potential or actual violations; (2) establish minimum training requirements and other qualifications for personnel that may be appointed to conduct investigations; (3) establish guidelines and timeframes for the conduct and completion of investigations; (4) prescribe the content, format and other requirements for the submission of final reports on violations; and (5) prescribe such additional policies and procedures as may be required for conducting investigations of, and administering, processing, and reporting on, potential and actual violations of the Anti-Deficiency Act and all other statutes and regulations governing the obligation and expenditure of funds made available in this or any other Act: *Provided further,* That up to $15,000,000 may be transferred to the Working Capital Fund.

[WORKING CAPITAL FUND

[For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, for the continuing operation of both Department-wide and program-specific information systems, and for program-related development activities, $165,000,000 (reduced by $120,000,000) (reduced by $5,000,000), to remain available until September 30, 2007: *Provided,* That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further,* That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated.

[OFFICE OF INSPECTOR GENERAL

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $103,000,000, of which $24,000,000 shall be provided from the various funds of the Federal Housing Administration: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

[OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF FUNDS)

[For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $60,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: *Provided*, That of the amount made available under this heading, $5,000,000 is for litigation and to continue ongoing special investigations of the Federal housing enterprises: *Provided further*, That the Director shall submit a spending plan for the amounts provided under this heading no later than January 15, 2005: *Provided further*, That not less than 80 percent of total amount made available under this heading shall be used only for examination, supervision, and capital oversight of the enterprises (as such term is defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502)) to ensure that the enterprises are operating in a financially safe and sound manner and complying with the capital requirements under Subtitle B of such Act: *Provided further*, That not to exceed the amount provided herein shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

[ADMINISTRATIVE PROVISIONS

[SEC. 301. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

[SEC. 302. None of the amounts made available under this Act may be used during fiscal year 2006 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

[SEC. 303. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2006 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

[(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

[(2) is not otherwise eligible for an allocation for fiscal year 2006 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2006 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

[(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2006, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

[(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter ''metropolitan division'') of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

[(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a three year period.

[SEC. 304. (a) During fiscal year 2006, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

[SEC. 305. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title III of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989.

[SEC. 306. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

[SEC. 307. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

[SEC. 308. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2006 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

[SEC. 309. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2006, HUD shall transmit this information to the Committees by March 15, 2006 for 30 days of review.

[SEC. 310. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

[SEC. 311. Notwithstanding any other provision of law, in fiscal year 2006, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

[SEC. 312. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter ''metropolitan division''), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

[(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

[(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2006 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

[SEC. 313. Notwithstanding any other provision of law, for this fiscal year and every fiscal year thereafter, funds appropriated for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, shall be available for the cost of maintaining and disposing of such properties that are acquired or otherwise become the responsibility of the Department.

[SEC. 314. The Secretary of Housing and Urban Development shall submit an annual report no later than August 30, 2006 and annually thereafter to the House and Senate Committees on Appropriations regarding the number of Federally assisted units under lease and the per unit cost of these units to the Department of Housing and Urban Development.

[SEC. 315. The Department of Housing and Urban Development shall submit the Department's fiscal year 2006 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate using the identical structure provided under this Act and only in accordance with the direction specified in the report accompanying this Act.

[SEC. 316. That incremental vouchers previously made available under the heading ''Housing Certificate Fund'' or renewed under the heading, ''Tenant-Based Rental Assistance,'' for non-elderly disabled families shall, to the extent practicable, continue to be provided to non-elderly disabled families upon turnover.

[SEC. 317. A public housing agency or such other entity that administers Federal housing assistance in the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 in the States of Alaska, Iowa and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

[SEC. 318. The funds made available for Native Alaskans under the heading ''Native American Housing Block Grants'' in title II of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

[SEC. 319. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

[SEC. 320. CLARIFICATION REGARDING MORTGAGE INSURANCE FOR PURCHASE OF EXISTING HEALTH CARE FACILITIES.—Section 223(f)(1) of the National Housing Act is amended by inserting ''purchase or'' immediately before ''refinancing of existing debt''.

[SEC. 321. Notwithstanding any other provision of law, for fiscal year 2006 and thereafter, all mortgagees receiving interest reduction payments under section 236 of the National Housing Act (12 U.S.C. 1715z–1) shall submit only electronic invoices to the Department of Housing and Development in order to receive such payments.The mortgagees shall comply with this requirement no later than 90 days from the date of enactment of this provision.

[SEC. 322. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202b(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

[TITLE IV—THE JUDICIARY

[SUPREME COURT OF THE UNITED STATES

[SALARIES AND EXPENSES

[For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $60,730,000, of which $2,000,000 shall remain available until expended.

[CARE OF THE BUILDING AND GROUNDS

[For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $5,624,000, which shall remain available until expended.

[UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

[SALARIES AND EXPENSES

[For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $24,613,000.

[UNITED STATES COURT OF INTERNATIONAL TRADE

[SALARIES AND EXPENSES

[For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $15,480,000.

[COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

[SALARIES AND EXPENSES

[For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $4,348,780,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects; of which $1,300,000 of the funds provided for the Judiciary Information Technology Fund will be for the Edwin L. Nelson Local Initiatives Program, within which $1,000,000 will be reserved for local court grants.

[In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $3,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

[DEFENDER SERVICES

[For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended (18

U.S.C. 3006A); the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 as amended (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, $721,919,000, to remain available until expended.

[FEES OF JURORS AND COMMISSIONERS

[For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $60,053,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

[COURT SECURITY

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $379,461,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

[ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

[SALARIES AND EXPENSES

[For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $70,262,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

[FEDERAL JUDICIAL CENTER

[SALARIES AND EXPENSES

[For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $22,249,000; of which $1,800,000 shall remain available through September 30, 2007, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

[JUDICIAL RETIREMENT FUNDS

[PAYMENT TO JUDICIARY TRUST FUNDS

[For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $36,800,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $600,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $3,200,000.

[UNITED STATES SENTENCING COMMISSION

[SALARIES AND EXPENSES

[For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $14,046,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

[ADMINISTRATIVE PROVISIONS—THE JUDICIARY

[SEC. 401. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

[SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 810 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

[SEC. 403. Notwithstanding any other provision of law, the salaries and expenses appropriation for Courts of Appeals, District Courts, and Other Judicial Services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

[TITLE V—THE DISTRICT OF COLUMBIA

[FEDERAL FUNDS

[FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

[For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $33,200,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor: *Provided further*, That not more than $1,200,000 of the total amount appropriated for this program may be used for administrative expenses.

[FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

[For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $15,000,000, to remain available until expended, to reimburse the District of Columbia for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: *Provided*, That any amount provided under this heading shall be available only after notice of its proposed use has been transmitted by the President to Congress and such amount has been apportioned pursuant to chapter 15 of title 31, United States Code.

[FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

[For salaries and expenses for the District of Columbia Courts, $221,693,000, to be allocated as follows: for the District of Columbia Court of Appeals, $9,198,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $87,342,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $41,643,000, of which not to exceed $1,500 is for official reception and representation expenses; and $83,510,000, to remain available until September 30, 2007, for capital improvements for District of Columbia courthouse facilities: *Provided*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause ''availability of Funds'' found at 48 CFR 52.232–18: *Provided further*, That funds made available for capital improvements shall be expended consistent with the General Services Administration master plan study and building evaluation report: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of

Representatives and Senate, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.

[DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

[For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $45,000,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $83,510,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $83,510,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided futher*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate.

[FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

[(INCLUDING TRANSFER OF FUNDS)

[For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia and the Public Defender Service for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $203,388,000, of which not to exceed $2,000 is for official receptions and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which $131,360,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which $42,195,000 shall be available to the Pretrial Services Agency; and of which $29,833,000 shall be transferred to the Public Defender Service for the District of Columbia: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further*, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the D.C. Government for space and services provided on a cost reimbursable basis: *Provided further*, That the Public Defender Service is authorized to charge fees to cover costs of materials distributed and training provided to attendees of educational events, including conferences, sponsored by the Public Defender Service, and notwithstanding section 3302 of title 31, United States Code, said fees shall be credited to the Public Defender Service account to be available for use without further appropriation.

[FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

[WATER AND SEWER AUTHORITY

[For a Federal payment to the District of Columbia Water and Sewer Authority, $10,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

[FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT INITIATIVE

[For a Federal payment to the District of Columbia Department of Transportation, $5,000,000, to remain available until September 30, 2007, for design and construction of a continuous pedestrian and bicycle trail system from the Potomac River to the District's border with Maryland.

[FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

[For a Federal payment to the Criminal Justice Coordinating Council, $1,300,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

[FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

[For a Federal payment to the Office of the Chief Financial Officer of the District of Columbia, $20,000,000: *Provided*, That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer of the District of Columbia (CFO) a report on the activities to be carried out with such funds no later than March 15, 2006, and the CFO shall submit a comprehensive report to the Committees on Appropriations of the House of Representatives and the Senate no later June 1, 2006.

[FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

[For a Federal payment for a school improvement program in the District of Columbia, $41,616,000, to be allocated as follows: for the District of Columbia Public Schools, $13,525,000 to improve public school education in the District of Columbia; for the State Education Office, $13,525,000 to expand quality public charter schools in the District of Columbia, to remain available until September 30, 2007; for the Secretary of the Department of Education, $14,566,000 to provide opportunity scholarships for students in the District of Columbia in accordance with division C, title III of the District of Columbia Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 126), of which up to $1,000,000 may be used to administer and fund assessments.

[FEDERAL PAYMENT FOR BIOTERRORISM AND FORENSICS LABORATORY

[For a Federal payment to the District of Columbia, $7,200,000, to remain available until September 30, 2007, for design, planning, and procurement costs associated with the construction of a bioterrorism and forensics laboratory: *Provided*, That the District of Columbia shall provide an additional $1,500,000 with local funds as a condition of receiving this payment.

[DISTRICT OF COLUMBIA FUNDS

[The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.50a) and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2006 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $8,700,158,000 (of which $5,007,344,000 shall be from local funds, $1,921,287,000 shall be from Federal grant funds, $1,754,399,000 shall be from other funds, and $17,129,000 shall be from private funds), in addition, $163,116,000 from funds previously appropriated in this Act as Federal payments: *Provided further*, That of the local funds, $466,830,000 shall be derived from the District's general fund balance: *Provided further*, That of these funds the District's intradistrict authority shall be $468,486,000: *Provided further*, That the amounts provided under this heading are to be allocated and expended as proposed under ''Title II-District of Columbia Funds'' of the Fiscal Year 2006 Proposed Budget and Financial Plan submitted to the Congress of the United States by the District of Columbia on June 6, 2005: *Provided further*, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act as amended by this Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2006, except that the Chief Financial Officer may not reprogram

for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

[GOVERNMENTAL DIRECTION AND SUPPORT

[ADMINISTRATIVE PROVISIONS—DISTRICT OF COLUMBIA

[SEC. 501. Whenever in this title, an amount is specified within an appropriation for a particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

[SEC. 502. Appropriations in this title shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

[SEC. 503. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

[SEC. 504. (a) Except as provided in subsection (b), no part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

[(b) The District of Columbia may use local funds provided in this title to carry out lobbying activities on any matter other than—

[(1) the promotion or support of any boycott; or

[(2) statehood for the District of Columbia or voting representation in Congress for the District of Columbia.

[(c) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any of the issues referred to in subsection (b).

[SEC. 505. (a) None of the funds provided under this title to the agencies funded by this title, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this title, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

[(1) creates new programs;

[(2) eliminates a program, project, or responsibility center;

[(3) establishes or changes allocations specifically denied, limited or increased under this Act;

[(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

[(5) reestablishes any program or project previously deferred through reprogramming;

[(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

[(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

[unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the reprogramming.

[(b) None the local funds contained in this title may be available for obligation or expenditure for an agency through a transfer of any local funds in excess of $3,000,000 from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed 4 percent of the local funds in the appropriations.

[SEC. 506. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this title shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

[SEC. 507. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Official Code, sec. 1–601.01 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–2041.22(3)), shall apply with respect to the compensation of District of Columbia employees. For pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

[SEC. 508. No later than 30 days after the end of the first quarter of fiscal year 2006, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the new fiscal year 2006 revenue estimates as of the end of such quarter. These estimates shall be used in the budget request for fiscal year 2007. The officially revised estimates at midyear shall be used for the midyear report.

[SEC. 509. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Official Code, sec. 2–303.03), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical, but only if the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

[SEC. 510. None of the Federal funds provided in this title may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

[SEC. 511. None of the Federal funds made available in this title may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Official Code, sec. 32–701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

[SEC. 512. (a) Notwithstanding any other provision of this title, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this title.

[(b)(1) No such Federal, private, or other grant may be obligated, or expended pursuant to subsection (a) until—

[(A) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

[(B) the Council has reviewed and approved the obligation, and expenditure of such grant.

[(2) For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the obligation, and expenditure of a grant if—

[(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or

[(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A).

[(c) No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

[(d) The Chief Financial Officer of the District of Columbia may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts appropriated in this title, or approved and received under subsection (b)(2) to reflect a change in the actual amount of the grant.

[(e) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia and to the Committees on Appropriations of the House of Representatives and Senate not later than 15 days after the end of the quarter covered by the report.

[SEC. 513. (a) Except as otherwise provided in this section, none of the funds made available by this title or by any other title may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace, except in the case of—

[(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

[(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

[(3) the Mayor of the District of Columbia; and

[(4) the Chairman of the Council of the District of Columbia.

[(b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2006, an inventory, as of September 30, 2005, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken

home by a District officer or employee and if so, the officer or employee's title and resident location.

[SEC. 514. None of the funds contained in this title may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2006 unless—

[(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Official Code, sec. 2–302.8); and

[(2) the audit includes as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.

[SEC. 515. (a) None of the funds contained in this title may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

[(b) Nothing in this section bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

[SEC. 516. (a) None of the funds contained in this title may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

[(b) Any individual or entity who receives any funds contained in this title and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this title.

[SEC. 517. None of the funds contained in this title may be used after the expiration of the 60-day period that begins on the date of the enactment of this title to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District of Columbia) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this title (and the amendments made by this title), including any duty to prepare a report requested either in the title or in any of the reports accompanying the title and the deadline by which each report must be submitted: *Provided*, That the Chief Financial Officer of the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and Senate by the 10th day after the end of each quarter a summary list showing each report, the due date, and the date submitted to the Committees.

[SEC. 518. Nothing in this title may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a ''conscience clause'' which provides exceptions for religious beliefs and moral convictions.

[SEC. 519. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate quarterly reports addressing—

[(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

[(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

[(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

[(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools;

[(5) improvement in basic District services, including rat control and abatement;

[(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and

[(7) indicators of child well-being.

[SEC. 520. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2006 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

[(b) This section shall apply only to an agency where the Chief Financial Officer of the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

[SEC. 521. None of the Federal funds made available in this title may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

[SEC. 522. Notwithstanding any other law, in fiscal year 2006 and in each subsequent fiscal year, the District of Columbia Courts shall transfer to the general treasury of the District of Columbia all fines levied and collected by the Courts under section 10(b)(1) and (2) of the District of Columbia Traffic Act (D.C. Official Code, sec. 50–2201.05(b)(1) and (2)): *Provided*, that the transferred funds are hereby made available and shall remain available until expended and shall be used by the Office of the Attorney General of the District of Columbia for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Act (D.C. Official Code, sec. 50–2201.05(b)(3)).

[SEC. 523. (a) None of the funds contained in this Act may be made available to pay—

[(1) the fees of an attorney who represents a party in an action or an attorney who defends an action brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of $4,000 for that action; or

[(2) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer, or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

[(b) In this section, the term ''action'' includes an administrative proceeding and any ensuing or related proceedings before a court of competent jurisdiction.

[SEC. 524. The Chief Financial Officer of the District of Columbia shall require attorneys in special education cases brought under the Individuals with Disabilities Education Act (IDEA) in the District of Columbia to certify in writing that the attorney or representative rendered any and all services for which they receive awards, including those received under a settlement agreement or as part of an administrative proceeding, under the IDEA from the District of Columbia. As part of the certification, the Chief Financial Officer of the District of Columbia shall require all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients as part of this certification. The Chief Financial Officer shall prepare and submit quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA. The Inspector General of the District of Columbia may conduct investigations to determine the accuracy of the certifications.

[SEC. 525. The amount appropriated by this title may be increased by no more than $42,000,000 from funds identified in the comprehensive annual financial report as the District's fiscal year 2005 unexpended general fund surplus. The District may obligate and expend these amounts only in accordance with the following conditions:

[(1) The Chief Financial Officer of the District of Columbia shall certify that the use of any such amounts is not anticipated to have a negative impact on the District's long-term financial, fiscal, and economic vitality.

[(2) The District of Columbia may only use these funds for the following expenditures:

[(A) One-time expenditures.

[(B) Expenditures to avoid deficit spending.

[(C) Debt Reduction.

[(D) Program needs.

[(E) Expenditures to avoid revenue shortfalls.

[(3) The amounts shall be obligated and expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

[(4) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

[(5) The amounts may not be obligated or expended unless the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

[SEC. 526. (a) The fourth proviso in the item relating to ''Federal Payment for School Improvement'' in the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1327) is amended—

[(1) by striking ''$4,000,000'' and inserting ''$4,000,000, to remain available until expended,''; and

[(2) by striking ''$2,000,000 shall be for a new incentive fund'' and inserting ''$2,000,000, to remain available until expended, shall be for a new incentive fund''.

[(b) The amendments made by subsection (a) shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2005.

[SEC. 527. (a) To account for an unanticipated growth of revenue collections, the amount appropriated as District of Columbia Funds pursuant to this Act may be increased—

[(1) by an aggregate amount of not more than 25 percent, in the case of amounts proposed to be allocated as ''Other-Type Funds'' in the Fiscal Year 2006 Proposed Budget and Financial Plan submitted to Congress by the District of Columbia on June 6, 2005; and

[(2) by an aggregate amount of not more than 6 percent, in the case of any other amounts proposed to be allocated in such Proposed Budget and Financial Plan.

[(b) The District of Columbia may obligate and expend any increase in the amount of funds authorized under this section only in accordance with the following conditions:

[(1) The Chief Financial Officer of the District of Columbia shall certify—

[(A) the increase in revenue; and

[(B) that the use of the amounts is not anticipated to have a negative impact on the long-term financial, fiscal, or economic health of the District.

[(2) The amounts shall be obligated and expended in accordance with laws enacted by the Council of the District of Columbia in support of each such obligation and expenditure, consistent with the requirements of this Act.

[(3) The amounts may not be used to fund any agencies of the District government operating under court-ordered receivership.

[(4) The amounts may not be obligated or expended unless the Mayor has notified the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

[SEC. 528. (a) Notwithstanding section 450A of the District of Columbia Home Rule Act, during fiscal year 2006 the District of Columbia may allocate amounts from the emergency reserve fund established under section 450A(a) of such Act and the contingency reserve fund established under section 450A(b) of such Act and use such amounts to fund the operations of the District government during such fiscal year (consistent with the requirements of this Act and other applicable law).

[(b) The aggregate amount allocated from the emergency reserve fund or the contingency reserve fund under this section may not exceed 50 percent of the balance of the fund involved as of October 1, 2005.

[(c) If the District of Columbia allocates any amounts from a reserve fund under this section, the District shall fully replenish the fund for the amounts allocated not later than February 15, 2007.

[SEC. 529. Notwithstanding any other provision of this Act, there is hereby appropriated for the Office of the Inspector General such amounts in local funds, as are consistent with the annual estimates for the expenditures and appropriations necessary for the operation of the Office of the Inspector General as prepared by the Inspector General and submitted to the Mayor and forwarded to the Council pursuant to D.C. Official Code 2–302.08(a)(2)(A) for fiscal year 2005: *Provided*, That the Office of the Chief Financial Officer shall take such steps as are necessary to implement the provisions of this subsection.

[SEC. 530. (a) None of the funds contained in this title may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

[(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

[SEC. 531. None of the funds appropriated under this title shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

[TITLE VI—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

[COMPENSATION OF THE PRESIDENT

[For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code.

[WHITE HOUSE OFFICE

[SALARIES AND EXPENSES

[For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $53,830,000: *Provided*, That of the funds appropriated under this heading, $1,500,000 shall be for the Privacy and Civil Liberties Oversight Board.

[EXECUTIVE RESIDENCE AT THE WHITE HOUSE

[OPERATING EXPENSES

[For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $12,436,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

[REIMBURSABLE EXPENSES

[For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

[WHITE HOUSE REPAIR AND RESTORATION

[For the repair, alteration, and improvement of the Executive Residence at the White House, $1,700,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

[COUNCIL OF ECONOMIC ADVISERS

[SALARIES AND EXPENSES

[For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,040,000.

[OFFICE OF POLICY DEVELOPMENT

[SALARIES AND EXPENSES

[For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $3,500,000.

[NATIONAL SECURITY COUNCIL

[SALARIES AND EXPENSES

[For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $8,705,000.

[OFFICE OF ADMINISTRATION

[SALARIES AND EXPENSES

[For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $89,322,000, of which $11,768,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President.

[OFFICE OF MANAGEMENT AND BUDGET

[SALARIES AND EXPENSES

[For necessary expenses of the Office of Management and Budget, including hire of

passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, $76,930,000 (reduced by $9,000,000), of which not to exceed $3,000 shall be available for official representation expenses: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made and shall be allocated in accordance with the terms and conditions set forth in the accompanying Report except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That the preceding shall not apply to printed hearings released by the Committees on Appropriations.

[OFFICE OF NATIONAL DRUG CONTROL POLICY

[SALARIES AND EXPENSES

[For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $26,908,000; of which $1,316,000 shall remain available until expended for policy research and evaluation: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

[COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $30,000,000, which shall remain available until expended, consisting of $18,000,000 for counternarcotics research and development projects, and $12,000,000 for the continued operation of the technology transfer program: *Provided*, That the $18,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

[FEDERAL DRUG CONTROL PROGRAMS

[HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $227,000,000 (increased by $9,000,000), for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: *Provided*, That up to 49 percent, to remain available until September 30, 2007, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than $2,000,000 shall be used for auditing services and associated activities, and at least $500,000 of the $2,000,000 shall be used to develop and implement a data collection system to measure the performance of the High Intensity Drug Trafficking Areas Program: *Provided further*, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2005, shall be funded at no less than the fiscal year 2005 initial allocation levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That a request shall be submitted in compliance with the reprogramming guidelines to the Committees on Appropriations for approval prior to the obligation of funds of an amount in excess of the fiscal year 2005 budget request: *Provided further*, That not to exceed $2,000,000 of the funds made available under this heading in excess of the fiscal year 2005 budget request shall be available for the Consolidated Priority Organization Target program.

[OTHER FEDERAL DRUG CONTROL PROGRAMS

[(INCLUDING TRANSFER OF FUNDS)

[For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $213,292,000 (increased by $25,000,000), to remain available until expended, of which the following amounts are available as follows: $120,000,000 (increased by $25,000,000) to support a national media campaign, as authorized by the Drug-Free Media Campaign Act of 1998: *Provided*, That ONDCP shall maintain funding for non-advertising services for the Media Campaign at no less than the Fiscal Year 2003 ratio of service funding to total funds and shall continue the corporate outreach program as it operated prior to its cancellation: $80,000,000 to continue a program of matching grants to drug-free communities, of which $750,000 shall be a directed grant to the Community Anti-Drug Coalitions of America for the National Community Anti-Drug Coalition Institute, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; $1,000,000 for the National Drug Court Institute; $992,000 for the National Alliance for Model State Drug Laws; $7,400,000 for the United States Anti-Doping Agency for anti-doping activities; $2,900,000 for the United States membership dues to the World Anti-Doping Agency; and $1,000,000 for evaluations and research related to National Drug Control Program performance measures: *Provided further*, That such funds may be transferred to other Federal departments and agencies to carry out such activities: *Provided further*, That of the amounts appropriated for a national media campaign, not to exceed 12 percent shall be for administration, advertising production, research and testing, labor and related costs of the national media campaign.

[UNANTICIPATED NEEDS

[UNANTICIPATED NEEDS

[For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

[SPECIAL ASSISTANCE TO THE PRESIDENT

[SALARIES AND EXPENSES

[For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,455,000.

[OFFICIAL RESIDENCE OF THE VICE PRESIDENT

[OPERATING EXPENSES

[(INCLUDING TRANSFER OF FUNDS)

[For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $325,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

[TITLE VII—INDEPENDENT AGENCIES

[ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

[SALARIES AND EXPENSES

[For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $5,941,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

[CONSUMER PRODUCT SAFETY COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, 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 under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $62,449,000.

[ELECTION ASSISTANCE COMMISSION

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses to carry out the Help America Vote Act of 2002, $15,877,000, of which $2,800,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

[FEDERAL DEPOSIT INSURANCE CORPORATION

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended $29,965,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

[FEDERAL ELECTION COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $54,700,000, of which no less than $4,700,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

[FEDERAL LABOR RELATIONS AUTHORITY

[SALARIES AND EXPENSES

[For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $25,468,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

[FEDERAL MARITIME COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, $20,499,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

[GENERAL SERVICES ADMINISTRATION

[REAL PROPERTY ACTIVITIES

[FEDERAL BUILDINGS FUND

[LIMITATIONS ON AVAILABILITY OF REVENUE

[(INCLUDING TRANSFER OF FUNDS)

[To carry out the purposes of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $7,768,795,000 (reduced by $88,789,000) (reduced by $727,909,000) (reduced by $25,000,000), of which: (1) $708,106,000 (reduced by $67,789,000) (reduced by $9,500,000) shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

[New Construction:

[California:

[San Diego, United States Courthouse, $230,803,000.

[Colorado:

[Lakewood, Denver Federal Center Infrastructure, $4,658,000.

[District of Columbia:

[Coast Guard Consolidation, $24,900,000.

[Saint Elizabeths West Campus Infrastructure, $13,095,000.

[Southeast Federal Center Site Remediation, $15,000,000.

[Maine:

[Calais, Border Station, $50,146,000.

[Jackman, Border Station, $12,788,000.

[Maryland:

[Montgomery County, Food and Drug Administration Consolidation, $127,600,000.

[New York:

[Champlain, Border Station, $52,510,000.

[Massena, Border Station, $49,783,000.

[Texas:

[Austin, United States Courthouse, $3,000,000.

[Washington:

[Blaine, Peace Arch Border Station, $46,534,000.

[Material Price increases, various projects, $67,789,000 (reduced by $67,789,000).

[Nonprospectus Construction, $9,500,000 (reduced by $9,500,000):

[*Provided*, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2007, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $961,376,000 (reduced by $568,409,000) shall remain available until expended for repairs and alterations, which includes associated design and construction services:

[Repairs and Alterations:

[Arizona:

[Tucson, James A. Walsh Courthouse, $16,136,000.

[District of Columbia:

[Eisenhower Executive Office Building, $133,417,000 (reduced by $133,417,000).

[Federal Office Building 8, $47,769,000.

[Heating, Operation, and Transmission District Repair, $18,783,000.

[Herbert C. Hoover Building, $54,491,000.

[Main Interior Building, $41,399,000.

[Georgia:

[Atlanta, Martin Luther King, Jr. Federal Building, $30,129,000.

[New York:

[Brooklyn, Emanuel Celler Courthouse, $96,924,000.

[New York City, James Watson Federal Building and Courthouse, $9,721,000.

[Special Emphasis Programs:

[Chlorofluorocarbons Program, $10,000,000.

[Energy Program, $30,000,000.

[Glass Fragment Retention, $15,700,000.

[Design Program, $21,915,000.

[Basic Repairs and Alterations, $434,992,000 (reduced by $434,992,000):

[*Provided further*, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2007, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (3) $168,180,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $4,046,031,000 (reduced by $12,500,000) for rental of space which shall remain available until expended; and (5) $1,885,102,000 (reduced by $21,000,000) (reduced by $150,000,000) (reduced by $12,500,000) for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592(b)(2)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2006, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

[GENERAL ACTIVITIES

[GOVERNMENT-WIDE POLICY

[For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated

with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109, $52,796,000.

[OPERATING EXPENSES

[For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; providing Internet access to Federal information and services; agency-wide policy direction and management, and Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $99,890,000 (reduced by $17,711,000).

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $43,410,000: *Provided*, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

[ELECTRONIC GOVERNMENT FUND

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $3,000,000, to remain available until expended: *Provided*, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations.

[ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

[(INCLUDING TRANSFER OF FUNDS)

[For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,952,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

[FEDERAL CITIZEN INFORMATION CENTER FUND

[For necessary expenses of the Federal Citizen Information Center, including services authorized by 5 U.S.C. 3109, $15,030,000, to be deposited into the Federal Citizen Information Center Fund: *Provided*, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Information Center activities in the aggregate amount not to exceed $32,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2006 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

[ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

[SEC. 701. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

[SEC. 702. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

[SEC. 703. Funds in the Federal Buildings Fund made available for fiscal year 2006 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

[SEC. 704. No funds made available by this Act shall be used to transmit a fiscal year 2007 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided*, That the fiscal year 2007 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

[SEC. 705. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

[SEC. 706. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

[SEC. 707. No funds in this Act shall be used to dispose of the GSA property located at 522 North Central Avenue, on the southwest corner of Central Avenue and Fillmore Street in Phoenix, Arizona.

[MERIT SYSTEMS PROTECTION BOARD

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), as amended, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $35,600,000 together with not to exceed $2,605,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

[MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

[MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

[(INCLUDING TRANSFER OF FUNDS)

[For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $2,000,000, to remain available until expended, of which up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289) notwithstanding sections 8 and 9 of Public Law 102–259: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

[ENVIRONMENTAL DISPUTE RESOLUTION FUND

[For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,900,000, to remain available until expended.

[NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[OPERATING EXPENSES

[For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $283,975,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings: *Provided further*, That of the funds provided in this paragraph, $2,930,000 shall be for initial move of records, staffing, and operations of the Nixon Library.

[ELECTRONIC RECORDS ARCHIVES

[For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, $35,914,000.

[REPAIRS AND RESTORATION

[For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $6,182,000, to remain available until expended.

[NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

[GRANTS PROGRAM

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $7,500,000, to remain available until expended: *Provided*, That of the funds provided in this paragraph, $2,000,000 shall be transferred to the operating expenses account for operating expenses of the National Historical Publications and Records Administration.

[NATIONAL CREDIT UNION ADMINISTRATION

[CENTRAL LIQUIDITY FACILITY

[(INCLUDING TRANSFER OF FUNDS)

[During fiscal year 2006, gross obligations of the Central Liquidity Facility for the

principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: *Provided,* That administrative expenses of the Central Liquidity Facility in fiscal year 2006 shall not exceed $323,000.

[COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

[For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822, and 9910, $950,000 shall be available until September 30, 2007, for technical assistance to low-income designated credit unions, and amounts of principal and interest on loans repaid shall be available until expended for low-income designated credit unions.

[NATIONAL TRANSPORTATION SAFETY BOARD

[SALARIES AND EXPENSES

[For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $76,700,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

[(RESCISSION)

[Of the available unobligated balances made available under Public Law 106–246, $1,000,000 are rescinded.

[NEIGHBORHOOD REINVESTMENT CORPORATION

[PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

[For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $118,000,000.

[OFFICE OF GOVERNMENT ETHICS

[SALARIES AND EXPENSES

[For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $11,148,000.

[OFFICE OF PERSONNEL MANAGEMENT

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF TRUST FUNDS)

[For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $119,952,000, of which $6,983,000 shall remain available until expended for the Enterprise Human Resources Integration project; $1,450,000 shall remain available until expended for the Human Resources Line of Business project; $500,000 shall remain available until expended for the E-Training project; and $1,412,000 shall remain available until expended until September 30, 2007 for the E-Payroll project; and in addition $102,679,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: *Provided,* That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: *Provided further,* That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further,* That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2006, accept donations of money, property, and personal services: *Provided further,* That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

[OFFICE OF INSPECTOR GENERAL

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF TRUST FUNDS)

[For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,614,000, and in addition, not to exceed $16,786,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided,* That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

[GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

[For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

[GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

[For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

[PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

[For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided,* That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

[OFFICE OF SPECIAL COUNSEL

[SALARIES AND EXPENSES

[For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), as amended, the Whistleblower Protection Act of 1989 (Public Law 101–12), as amended, Public Law 107–304, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $15,325,000.

[SELECTIVE SERVICE SYSTEM

[SALARIES AND EXPENSES

[For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $24,000,000: *Provided,* That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further,* That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

[UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

[OPERATING EXPENSES

[For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $1,499,000.

[UNITED STATES POSTAL SERVICE

[PAYMENT TO THE POSTAL SERVICE FUND

[For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $116,350,000, of which $73,000,000 shall not be available for obligation until October 1, 2006: *Provided,* That mail for overseas voting and mail for the blind shall continue to be free: *Provided further,* That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further,* That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further,* That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2006.

[UNITED STATES TAX COURT

[SALARIES AND EXPENSES

[For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $48,998,000: *Provided,* That travel expenses of the judges shall be paid upon the written certificate of the judge.

[TITLE VIII—GENERAL PROVISIONS THIS ACT

[(INCLUDING TRANSFERS OF FUNDS)

[SEC. 801. Such sums as may be necessary for fiscal year 2006 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

[SEC. 802. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

[SEC. 803. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

[SEC. 804. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, 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. 805. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

[SEC. 806. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

[SEC. 807. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

[SEC. 808. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

[SEC. 809. None of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $2,000,000 or 10 percent, whichever is greater; (6) reduces existing programs, projects, or activities by $2,000,000 or 10 percent, whichever is greater; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the statement of the managers accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided,* That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committee on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further,* That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further,* That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

[SEC. 810. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2006 from appropriations made available for salaries and expenses for fiscal year 2006 in this Act, shall remain available through September 30, 2007, for each such account for the purposes authorized: *Provided,* That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further,* That these requests shall be made in compliance with reprogramming guidelines.

[SEC. 811. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

[(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

[(2) such request is required due to extraordinary circumstances involving national security.

[SEC. 812. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

[SEC. 813. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

[SEC. 814. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

[SEC. 815. The provision of section 815 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

[SEC. 816. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

[SEC. 817. None of the funds made available in the Act may be used to finalize, implement, administer, or enforce—

[(1) the proposed rule relating to the determination that real estate brokerage is an activity that is financial in nature or incidental to a financial activity published in the Federal Register on January 3, 2001 (66 Fed. Reg. 307 et seq.); or

[(2) the revision proposed in such rule to section 1501.2 of title 12 of the Code of Federal Regulations.

[SEC. 818. Of the funds provided in title I of this Act under the heading, ''Office of the Secretary, Transportation Planning, Research, and Development'', $3,000,000 shall be available for necessary expenses to reimburse fixed-based general aviation operators and the providers of general aviation ground support services at Ronald Reagan Washington National Airport, and airports within 15 miles of Ronald Reagan Washington National Airport, for financial losses incurred by these operators while such airports were closed due to the actions of the Federal Government following the terrorist attacks on the United States that occurred on September 11, 2001: *Provided,* That such funds shall remain available until expended: *Provided further,* That obligation and expenditure of these funds shall be made conditional upon full release of the United States Government for all claims arising from the closing of these general aviation facilities.

[SEC. 819. Section 640(c) of the Treasury and General Government Appropriations Act, 2000 (Public Law 106–58; 2 U.S.C. 437g note), as amended by section 642 of the Treasury and General Government Appropriations Act, 2002 (Public Law 107–67) and by section 639 of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (Public Law 108–199), is amended by striking ''December 31, 2005'' and inserting ''December 31, 2008''.

[TITLE IX—GENERAL PROVISIONS, GOVERNMENT-WIDE

[DEPARTMENTS, AGENCIES, AND CORPORATIONS

[SEC. 901. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

[SEC. 902. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2006 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

[SEC. 903. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance

with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided,* That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further,* That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further,* That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

[SEC. 904. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

[SEC. 905. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided,* That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further,* That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further,* That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further,* That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

[SEC. 906. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

[SEC. 907. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

[(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

[(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

[(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

[SEC. 908. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided,* That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

[SEC. 909. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

[SEC. 910. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

[SEC. 911. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service or under the charge and control of the Postal Service. The Postal Service may give such guards with respect to such property, any of the powers of special policemen provided under 40 U.S.C. 1315. The Postmaster General, or his designee, may take any action that the Secretary of Homeland Security may take under such section with respect to that property.

[SEC. 912. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

[SEC. 913. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2006, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

[(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2006, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

[(2) during the period consisting of the remainder of fiscal year 2006, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

[(A) the percentage adjustment taking effect in fiscal year 2006 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

[(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2006 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

[(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

[(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2005, shall be determined under regulations prescribed by the Office of Personnel Management.

[(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2005, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

[(e) This section shall apply with respect to pay for service performed after September 30, 2005.

[(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

[(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

[(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

[SEC. 914. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be

obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

[SEC. 915. Notwithstanding section 1346 of title 31, United States Code, or section 910 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

[SEC. 916. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

[(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

[(1) the Central Intelligence Agency;

[(2) the National Security Agency;

[(3) the Defense Intelligence Agency;

[(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

[(5) the Bureau of Intelligence and Research of the Department of State;

[(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

[(7) the Director of National Intelligence or the Office of the Director of National Intelligence.

[SEC. 917. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

[SEC. 918. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

[(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

[(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

[SEC. 919. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

[(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

[(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

[(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

[(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

[(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

[(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

[SEC. 920. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

[SEC. 921. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

[SEC. 922. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

[SEC. 923. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

[SEC. 924. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofor authorized by the Congress.

[SEC. 925. (a) In this section the term ''agency''—

[(1) means an Executive agency as defined under section 105 of title 5, United States Code;

[(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

[(3) shall not include the Government Accountability Office.

[(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

[SEC. 926. Notwithstanding 31 U.S.C. 1346 and section 910 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

[SEC. 927. Notwithstanding 31 U.S.C. 1346 and section 910 of this Act, the head of each

Executive department and agency is hereby authorized to transfer to or reimburse ''General Services Administration, Government-wide Policy'' with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, and the Federal Acquisition Council for procurement initiatives). The total funds transferred or reimbursed shall not exceed $10,000,000. Such transfers or reimbursements may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

[SEC. 928. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

[SEC. 929. Notwithstanding section 1346 of title 31, United States Code, or section 910 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

[SEC. 930. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: *Provided*, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

[SEC. 931. Subsection (f) of section 403 of Public Law 103–356 (31 U.S.C. 501 note), as amended, is further amended by striking ''October 1, 2005'' and inserting ''October 1, 2006''.

[SEC. 932. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

[(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

[(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

[(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

[(1) any record of aggregate data that does not identify particular persons;

[(2) any voluntary submission of personally identifiable information;

[(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

[(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

[(c) DEFINITIONS.—For the purposes of this section:

[(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.

[(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

[SEC. 933. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

[(b) Nothing in this section shall apply to a contract with—

[(1) any of the following religious plans:

[(A) Personal Care's HMO; and

[(B) OSF HealthPlans, Inc.; and

[(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

[(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

[(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

[SEC. 934. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

[SEC. 935. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

[SEC. 936. None of the funds made available under this or any other Act for fiscal year 2006 and each fiscal year thereafter shall be expended for the purchase of a product or service offered by Federal Prison Industries, Inc., unless the agency making such purchase determines that such offered product or service provides the best value to the buying agency pursuant to governmentwide procurement regulations, issued pursuant to section 25(c)(1) of the Office of Federal Procurement Act (41 U.S.C. 421(c)(1)) that impose procedures, standards, and limitations of section 2410n of title 10, United States Code.

[SEC. 937. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

[SEC. 938. Each Executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. The department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each Executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

[SEC. 939. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

[SEC. 940. From funds made available in this or any other Act under the headings ''The White House'', ''Special Assistance to the President and the Official Residence of Residence of the Vice President'', ''Council on Environmental Quality and Office of Environmental Quality'', ''Office of Science and Technology Policy'', and ''Office of the United States Trade Representative'', the Director of the Office of Management and Budget (or such other officer as the President may designate in writing) may, 15 days after giving notice to the Committees on Appropriations of the Senate and the House of Representatives, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from the heading ''Special Assistance to the President and the Official Residence of the Vice President'' without approval of the Vice President.

[SEC. 941. Section 4(b) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270) is amended by adding at the end the following new paragraph:

[''(5) Executive agencies with fewer than 100 full-time employees as of the first day of

the fiscal year. However, such an agency shall be subject to section 2 to the extent it plans to conduct a public-private competition for the performance of an activity that is not inherently governmental.''.

[SEC. 942. (a) No funds shall be available for transfers or reimbursements to the E-Government Initiatives sponsored by the Office of Management and Budget (OMB) prior to 15 days following submission of a report to the Committees on Appropriations by the Director of the Office of Management and Budget or receipt of approval to transfer funds by the House and Senate Committees on Appropriations.

[(b) The report in (a) shall detail—

[(1) the amount proposed for transfer for any department and agency by program office, bureau, or activity, as appropriate;

[(2) the specific use of funds;

[(3) the relevance of that use to that department or agency and each bureau or office within, which is contributing funds; and

[(4) a description on any such activities for which funds were appropriated that will not be implemented or partially implemented by the department or agency as a result of the transfer.

[SEC. 943. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2006 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.1 percent, and this adjustment shall apply to civilian employees in the Department of Defense and the Department of Homeland Security and such adjustments shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2006.

[(b) Notwithstanding section 913 of this Act, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2006 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentage in paragraph (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304 of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5 and prevailing rate employees described in section 5343(a)(5) of title 5 shall be considered to be located in the pay locality designated as ''Rest of US'' pursuant to section 5304 of title 5 for purposes of this paragraph.

[(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2006.

[SEC. 944. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

[SEC. 945. None of the funds made available in this Act may be used to administer, implement, or enforce the amendment made to section 515.533 of title 31, Code of Federal Regulations, that was published in the Federal Register on February 25, 2005.

[SEC. 946. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) or of section 552.224 of title 48 of the Code of Federal Regulations.

[SEC. 947. None of the funds made available in this Act may be used to provide for the competitive sourcing of flight service stations.

[SEC. 948. None of the funds contained in this Act may be used to enforce section 702 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.02, D.C. Official Code).

[SEC. 949. None of the funds made available in this Act may be used to enforce the judgment of the United States Supreme Court in the case of Kelo v. New London, decided June 23, 2005.

[SEC. 950. The amount otherwise provided under the heading ''Management and Administration—Working Capital Fund'', in title III is hereby increased by $22,000,000.

[SEC. 951. None of the funds made available in this Act to the Department of the Treasury may be used to recommended approval of the sale of Unocal Corporation to CNOOC Ltd. of China.

[SEC. 952. None of the funds made available in this Act may be used by the General Services Administration to carry out the eTravel Service program.

[SEC. 953. None of the funds made available by this Act may be used to implement the revision to Office of Management and Budget Circular A–76 made on May 29, 2003.

[This Act may be cited as the ''Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006''.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, Treasury, the Judiciary, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $86,000,000, of which not to exceed $2,198,000 shall be available for the immediate Office of the Secretary; not to exceed $698,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,183,000 shall be available for the Office of the General Counsel; not to exceed $12,650,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $8,585,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,293,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $22,031,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,910,000 shall be available for the Office of Public Affairs; not to exceed $1,442,000 shall be available for the Office of the Executive Secretariat; not to exceed $697,000 shall be available for the Board of Contract Appeals; not to exceed $1,265,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $2,033,000 for the Office of Intelligence and Security; not to exceed $11,895,000 shall be available for the Office of the Chief Information Officer; and not to exceed $3,120,000 shall be available for the Office of Emergency Transportation: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: Provided further, That none of the funds made available in this Act may be used to enforce the restriction in section 29(a) of the International Air Transportation Competition Act of 1979 against the operation of flights between Love Field, Texas, and one or more points within the State of Missouri: Provided further, That the Secretary of Transportation shall amend each air carrier's certificate of public convenience and necessity to authorize the carrier operations consistent with the limitations of the preceding proviso.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $8,550,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $15,000,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $120,014,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $500,000, as authorized by 49 U.S.C. 332: 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 $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, to remain available until September 30, 2007: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $60,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended.

NEW HEADQUARTERS BUILDING

For necessary expenses of the Department of Transportation's new headquarters building and related services, $50,000,000, to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities,

the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $8,026,000,000, of which $5,686,500,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $6,627,010,000 shall be available for air traffic organization activities; not to exceed $956,242,000 shall be available for aviation regulation and certification activities; not to exceed $11,759,000 shall be available for commercial space transportation activities; not to exceed $50,983,000 shall be available for financial services activities; not to exceed $69,943,000 shall be available for human resources program activities; not to exceed $150,744,000 shall be available for region and center operations and regional coordination activities; not to exceed $141,909,000 shall be available for staff offices; and not to exceed $36,112,000 shall be available for information services: Provided, That not to exceed 2 percent of any budget activity, except for aviation regulation and certification budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may increase or decrease any appropriation by more than 2 percent: Provided further, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 710 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $7,500,000 shall be for the contract tower cost-sharing program: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: Provided further, That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card. In addition, $150,000,000 is for costs associated with the flight service station transition.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $2,448,000,000, of which $2,024,579,000 shall remain available until September 30, 2008, and of which $423,421,000 shall remain available until September 30, 2006: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2007 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2007 through 2011, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $134,500,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2008: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,390,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,500,000,000 in fiscal year 2006, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding any other provision of law, not more than $71,096,000 of funds limited under this heading shall be obligated for administration and not less than $20,000,000 shall be available to carry out the Small Community Air Service Development Program, to remain available until expended.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the amounts authorized for the fiscal year ending September 30, 2006 and prior years under sections 48103 and 48112 of title 49, United States Code, $1,174,000,000 are rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTATION

SEC. 101. Notwithstanding any other provision of law, airports may transfer without consideration to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: Provided, That the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 102. None of the funds in this Act may be used to compensate in excess of 375 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2006.

SEC. 103. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 104. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: Provided, That during fiscal year 2006, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 105. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 106. (a) Section 44302(f)(1) of title 49, United States Code, is amended by striking ''2005,'' each place it appears and inserting ''2006,''.

(b) Section 44303(b) of such title is amended by striking ''2005,'' and inserting ''2006,''.

SEC. 107. Notwithstanding any provision of law, the Secretary of Transportation is authorized and directed to make project grants under chapter 471 of title 49, United States Code, from funds available for fiscal year 2006 and thereafter under 49 U.S.C. 48103, for the cost of acquisition of land, or reimbursement of the cost of land if purchased prior to enactment of this provision and prior to a grant agreement, for nonexclusive use aeronautical purposes on an airport layout plan that has been approved by the Secretary on January 23, 2004, pursuant to section 49 U.S.C. 47107(a)(16), for any small hub airport as defined in 49 U.S.C. 47102, and had scheduled or chartered direct international flights totaling at least 200 million pounds gross aircraft landed weight for calendar year 2002.

SEC. 108. (a) Section 47108 of title 49, United States Code, is amended in subsection (e) by adding the following new paragraph at the end:

''(3) CHANGES TO NONHUB PRIMARY STATUS.—If the status of a nonhub primary airport changes to a small hub primary airport at a time when the airport has received discretionary funds under this chapter for a terminal development project in accordance with section 47110(d)(2), and the project is not yet completed, the project shall remain eligible for funding from the discretionary fund and the small airport fund to pay costs allowable under section 47110(d). Such project shall remain eligible for such funds for three fiscal years after the start of construction of the project, or if the Secretary determines that a further extension of eligibility is justified, until the project is completed.''.

(b) CONFORMING AMENDMENT.—Section 47110(d)(2)(A) is amended by striking ''(A) the'' and inserting ''(A) except as provided in section 47108(e)(3), the''.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $364,638,000, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $40,194,259,000 for Federal-aid highways and highway safety construction programs for fiscal year 2006: Provided, That within the $40,194,259,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $408,491,420 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2005: Provided further, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $40,194,259,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

FEDERAL-AID HIGHWAYS

HIGHWAY TRUST FUND

(RESCISSION)

Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $2,300,000,000 are rescinded: Provided, That such rescission shall not apply to the funds distributed in accordance with 23 U.S.C. 133(d)(1) and the first sentence of 23 U.S.C. 133(d)(3)(A) or to the funds apportioned to the program authorized under section 163 of title 23, United States Code.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For necessary expenses for the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240, as amended, $80,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 110. (a) For fiscal year 2006, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a)(1)(A) of title 23, United States Code, for the highway use tax evasion program, and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the prior fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid highways less the aggregate amounts not distributed under paragraphs (1) and (2) for section 201 of the Appalachian Regional Development Act of 1965 and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year); and (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that such obligation authority has not lapsed or been used.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 111. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 112. BYPASS BRIDGE AT HOOVER DAM. (a) IN GENERAL.—Subject to subsection (b), the Secretary of Transportation may expend from any

funds appropriated for expenditure in accordance with title 23, United States Code, for payment of debt service by the States of Arizona and Nevada on notes issued for the bypass bridge project at Hoover Dam, pending appropriation or replenishment for that project.

(b) REIMBURSEMENT.—Funds expended under subsection (a) shall be reimbursed from the funds made available to the States of Arizona and Nevada for payment of debt service on notes issued for the bypass bridge project at Hoover Dam.

SEC. 113. None of the funds made available in this Act shall be available for the development or dissemination by the Federal Highway Administration of any version of a programmatic agreement which regards the Dwight D. Eisenhower National System of Interstate and Defense Highways as eligible for inclusion on the National Register of Historic Places.

SEC. 114. BUS AXLE WEIGHT EXEMPTION. Section 1023 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note; 105 Stat. 1951) is amended by striking subsection (h) and inserting the following:

''(h) OVER-THE-ROAD BUS AND PUBLIC TRANSIT VEHICLE EXEMPTION.—

''(1) IN GENERAL.—The second sentence of section 127 of title 23, United States Code (relating to axle weight limitations for vehicles using the Dwight D. Eisenhower System of Interstate and Defense Highways), shall not apply to—

''(A) any over-the-road bus (as defined in section 301 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12181)); or

''(B) any vehicle that is regularly and exclusively used as an intrastate public agency transit passenger bus.

''(2) STATE ACTION.—No State or political subdivision of a State, or any political authority of 2 or more States, shall impose any axle weight limitation on any vehicle described in paragraph (1) in any case in which such a vehicle is using the Dwight D. Eisenhower System of Interstate and Defense Highways.''.

SEC. 115. Notwithstanding any other provision of law, access to the I–5 ''Transit Only'' ramps at NE 163rd in Shoreline, Washington shall be expanded to include King County Solid Waste Division transfer vehicles upon the determination of the Federal Highway Administrator that necessary safety improvements have been completed.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of the motor carrier safety program, motor carrier safety research, motor carrier outreach and education, $211,400,000, to be derived from the Highway Trust Fund, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: Provided, That none of the funds under this heading shall be available for the implementation, execution or administration of programs the obligations for which are in excess of $211,400,000, for ''Motor Carrier Safety Operations and Programs'', of which $9,600,000, to remain available until September 30, 2009, is for the research and technology program; and of which up to $6,800,000 shall be available to make grants to, or enter into contracts with, States, local government, or other persons for the commercial vehicle analysis reporting system, and the Federal share payable under such grants shall be 100 percent.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out sections 31102, 31106, and 31309 of title 23, United States Code, $278,620,000 to be derived from the Highway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $278,620,000 for ''Motor Carrier Safety Grants'', of which $193,620,000 shall be available for Motor Carrier Safety Assistance Program grants to States; of which $33,000,000 shall be available for Border Enforcement grants to States; $4,000,000 shall be available for Performance and Registration Information System Management grants to States; $23,000,000 shall be available for the Commercial Driver's License and Driver Improvement Program grants to States; and $25,000,000 shall be available for Commercial Vehicle Information Systems and Networks grants to States: Provided further, That for grants made to States for implementation of section 210 of the Motor Carrier Safety Improvement Act of 1999 (113 Stat. 1764–1765), and for grants to States, local governments, or other entities for commercial driver's license program improvements, the Federal share payable under such grants shall be 100 percent: Provided further, That from amounts provided under this heading for grants to States or local governments for audits of new entrant motor carriers, the Secretary of Transportation may withhold such funds from a State or local government that is unable to use government employees to conduct new entrant motor carrier audits and may transfer such funds to ''Motor Carrier Safety Operations and Programs'' to conduct audits in those jurisdictions.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 120. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

SEC. 121. None of the funds appropriated or otherwise made available by this Act may be used to implement or enforce any provisions of the Final Rule, issued on April 16, 2003 (Docket No. FMCSA–97–2350), with respect to either of the following:

(1) The operators of utility service vehicles, as that term is defined in section 395.2 of title 49, Code of Federal Regulations.

(2) Maximum daily hours of service for drivers engaged in the transportation of property or passengers to or from a motion picture or television production site located within a 100-air mile radius of the work reporting location of such drivers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, 49 U.S.C. 301, and part C of subtitle VI of 49 U.S.C., $226,688,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2006, are in excess of $226,688,000 for programs authorized under such sections: Provided further, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,000,000, to be derived from the Highway Trust Fund and remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $4,000,000 for the National Driver Register authorized under chapter 303 of title 49, United States Code.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 407A, 410, 412, section 7212(a)(9) of the Highway Safety Grant Program Reauthorization Act of 2005 to pay administrative and related operating expenses under 23 U.S.C. 402, 405, 406, 407A, 410, 412, 413 and 414, and section 7223 of the Highway Safety Grant Program Reauthorization Act of 2005, to remain available until expended, $548,182,095 to be derived from the Highway Trust Fund (other than the Mass Transit Account): Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2006, are in excess of $548,182,095 for programs authorized under 23 U.S.C. 402, 405, 406, 407A, 410, 412, 413 and 414, and section 7223 of the Highway Safety Grant Program Reauthorization Act of 2005, of which $209,217,985 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402, $149,667,110 shall be for ''Occupant Protection Programs'' under 23 U.S.C. 405, $7,400,000 shall be for ''Demonstration Programs related to older drivers, law enforcement, and motorcycle training'' under 23 U.S.C. 406, $5,000,000 shall be for the ''Emergency Medical Services Program'' under 23 U.S.C. 407A, $115,721,000 shall be for the ''Impaired Driving Program'' under 23 U.S.C. 410, $45,000,000 shall be for ''State Traffic Safety Information System Improvements'' under 23 U.S.C. 412, $16,176,000 shall be for ''administrative and related operating expenses'' under section 7212(a)(9) of the Highway Safety Grant Program Reauthorization Act of 2005 for 23 U.S.C. 402, 405, 406, 407A, 410, 412, 413 and 414, and section 7223 of the Highway Safety Grant Program Reauthorization Act of 2005: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: Provided further, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 130. Notwithstanding any other provision of law, States may use funds provided in this Act under section 402 of title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema, and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation: Provided, That any State that uses funds for such public service messages shall submit to the Secretary a report describing and assessing the effectiveness of the messages: Provided further, That $10,000,000 of the funds allocated under section 157 of title 23, United States

Code, shall be used as directed by the National Highway Traffic Safety Administrator to purchase national paid advertising (including production and placement) to support national safety belt mobilizations: Provided further, That, of the funds allocated under section 163 of title 23, United States Code, $6,000,000 shall be used as directed by the Administrator to support national impaired driving mobilizations and enforcement efforts, and $14,000,000 shall be used as directed by the Administrator to purchase national paid advertising (including production and placement) to support such national impaired driving mobilizations and enforcement efforts.

SEC. 131. Notwithstanding any other provision of law, for fiscal year 2006 the Secretary of Transportation is authorized to use amounts made available to carry out section 157 of title 23, United States Code, to make innovative project allocations, not to exceed the prior year's amounts for such allocations, before making incentive grants for use of seat belts.

SEC. 132. Notwithstanding any other provision of law, not to exceed $130,000 of the funds made available under sections 403 of title 23 U.S.C. and 7212(a)(9) of the Highway Safety Grant Program Reauthorization Act of 2005 to pay administrative and related operating expenses under 23 U.S.C. 402 shall be available to the National Highway Traffic Safety Administration for travel and related expenses for State management reviews and highway safety staff core competency development training.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $146,000,000, of which $13,856,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $41,000,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2006.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $11,500,000, to remain available until expended.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $20,000,000, for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make a grant to the National Railroad Passenger Corporation (''Corporation'') for the operation and capital expenses of intercity passenger rail service, $1,450,000,000, to remain available until expended: Provided, That, not later than six months after the date of enactment of this Act, no federal grants from funds appropriated under this heading shall be used by the National Railroad Passenger Corporation for the purposes of providing food and beverage services except as a capital expenditure that results in no operating subsidy: Provided further, That, not later than six months after the date of enactment of this Act, Amtrak shall provide food and beverage service on its trains only if revenues from the provision of food and beverage service shall equal or exceed the cost of providing said service, pursuant to 49 U.S.C. Section 24305: Provided further, That, not later than six months after the date of enactment of this Act, no funds appropriated under this heading shall be used by the Corporation for the purposes of providing sleeper car service except to the extent that the revenues from the provision of sleeper car accommodations equal or exceed the cost of providing said service: Provided further, That the Corporation may impose a passenger service surcharge on each ticket issued equivalent to 5 percent of the value of said ticket for all tickets issued for travel in the Northeast Corridor, or route segment, between Washington, DC and Boston, MA and equivalent to 2 percent of the value of said ticket price for all tickets issued for travel on a route outside the Northeast Corridor, the proceeds of which shall be used for capital investments: Provided further, That the Corporation shall not impose said surcharge if it finds that such a surcharge shall have a deleterious impact on ridership and revenues: Provided further, That, of the funds provided under this section, not less than $5,000,000 shall be expended for the development and implementation of a managerial cost accounting system, which includes average and marginal unit cost capability: Provided further, That within 30 days of development of the managerial cost accounting system, the Department of Transportation Inspector General shall review and comment to the Secretary of Transportation and the House and Senate Committees on Appropriations, upon the strengths and weaknesses of the system and how it best can be implemented to improve decision making by the Board of Directors and management of the Corporation: Provided further, That the Corporation shall determine the cost to the Corporation for the annual Northeast Corridor maintenance costs attributable to commuter rail operations over said Corridor: Provided further, that these costs shall be calculated by the Corporation based on the train mile usage of each commuter rail authority as a percentage of the total number of annual train miles used by all users of the Northeast Corridor: Provided further, That, notwithstanding any other provision of law, the Secretary may assess fees to each commuter rail authority for any direct maintenance costs associated with that rail authority's train mile usage of the corridor minus any direct annual contributions made by that commuter authority for the use of the northeast Corridor in that fiscal year: Provided further, That no funds may be used by the National Railroad Passenger Corporation to influence a member of Congress in acting upon proposed legislation except to the extent that such efforts are consistent with the program and policies of the Amtrak Board of Directors as articulated by the Amtrak President.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 140. Notwithstanding any other provision of law, from funds made available to the Federal Railroad Administration under the heading ''Next Generation High-Speed Rail'' in the Consolidated Appropriations Act of 2005 (Public Law 108–447), the Secretary of Transportation shall award a grant in the amount of $500,000 to the Maine Department of Transportation for Safety and Mitigation Rail Relocation in Auburn, Maine.

SEC. 141. Notwithstanding any other provision of law, funds made available to the Federal Railroad Administration for the Illinois statewide highway-rail crossing safety program on page 1420 of the Joint Explanatory Statement of the Committee of Conference for Public Law 108–447 (House Report 108–792) shall be made available to the Illinois Commerce Commission for the Public Education and Enforcement Research (PEERS) program to improve rail-grade crossing safety through education and enforcement initiatives.

SEC. 142. Notwithstanding any existing federal legislation, from funds available to the Federal Railroad Administration under the heading of ''Next Generation High-Speed Rail'' in the Consolidated Appropriations Act of 2004, Public Law 108–199; the Secretary of Transportation may award a grant of $1,000,000 to the New Orleans Regional Planning Commission, New Orleans, Louisiana for site planning and an update of the Master Plan for the Union Passenger Terminal, located at New Orleans, Louisiana.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $13,411,000: Provided, That no more than $79,544,000 of budget authority shall be available for these purposes: Provided further, That of the funds available not to exceed $925,000 shall be available for the Office of the Administrator; not to exceed $6,800,000 shall be available for the Office of Administration; not to exceed $4,200,000 shall be available for the Office of the Chief Counsel; not to exceed $1,300,000 shall be available for the Office of Communication and Congressional Affairs; not to exceed $7,500,000 shall be available for the Office of Program Management; not to exceed $7,200,000 shall be available for the Office of Budget and Policy; not to exceed $4,700,000 shall be available for the Office of Demonstration and Innovation; not to exceed $3,000,000 shall be available for the Office of Civil Rights; not to exceed $4,200,000 shall be available for the Office of Planning; not to exceed $21,000,000 shall be available for regional offices; and not to exceed $16,219,000 shall be available for the central account: Provided further, That the Administrator is authorized to transfer funds appropriated for an office of the Federal Transit Administration: Provided further, That no appropriation for an office shall be increased or decreased by more than a total of 5 percent during the fiscal year by all such transfers: Provided further, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: Provided further, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: Provided further, That up to $2,500,000 for the National transit database shall remain available until expended: Provided further, That upon submission to the Congress of the fiscal year 2007 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2007.

FORMULA GRANTS

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $734,117,000, to remain available until expended: Provided, That no more than $4,354,191,000 of budget authority shall be available for these purposes.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $981,000, to remain available until expended: Provided, That no more than $5,818,000

of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $26,350,000, to remain available until expended: Provided, That no more than $156,287,000 of budget authority shall be available for these purposes: Provided further, That $5,208,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)), $3,967,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315), $8,992,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), $104,004,000 is available for State and metropolitan planning; and $34,116,000 is available for the national planning and research program (49 U.S.C. 5314).

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $6,824,667,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: Provided, That $3,620,074,000 shall be paid to the Federal Transit Administration's formula grants account: Provided further, That $129,937,000 shall be paid to the Federal Transit Administration's transit planning and research account: Provided further, That $66,133,000 shall be paid to the Federal Transit Administration's administrative expenses account: Provided further, That $4,837,000 shall be paid to the Federal Transit Administration's university transportation research account: Provided further, That $101,292,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: Provided further, That $2,902,394,000 shall be paid to the Federal Transit Administration's Capital Investment Grants account.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $588,578,000, to remain available until expended: Provided, That no more than $3,490,972,000 of budget authority shall be available for these purposes: Provided further, That there shall be available for fixed guideway modernization, $1,307,473,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $796,977,000, and there shall be available for new fixed guideway systems $1,386,522,000, to be available as follows:

Alaska and Hawaii ferry projects, $10,296,000;

Baltimore Central Light Rail Double Track Project, Maryland, $12,420,000;

Central Phoenix/East Valley LRT, Arizona, $90,000,000;

Charlotte South Corridor Light Rail Project, North Carolina, $55,000,000;

City of Miami Streetcar, Florida, $2,000,000;

City of Rock Hill Trolley Study, South Carolina, $400,000;

Commuter Rail, Albuquerque to Santa Fe, New Mexico, $500,000;

Commuter Rail, Utah, $9,000,000;

CORRIDORone Regional Rail Project, Pennsylvania, $1,500,000;

CTA Douglas Blue Line, Illinois, $45,150,000;

CTA Ravenswood Brown Line, Illinois, $40,000,000;

Dallas Northwest/Southeast Light Rail MOS, Texas, $12,000,000;

Dulles Corridor Rapid Transit Project, Virginia, $26,000,000;

East Corridor Commuter Rail, Nashville, Tennessee, $6,000,000;

East Side Access Project, New York, $340,000,000;

Euclid Corridor Transportation Project, Ohio, $24,774,513;

Gainesville-Haymarket VRE Service Extension, Virginia, $1,450,000;

Hartford-New Britain Busway, Connecticut, $6,000,000;

Hudson-Bergen Light Rail MOS 2, New Jersey, $100,000,000;

Kansas City, MO, Southtown BRT, $12,300,000;

Metra, Illinois, $42,180,000;

Metro Gold Line Eastside Light Rail Extension, California, $80,000,000;

Houston METRO, Texas, $12,000,000;

Mid-Coast Light Rail Transit Extension, California, $7,160,000;

Mid-Jordan Light Rail Transit Line, Utah, $500,000;

Mission Valley East, California, $7,700,000;

New Jersey Trans-Hudson Midtown Corridor, New Jersey, $3,315,000;

North Corridor Interstate MAX Light Rail Project, Oregon, $18,110,000;

North Shore Connector, Pennsylvania, $55,000,000;

Northeast Corridor Commuter Rail Project, Delaware, $1,425,000;

Northstar Corridor Commuter Rail Project, Minnesota, $2,000,000;

Oceanside Escondido Rail Project, California, $12,210,000;

Regional Fixed Guideway Project, Nevada, $3,000,000;

Rhode Island Integrated Commuter Rail Project, Rhode Island, $6,000,000;

San Francisco BART Extension to San Francisco International Airport, California, $81,860,000;

San Francisco Muni Third Street Light Rail Project, California, $10,000,000;

San Juan Tren Urbano, Puerto Rico, $10,200,000;

Schuylkill Valley Metro, Pennsylvania, $2,000,000;

Seattle Sound Transit, Washington, $80,000,000;

Second Avenue Subway, New York, $25,000,000;

Silicon Valley Rapid Transit Corridor Project, Santa Clara County, California, $5,000,000;

Silver Line Phase III, Massachusetts, $4,000,000;

Sounder Commuter Rail, Washington, $5,000,000;

Southeast Corridor Multi-Modal Project (T–REX), Colorado, $80,000,000;

Triangle Transit Authority Regional Rail System (Raleigh-Durham), North Carolina, $18,000,000;

Washington County Commuter Rail Project, Oregon, $15,000,000;

West Corridor Light Rail, Colorado, $5,000,000.

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $20,541,000, to remain available until expended: Provided, That no more than $121,833,000 of budget authority shall be available for these purposes: Provided further, That up to $300,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 150. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 151. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under ''Federal Transit Administration, Capital investment grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2008, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 152. Notwithstanding any other provision of law, any funds appropriated before October 1, 2005, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 153. Notwithstanding any other provision of law, any Office of Management and Budget Circular or any policy, directive, or regulation, funds made available from the Mass Transit Account of the Highway Trust Fund in this Act may not be deposited in the General Fund of the United States Treasury: Provided, That obligations incurred to carry out any Federal Transit program, project or activity shall be liquidated first from amounts appropriated for that program, project or activity from the General Fund of the United States Treasury until the appropriated amount is depleted.

SEC. 154. Notwithstanding any other provision of law, unobligated funds made available for a new fixed guideway systems projects under the heading ''Federal Transit Administration, Capital Investment Grants'' in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 155. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: Provided, That not more than $3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry boat routes and technology: Provided further, That notwithstanding 49 U.S.C. 5302(a)(7), funds made available for Alaska or Hawaii ferry boats may be used to acquire passenger ferry boats and to provide passenger ferry transportation services within areas of the State of Hawaii under the control or use of the National Park Service.

SEC. 156. Amounts made available from the bus category of the Capital Investment Grants Account or Discretionary Grants Account in this or any other previous Appropriations Act that remain unobligated or unexpended in a grant for a multimodal transportation facility in Burlington, Vermont, may be used for site-preparation and design purposes of a multimodal transportation facility in a different location within Burlington, Vermont, than originally intended notwithstanding previous expenditures incurred such purposes at the original location.

SEC. 157. Notwithstanding any other provision of law, funds designated in the conference report accompanying Public Law 108–447 and Public Law 108–199 for the King County Metro Park and Ride on First Hill, Seattle, Washington, shall be available to the Swedish Hospital parking garage, Seattle, Washington, subject to the same conditions and requirements of Section 125 of Division H of Public Law 108–447.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9101–9110), as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $16,284,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $156,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $118,649,000 of which $23,750,000 shall remain available until September 30, 2006, for salaries and benefits of employees of the United States Merchant Marine Academy; of which $13,033,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and of which $8,211,000 shall remain available until expended for the State Maritime Schools Schoolship Maintenance and Repair.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $21,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, not to exceed $4,726,000, which shall be transferred to and merged with the appropriation for Operations and Training.

NATIONAL DEFENSE TANK VESSEL CONSTRUCTION PROGRAM

For necessary expenses to carry out the program of financial assistance for the construction of new product tank vessels as authorized by section 53101 of title 46, United States Code, as amended, $25,000,000, to remain available until expended.

SHIP CONSTRUCTION

(RESCISSION)

Of the unobligated balances available under this heading, $2,071,280 are rescinded.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 160. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 161. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.), or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriations Act.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Pipeline and Hazardous Materials Safety Administration, $16,877,000, of which $645,000 shall be derived from the Pipeline Safety Fund.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $26,138,000, of which $1,847,000 shall remain available until September 30, 2008: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990 (Public Law 101–380), $73,165,000, of which $15,000,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2008; of which $58,165,000 shall be derived from the Pipeline Safety Fund, of which $24,000,000 shall remain available until September 30, 2008: Provided, That not less than $1,000,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2007: Provided, That not more than $14,300,000 shall be made available for obligation in fiscal year 2006 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): Provided further, That none of the funds made available by 49 U.S.C. 5116(i), 5127(c), and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $4,326,000, of which $1,000,000 shall remain available until September 30, 2008: Provided, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $62,499,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $24,388,000: Provided, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2006, to result in a final appropriation from the general fund estimated at no more than $23,138,000.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF TRANSPORTATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 170. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 171. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 172. None of the funds in this Act shall be available for salaries and expenses of more than 109 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 173. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 174. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 175. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Transit Planning and Research'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 176. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 177. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal

Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 178. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 179. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments: Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term ''improper payments'', has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 180. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from ''Office of the Secretary, Salaries and expenses'' to ''Minority Business Outreach''.

SEC. 181. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 182. Funds provided in this Act for the Working Capital Fund shall be reduced by $1,000,000, which limits fiscal year 2006 Working Capital Fund obligational authority for elements of the Department of Transportation funded in this Act to no more than $119,014,000: Provided, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Working Capital Fund.

SEC. 183. For the purpose of any applicable law, for fiscal years 2004 and 2005, the city of Norman, Oklahoma, shall be considered to be part of the Oklahoma City urbanized area.

This title may be cited as the ''Department of Transportation Appropriations Act, 2006''.

TITLE II—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, $197,591,000, of which not to exceed $8,642,366 is for executive direction program activities; not to exceed $7,851,946 is for general counsel program activities; not to exceed $32,010,626 is for economic policies and programs activities; not to exceed $27,220,470 is for financial policies and programs activities; not to exceed $39,938,449 is for financial crimes policies and programs activities; not to exceed $16,843,447 is for Treasury-wide management policies and programs activities; and not to exceed $65,083,696 is for administration programs activities: Provided, That of the amount appropriated for financial crimes policies and programs activities, $22,032,016 is for the Office of Foreign Assets Control and shall support no less than 125 full time equivalent positions: Provided further, That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the House and Senate Committees on Appropriations: Provided further, That no appropriation for any program activity shall be increased or decreased by more than 2.5 percent by all such transfers: Provided further, That any change in funding greater than 2.5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That of the amount appropriated under this heading, not to exceed $3,000,000, to remain available until September 30, 2007, for information technology modernization requirements; not to exceed $100,000 for official reception and representation expenses; and not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: Provided further, That of the amount appropriated under this heading, $5,173,000, to remain available until September 30, 2007, is for the Treasury-wide Financial Statement Audit Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: Provided further, That this transfer authority shall be in addition to any other provided in this Act.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $24,412,000, to remain available until September 30, 2008: Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement ''Internal Revenue Service, Information Systems'' or ''Internal Revenue Service, Business Systems Modernization''.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $16,722,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services ±authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $133,286,000; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

AIR TRANSPORTATION STABILIZATION PROGRAM ACCOUNT

For necessary expenses to administer the Air Transportation Stabilization Board established by section 102 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42), $2,942,000.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $10,000,000, to remain available until September 30, 2008.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $73,630,000 of which not to exceed $6,944,000 shall remain available until September 30, 2008; and of which $8,521,000 shall remain available until September 30, 2007: Provided, That funds appropriated in this account may be used to procure personal services contracts.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $236,243,000, of which not to exceed $9,220,000 shall remain available until September 30, 2008, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $91,126,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $179,923,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: Provided, That the sum appropriated herein from the General Fund for fiscal year 2006 shall be reduced by not more than $3,000,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final

fiscal year 2006 appropriation from the General Fund estimated at $176,923,000. In addition, $70,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103–325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $55,000,000, to remain available until September 30, 2007, of which $4,000,000 shall be for financial assistance, technical assistance, training and outreach programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers, and up to $13,500,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $6,000,000 may be used for the cost of direct loans, and up to $250,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $11,000,000.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2006 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $36,900,000.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,136,578,000, of which up to $4,100,000 shall be for the Tax Counseling for the Elderly Program, of which $8,000,000 shall be available for low-income taxpayer clinic grants, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; expanded customer service and public outreach programs, strengthened enforcement activities, and enhanced research efforts to reduce erroneous filings associated with the earned income tax credit; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,725,756,000, of which not to exceed $1,000,000 shall remain available until September 30, 2008, for research: Provided, That up to $10,000,000 may be transferred as necessary from this account to the IRS Processing, Assistance, and Management appropriation or the IRS Information Systems appropriation solely for the purposes of management of the Earned Income Tax Credit compliance program and to reimburse the Social Security Administration for the cost of implementing section 1090 of the Taxpayer Relief Act of 1997 (Public Law 105–33): Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,597,717,000, of which $75,000,000 shall remain available until September 30, 2007.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, $199,000,000, to remain available until September 30, 2008, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $20,210,000.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 200. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading ''Tax Law Enforcement'' may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 201. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 202. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 203. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

SEC. 204. None of the funds made available in this Act may be used to reduce taxpayer services until the Treasury Inspector General for Tax Administration completes a study detailing the impact of the IRS's reductions on taxpayer compliance and taxpayer services, and the IRS's plans for providing adequate alternative services, and submits such study to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 205. Of the funds made available by this Act to the Internal Revenue Service, not less than $6,447,000,000 shall be available only for tax enforcement. In addition, of the funds made available by this Act to the Internal Revenue Service, and subject to the same terms and conditions, $446,000,000 shall be available for enhanced tax enforcement.

SEC. 206. Not later than 90 days after the date of enactment of this Act, the IRS Commissioner shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate on tax enforcement, which includes estimates for the entire tax enforcement program and for the tax enforcement initiative of tax enforcement spending, tax enforcement workload indicators, direct tax enforcement revenue, and an explanation of the methodology and accuracy of the estimates provided.

SEC. 207. Of the funds made available by this Act to the Internal Revenue Service, not less than $166,249,000 shall be available for operating expenses of the Taxpayer Advocate Service.

SEC. 208. The Internal Revenue Service shall submit its fiscal year 2007 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate using the identical structure provided under this Act and only in accordance with the direction specified in the report accompanying this Act.

SEC. 209. Section 3 under the heading ''Administrative Provisions—Internal Revenue Service'' of title I of Public Law 103–329 is amended by striking the last proviso.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 211. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 212. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to

the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 213. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 214. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 215. The Secretary of the Treasury may transfer funds from Financial Management Services, Salaries and Expenses to Debt Collection Fund as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 216. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking ''7 years'' and inserting ''8 years''.

SEC. 217. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 218. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

SEC. 219. Not later than 60 days after enactment of this Act, the Secretary of the Treasury shall submit to the Committees on Appropriations a report describing how statutory provisions addressing currency manipulation by America's trading partners contained in, and relating to, title 22 U.S.C. 5304, 5305, and 286y can be better clarified administratively to provide for improved and more predictable evaluation, and to enable the problem of currency manipulation to be better understood by the American people and the Congress.

SEC. 220. None of the funds appropriated or otherwise made available by this or any other Act or source to the Secretary of the Treasury may be expended to develop, study, or implement any plan to reallocate the resources of, or merge the Financial Crimes Enforcement Network into the Departmental Offices—Salaries and Expenses, or any other office within the Department of the Treasury.

This title may be cited as the ''Department of the Treasury Appropriations Act, 2006''.

TITLE III—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFERS OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing act of 1937, as amended (42 U.S.C. 1437 et seq.) (''the Act'' herein), not otherwise provided for, $15,636,064,000, to remain available until expended, of which $11,436,064,000 shall be available on October 1, 2005 and $4,200,000,000 shall be available on October 1, 2006: Provided, That the amounts made available under this heading are provided as follows:

(1) $14,089,756,000 for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act): Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph, the Secretary for the calendar year 2006 funding cycle shall provide renewal funding for each public housing agency based verified voucher management system (VMS) lease and cost data for the most recent 12 months for which data are available, prior to prorations, and by applying the 2006 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with the first-time renewal of tenant protection or HOPE VI vouchers: Provided further, That the Secretary shall, to the extent necessary to stay within the amount provided under this paragraph, pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: Provided further, That the entire amount provided under this paragraph shall be obligated to the public housing agencies based on the allocation and pro rata method described above: Provided further, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous proviso: Provided further, That up to $45,000,000 shall be available only (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency and verification by HUD, whose allocation under this heading for contract renewals for the calendar year 2005 funding cycle were based on verified VSM leasing and cost data averaged for the months of May, June, and July of 2004 and solely because of temporarily low leasing levels during the 3-month period did not accurately reflect leasing levels and costs for the 2004 fiscal year of the agencies, and (2) for adjustments for public housing agencies that experienced a significant increase, as determined by the Secretary, in renewal costs resulting from portability under section 8(r) of the United States Housing Act of 1937 of tenant-based rental assistance: Provided further, That none of the funds provided in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract;

(2) $192,000,000 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance: Provided, That no more than $12,000,000 can be used for section 8 assistance to cover the cost of judgments and settlement agreements;

(3) $48,000,000 for family self-sufficiency coordinators under section 23 of the Act;

(4) $5,900,000 shall be transferred to the Working Capital Fund;

(5) $1,295,408,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $10,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs: Provided, That $1,271,000,000 of the amount provided in this paragraph shall be allocated for the calendar year 2006 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2005: Provided further, That all amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8 including related development activities; and

(6) $5,000,000 shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board.

HOUSING CERTIFICATE FUND

(RESCISSION)

Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading ''Annual contributions for assisted housing'' for fiscal year 2005 and prior years, $1,500,000,000 are rescinded, to be effected by the Secretary no later than September 30, 2006: Provided, That, to the extent there are not adequate funds for the rescission from said unobligated balances under the headings ''Housing Certificate Fund'' or ''Annual Contribution for Assisted Housing'', additional funds shall first be rescinded of up to 10 percent of the funding available under the heading of ''Salaries and Expenses'' in title III and funding available under the heading of ''Office of Management and Budget'' in title V: Provided further, That should additional funds be needed once the aforementioned rescissions are effectuated to meet the requirements of this paragraph, then, and only then, shall additional funds needed for the rescission be derived from any unobligated funds under any heading under title III: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: Provided further, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled: Provided further, That no amounts recaptured from amounts appropriated in prior years under this heading or the heading ''Annual contributions for assisted housing'' and no carryover of such appropriated amounts for project-based assistance shall be available for the calendar year 2006 funding cycle for activities provided for under the heading ''Tenant-based rental assistance''.

PROJECT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (''the Act'' herein), not otherwise provided for, $5,072,100,000, to remain available until expended: Provided, That the amounts made available under this heading are provided as follows:

(1) $4,918,100,000 for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act, for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) up to $147,200,000 for performance-based contract administrators for section 8 project-

based assistance with any unused funds available to preserve section 8 housing.

(3) $1,800,000 shall be transferred to the Working Capital Fund: Provided further, That amounts recaptured under this heading, the heading, ''Annual Contributions for Assisted Housing'', or the heading, ''Housing Certificate Fund'', for project-based section 8 activities may be used for renewals of or amendments to section 8 project-based subsidy contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

(4) amounts recaptured under this heading, the heading ''Annual Contributions for Assisted Housing'', or the heading ''Housing Certificate Fund'' may be used for renewals of or amendments to section 8 project-based contracts, notwithstanding the purposes for which such amounts were appropriated.

(5) $5,000,000 shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFERS OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g) (the ''Act'') $2,327,200,000, to remain available until September 30, 2009: Provided, That notwithstanding any other provision of law or regulation, during fiscal year 2006, the Secretary may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term ''obligate'' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: Provided further, That of the total amount provided under this heading, up to $11,000,000 shall be for carrying out activities under section 9(h) of such Act: Provided further, That $13,230,000 shall be transferred to the Working Capital Fund: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the total amount provided under this heading, up to $17,000,000 shall be available for the Secretary of Housing and Urban Development to make grants, notwithstanding section 205 of this Act, to public housing agencies for emergency capital needs resulting from unforeseen emergencies and natural disasters occurring in fiscal year 2006: Provided further, That of the total amount provided under this heading, $45,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act and the Native American Housing Assistance and Self-Determination Act of 1996: Provided further, That of the total amount provided under this heading up to $8,820,000 is to support the costs of administrative and judicial receiverships: Provided further, That of the total amount provided under this heading up to $20,000,000 shall be available for the demolition, relocation, and site remediation of obsolete and severely distressed public housing units: Provided further, That of the total amount provided under this heading, $15,000,000 shall be for Neighborhood Networks grants for activities authorized in section 9(d)(1)(E) of the United States Housing Act of 1937, as amended, of which up to $1,000,000 may be used for technical assistance in connection with such grants as authorized in section 9(h)(8) of such Act: Provided further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis: Provided further, That notwithstanding section 9(d)(1)(E) of the United States Housing Act of 1937, any Neighborhood Networks computer center established with funding made available under this heading in this or any other Act, shall be available for use by residents of public housing and residents of other housing assisted with funding made available under this title in this Act or any other Act.

PUBLIC HOUSING OPERATING FUND

(INCLUDES TRANSFER OF FUNDS)

For 2006 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), $3,557,300,000: Provided, That for fiscal year 2006 and all fiscal years thereafter, the Secretary shall provide assistance under this heading to public housing agencies on a calendar year basis: Provided further, That, in fiscal year 2006 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the total amount provided under this heading $5,000,000 shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, $150,000,000, to remain available until September 30, 2007, of which the Secretary may use up to $4,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $622,000,000, to remain available until expended, of which $2,200,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; of which $4,500,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel; and of which $2,600,000 shall be transferred to the Working Capital Fund: Provided, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $17,926,000: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for ''Salaries and Expenses'', to be used only for the administrative costs of these guarantees: Provided further, That of the total amount provided under this heading $5,000,000 shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $5,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $145,345,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $250,000 from amounts in the first paragraph shall be transferred to and merged with the appropriation for ''Salaries and Expenses'', to be used only for the administrative costs of these guarantees.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), $1,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $37,403,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $35,000 from amounts in the first paragraph shall be transferred to and merged with the appropriation for ''Salaries and Expenses'', to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $287,000,000, to remain available until September 30, 2007, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2008: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Secretary may use up to $2,200,000 of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $24,000,000 to remain available until expended, which amount shall be competitively awarded by September 1, 2006, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and

community development activities, and for other purposes, $4,323,610,000, to remain available until September 30, 2008, unless otherwise specified: Provided, That of the amount provided, $3,767,410,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301 et seq.): Provided further, That unless explicitly provided for under this heading (except for planning grants provided in the third paragraph and amounts made available in the second paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Act) shall be expended for planning and management development and administration: Provided further, That $69,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 205 of this Act), up to $4,000,000 may be used for emergencies that constitute imminent threats to health and safety; $4,200,000 shall be for a grant to the National Council of La Raza; $3,000,000 shall be for a grant to the Housing Assistance Council; $2,000,000 shall be for a grant to the National American Indian Housing Council; $32,400,000 shall be for grants pursuant to section 107 of the Act, of which $8,800,000 shall be for the Native Hawaiian block grant authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996, to remain available until expended, of which $500,000 shall be for training and technical assistance; $3,000,000 shall be transferred to the Working Capital Fund; $15,000,000 shall be for grants pursuant to the Self Help Homeownership Opportunity Program; $30,000,000 shall be for Capacity Building for Community Development and Affordable Housing for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997, with not less than $5,000,000 of the funding to be used in rural areas, including tribal areas; $55,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than 8 percent of any grant award under the YouthBuild program may be used for administrative costs: Provided further, That of the amount made available for YouthBuild not less than $4,000,000 is for grants to establish YouthBuild programs in underserved and rural areas and $1,000,000 is to be made available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended: Provided further, That $10,000,000 shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board.

Of the amount made available under this heading, $290,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this Act: Provided, That none of the funds provided under this paragraph may be used for program operations.

Of the amount made available under this heading, $40,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the statement of managers accompanying this Act.

The referenced statement of the managers under the heading ''Community Development Fund'' in title II of Division G of Public Law 108–199 is deemed to be amended with respect to item #181 striking ''Volusia County'' and inserting ''Lively Arts Center in Volusia County''.

The referenced statement of the managers under the heading ''Community Development Fund'' in title II of division G of Public Law 108–199 is deemed to be amended with respect to item number 216 by striking ''for construction'' and inserting ''for planning, design, and engineering''.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, $6,000,000, to remain available until September 30, 2007, as authorized by section 108 of the Housing and Community Development 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, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $275,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000 shall be transferred to and merged with the appropriation for ''Salaries and expenses''.

BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $15,000,000, to remain available until September 30, 2007.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,850,000,000, to remain available until September 30, 2008: Provided, That of the total amount provided in this paragraph, up to $42,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968, and $2,000,000 shall be transferred to the Working Capital Fund: Provided further, That $5,000,000 shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board.

In addition to amounts otherwise made available under this heading, $50,000,000, to remain available until September 30, 2008, for assistance to homebuyers as authorized under title I of the American Dream Downpayment Act.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,415,000,000, of which $1,395,000,000 shall remain available until September 30, 2008, and of which $20,000,000 shall remain available until expended: Provided, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: Provided further, That all funds awarded for services shall be matched by 25 percent in funding by each grantee: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That up to $11,674,000 of the total amount provided under this heading shall be available for the national homeless data analysis project and technical assistance: Provided further, That $1,000,000 of the total amount provided under this heading shall be transferred to the Working Capital Fund: Provided further, That $5,000,000 of the total amount provided under this heading shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board: Provided further, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2006.

HOUSING PROGRAMS

HOUSING FOR THE ELDERLY

(INCLUDING TRANSFERS OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $742,000,000, to remain available until September 30, 2009, of which amount $53,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which amount up to $30,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for emergency capital repairs as determined by the Secretary: Provided, That of the amount made available under this heading, $20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): Provided further, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: Provided further, That $450,000 of the

total amount made available under this heading shall be transferred to the Working Capital Fund: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That $2,500,000 of the total amount made available under this heading shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board.

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING TRANSFERS OF FUNDS)

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, $240,000,000: Provided, That $450,000 shall be transferred to the Working Capital Fund: Provided further, That renewal of tenant-based assistance contracts shall be renewed from funding made available under the heading Tenant-Based Rental Assistance: Provided further, That of the amount provided under this heading, the Secretary may make available up to $5,000,000 for incremental tenant-based rental assistance, as authorized by section 811 of such Act (which assistance is 5 years in duration): Provided further, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: Provided further, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That amounts made available under this heading shall be available for Real Estate Assessment Center Inspections and inspection-related activities associated with Section 811 Capital Advance Projects: Provided further, That $2,500,000 of the total amount provided under this heading shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board.

AFFORDABLE HOUSING AND ECONOMIC DEVELOPMENT TECHNICAL ASSISTANCE BOARD

(TRANSFER OF FUNDS)

To carry out a technical assistance program to assist local nonprofits that participate in programs administered by the Department of Housing and Urban Development, $45,000,000 of funds transferred from within this title: Provided, That these funds shall be made available to a board made up of national nonprofits consisting of LISC, the Enterprise Foundation, and the Centre for Management and Technology: Provided further, That the board shall be assisted by an advisory board consisting of nonprofits with diverse knowledge and expertise with regard to affordable housing and economic development: Provided further, That these funds shall be used by this board to assist local nonprofits in preserving and expanding the stock of low-income housing and in developing economic development activities in accordance with the requirements of programs administered by the Department of Housing and Urban Development: Provided further, That direct administrative costs shall not exceed 10 percent of the total appropriation.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, $26,400,000, to remain available until expended.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2005, and any collections made during fiscal year 2006 and all subsequent fiscal years, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), up to $13,000,000 to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2006 appropriation.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2006, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $185,000,000,000.

During fiscal year 2006, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $355,000,000, of which not to exceed $351,000,000 shall be transferred to the appropriation for ''Salaries and expenses''; and not to exceed $4,000,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses, $62,600,000, of which $18,281,000 shall be transferred to the Working Capital Fund: Provided, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2006, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $8,800,000, to remain available until expended: Provided, That commitments to guarantee loans shall not exceed $35,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $231,400,000, of which $211,400,000 shall be transferred to the appropriation for ''Salaries and Expenses''; and of which $20,000,000 shall be transferred to the appropriation for ''Office of Inspector General''.

In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $71,900,000, of which $10,800,000 shall be transferred to the Working Capital Fund: Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2006, an additional $1,980 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2007.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $11,360,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $11,360,000, shall be transferred to the appropriation for ''Salaries and expenses''.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $48,000,000, to remain available until September 30, 2007: Provided, That of the total amount provided under this heading, $5,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative: Provided further, That of the amounts made available for PATH under this heading, $2,500,000 shall not be subject to the requirements of section 305 of this title.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $46,000,000, to remain available until September 30, 2007, of which $20,000,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $167,000,000, to remain available until September 30, 2007, of which $9,900,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That of the total amount made available under this heading, $48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs, as identified by the Secretary as having: (1) the highest number of occupied pre-1940 units of rental housing; and (2) a disproportionately high number of documented cases of lead-poisoned children: Provided further, That each grantee receiving funds under the previous proviso shall target those privately owned units and multifamily buildings that are occupied by low-income families as defined under section 3(b)(2) of the United States Housing Act of 1937: Provided further, That not less than 90 percent of the funds made available under this paragraph shall be used exclusively for abatement, inspections, risk assessments, temporary relocations and interim control of lead-based hazards as defined by 42 U.S.C. 4851: Provided further, That each recipient of funds provided under the first proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a Notice of Funding Availability.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $25,000 for official reception and representation expenses, $1,145,195,000, of which $562,400,000 shall be provided from the various funds of the Federal Housing Administration, $11,360,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be from the Community Development Loan Guarantee program, $150,000 shall be provided by transfer from the ''Native American housing block grants'' account, $250,000 shall be provided by transfer from the ''Indian housing loan guarantee fund program'' account and $35,000 shall be transferred from the ''Native Hawaiian housing loan guarantee fund'' account: Provided, That funds made available under this heading shall only be allocated in the manner specified in the report accompanying this Act unless the Committees on Appropriations of both the House of Representatives and the Senate are notified of any changes in an operating plan or reprogramming: Provided further, That no official or employee of the Department shall be designated as an allotment holder unless the Office of the Chief Financial Officer (OCFO) has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives: Provided further, That the Chief Financial Officer shall establish positive control of and maintain adequate systems of accounting for appropriations and other available funds as required by 31 U.S.C. 1514: Provided further, That for purposes of funds control and determining whether a violation exists under the Anti-Deficiency Act (31 U.S.C. 1341 et seq.), the point of obligation shall be the executed agreement or contract, except with respect to insurance and guarantee programs, certain types of salaries and expenses funding, and incremental funding that is authorized under an executed agreement or contract, and shall be designated in the approved funds control plan: Provided further, That the Chief Financial Officer shall: (1) appoint qualified personnel to conduct investigations of potential or actual violations; (2) establish minimum training requirements and other qualifications for personnel that may be appointed to conduct investigations; (3) establish guidelines and timeframes for the conduct and completion of investigations; (4) prescribe the content, format and other requirements for the submission of final reports on violations; and (5) prescribe such additional policies and procedures as may be required for conducting investigations of, and administering, processing, and reporting on, potential and actual violations of the Anti-Deficiency Act and all other statutes and regulations governing the obligation and expenditure of funds made available in this or any other Act: Provided further, That $20,000,000 may be transferred to the Working Capital Fund: Provided further, That the Secretary shall fill 7 out of 10 vacancies at the GS–14 and GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced from the number of GS–14 and GS–15 positions on the date of enactment of Public Law 106–377 by 2½ percent.

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, for the continuing operation of both Department-wide and program-specific information systems, and for program-related development activities, $265,000,000, to remain available until September 30, 2007: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $106,000,000, of which $24,000,000 shall be provided from the various funds of the Federal Housing Administration: Provided, That the Inspector General shall have independent authority over all personnel issues within this office.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $60,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: Provided, That not to exceed the amount provided herein shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

SEC. 301. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 302. None of the amounts made available under this Act may be used during fiscal year 2006 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 303. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2006 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2006 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2006 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2006, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter ''metropolitan division'') of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New

Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a three year period.

SEC. 304. (a) During fiscal year 2006, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan specified in subsection (b) of this section, notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

(b) The counties specified in this subsection are Oakland County, Macomb County, Wayne County, and Washtenaw County, in the State of Michigan.

SEC. 305. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title III of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989.

SEC. 306. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 307. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 308. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2006 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 309. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2006, HUD shall transmit this information to the Committees by March 15, 2006 for 30 days of review.

SEC. 310. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 311. Notwithstanding any other provision of law, in fiscal year 2006, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

SEC. 312. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter ''metropolitan division''), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2006 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 313. The Department of Housing and Urban Development shall submit the Department's fiscal year 2007 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate using the identical structure provided under this Act and only in accordance with the direction specified in the report accompanying this Act.

SEC. 314. Incremental vouchers previously made available under the heading ''Housing Certificate Fund'' or renewed under the heading, ''Tenant-Based Rental Assistance,'' for non-elderly disabled families shall, to the extent practicable, continue to be provided to non-elderly disabled families upon turnover.

SEC. 315. A public housing agency or such other entity that administers Federal housing assistance in the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 in the States of Alaska, Iowa and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 316. For this fiscal year and each fiscal year hereafter, the portion of any athletic scholarship assistance that is available for housing costs shall be considered adjusted income for purposes of section 3(b)(5) of the United States Housing Act of 1937.

SEC. 317. The funds made available for Native Alaskans under the heading ''Native American Housing Block Grants'' in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2004.

SEC. 318. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for this fiscal year and each fiscal year thereafter, the Secretary may authorize the transfer of project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one multifamily housing project to another multifamily housing project.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) the number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project;

(2) the transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable;

(3) the receiving project shall meet or exceed applicable physical standards established by the Secretary;

(4) the owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials;

(5) the tenants of the transferring project who remain eligible for assistance to be provided by the receiving project shall not be required to vacate their units in the transferring project until new units in the receiving project are available for occupancy;

(6) if either the transferring project or the receiving project meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary;

(7) if the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions; and

(8) any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section.

(c) For purposes of this section—

(1) the terms ''low-income'' and ''very low-income'' shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term ''multifamily housing project'' means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act,

(B) housing that has project-based assistance attached to the structure,

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act,

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act, or,

(E) housing or vacant land that is subject to a use agreement;

(3) the term ''project-based assistance'' means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) additional assistance payments under section 236(f)(2) of the National Housing Act; and,

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term ''receiving project'' means the multifamily housing project to which the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term ''transferring project'' means the multifamily housing project which is transferring the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project; and,

(6) the term ''Secretary'' means the Secretary of Housing and Urban Development.

SEC. 319. (a) EXTENSION.—The Secretary of Housing and Urban Development shall extend the term of the Moving to Work Demonstration Agreement entered into between a public housing agency and the Secretary under section 204, title V, of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134, April 26, 1996) if—

(1) the public housing agency requests such extension in writing;

(2) the public housing agency is not at the time of such request for extension in default under its Moving to Work Demonstration Agreement; and

(3) the Moving to Work Demonstration Agreement to be extended would otherwise expire on or before September 30, 2006.

(b) TERMS.—Unless the Secretary of Housing and Urban Development and the public housing agency otherwise agree, the extension under subsection (a) shall be upon the identical terms and conditions set forth in the extending agency's existing Moving to Work Demonstration Agreement, except that for each public housing agency that has been or will be granted an extension to its original Moving to Work Agreement, the Secretary shall require that data be collected so that the effect of Moving to Work policy changes on residents can be measured.

(c) EXTENSION PERIOD.—The extension under subsection (a) shall be for such period as is requested by the public housing agency, not to exceed 3 years from the date of expiration of the extending agency's existing Moving to Work Demonstration Agreement.

(d) BREACH OF AGREEMENT.—Nothing contained in this section shall limit the authority of the Secretary of Housing and Urban Development to terminate any Moving to Work Demonstration Agreement of a public housing agency if the public housing agency is in breach of the provisions of such agreement.

SEC. 320. Incremental vouchers previously made available under the heading, ''Housing Certificate Fund'' or renewed under the heading, ''Tenant-Based Rental Assistance'', for family unification shall, to the extent practicable, continue to be provided for family unification.

This title may be cited as the ''Department of Housing and Urban Development Appropriations Act, 2006''.

TITLE IV—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $60,730,000, of which $2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $5,624,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $23,489,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $15,480,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $4,374,959,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed $3,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended (18 U.S.C. 3006A); the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, $710,785,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $61,318,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $372,426,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the

Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $72,198,000, of which not to exceed $8,500 is authorized for official reception and representation expenses and of which up to $1,000,000 shall be made available to the National Academy of Public Administrators for a review of the financial and management procedures of the Federal Judiciary.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $22,350,000; of which $1,800,000 shall remain available through September 30, 2007, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $36,800,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $600,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $3,200,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $14,700,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

SEC. 401. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 705 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. Notwithstanding any other provision of law, the salaries and expenses appropriation for Courts of Appeals, District Courts, and Other Judicial Services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 404. Within 90 days of enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology fund.

SEC. 405. Pursuant to section 140 of Public Law 97–92, and from funds appropriated in this Act, Justices and judges of the United States are authorized during fiscal year 2006, to receive a salary adjustment in accordance with 28 U.S.C. 461.

SEC. 406. The existing judgeship for the eastern district of Missouri authorized by section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650, 104 Stat. 5089) as amended by Public Law 105–53, as of the effective date of this Act, shall be extended. The first vacancy in the office of district judge in this district occurring 20 years or more after the confirmation date of the judge named to fill the temporary judgeship created by section 203(c) shall not be filled.

SEC. 407. Not later than 180 days after enactment of this Act, GAO shall provide the Committees on Appropriations with a report regarding the potential impact on the Federal Judiciary of recent increases in Homeland Security funding to enhance border security and enforce our nation's immigration laws.

This title may be cited as the ''Judiciary Appropriations Act, 2006''.

TITLE V—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code.

WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $3,501,000 for the necessary expenses of the Office of Policy Development, including services authorized under 5 U.S.C. 3109 and 3 U.S.C. 107; and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $58,081,000: Provided, That of the funds appropriated under this heading, $1,500,000 shall be for the Privacy and Civil Liberties Oversight Board.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $12,436,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $1,700,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,040,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $8,705,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $98,609,000, of which $11,768,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, $68,411,000, of which not to exceed $2,000 shall be available for official representation expenses: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations: Provided further, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: Provided further, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported. The Director of the Office of Management and Budget shall notify the appropriate authorizing and Appropriations Committees when the 60-day review is initiated. If water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days of the end of the OMB review period based on the notification from the Director, Congress shall assume OMB concurrence with the report and act accordingly.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $24,224,000; of which $1,316,000 shall remain available until expended for policy research and evaluation: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $30,000,000, which shall remain available until expended, consisting of $12,000,000 for counternarcotics research and development projects, and $18,000,000 for the continued operation of the technology transfer program: Provided, That the $12,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $227,000,000, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 60 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: Provided, That up to 40 percent, to remain available until September 30, 2007, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than $2,000,000 shall be used for auditing services and associated activities, and at least $500,000 of the $2,000,000 shall be used to develop and implement a data collection system to measure the performance of the High Intensity Drug Trafficking Areas Program: Provided further, That none of the funds made available under this heading shall be available for the Consolidated Priority Organization Target program.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $191,400,000, to remain available until expended, of which the following amounts are available as follows: $95,000,000 to support a national media campaign, as authorized by the Drug-Free Media Campaign Act of 1998; $80,000,000 to continue a program of matching grants to drug-free communities, of which $2,000,000 shall be a directed grant to the Community Anti-Drug Coalitions of America for the National Community Anti-Drug Coalition Institute, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; $1,000,000 for the National Drug Court Institute; $1,000,000 for the National Alliance for Model State Drug Laws; $9,500,000 for the United States Anti-Doping Agency for anti-doping activities; $2,900,000 for the United States membership dues to the World Anti-Doping Agency; and $2,000,000 for evaluations and research related to National Drug Control Program performance measures: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities: Provided further, That of the amounts appropriated for a national media campaign, not to exceed 10 percent shall be for administration, advertising production, research and testing, labor and related costs of the national media campaign.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,455,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $325,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

This title may be cited as the ''Executive Office of the President Appropriations Act, 2006''.

TITLE VI—INDEPENDENT AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $5,941,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, 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 under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $63,000,000 of which up to $500,000 shall be used to coordinate with the Administrator of the Environmental Protection Agency in the Agency's study pursuant to H.R. 2361, as passed by the Senate in the first session of the 109th Congress, to assess safety risks to both persons and the environment with regard to small engines, as required in Public Law 108–199, including real-world scenarios involving, among other things, operator burn, fire due to contact with flammable items, and refueling.

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002, $13,888,000, of which $4,000,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $31,000,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $54,600,000, of which no less than $4,700,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of

1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $25,468,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, $20,499,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

To carry out the purposes of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $7,889,745,000, of which: (1) $829,056,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Alabama:

Mobile, United States Courthouse, $2,000,000.

Tuscaloosa, Federal Building, $50,000,000.

California:

San Diego, United States Courthouse, $230,803,000.

Colorado:

Lakewood, Denver Federal Center Infrastructure, $4,658,000.

District of Columbia:

Coast Guard Consolidation, $24,900,000.

St. Elizabeths West Campus Infrastructure, $13,095,000.

Southeast Federal Center Site Remediation, $15,000,000.

Illinois:

Rockford Federal Courthouse, $50,000,000.

Maine:

Calais, Border Station, $50,146,000.

Jackman, Border Station, $12,788,000.

Maryland:

Montgomery County, Food and Drug Administration Consolidation, $127,600,000.

Mississippi:

Jackson, United States Courthouse, $8,750,000.

Missouri:

Jefferson City, United States Courthouse, $5,200,000.

New Mexico:

Las Cruces, United States Courthouse, $15,000,000.

New York:

Champlain, Border Station, $52,510,000.

Massena, Border Station, $49,783,000.

Texas:

Austin, United States Courthouse, $3,000,000.

Washington:

Blaine, Peace Arch Border Station, $46,534,000.

Material Price Increases for the following existing projects: U.S. Mission to the United Nations, New York City, New York; FBI Office, Houston, Texas; Border Station, Del Rio, Texas; United States Courthouse, Cape Girardeau, Missouri; United States Courthouse, El Paso, Texas; and Border Station, El Paso, Texas, $57,789,000.

Non-prospectus Construction, $9,500,000:

Provided, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent, unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2007 and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $961,376,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services:

Repairs and Alterations:

Arizona:

Tucson, James A. Walsh United States Courthouse, $16,136,000.

District of Columbia:

For transfer to the Navy for certain permanent relocation expenses pursuant to section 1(e) of Public Law 108–268, $2,000,000.

Eisenhower Executive Office Building, $133,417,000.

Federal Office Building 8, $47,769,000.

Heating, Operation, and Transmission District Repair, $18,783,000.

Herbert C. Hoover Building, $54,491,000.

Main Interior Federal Building, $41,399,000.

Georgia:

Atlanta, Martin Luther King, Jr., Federal Building, $30,129,000.

New York:

Brooklyn, Emanuel Celler Courthouse, $96,924,000.

New York, James Watson Federal Building and United States Courthouse, $9,721,000.

Special Emphasis Programs:

Chlorofluorocarbons Program, $10,000,000.

Energy Program, $28,000,000.

Glass Fragmentation Program, $15,700,000.

Design Program, $21,915,000.

Basic Repairs and Alterations, $434,992,000:

Provided further, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2007 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (3) $168,180,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $4,046,031,000 for rental of space which shall remain available until expended; and (5) $1,885,102,000 for building operations which shall remain available until expended: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That, notwithstanding any other provision of law, the Administrator of the General Services Administration is authorized and directed to proceed with site, design, acquisition, and construction for a new courthouse in Jefferson City, Missouri, of which planning and design funding is provided in this Act: Provided further, That the courthouse in Jefferson, Missouri is a demonstration project that will be part of a larger judicial complex that will include the renovation and preservation of the existing historic United States Post Office and Courthouse as well as for implementing a new innovative fund process that will include the renovation and preservation of the existing historic United States Post Office and Courthouse: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592(b)(2)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal

year 2006, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109, $52,796,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; providing Internet access to Federal information and services; agency-wide policy direction and management, and Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $99,890,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $43,410,000: Provided, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $5,000,000, to remain available until expended: Provided, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: Provided further, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations: Provided further, That for purposes of the eTravel system no less than 23 percent of all contracted dollars shall be allocated to small businesses.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,952,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

FEDERAL CITIZEN INFORMATION CENTER FUND

For necessary expenses of the Federal Citizen Information Center, including services authorized by 5 U.S.C. 3109, $15,000,000, to be deposited into the Federal Citizen Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Information Center activities in the aggregate amount not to exceed $32,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2006 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING RECISSION OF FUNDS)

SEC. 601. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 602. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 603. Funds in the Federal Buildings Fund made available for fiscal year 2006 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 604. No funds made available by this Act shall be used to transmit a fiscal year 2007 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 2007 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 605. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 606. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 607. Section 412 of Division H of Public Law 108–447, Consolidated Appropriations Act, 2005 is amended—

(1) In the first sentence after the words, ''Notwithstanding any other provision of law,'', insert the phrase, ''beginning in fiscal year 2006 and thereafter,''; and

(2) In the first sentence after the words ''real and related personal property,'' insert the words, ''under the custody and control of the Administrator of General Services''.

SEC. 608. The General Services Administration shall conduct a program to promote the use of stairs in all federal buildings.

SEC. 609. No funds shall be used by the General Services Administration to reorganize its organizational structure without approval by the House and Senate Committees on Appropriations through an operating plan change.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), as amended, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $35,600,000 together with not to exceed $2,605,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $2,000,000, to remain available until expended, of which up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289) notwithstanding sections 8 and 9 of Public Law 102–259: Provided, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,000,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $280,975,000: Provided, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

ELECTRONIC RECORDS ARCHIVES

For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, $38,914,000: Provided, That none of these funds may be obligated until the National Archives and Records Administration submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the National Archives and Records Administration's enterprise architecture; (3) conforms with the National Archives and Records Administration's enterprise life cycle methodology; (4) is approved by the National Archives and Records Administration and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $11,682,000, to remain available until expended, of which $2,500,000 is to construct a new regional archives and records facility in Anchorage, Alaska, and of which $2,000,000 is for the repair and restoration of the plaza that surrounds the Lyndon Baines Johnson Presidential Library that is under the joint control and custody of the University of Texas: Provided, That such funds may be transferred directly to the University and used, together with University funds, for repair and restoration of the plaza and remain available until expended for this purpose: Provided further, That such funds shall be spent in accordance with the construction plan submitted to the Committees on Appropriations on March 14, 2005: Provided further, That the Archivist shall be prohibited from entering into any agreement with the University or any other party that requires additional funding commitments on behalf of the Federal government.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $5,000,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2006, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 2006 shall not exceed $323,000.

COMMUNITY DEVELOPMENT CREDIT UNION REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $950,000 shall be available until September 30, 2007 for technical assistance to low-income designated credit unions, and amounts of principal and interest on loans repaid shall be available until expended for low-income designated credit unions.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $76,700,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

(RESCISSION)

Of the available unobligated balances made available under Public Law 106–246, $1,000,000 are rescinded.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $115,000,000, of which $5,000,000 shall be for a multi-family rental housing program.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $11,148,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $124,521,000, of which $6,983,000 shall remain available until expended for the Enterprise Human Resources Integration project; $1,450,000 shall remain available until expended for the Human Resources Line of Business project; $500,000 shall remain available until expended for the E-Training project; and $1,412,000 shall remain available until expended until September 30, 2007 for the E-Payroll project; and in addition $100,017,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2006, accept donations of money, property, and personal services: Provided further, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,614,000, and in addition, not to exceed $16,329,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), as amended, the Whistleblower Protection Act of 1989 (Public Law 101–12), as amended, Public Law 107–304, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $15,325,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $25,650,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $1,800,000.

Title II of the McKinney-Vento Homeless Assistance Act, as amended, is amended in section 209 by striking ''2005'' and inserting ''2012''.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $116,350,000, of which $87,350,000 shall not be available for obligation until October 1, 2006: Provided, That mail for overseas voting and mail for the blind

shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue without reduction: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2006.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $47,998,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VII—GENERAL PROVISIONS THIS ACT

(INCLUDING TRANSFERS OF FUNDS)

SEC. 701. Such sums as may be necessary for fiscal year 2006 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 702. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 703. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 704. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, 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. 705. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 706. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 707. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 708. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 709. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 710. None of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the statement of the managers accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: Provided, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committee on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 711. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2006 from appropriations made available for salaries and expenses for fiscal year 2006 in this Act, shall remain available through September 30, 2007, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 712. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 713. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 714. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 715. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

SEC. 716. None of the funds made available under this Act may be obligated or expended to establish or implement a pilot program under which not more than 10 designated essential air service communities located in proximity to hub airports are required to assume 10 percent of their essential air subsidy costs for a 4-year period commonly referred to as the EAS local participation program.

SEC. 717. From funds made available in this Act under the headings ''White House Office'', ''Executive Residence at the White House'', ''White House Repair and Restoration'', ''Council of Economic Advisors'', ''National Security Council'', ''Office of Administration'', ''Office of Management and Budget'', ''Office of National Drug Control Policy'', ''Special Assistance to the President'', and ''Official Residence of the Vice President'', the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, fifteen days after giving notice to the House and Senate Committees on Appropriations, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: Provided, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: Provided further, That no amount shall be transferred from ''Special Assistance to the President'' or ''Official Residence of the Vice President'' without the approval of the Vice President.

SEC. 718. All Federal agencies and departments that are funded under this Act shall issue quarterly reports to the House and Senate Committees on Appropriations on all sole source contracts. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract. Each Federal agency and department shall publish this information quarterly in the Federal Register.

SEC. 719. Section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C 441a(a)(4)) is amended—

(1) by striking ''(4)'' and inserting ''(4)(A)''; and

(2) by adding at the end the following new subparagraph:

''(B) The limitation on contributions contained in paragraphs (1) and (2) do not apply to transfers between a leadership committee of an individual holding Federal office and political committees established and maintained by a national political party. For purposes of the previous sentence, the term 'leadership committee' means, with respect to an individual holding Federal office, an unauthorized political committee which is associated with such individual but which is not affiliated with any authorized committee of such individual.''.

SEC. 720. The Secretary of the Treasury may transfer funds from within Treasury accounts for any costs necessary to pay for both career and non-career Senior Executive Service positions and support staff in locations of economic strategic interest throughout the world. Such positions would be used to advocate potions of interest to the United States government, including open and fair financial markets, consistent with the Secretary's obligation under the Gold Reserve Act of 1934 (48 Stat. 337) to promote orderly exchange arrangements and an orderly system of exchange rates. Any transfer shall not be made available until approved in an operating plan request by the House and Senate Committees on Appropriations.

SEC. 721. None of the funds made available in this Act may be used to administer, implement, or enforce the amendment made to section 515.533 of title 31, Code of Federal Regulations, that was published in the Federal Register on February 25, 2005.

SEC. 722. Notwithstanding any other provision of law, hereafter, neither the Board of Governors of the Federal Reserve System nor the Secretary of the Treasury may determine, by rule, regulation, order, or otherwise, for purposes of section 4(K) of the Bank Holding Company Act of 1956, or section 5136A of the Revised Statutes of the United States, that real estate brokerage activity or real estate management activity (which, for purposes of this paragraph shall be defined to mean ''real estate brokerage'' and ''property management'' respectively, as those terms were understood by the Federal Reserve Board prior to March 11, 2000) is an activity that is financial in nature, is incidental to any financial activity, or is complementary to a financial activity. For purposes of this paragraph, ''real estate brokerage activity'' shall mean ''real estate brokerage'', and ''real estate management activity'' shall mean ''property management'', as those terms were understood by the Federal Reserve Board prior to March 11, 2000.

SEC. 723. None of the funds in this Act or otherwise available to the Secretary of the Treasury from any source may be expended to implement a reimbursable agreement pursuant to section 517 of H.R. 2360, as adopted by the United States Senate on July 14, 2005.

TITLE VIII—GENERAL PROVISIONS

GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 801. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 802. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2006 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 803. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 804. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992 (Public Law 102–404): Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 805. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 806. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 807. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 808. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 809. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 810. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service or under the charge and control of the Postal Service. The Postal Service may give such guards, with respect to such property, any of the powers of special policemen provided under 40 U.S.C. 1315. The Postmaster General, or his designee, may take any action that the Secretary of Homeland Security may take under such section with respect to that property.

SEC. 811. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 812. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2006, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2006, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2006, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2006 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2006 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2005, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject

to this section may not be changed from the rates in effect on September 30, 2005, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2005.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 813. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 814. Notwithstanding section 1346 of title 31, United States Code, or section 809 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 815. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 816. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964 (Public Law 88–352, 78 Stat. 241), as amended, the Age Discrimination in Employment Act of 1967 (Public Law 90–202, 81 Stat. 602), and the Rehabilitation Act of 1973 (Public Law 93–112, 87 Stat. 355).

SEC. 817. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 818. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 819. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (Public Law 100–456) (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (Public Law 101–12) (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 820. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 821. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 822. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 823. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofor authorized by the Congress.

SEC. 824. (a) In this section the term ''agency''—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States

Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 825. Notwithstanding 31 U.S.C. 1346 and section 809 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 826. Notwithstanding 31 U.S.C. 1346 and section 810 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse ''General Services Administration, Government-wide Policy'' with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: Provided, That these funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, and the Federal Acquisition Council for procurement initiatives). The total funds transferred or reimbursed shall not exceed $17,000,000. Such transfers or reimbursements may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 827. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 828. Nothwithstanding section 1346 of title 31, United States Code, or section 809 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 829. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: Provided, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 830. Subsection (f) of section 403 of Public Law 103–356 (31 U.S.C. 501 note), as amended, is further amended by striking ''October 1, 2005'' and inserting ''October 1, 2006'': Provided, That this provision shall not apply to the Department of Homeland Security.

SEC. 831. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any non-governmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 832. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 833. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 834. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 835. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 836. Each Executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government purchase charge card or government travel charge card. The department or agency may not issue a government purchase charge card or government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: Provided, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each Executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 837. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2006 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.1 percent, and this adjustment shall apply to civilian employees in the Department of Defense and the Department of Homeland Security and such adjustments shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2006.

(b) Notwithstanding section 812 of this Act, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2006 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentage in paragraph (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304 of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5 and prevailing rate employees described in section 5343(a)(5) of title 5 shall be considered to be located in the pay locality designated as ''Rest of US'' pursuant to section 5304 of title 5 for purposes of this paragraph.

(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2006.

SEC. 838. (a) Not later than 180 days after the end of the fiscal year, the head of each Federal agency shall submit a report to Congress on the amount of the acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside of the United States in that fiscal year.

(b) The report required by subsection (a) shall separately indicate—

(1) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of the total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States.

(c) The head of each Federal agency submitting a report under subsection (a) shall make the report publicly available to the maximum extent practicable.

(d) This section shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 839. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 840. Notwithstanding section 1346 of title 31, United States Code, and section 809 of this Act and any other provision of law, the head of each appropriate executive department and agency shall transfer to or reimburse the Federal Aviation Administration, upon the direction of the Director of the Office of Management and Budget, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the Federal Aviation Administration, in consultation with the appropriate interagency groups designated by the Director and shall be used to ensure the uninterrupted, continuous operation of the Midway Atoll Airfield by the Federal Aviation Administration pursuant to an operational agreement with the Department of the Interior for the entirety of fiscal year 2006 and any period thereafter that precedes the enactment of the Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies Appropriations Act, 2006. The Director of the Office of Management and Budget shall mandate the necessary transfers after determining an equitable allocation between the appropriate executive departments and agencies of the responsibility for funding the continuous operation of the Midway Atoll Airfield based on, but not limited to, potential use, interest in maintaining aviation safety, and applicability to governmental operations and agency mission. The total funds transferred or reimbursed shall not exceed $6,000,000 for any twelve-month period. Such sums shall be sufficient to ensure continued operation of the airfield throughout the period cited above. Funds shall be available for operation of the airfield or airfield-related capital upgrades. The Director of the Office of Management and Budget shall notify the Committees on Appropriations of such transfers or reimbursements within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act.

SEC. 841. Section 4(b) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270) is amended by adding at the end the following new paragraph:

''(5) Executive agencies with fewer than 100 full-time employees as of the first day of the fiscal year. However, such an agency shall be subject to section 2 to the extent it plans to conduct a public-private competition for the performance of an activity that is not inherently governmental.''.

SEC. 842. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 843. COMPETITIVE SOURCING. (a) REQUIREMENT FOR PUBLIC-PRIVATE COMPETITION.—

(1) Notwithstanding any other provision of law, none of the funds appropriated by this or any other Act shall be available to convert to contractor performance an activity or function of an executive agency, that on or after the date of enactment of this Act, is performed by more than 10 Federal employees unless—

(A) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function; and

(B) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the executive agency by an amount that equals or exceeds the lesser of—

(i) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(ii) $10,000,000.

(2) This paragraph shall not apply to—

(A) a commercial or industrial type function that—

(i) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(ii) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act.

(B) depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code; or

(C) activities that are the subject of an ongoing competition that was publicly announced prior to the date of enactment of this act.

(b) USE OF PUBLIC-PRIVATE COMPETITION.— Nothing in Office of Management and Budget Circular A–76 shall prevent the head of an executive agency from conducting a public-private competition to evaluate the benefits of converting work from contract performance to performance by Federal employees in appropriate instances. The Circular shall provide procedures and policies for these competitions that are similar to those applied to competitions that may result in the conversion of work from performance by Federal employees to performance by a contractor.

This Act may be cited as the ''Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies Appropriations Act, 2006''.

Mr. BOND. Mr. President, I ask unanimous consent that the amendment at the desk to the substitute be agreed to, the committee substitute now as amended be agreed to, and it be considered as original text for the purpose of further amendment, with no points of order waived by virtue of this agreement.

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

The amendment (No. 2060) was agreed to, as follows:

AMENDMENT NO. 2060

Strike section 719.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. BOND. Mr. President, it is with pleasure that I rise, after 2½ months of waiting, to introduce the Transportation, Treasury, HUD, Judiciary, and related agencies fiscal year 2006 appropriations bill. My invaluable partner, the distinguished Senator from Washington, is being held up by airline delays, something that most of us in this body are acquainted with, so I will go ahead and present my opening statement and open the floor for business and reserve her time until she is able to get here.

This bill is the first real appropriations product of a brand-new subcommittee that grew out of the reorganization of the Senate Appropriations Committee from earlier this year. It is a substantial and complex bill that will have a significant and, we hope, positive impact on every State and community in this Nation, as it covers, among other things, every mode of transportation, financial services, and IRS requirements, as guided by the Department of Treasury, the Federal responsibility for housing and economic development under HUD, as well as the funding for the executive office of the President, for the Federal judicial system, and for other related agencies, such as GSA, OPM, and the Postal Service.

My view is that this is a good product, as good a product as we could have produced given the circumstances in our allocation. I give tremendous credit and thanks to my friend and colleague, the ranking member, Senator MURRAY, for her hard work, dedication, and commitment to working with me in a bipartisan manner to craft this legislation. As I said, this is a brand-new bill for us, for our staffs, and for this body to consider. I think it is a good bill and that is due, in no small part, because of the participation of Senator MURRAY and her partnership with me in the legislative process. I look forward to working with her through conference and final passage.

We started with a budget that severely underfunded many of the important programs in this bill. These are programs that historically have been supported in large numbers by the Members this body. Thankfully, in most cases we have been able to restore many of the cuts and shortfalls, and for that we especially thank Chairman COCHRAN and the ranking member, Senator BYRD, who demonstrated their understanding and sensitivity to the needs of the Transportation-Treasury appropriations subcommittee. Without Chairman COCHRAN's help and Senator BYRD's acquiescence, we would have been unable to meet the funding needs of most of our programs, as well as Members' priorities. This bill as well is within our section 302(b) allocation of $65.819 billion of budget authority and $122.064 billion in outlays.

In particular, despite our fiscal limitations, we worked diligently to ensure that transportation programs in this bill are adequately funded. One of our highest priorities in fashioning the bill was to meet the Federal responsibilities to provide funding for the safety, construction, and maintenance of our highways, transit systems, and airports. Funding of our Nation's transportation infrastructure, and especially for our highway and road network, creates jobs and promotes economic growth. More importantly, it

guarantees the continued growth of our economic infrastructure by which we serve our markets throughout the Nation and ultimately the world. Our transportation system, the system that brought our country together in the 19th century, is still the heart and the arteries by which we pump our goods and products, which guarantees our current and future prosperity in the national and international marketplace. We cannot afford to shortchange this system.

Moreover, the delay in passing the surface transportation authorization, SAFETEA, made it difficult to recommend funding for the Federal Highway Administration, Federal Transit Administration, National Highway Traffic Safety Administration, and Federal Motor Carrier Safety Administration. I will not go into reasons for the delay in that, having had a hand in that operation, as has the occupant of the chair. He and I both did. In many cases, the committee funding levels for this bill were based on our best guess on how a program would fare in the authorization process.

Some guesses were better than others.

Clearly, a number of changes will have to be made to this appropriations bill to be more consistent with safety. I am exited to be addressing these issues in conference.

Next, the bill provides $14.78 billion for the Federal Aviation Administration. This is approximately $400 million more than the request. The recommendation includes $14.3 million to hire safety inspectors and to accelerate restoring the inspector staffing level. It also adds $4 million to restore engineering and inspector staffing at the Office of Certification so that new equipment and technologies can be approved for use in aviation and so that our Nation can retain leadership in aviation.

I am pleased to announce that the bill does not cut the Airport Improvement Program by $500 million as proposed in the budget request. Also, on the good news side, we have been able to fund Amtrak at $1.45 billion while taking some incremental steps to reform how Amtrak conducts its business. These reforms include enforcement of a prohibition currently in law that prohibits Amtrak from subsidizing losses from its food and beverage service. Most people can't believe it when we tell them that Amtrak currently spends $2 for every $1 received for food and beverage service. We can no longer afford to pay for that luxury while failing to address the operational shortfall and serve infrastructure needs in the Northeast corridor.

This bill also authorizes Amtrak to impose a Federal surcharge on tickets to address infrastructure needs. This surcharge will only go into effect upon a finding by Amtrak that such surcharges would not depress ticket sales.

Finally, we would allow Amtrak to establish assessments on commuter rail authorities for their use of Amtrak-owned rail segments as another way to begin addressing the capital needs of the Northeast corridor.

These are modest but we believe very significant attempts to offset some of the costs that we cannot and should not provide.

I am also very supportive of the efforts of Senator STEVENS and Senator LOTT to move a comprehensive Amtrak reform bill through the Commerce Committee that will balance the funding needs for all Amtrak rail service.

We hope our modest attempts to offset certain costs can be seen as a stepping stone to the Commerce Committee's reform bill. There is one major disappointment in this operation, however, and that is the administration's posture on Amtrak funding and reform. The administration has threatened to veto this bill if the Amtrak funding level of $1.45 billion is maintained without substantial reform.

I have no problem with reform and indeed recognize its need. But the sad fact is, the administration has failed to provide adequate guidance and/or leadership on this issue. Even more troubling is the administration's position that even were adequate reform to be proposed, OMB would not provide the budget amendment to supplement the $360 million recommended in the administration's 2006 budget, and $360 million is likely not even enough to support the cost of bankruptcy for Amtrak which would be a tremendously costly financial and economic burden to the Nation and send Amtrak into chaos and great consternation for the people throughout the Nation.

For the Department of Treasury, the bill provides about $11.7 billion for fiscal year 2006. This amount is about $50 million above the budget request and some $475 million above the fiscal year 2005 enacted level.

To help fight the war on terrorism, we have provided full funding for the Treasury's Office of Terrorism and Financial Intelligence. I strongly support Treasury's antiterrorism efforts. I commend them on it because I believe this is a vital and unique role in cutting off financial assistance to terrorist organizations, and without that assistance they will not be nearly as robust, and they will not provide nearly the challenge to our safety and security that they would were we not able to cut off these ties.

There has been a lot of talk and Members here and people across the country are concerned about the so-called ''tax gap''—the difference between what is actually collected and what is owed. To help close that gap we continue providing for taxpayer services. We have provided $10.7 billion for the IRS, including $6.9 billion for tax enforcement activities. This amount is $443 million above the fiscal year 2005 enacted level.

These additional funds will help ensure that there will be less fraud and that honest taxpayers will have a greater level of confidence in our tax system. If average citizens do not believe others are paying what they owe, there is much less incentive to do the right thing and pay the taxes that are owed.

We provided full funding for IRS's modernization efforts through its business system modernization program. Currently, this program is IRS's highest management and administrative priority.

Turning to the Federal judiciary, the bill includes a total appropriation of $5.8 billion which is a 6.5-percent increase over the fiscal year 2005 enacted level. This represents the funding necessary to meet the judiciary's fiscal year 2006 funding needs.

For HUD, the bill provides some $30.6 billion for fiscal year 2006, an increase of $5.6 billion over the request for Housing and Urban Development activities. These additional funds include almost $4.35 billion for the Community Development Fund and the CDBG which was slated for elimination through a reduction of over 30 percent of the funding, and consolidation and submersion of the activities along with other programs into a new grant program within the Department of Commerce which, in my view, does not have the expertise and should not be involved in Housing and Urban Development's very well connected activities.

This bill also reduces a proposed rescission of ''excess'' section 8 funds from $2.5 billion to $1.5 billion. Neither HUD nor the Office of Management and Budget, when called before our committee, could identify the rescission source. We asked them: Where is the money coming from? They said: Well, we do not know, but it has been there in the past.

I explained to them that our Appropriations Committee had worked with HUD and OMB to change the manner of allocating HUD section 8 funds so there would not be that amount left over. Nevertheless, they chose to ignore that process in which they had been deeply involved, and asking for $2.5 billion when we don't see any evidence that they know it is there would result in cuts to priority programs, such as programs for the homeless, section 202 housing for the elderly, housing for people with AIDS, public housing, and the very important home program that gives local governments the resources to make housing-targeted investments in their own community.

In addition, I am happy to report that we have adequately funded almost all HUD programs at a minimum of last year's level, which is generally higher than the request.

Moving next to the Executive Office of the President, we basically funded them at the request level, acceding to their request to merge the Office of Policy Development into the White House Office Salaries and Expenses Account as the administration requested.

We have also fully funded the High Intensity Drug Trafficking Areas Program at $227 million despite the budget

request which would have funded it at $100 million in the Department of Justice.

My colleagues and I know from listening to law enforcement personnel in our States that this has been a critically important program which has been successful throughout the Nation in helping to root out and eradicate methamphetamine production, marijuana and ecstasy use, as well as heroin and cocaine importation. This program was especially important in Missouri where methamphetamine production and use has reached almost epidemic proportions. It absolutely affects and taints every community in this Nation, no matter how large or how small. The toll of methamphetamine production, distribution, use, and addiction is something that Missouri has found much to our distress as we have become one of the leaders in its use, and the Nation has a far too high price to pay in human terms as well as in economic terms.

Finally, we are facing a crisis precipitated by Hurricanes Katrina and Rita in Louisiana, Mississippi, Alabama, and Texas. The extent of the damage and human tragedy in New Orleans and parts of Louisiana because of these hurricanes is virtually unprecedented in the history of natural disasters in our Nation.

While there is much to be done, I am optimistic and confident that the Nation will do what is necessary to overcome this tragedy.

I am hopeful that Members will wait until the coming Katrina and Rita supplemental to offer amendments. A piecemeal approach on different appropriations bills is not the way to go. I understand the urge to want to do something immediately, but we learned a lot of lessons in New York from 9/11 and previous natural disasters, and we need to apply those lessons carefully, consistently, and in a comprehensive manner to New Orleans, to the States of Louisiana, Mississippi, and Alabama.

What we need first is a fully functioning FEMA with leadership and adequate resources. I believe the administration is taking the needed steps to reach that goal. While there are still things needing to be done, FEMA has all the necessary authority and funding to meet all the current initial needs. FEMA has the know-how and the people on the ground. It is slow going, no doubt, but it is beginning to work. Once the initial assessment is complete, then and only then is the time to add additional necessary funding and the needed authorities for other Federal agencies to help the Katrina-Rita recovery efforts.

For example, this means education assistance to ensure available, good educational opportunities and continuity in that education. It means any needed unemployment assistance and job creation initiatives as we rebuild the New Orleans area. It means housing vouchers and other housing assistance options. It means establishing new entities such as a local public benefit corporation similar to the Lower Manhattan Development Corporation which was created in the aftermath of 9/11 as a way to rebuild Manhattan. It means rebuilding roads and much of the transportation infrastructure. It means special health care assistance. And it means EPA environmental contamination assistance to complete the cleanup of the disaster area.

I think we also need to look closely at how best to rebuild New Orleans and the surrounding parishes. As we have long known—especially now that Katrina and Rita have delivered such a devastating wake-up blow—much of New Orleans is below sea level and likely will remain exposed and vulnerable to some level of annual flooding, to the type of horrific damage and loss of life that was caused by Katrina and Rita.

I do not think it is enough just to build stronger and bigger levees. The plan must be more thoughtful, and we will need to ensure that the poorest households, including those who live in public and assisted housing, are not just relocated to the most risky neighborhoods. In fact, we must think hard about whether to rebuild many of the neighborhoods most at risk of hurricane damage and flooding.

I also strongly urge that any rebuilding plans try to ensure those persons and families who have been displaced by Katrina and Rita are given an opportunity to rebuild their communities and a right of first refusal to any housing that is rebuilt. However, let me emphasize that this is not the right bill on which to rush to create and fund new programs. There will be another supplemental in the next week or so, and that bill is the appropriate vehicle in which to seek funding and establish new programs as appropriate.

I understand everyone wants to help and to do what is right. However, we must proceed thoughtfully. We need to work together based on knowledge and need.

As for the progress on this bill, I understand from the leadership that they are looking for a vote that would be held at 5:30. We are preparing to offer that amendment.

I make a particular point to my colleagues and staff who are listening that we are open for business. This bill has been hanging out there since mid-July. People have had an opportunity to look at it. I hope Members with well-crafted, relevant amendments will come forward in order to get this bill completed without further disruption to the vital entities and activities we fund. We would like to finish it, if possible, by Wednesday night. At this juncture we do not know how many amendments will be offered. I ask all staff involved to let the majority and minority staff know what amendments Members are planning to propose, when Members are planning to propose them. We will work with you. If they are ones we can accept, we would like to do that.

It is imperative to continue the activities not just of the Treasury and other governmental agencies but for Transportation, for Housing and Urban Development, to move forward on this bill so they will know the funds are available.

AMENDMENT NO. 2061

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 2061.

Mr. BOND. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: Clarifies the ability of HUD to recover assets used in violation of a regulatory agreement)

Insert the following on page 348, after line 5, and renumber sections accordingly:

SEC. 321. Section 421 of the Housing and Community Development Act of 1987 (12 U.S.C. §1715z–4a) is amended—

(1) in subsection (a)(1)(A), by inserting after ''is'' the following: ''or, at the time of the violations, was''; and

(2) in subsection (a)(1)(C), by inserting after ''held'' the following: ''or, at the time of the violations, was insured or held''.

Mr. BOND. I understand there is a previous order and a vote will occur at 5:30. Has that agreement been reached?

The PRESIDING OFFICER. No formal agreement has been reached to that effect.

Mr. BOND. We will hope to set that time as soon as we get concurrence from the leadership on both sides.

With that, I will explain briefly what this amendment does. It revises section 421 of the Housing and Community Act of 1987 to clarify HUD's authority to recover any assets or income of a multifamily project where those funds are used in violation of the project's regulatory agreement.

This provision is intended to ensure that HUD and the Federal Government can recover losses from owners of multifamily housing who have intentionally and fraudulently skimmed equity from an FHA-insured project for their own benefit. Without this technical correction, HUD ends up paying the lender the value of a defaulted FHA-insured mortgage that should have been paid off by the owner of a multihousing project out of rent receipts. Too often, the FHA or, more specifically, the pockets of the taxpayers of the United States fund the loss.

In the year 2000, the U.S. District Court for the Eastern District of Missouri issued an unpublished decision in United States v. Crosswinds which effectively holds that the U.S. Government may only bring actions to recover assets used in violation of a regulatory agreement if HUD holds or insures the mortgage covering the multifamily project both at the time of the

regulatory agreement violation and at the time that recovery action is filed in district court.

As a practical matter, HUD often disposes of a property or a mortgage long after it has an opportunity to act on an owner's misuse of property assets by equity skimming. This makes the current statute essentially a nullity, with a practical consequence that HUD is unable to pursue a recovery of assets no matter how abusive an owner has been.

That was never the intent of the statute. With this amendment we are revising the section in accordance with the original intent of the legislation. Without this authority, HUD and the Department of Justice have limited or no ability to recover assets from owners who have intentionally defrauded the Government by pocketing funds that are derived from rents paid by tenants and intended to be used to pay the outstanding obligation on an FHA-insured mortgage.

I will wait for a leadership agreement and at that time I will ask for the yeas and nays on this amendment. For the information of our colleagues, we were initially advised that timeframe would be 5:30, so that is the timeframe we are working out, but we are still waiting to hear from the leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I am told that Senator MURRAY, the ranking member of this appropriations subcommittee, is delayed but apparently has landed and is on her way to the Senate. It would be, I am sure, her intention to offer an opening statement.

Mr. BOND. We reserved time.

Mr. DORGAN. If it is all right with the chairman of the subcommittee to speak in morning business for 10 minutes, with the understanding if Senator MURRAY arrives during that time I will be happy to relinquish the floor.

Mr. BOND. No objection.

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

(The remarks of Mr. DORGAN are printed in today's RECORD under ''Morning Business.'')

Mr. DORGAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BOND. Mr. President, what my colleague from North Dakota has just talked about is one of the mind-boggling events that has all of us not only stumped but outraged. I believe it is long past due that we get tight control over how the money is being spent.

As we talk about the need to offset moneys going to the disaster, the first place we ought to look is money that might otherwise be wasted. So I believe that while there is going to be a significant Federal investment, it needs to be refined, targeted, and managed effectively so we will not see examples of this, the rental of cruise ships and other items that make no sense.

Now, Mr. President, I believe this request has been cleared by both sides. I ask unanimous consent that at 5:30 today, the Senate proceed to a vote in relation to the pending Bond amendment No. 2061, with no second degrees in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BOND. Mr. President, I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask the Chair, do I need to ask unanimous consent to set aside the pending business to offer an amendment, or may I simply offer an amendment at this time?

The PRESIDING OFFICER. The pending amendment must be laid aside.

Mr. KYL. Mr. President, I ask unanimous consent that be done so I can offer an amendment.

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

AMENDMENT NO. 2062

Mr. KYL. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. SANTORUM, and Mr. CORNYN, proposes an amendment numbered 2062.

Mr. KYL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2006)

At the appropriate place, insert the following:

SEC. ___. NO COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2006.

Mr. KYL. Mr. President, I will simply describe the amendment's content.

What this amendment does is provide that for this coming year—the fiscal year which began this October—the annual COLA for Members of Congress not go into effect. That pay increase, in effect, is estimated to be at about 1.9 percent for Members of Congress, and it actually takes effect in January or February. The amendment is projected to save about $2 million for the Federal Treasury.

Mr. President, as you know, some years the COLA has gone into effect and other years Congress has not had the COLA go into effect for Members of Congress. The reason for not having it go into effect this year, frankly, is symbolic. We know we are going to be spending a lot of taxpayer dollars to help rebuild the gulf coast area following the hurricane and the related events to that. We also know that unless we find ways to offset that spending, we are going to go further into debt, that our deficit for this year will increase. So the leaders of both the House and the Senate have asked the various committees to find ways to reduce spending in other areas so we can offset some of the expense of this reconstruction with that reduced spending.

It seemed to me and others—and I will ask unanimous consent in a moment to have some others added as original cosponsors—one way we might encourage others to come forth with potential savings is to demonstrate we ourselves are willing to forgo this COLA, this cost-of-living increase, for this coming year. As I said, while it is not a lot of money in the overall Federal budget, for each Member of the Senate, obviously, it represents an increase in salary that I am sure would be appreciated by all of our families. Nonetheless, it is a contribution we can make to these rebuilding efforts. I hope my colleagues will agree with me this would be an appropriate thing to do.

Mr. President, I ask unanimous consent that Senators SANTORUM and CORNYN be added as original cosponsors of the amendment.

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

Mr. KYL. Mr. President, just one other point. The 2006 budget resolution instructions require savings of $34.7 billion. The House is expected to modify that resolution to increase the amount of savings to at least $50 billion for the expenditures I talked about earlier.

We have approved already about $71 billion, approximately $20 billion of which has already been spent, as I am informed, for the Katrina-related relief spending. That is why it seems to me it would be useful to demonstrate our commitment to offsetting part of this spending so that the budget deficit for this year and eventually the debt of the United States would not be unduly increased as a result of our desire to rebuild part of the gulf coast following the hurricane.

I hope at the appropriate time my colleagues will agree with me that this is a gesture the Members of the Senate ought to make and that we can make and that it will help us in the overall goal we have of trying to watch taxpayer dollars as much as we can and

ensure we do not spend unnecessarily, notwithstanding our commitment to try to rebuild after that tragedy in the gulf coast.

Mr. President, if there is no one else to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

(The remarks of Mr. BAUCUS are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am very pleased that the Senate is now considering the Transportation-Treasury bill, formally known as H.R. 3058. It is the appropriations bill for the Departments of Transportation, Treasury, the Judiciary, Housing and Urban Development, and related agencies for fiscal year 2006.

This bill covers areas such as infrastructure, public housing, and the judiciary that are critical to millions of American families and to keeping our economy strong. For our country to reach its full potential, we need to invest in the priorities that are in this bill. Today, many people do not feel very secure about the future. They feel as though they are one slip away from losing their job, or they are worried about the fact that they will not be able to retire or to pay for a trip to the doctor if their child gets sick.

To make America strong again, we need to invest at home. We need to invest in our communities, in our schools, in our people, and in our infrastructure. That is what the bill now before us does.

In the last few months, we have seen how important it is to have a strong and reliable infrastructure. Tonight I want to offer my colleagues an overview of what this bill funds and some of the most important investments, but first I want to note that several things have changed since last year.

As my colleagues know, our Senate subcommittee has changed significantly. Last year, three separate appropriations subcommittees were responsible for funding the agencies that are now in this bill. Even so, the Senate did not have the opportunity to debate and amend any of the appropriations bills that funded these agencies. Since then, the Appropriations Committee has been restructured. As a result, this bill was crafted by one new and very much larger committee. We now have 19 members. Only the Defense Subcommittee is as large.

Fortunately for all of us, we have Senator BOND as our very able chairman. Senator BOND has demonstrated his skill and fair-mindedness time and again during his leadership of the former VA Subcommittee. This year, he continues to demonstrate his leadership, and the proof is in this bill. It was reported unanimously by both the subcommittee and the full Appropriations Committee back in July.

In addition to the changes we witnessed in the last year, we have seen dramatic changes in the 12 weeks since we marked up this bill. First and foremost has been the devastation of Hurricanes Katrina and Rita. More than 1 million people were forced to evacuate the region, including low-income citizens who remain eligible for housing assistance from HUD. Today, because of the devastation, even more people are eligible for Federal housing assistance.

Other Federal agencies that are funded in this bill have responded to the hurricanes. In the Department of Transportation, the Maritime Administration has deployed ships from the Ready Reserve fleet to the gulf to assist in recovery efforts. DOT personnel have also been involved in the effort to obtain trucks and buses to move personnel and equipment. Amtrak assisted in the evacuation of storm victims from both New Orleans and Houston. The hurricanes showed us that we need workable plans to evacuate large numbers of low-income residents who depend on public transit. I truly hope the Department of Transportation and FEMA are hard at work on those plans.

In the judiciary, Hurricane Katrina has required the emergency relocation of 36 Federal judges and more than 400 staff. The New Orleans office of the Fifth Circuit Court of Appeals has been abandoned, as have the Federal District and Bankruptcy Courts for Eastern Louisiana and Southern Mississippi.

Another change since we marked up this bill in July concerns energy prices. Back in late July, the average price per gallon of regular gasoline was $2.27. Today it is more than 25 percent higher. Gas costs more than $3 a gallon in many parts of our country. High gas prices are hurting our families, our businesses, and our communities. This price spike is already causing revenues to our Federal and State transportation trust funds to diminish. That could have a serious impact on the ability of our States to finance their highest priority road projects.

The recent spike in fuel prices has also further undermined the financial condition of the Nation's airlines. Since we first marked up this bill, another two major U.S. carriers and one regional carrier have entered bankruptcy. That threatens the long-term availability of air service to the communities across the country and to tens of thousands of jobs.

Also, since we first marked up this appropriations bill, we passed the authorization bill and made significant progress on Amtrak reform. First, just prior to the August recess, thanks again to the very able work of Chairman BOND, the Congress passed the conference report on the surface transportation bill, now known as SAFETEA–LU. This law will now guide the direction of our Federal highway, transit, and highway safety programs for the next 5 years.

Secondly, following the markup of this bill, the Senate Commerce Committee reported a comprehensive Amtrak reform bill. That bill has yet to come before the Senate, but it is important legislation that must inform this subcommittee's deliberations going forward.

So as I said earlier, we have seen some dramatic and in some cases tragic changes since the Appropriations Committee first reported this bill. But even with those changes, this bill deserves the strong bipartisan support of the Senate.

This bill totals more than $141.4 billion. That is more than $11.6 billion over the President's request. I think the best feature of this bill is that it rejects many of the painful and unwise cuts that were proposed in the President's budget. Whether it is funding to continue rail service in the country or building new runways to relieve congestion at our airports, to construct new housing for low-income seniors and for our disabled; whether it is to invest in community development or provide needed assistance to taxpayers or aggressively enforce our drug laws, this bill rejects the President's painful cuts. Instead, our bill invests the funds to make our world safer and advance the needs of our infrastructure and our people.

I thank Chairman COCHRAN and Senator BYRD for providing our subcommittee with the necessary allocation so we could make these critical investments. Chairman BOND also deserves a great deal of credit for ensuring that even with so many new programs now under our jurisdiction, every program was thoroughly reviewed and considered.

I thank Chairman BOND for treating me as a full partner in this endeavor. His door has always been open to me. While we do not see eye to eye on every funding level and every provision in the bill, I think the bill we are considering is truly an effort at bipartisan consensus, and I thank the chairman for that.

I would like to review some of the priorities in this bill, starting with aviation. This bill rejects the administration's proposal to slash funding for our Nation's airports. It also preserves funding for the essential Air Service Program so that rural communities across the country will continue to receive air service.

I am also pleased that the bill attempts to boost hiring of our air safety inspectors at the FAA. Last year this committee fully funded the President's request for safety inspectors. What happened? The FAA downsized that office by more than 300 people. With the Nation's airlines in turmoil and all the

airlines seeking to cut costs, this is not the time to cut our safety inspector workforce as I described in detail on the Senate floor just a few weeks ago.

For Amtrak, our bill includes $1.45 billion. That is a 20-percent increase over the current year. Now, the DOT inspector general testified that Amtrak would require between $1.4 billion and $1.5 billion next year to maintain all of its current routes and services. This funding recommendation falls right in the middle of that range. This bill also recommends some reforms for Amtrak in the interest of helping Amtrak cut costs. The President's budget asks that we throw Amtrak into bankruptcy and leave 22 million Americans stranded on the platform. This bill categorically rejects that approach and preserves all current rail routes so a meaningful debate on reform can continue without the threat of a crisis.

Funding for the judiciary is up 6.6 percent. That is slightly higher than the level that was passed by the House of Representatives, and I am confident that this funding level will enable the judiciary to continue its important work without the threat of staff layoffs.

Within the Department of Housing and Urban Development, the President proposed to move the Community Development Block Grant Program over to the Department of Commerce and cut its funding by more than a third. I am very pleased to say that we will continue to fund CDBG in this bill, and we limited the funding cut to just 8 percent.

Some of the more damaging cuts in the President's HUD budget include cuts to new construction for housing for the disabled and cuts to funding for housing funds for AIDS patients, and those have been rejected.

Within the Executive Office of the President, the White House proposed to cut funding for the drug law enforcement activities of the high intensity drug tracking areas by more than 50 percent. Our bill, however, rejects that cut entirely and fully funds the HIDTA Program.

Turning to Federal workers, this bill provides a 3.1-percent pay raise for all Federal employees. It is an identical adjustment for military and civilian workers.

I am also very pleased that Chairman BOND and Senator MIKULSKI reached a compromise on competitive sourcing. It will provide a level playing field when it comes to efforts by the Federal Government to contract out Federal jobs.

As I have outlined, this bill makes some critical investments in our transportation infrastructure, in our ability to house the poor and administer justice, and the pressing needs, of course, of our highways and airways and transit systems. I urge my colleagues to support this bipartisan bill so we can strengthen our local communities and our entire country.

I will repeat the words of my chairman, Senator BOND, and encourage my colleagues to bring their amendments to the Senate floor. The sooner we start these amendments, the sooner we can review them and perhaps get them adopted. One thing I do know is, as of right now, there is still hope that the St. Louis Cardinals are going to reverse course and win the National League Championship Series. I cannot guarantee to any of my colleagues that Chairman BOND is going to greet their amendments warmly, but I know he will greet them less warmly if the Cardinals are eliminated this evening, so I suggest to all my colleagues they bring their amendments to the floor as soon as possible so they can be considered and we can move forward on this bill.

I yield the floor.

Mr. BOND. Mr. President, I thank my distinguished colleague and good partner very much for her kind words.

Surely this bill was an interesting and challenging bill because it brought so many new agencies together. The Senator from Washington has had much greater experience in the Transportation appropriations area. Her input in that area and all the other areas was invaluable. I share her views that this is a good bill. As I stated earlier, I hope we will come forward with amendments as soon as possible.

I know the Senator probably watched, as I did, the Seahawks' magnificent victory yesterday—truly awesome. As far as the Cardinals, Chris Carpenter pitches tonight and there is hope. So there is still a smile on my face. We are both in a good mood. If you wish to have amendments favorably reviewed, please come, bring them down. Even if my Cardinals continue to win, as it gets later in the week we will be getting short of time and short of patience. So we will very much appreciate having those amendments now.

For the information of all my colleagues we hope are watching, there will be a vote at 5:30. This is a vote that is on a technical change in the underlying legislation to allow the Federal Government to recapture funds from a multifamily housing project owner who skims rent off the project and leaves the project in default to be paid for out of FHA funds, out of public funds, and thus pockets the rents.

This is a situation that was certainly not foreseen. It is a very undesirable situation where, in effect, the money from the taxpayer is going indirectly into the pockets of an owner of a project who has taken rent money instead of applying it to the mortgage.

There is a vote at 5:30. We hope Members will come forward with their amendments. I hope we can wrap up these amendments by Wednesday night to get ready for the World Series, for whosoever happens to be in it at the time. I still have my hopes.

I see no other Member seeking the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. MURRAY. Mr. President, the Senate is going to vote in a couple of minutes on an amendment Senator BOND and I offered that addresses fraud and abuse at HUD properties. These are technical changes that are needed to provide the HUD Office of Inspector General the tools they need to continue this effort.

The amendment clarifies that the Government can recover double damages from project owners, heirs, officers, and management companies that have violated their project agreements with HUD. These damages will apply even if the violators no longer have a mortgage or are doing business with HUD. The provision allows violations to basically be considered as a false claim. Large damage awards are a proven deterrent in minimizing fraud and abuse in these programs.

There is a backlog of enforcement actions awaiting this change, including nursing homes that have been skimming equity from properties that are covered with HUD insurance. We have to put a stop to these abuses. I encourage all colleagues, when this vote occurs in a few minutes, to support this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BOND. Mr. President, as my colleague and comanager of the bill, the Senator from Washington, has just stated, we are preparing to vote on an amendment that is a technical correction to the Housing and Community Act of 1987 to make sure that HUD has the authority to recover any assets or income for a multifamily project where the funds are used in violation of the project's regulatory agreement. It is necessary to ensure that HUD and the Federal Government can recover losses from owners of multifamily housing who have intentionally and fraudulently skimmed equity from an FHA-insured project for their own benefit. Without this technical correction, HUD, FHA, ends up paying the lender the value of a defaulted FHA-insured mortgage that should have been paid off by the owner of the multifamily housing out of rent receipts. I hope my colleagues will look at it and see this is nothing but common sense and adopt it.

At the same time, I reiterate for those who may be listening, we want to move forward on this bill as quickly as possible. We hope people who have amendments will come forward. We are

looking for an agreement to take up the DC appropriations bill which has to be added to this to go to conference. It will be a separate conference, but since the House has DC in with the HUD bill, they will have to be considered at once. We ask that everybody bring forth those amendments and be prepared for a filing deadline tomorrow.

Mr. President, I see the time for the vote on the amendment has arrived, and I suggest we proceed to that vote.

The PRESIDING OFFICER. Under the previous order, the hour of 5:30 having arrived, the question is on agreeing to Bond amendment No. 2061. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from Arizona (Mr. MCCAIN), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Iowa (Mr. HARKIN), and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—93

Akaka	Dole	Martinez
Alexander	Domenici	McConnell
Allard	Dorgan	Mikulski
Allen	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Bingaman	Feinstein	Obama
Bond	Frist	Pryor
Boxer	Graham	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Burns	Hagel	Rockefeller
Burr	Hatch	Salazar
Byrd	Hutchison	Santorum
Cantwell	Inhofe	Sarbanes
Carper	Inouye	Schumer
Chafee	Isakson	Sessions
Chambliss	Jeffords	Shelby
Clinton	Johnson	Smith
Coburn	Kennedy	Snowe
Cochran	Kerry	Specter
Coleman	Kohl	Stabenow
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Cornyn	Leahy	Talent
Craig	Levin	Thomas
Crapo	Lieberman	Thune
Dayton	Lincoln	Voinovich
DeWine	Lott	Warner
Dodd	Lugar	Wyden

NOT VOTING—7

Biden	Harkin	Vitter
Corzine	Lautenberg	
DeMint	McCain	

The amendment (No. 2061) was agreed to.

Mr. BOND. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, we are negotiating to get an agreement on procedure for tomorrow. We are very close. We want to line up the DC bill and then set a vote.

I suggest the absence of a quorum.

Mr. KENNEDY. Mr. President, will the Senator be good enough to withhold that request? I ask unanimous consent that I be recognized after we come out of the quorum call.

Mr. BOND. Mr. President, I wish to keep this quorum call going, and then, after I propound the unanimous consent request, obviously the Senate can proceed in the normal fashion. This should be just a minute. I ask the Senator's indulgence.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BOND. Mr. President, after conferring with my colleagues on the other side of the aisle, I ask unanimous consent that at 11 a.m. tomorrow, Senator BROWNBACK be recognized in order to offer an amendment which relates to the appropriations for the District of Columbia; provided further that there then be 40 minutes equally divided between Senators BROWNBACK and LANDRIEU; further, that following that debate, the amendment be agreed to with no second degrees in order to the amendment; provided that at 12:10, the Senate proceed to a vote in relation to the Kyl amendment No. 2062, with no second degrees in order to that amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2063

Mr. KENNEDY. I send an amendment to the desk and ask that the pending amendment be set aside.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. HARKIN, Mrs. BOXER, Mr. FEINGOLD, Ms. STABENOW, and Mr. DAYTON, proposes an amendment numbered 2063.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for an increase in the Federal minimum wage)

At the appropriate place, insert the following:

SEC. ___. MINIMUM WAGE.

(a) INCREASE IN THE MINIMUM WAGE.—

(1) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2005;

''(B) $6.55 an hour, beginning 12 months after that 60th day; and

''(C) $7.25 an hour, beginning 24 months after that 60th day;''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

(b) APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—

(1) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(2) TRANSITION.—Notwithstanding paragraph (1), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

Mr. KENNEDY. Mr. President, I look forward to the opportunity to discuss this amendment and to the opportunity for the Senate to be able to express itself on the issue of increasing the minimum wage for the working families of this country. It has not been increased now for some 9 years. We have not increased the minimum wage for some 9 years. There will be those who will ask: Why are we thinking about increasing the minimum wage on this legislation? We have tried to get stand-alone legislation so that it could be considered. We have been unable to do that. We have been unable to get another vote on an increase in the minimum wage over these period of years.

In this particular appropriations bill, there is another amendment dealing with the increase in salaries for Members of the Senate. This will be the seventh increase we have had in 9 years, but we have not had an increase in the minimum wage over that same period of time. It does seem to me that there is a certain amount of equity, a certain amount of justice, a certain amount of fairness when we are talking about an increase in the salaries or the cost of living for Members of the Senate. We certainly ought to be considerate of the interests of those who have been left behind by the failure of Congress to support the increase in the minimum wage.

Who are the minimum wage workers? The minimum wage workers are men and women of dignity, first of all. These are men and women who work hard, play by the rules, are trying to provide for their families, trying to look out for their children, and trying to look after a parent. We know these are men and women who work in nursing homes and are looking after senior

citizens, men and women who have contributed so much to this Nation, who have sacrificed greatly for this Nation by more often than not subverting their own kinds of interests and their own futures to the benefit of their children. Now, during their golden years, they need some help and assistance, and many of those who work and assist the elderly people in nursing homes are men and women who earn a minimum wage.

Who else are they? They are the men and women who clean the great buildings of American commerce every evening, hard working, going around and cleaning out those buildings. They are men and women of dignity. They want to do a decent job, and they do a decent job. They need to have a decent pay.

Many of them are workers working in schools as teachers' assistants, as teachers' aides. These are men and women who are working with seniors, who have made great contributions to our Nation. They are men and women who are working with children who are attempting to get an education. They are working part time or even full time as teachers' assistants.

Primarily, this is an issue involving women because 60 percent of those who would benefit from this legislation are women. More than one third of the women who are receiving the minimum wage have children. So an increase in the minimum wage is a women's issue, and since so many of the women who receive the minimum wage have children, it is a children's issue. It is a women's issue, and it is a children's issue. It is also a civil rights issue because 35 percent of those who would benefit from an increase in the minimum wage are men and women of color.

So it is a children's issue. It is a women's issue. It is a family issue. We hear a great deal in this body about family issues, about family responsibilities, family obligations. These are men and women who are earning the minimum wage and who are trying to provide for their families on that minimum wage. They know they cannot do it. So they have one or two or even three minimum wage jobs. How much time do they have with their children? They are trying to provide for their children but have no time to spend with them.

I will give real stories of what families are going through, the sacrifices they have made, the lost opportunities, the conversations they were not able to have with their children, the missed birthdays that come and go, the Christmases that come and go and they do not have that gift for that child or they do not have those pairs of skates so the children can join other children.

The fact is that hard-working men and women in this country have not gotten a raise in 9 years, and yet we in the Senate are adjusting our salaries to inflation effectively for the seventh time in the ninth year. So we have a women's issue, a children's issue, a family issue, a civil rights issue, and most of all it is a fairness issue.

Americans understand fairness. Americans understand that if a person works 40 hours a week for 52 weeks of the year, they should not have to live in poverty, and these men and women are living in poverty. All we are trying to do is what we have done many times in the past.

This has not been a partisan issue. It has only been in recent years that it has been a partisan issue. If we look at this chart, we will see that over the period of the years when there was the first minimum wage, going back to 1938, it was 25 cents. There was President Roosevelt, then Harry Truman, and Dwight Eisenhower increased the minimum wage. Democrats and Republicans. President Kennedy increased the minimum wage. So did President Johnson increase the minimum wage. Then President Eisenhower, President Ford, then President Carter, then Bush 1, President Bush, increased the minimum wage, and then President Clinton. So Republicans as well as Democrats have fought for an increase in the minimum wage, although over the period of these last years, that has not been the case. Every time we have tried for an increase in the minimum wage, we have been opposed by a Republican administration and by the Republican leadership in the House and the Senate. That is not fair. It is time we altered and changed that.

It is appropriate that we take a moment or two to look at what has been happening in our country: Americans struggling to survive in this economy, in what we call the Bush economy. Too many Americans are living in poverty. We have 1 in every 10 families living in poverty. One out of every five children in the United States now, one out of every five Hispanic Americans, one out of every four African Americans, is now living in poverty in the United States. If we look at the overall figures from years 2000 to 2004, 5.4 million more Americans are living in poverty today than were living in poverty in the year 2000. An increase in the minimum wage is not going to solve all of these problems, but it is going to help 15 to 16 million Americans become better off in regard to their economic condition to some extent.

Let us take a look at what has happened to the minimum wage over the period of recent years. This is the 2004 Federal poverty line. This red line indicates the minimum wage. Going back to the early 1960s, we saw that the minimum wage even exceeded the poverty wage. This is constant purchasing dollars. This is in constant real dollars. We saw an increase even above the poverty line. Then it bounced around just around the poverty line, and then we have seen now what has happened in recent times where the real minimum wage has fallen so far from the poverty line. Most Americans believe if one is going to work and work hard, they should not have to live in poverty, but this is what is happening in the United States over the period of the recent years. The total number of individuals who have fallen into poverty has increased significantly because of the failure of Congress to deal with any kind of increase in the minimum wage.

The amendment I have offered is a three-phase increase. It provides for an increase of 70 cents 60 days after it is signed, 70 cents a year after, and 70 cents a year after, from $5.15 to $7.25. It will put the minimum wage up to this level, which it will still be well below what it was in the 1960s through the 1970s and even up to the 1980s. It will certainly not recover all of its purchasing power, but it will make a very serious and important difference to millions of Americans.

For anybody who is viewing this discussion this evening, this chart is self-evident. What has been happening is an increased pressure on families' pocketbooks, which has virtually soared since the year 2001. We find gasoline has increased some 71 percent; health insurance up 59 percent; housing up 44 percent; college tuition up 35 percent. These are basics.

If they can afford a car to be able to drive, or even participate in a car pool, we see the explosion in gasoline prices in spite of an Energy bill we passed here which did virtually nothing on this issue.

We continue to see the escalation of health care costs, housing has gone up, and college tuition. All this has gone up. What has not gone up is the minimum wage.

This chart shows what an average family is up against. The average costs for a family for health insurance premiums per year now is up to $10,880. If you look at the salary of a full-time, minimum-wage worker, it is $10,700. You wonder how in the world can they even afford one coverage, which is so important to families, which is to be able to provide health coverage. Of course they cannot afford it, and so they do without it. In some States, they get some protection from some of the safety net programs, but we have seen the increasing pressure on those safety net programs in recent years.

What would $4,400 mean, which is what it would be when the minimum wage is fully implemented? What would that mean? We have been encouraged by the living wage campaigns that have taken place in communities all over this country. They have taken place in Boston. They have taken place in Cambridge, MA, and other communities in my State. They have taken place in Baltimore and in many other cities—in Los Angeles. And they have made a real difference. It has made a real difference in the quality of life for people. In many of those instances when they go to a living wage, they go up to $12 or $14 an hour. We are only increasing this to $7.25. So we are going to be well behind the living wage that has been accepted overwhelmingly.

We know when it has been on the ballot in the States of Nevada and Florida, it has been passed overwhelmingly by the people in those States. People have overwhelmingly, when they have addressed this in all parts of the country, supported an increase. The only people who have not supported it have been the Republican leadership. We are going to give them an opportunity to address this issue on this legislation.

This is what it provides. The $4,400 increase means almost 2 years of child care, full tuition for a community college, a year and a half of heat and electricity—maybe not after this winter, when we are finding out in my part of the country on the natural gas bill they expect to have an increase of some 70 percent in the cost of heating oil and natural gas, but we know it would make an important difference in those terms—and more than a year of groceries or more than 9 months of rent.

Does this sound very excessive to those who believe we are already doing what we should for some of the most hard-working Americans?

This chart is enormously important. Although it doesn't reflect the human dimension of what families are faced with or what a difference in the minimum wage will mean, what it does do is show what has happened in relation to increased productivity. What does that mean? It means the production levels workers have been able to achieve. What we have seen over a period of years—this chart goes back to the 1960s. If you look at the minimum wage even prior to that time, an increase in the minimum wage has always reflected an increase in productivity. It makes sense. That is the best way to answer people who say this is going to be inflationary. It is not when you are increasing productivity.

This is what had happened. We had always seen the minimum wage had been kept slightly higher than productivity in the 1960s and going into the 1970s. Now what we see is productivity is up 155 percent over 45 years ago. What we have seen is the decline of the minimum wage. This includes the increase in the minimum wage that we had during the 1990s. We see the extraordinary decline. We have not seen the minimum wage go up to reflect the increase in productivity. We have seen the minimum wage go down, in spite of the increase in productivity.

We have workers working longer, working harder, being more productive. They are working longer hours. They are working many more months of the year than any other worker in the world—American workers. American workers are. We will have a chance to show that tomorrow, the comparison between American workers and other workers. We have American workers working longer, working harder, being more productive, and you would think the increase in the minimum wage would reflect it, right? Wrong. We do not see that increase reflected.

This chart shows again, all of these indicators, that the purchasing power of the minimum wage has collapsed over the last 50 years. The minimum wage now is the lowest in over 50 years compared to average wages. For years the minimum wage was reflective of what the average wage was. They tried to keep it about 56 to 60 percent, that was the desire for years for the minimum wage. But look what has happened. This is another indicator. The minimum wage is now 32 percent of the average wages for American workers. Look at the decline.

We are talking about a segment of our society. We are talking about a segment of Americans. It is all reflected in this—when we had the Hurricane Katrina, when we saw so many millions of Americans who had been left behind in opportunity, and they are getting short shrift in their wages. These are millions of Americans who are left behind, and that is reflected by the fact that the number of Americans living in poverty has increased.

We have some indication of what has happened as the minimum wage remained stagnant over this period of time. We see Members of Congress have had an increase in salary of $31,600. People will have to answer to that, whether they are going to vote themselves a pay increase and vote down an increase in the minimum wage. That will be the issue that will be before the Members. That is why this particular measure is of so much importance.

We will have a chance to go through this in greater detail. This issue is most of all about fairness for American workers. We know there will be about 7½ million Americans who will be affected by the increase in the minimum wage. The ripple effect on the wages of others of low income is expected to effectively double that. We are talking about impacting more than 15 million Americans—some obviously more than others. But we are talking about whether we are going to be one country with one history and one destiny and whether this institution is going to increase the minimum wage and try to begin to catch up for so many we have left behind.

We will take the opportunity tomorrow. Some will come out and refute this with the old arguments that this will be bad for the economy. This will be bad for the economy because it will have a inflationary effect on the economy. Let me show what this is, in terms of the economy. All Americans combined earn $5.4 trillion a year. This is all Americans. Increasing the minimum wage to $7.25 is vital to workers but a drop in the bucket in the national payroll. All Americans combined earn $5.4 trillion. An increase to $7.25 would be less than one-fifth of 1 percent of the national payroll, one-fifth of 1 percent. I hope our friends on the other side who say this is going to be an inflator, we are suffering difficult economic times now—all of which are true—will let me point out that this is one-fifth of 1 percent of national payroll. They will say that this is going to be an inflator? This doesn't hold.

We have seen in Great Britain they have increased their minimum wage to $8.85 3 weeks ago. They increased it to $8.85, and they have provisionally accepted a plan to go up to $9.37 next year. If you asked the Chancellor of the Exchequer about the adverse impact in terms of the British economy, he said: It has been good for the economy. It has been healthy for the economy. We have moved a million children out of poverty. We have moved families out of poverty. People are spending and investing and it has strengthened our economy.

We will have an opportunity to go through the traditional arguments: We can't afford this because it is an inflator. I hope our friends on the other side will be able to respond to that. They will also say this is going to mean job losses. We have gone through that time in and time out. We will have the charts to show at the times that we have increased the minimum wage it has actually meant increasing employment. That certainly has been true in more recent times that we have done it, and we have the charts to reflect that.

Then we will hear this is a decent idea but it only goes to—we should just have a training wage. We should not. We have already had that kind of debate and discussion.

Those are all arguments we are going to hear from the other side. Basically, they are rooted in the concept they do not believe that men and women who work hard, men and women of dignity, that they are entitled even to a fair day's pay.

We are not, even with the increase of the minimum wage, able to reach the poverty line for these millions of Americans. It does seem to me with all the things we have seen in this country in the most recent times, when we peeled back the veil of the American society, as had been done in Katrina and Rita, and we saw who was out there and who was adversely impacted, Americans said, Oh, my goodness, why have so many people been left out? Why have so many people been left behind?

This increase in the minimum wage is not going to solve all of their problems. It will not. But it will make an important difference to more than 15 million Americans who are hard working, trying to make ends meet, playing by the rules, looking out after their families. They certainly deserve this increase, particularly if we intend to increase the salaries for Members of the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. HARKIN. Mr. President, I would like the record to show that I was necessarily absent during today's vote due to a funeral which I attended in my home State of Iowa. Had I been present, I would have voted ''yea'' on the amendment.•

MORNING BUSINESS

Mr. FRIST Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

HURRICANE RECONSTRUCTION CONTRACTING

Mr. DORGAN. Mr. President, this morning I and a number of other Senators held a policy committee hearing on the issue of FEMA and some of the expenditures dealing with Hurricane Katrina and the aftermath of the devastation of the gulf coast of our country. Some of what we learned is enormously distressing. I will share some of it with my colleagues, including some ideas about what we ought to be doing about it.

One of the people who came to Capitol Hill this morning was a man named Paul Mullinaux, a truck driver who owns his own tractor and trailer and lives in Florida. He was contracted by FEMA to haul ice to the victims of Hurricane Katrina and for the devastation on the gulf coast. Mr. Mullinaux is a person who, when asked to perform this service—obviously he was paid for it, but with his refrigeration truck and with an opportunity, he went to New York City and picked up a load of ice in his 18-wheeler and his refrigerated trailer. That load of ice was for delivery to Carthage, MO. He wasn't sure why it was to be delivered to Missouri, but it was. He took his 18-wheeler to Carthage, MO.

When he arrived at Carthage, MO, they told him that what he needed to do was to go to Maxwell Air Force Base in Alabama. So he had driven his 18-wheeler with a load of ice from New York City to Carthage, MO. Then he was told, go to Maxwell Air Force Base in Alabama. He got in his truck and went to Maxwell Air Force Base in Alabama.

When he got to Alabama, he told us this morning, he spent 12 days sitting on the Maxwell Air Force Base tarmac with apparently hundreds of other trucks and a load of ice. He said other trucks were loaded with ice, they were loaded with blankets, they were loaded with all kinds of things that evacuees would have needed, the victims of the hurricane would have needed. For 12 days he and his truck, with his motor running for the refrigeration to keep the ice cold, sat there. Finally, at the end of 12 days he was told he was to take his truckload of ice to Idaho.

Remember, this is a truck driver contracted by FEMA to pick up a load of ice in New York and take it to the gulf coast to try to help the victims of Hurricane Katrina. He got the ice in New York, went to Missouri, then was told to go to Alabama. He went to Alabama, sat there 12 days and then was told, by the way, now you should take this ice to Idaho and put it in storage.

Mr. Mullinaux told them, I wasn't aware there was a hurricane in Idaho and I don't intend to drive to Idaho with this ice. At that point, they talked about calling the National Guard to escort him off the military base because he had a bad attitude. I would have had a bad attitude sitting there 12 days with a refrigeration truck running with a load of ice that was supposed to go to hurricane victims. At the end of 12 days, he refused to go to Idaho, so they sent him—and he said they sent many other trucks—to Massachusetts to offload the ice in a warehouse where it is now being stored.

Think of this. The Federal Government, through FEMA, paid $15,000 to a trucker to pick up a load of ice in New York to help hurricane victims and they told him to go to Missouri. He went to Missouri. They then told him to go to Alabama. He went to Alabama. They then told him to wait for 12 days. He sat on the base in Alabama for 12 days and then they told him to take the ice to Idaho, to put it in storage. When he refused, they said, well, then, take it to Massachusetts. He took it to Massachusetts and it is now in storage. From New York, to Missouri, to Alabama, to Massachusetts.

In effect, the American taxpayer has paid this one trucker $15,000 to haul ice from New York to Massachusetts to benefit the victims of Hurricane Katrina. It is unbelievable and staggering incompetence that FEMA is paying this kind of money. But it was not only Paul Mullinaux; it was not just him. It was hundreds and hundreds of other truckers with exactly the same experience. Loaded with blankets, loaded with ice, loaded with the things the victims needed, sitting in an airbase, being paid $800, $900 a day per truck while victims waited. Incidentally, Paul Mullinaux said they had a small television in that truck of theirs sitting on the tarmac of the military base along with hundreds of other truckers, and they were seeing on the nightly news the victims who were begging and pleading for the things they needed to keep them warm, to give them sustenance, food, ice, good water, blankets, clothing. And they were all on trucks, sitting there, day after day after day after day after day, and, finally, never delivered.

The question is, when you hear this sort of staggering incompetence, who is in charge? Who is accountable? Harry Truman used to have a little sign on his desk that said ''The buck stops here.'' Where does the buck stop with this? Is anybody accountable? FEMA? It used to be an agency we were enormously proud of. Regrettably, many of the top positions in that agency were filled with cronies who had no information, no experience, no capability with respect to disaster preparedness or disaster response. And this is but one small story of Paul Mullinaux, a trucker who came here to tell his story, furious as a taxpayer about what has happened.

Al Knight and Mike Moran came, Knight Enterprises. They were hired by a subsidiary of Halliburton to do some work down in the Gulf of Mexico to try to deal with the devastation of Hurricane Katrina. They went out as a result of an oral contract and hired 75 skilled, experienced electricians to do a job. It wasn't very long before the subcontractor with Halliburton said, don't worry about that; your electricians will not be on the job very long. We are bringing in new people.

Guess what. They did bring in new people. My guess is a fair number of them were undocumented workers. They say almost none of them spoke English. They say their electricians were trying to work beside them and these were not skilled electricians. In many cases, they didn't know what they were doing.

Why were they there? Why were they there to replace Louisiana workers who wanted the jobs to help get back on their feet, people who were victimized by Hurricane Katrina and Rita? Why were others brought in from out of state to take those jobs? Money. Just money. Because the President said, by the way, with respect to reconstruction in the Gulf of Mexico, in Louisiana and related States, Mississippi and so on, we will get rid of the Davis-Bacon requirement.

What is Davis-Bacon? It says the Federal Government, when it does work in your region, is going to pay the prevailing wage. They will not come in and hire a bunch of fly-by-night operators in order to drop the wages to dirt-poor levels. We will, as a Federal Government, pay prevailing, regional wages, when we do contracting in a region. But when the President said, by the way, Davis-Bacon does not work, does not count, with respect to reconstruction in Louisiana, Mississippi, and elsewhere, he opened the door for these firms to hire a bunch of workers for dollars a day with no benefits, and put them up in conditions—by the way, this picture was taken last weekend. Those are some of the workers who are brought in to take jobs that days ago belonged to the people of Louisiana. Workers who got hit by these hurricanes were anxious to get these jobs to try to get back on their feet. No more. The jobs now belong the these folks who live in these conditions—the exploitation of workers in this country. That is what

happens when you get rid of the Davis-Bacon requirement of paying the prevailing wage—bring somebody in and exploit them.

And, oh, by the way, one of the witnesses this morning said he saw jobs advertised by companies to do the reconstruction that claimed their workers can have free meals at the Red Cross. What does that mean, ''free meals at the Red Cross''? That means you don't have to pay them much. You can underpay them. You can have them live like this, as shown in this picture. You can exploit them. And, oh, by the way, we can get free meals for you at the Red Cross.

What a shame this is. The fact is, there is a right way and a wrong way to do reconstruction in Louisiana, Alabama, and Mississippi, and that is to not devastate the local prevailing wage. It is to reach out and hire the people in that region who have been victimized by these natural disasters. It is not to waste money. There is such prevailing waste here, it is almost unbelievable.

Ms. Sheila Crowley testified this morning. She has a Ph.D. She is president of the National Low Income Housing Coalition. There is $11 million being spent each day to put people in hotels who are displaced because of Hurricane Katrina. Think of that. So $11 million tonight is what the estimate is for hotel rooms.

Now, why are we still paying for these hotel rooms? Because the administration decided they did not want to use a voucher program. They do not like vouchers. A voucher program would have been to say to a person displaced: Here is a voucher. Go find yourself an apartment. It would have used existing housing stock. It would have made a great deal of sense and very quickly put people in housing. But the administration does not like vouchers, so the people who run these programs have been prevented from doing that.

Let me come back for a moment to the testimony by Paul Mullinaux. I have asked FEMA if we can find some accountability in FEMA. Who is it that decided we should have a truck pick up ice in New York and deliver it to Massachusetts for the purpose of helping victims of Katrina down in Louisiana and Mississippi? Who decided to do that? Who authorized the payment of $15,000 for that truck and hundreds of other trucks just like it full of materials that victims needed, full of food and supplies and clothing and ice that victims needed? Will we find the answer to that? Will we find some accountability somewhere? I hope so because as we produce additional money for reconstruction and as we provide additional money to FEMA, the question is, Is this money being spent in a manner that meets any commonsense test at all? The fact is, this does not meet any test at all, that I am aware of, of efficiency or of effectiveness. Someone, some group of people is completely brain dead when it comes to managing the resources that belong to the taxpayers of this country. I would like to find out who. This country deserves better. America deserves better than this. We can do better as a country.

Let me just finally say this: We had a FEMA that was extraordinary. I know that because in my State we had a city of nearly 50,000 people that was nearly completely evacuated because of a flood. I watched FEMA up close. They were extraordinary: professional, sharp, on the mark, on the ball, doing the right things.

Now FEMA is a joke. I am sure there are wonderful people still working at FEMA. But I see people inside FEMA, who are career people, who say what has happened inside is to hollow out this great organization. You put people at the top who have no experience at all in this area—just hire a couple cronies, friends, and say, ''Go do this,'' with no experience in disaster preparation or disaster preparedness—and this is what you get.

I hope we can find some accountability. I hope we can put some new people in charge, in place, to be responsible for this country and to its taxpayers. We are going to spend billions more dollars out of this Chamber. I have watched it with respect to reconstruction in Iraq, and I am now watching it with respect to reconstruction in the wake of Hurricane Katrina. In both cases, it appears to me that massive amounts of money are being wasted. There is substantial waste, fraud, and abuse. Instead of yawning at that problem, this Congress ought to be furious. We ought to make sure we put a stop to it right now.

ENERGY COMPETITIVENESS

Mr. BAUCUS. Mr. President, in the 12th century, in the Bay of Biscay, Basque sailors began to hunt right whales. The Basques melted the whales' blubber into oil to fuel their lamps. When the whales died out in Spanish waters, the Basques sailed north to Iceland pursuing the source of their lamp oil. By the 16th century, whalers hunted extensively in Icelandic waters to find the fuel for light.

As our former colleague Phil Gramm wrote in 1973, from American colonial times through the middle of the 19th century, whale oil provided the major source of artificial lighting in America and Europe. But in the middle of the 19th century, America faced an energy crisis. The price of whale oil was rising. From a low of 23 cents a gallon in 1832, it rose to $1.45 a gallon in 1865.

But then in 1859, people discovered petroleum oil in western Pennsylvania. The rising price of whale oil encouraged an engineer to invent a process to convert that western Pennsylvania black oil into a new fuel, kerosene.

The whale oil era was ending, and the petroleum era began.

One hundred fifty years later, at the turn of the 21st century, gasoline prices are rising. As late as December 2002, Montana gasoline prices averaged a little more than $1.30 a gallon. On September 5 of this year, the average price hit about $2.90 a gallon.

In the wake of Hurricane Katrina's disruption of oil refineries, many Montanans feel gouged by sky-high gasoline and diesel prices. High gas prices hit low-income Montanans particularly hard. Peggy Grimes, director of the Montana Food Bank Network, says: ''[P]eople are going without food more often and coming to visit local food pantries more often.'' Just think of people having to make choices such as that.

Rising natural gas and fuel oil prices have many Montanans concerned about how they will heat their homes this winter. And rising fertilizer costs will hit many Montana farmers hard.

In the short term, petroleum price increases are forcing painful adjustments. In the medium term, we need to invest in conservation, weatherization, and upgrading the efficiency of cars, appliances, and machines that use energy. And in the long term, we need to adjust intelligently to higher petroleum costs, systematically and purposefully diversifying our energy sources.

In the middle of the 19th century, America led the way to the next energy era, leaving the whale oil era behind. Now, at the beginning of the 21st century, America must once again lead the way to another energy era, an era that severs the world's dependence on Middle Eastern oil. Domestic oil and gas production will remain a critical part of our energy security for some time. But to lead the world to a new era, we will have to make major investments in new innovative forms and uses of energy.

Once again, we have cause to look again across the waters to Iceland.

Iceland is leaving the petroleum era behind. Iceland is entering the hydrogen era. The government has announced its intention to become a hydrogen-based economy by 2030.

In Iceland, icy water cascades down from massive glaciers. And in Iceland, boiling water bubbles up from just beneath the surface. Iceland already harnesses these renewable resources to generate virtually all of its electricity and heating from hydroelectric and geothermal sources.

But with no fossil fuel resources, Iceland relies heavily on imported oil to power cars, buses, and the fishing trawlers that provide 70 percent of Iceland's income.

To break that dependency, and to reduce greenhouse gases, Iceland is turning to fuel cells. Fuel cells use hydrogen and oxygen to generate electricity to power engines. And the vehicles powered by those engines emit only water as exhaust.

Iceland plans to use its cheap electricity to split water—H_2O—into its component parts—hydrogen and oxygen. Iceland uses the process of electrolysis. Electrolysis runs an electric

current through bonded elements to separate the elements.

Iceland's capital Reykjavik intends to replace its entire fleet of 80 buses with fuel cell buses. Next, Iceland hopes to convert private cars. And after that, Iceland hopes to switch the huge Icelandic fishing trawlers to hydrogen power.

Iceland thus hopes to convert its renewable hydroelectric and geothermal energy into a form that can power its transportation system, and, in the process, Iceland hopes to slash emissions and end its dependence on fossil fuels.

Maria Maack, the project director of Iceland New Energy, explained:

> We are so reliant on our fisheries, and the fisheries are totally dependent on oil. So we have a chance to be quite independent of this. . . [I]t's being independent and relying on ourselves to continue the way we live.

Bragi Arnason, a chemistry professor at the University of Iceland and a leader in hydrogen technology, beamed:

> I think we could be a pilot country, giving a vision of the world to come.

This is my sixth address to the Senate on competitiveness. Starting this summer, I spoke on competitiveness generally. I spoke on the role of education in meeting that challenge so we Americans can be more competitive in the future. Education at all levels—K through 12, continuing education, higher education, technology schools—is the long-term key for America to remain the biggest and strongest economic power in the world, given the challenges of China, India, and other countries that are taking advantage of the Internet and other technologies which are making other countries more competitive than they have been in the past.

I spoke on the role of trade, how we have to be more aggressive in trade to market our products overseas better and knock down trade barriers. I spoke on the role of controlling health care costs which make us less competitive worldwide. Our health care costs per capita are twice that of the next expensive country, and I doubt we are twice as healthy. I spoke on the role of capital and savings. We are not a net savings country, we are basically a net deficit country. Other countries save so much more than we save. That means capital that is available to develop new technologies, both technical technologies and human technologies.

Today I wish to speak about the role of energy in competitiveness. If we are to be a strong country and meet the foreign challenge, clearly, we need to be much more independent in energy production.

Iceland's Professor Arnason is not alone in his vision of a hydrogen future. At the University of Montana, Missoula College of Technology, Dean Paul Williamson has a similar vision. He is working to use hydrogen as the focal point to build a state-of-the-art college of technology and futures park. He wants to create something that folks in Geneva will get on a plane to come to America to see. So we are not always going overseas to see what they are doing, they will come to see what we are doing. It is a laboratory of excellence, to serve as a gateway to alternative technology in a much larger community.

Dean Williamson's vision is to marry Montana's resource base with the best trained workforce, and he is working to make the Missoula College of Technology a focal point to transform that vision into reality. Missoula College of Technology is creating the educational venue, and with it, they will match a business gateway to help to bring business and industry to the area, creating networks of microenterprises.

All around Montana and the Nation, people are working on renewable and alternative energy research and industry. Rising energy prices, combined with smart Government incentives, have spurred innovation, and we are already beginning to reap the benefits.

I have already talked about one example, hydrogen. Another example is coal conversion.

Coal gasification can be used to help produce hydrogen, and coal gasification can also be used to produce fertilizers, other chemicals, and diesel fuel. Our State's Governor, Brian Schweitzer, and I have targeted a process to turn Montana's coal into clean-burning diesel and jet fuel. The process is called Fischer-Tropsch, or F-T for the German scientists who developed it in the 1920s.

Energy technology firms in America and elsewhere are fine-tuning F-T to make it even cleaner. F-T fuels are relatively clean. The process can recover sulfur, mercury, and arsenic as marketable byproducts.

Jack Holmes, president of Syntroleum, extols the cleanliness of F-T diesel. He says it can be burned straight or blended with regular diesel fuel. He says:

> It's like a single-malt scotch.

Not quite, but we get the drift of it. Governor Schweitzer calculates:

> It would cost less than $1 per gallon to make that diesel.

The break-even point for F-T comes when crude oil sells for more than $35 a barrel. These days, that looks like a pretty safe bet.

To develop processes such as these in the just-passed Energy bill, I worked to include an investment tax credit for the coal gasification technology used by the F-T process. In the highway bill, I worked to include a 50-cent-a-gallon tax credit for companies that generate fuel using an updated version of the F-T process. I also included a Federal loan guarantee so that companies can finance these capital investments.

We have real opportunity here. The coal-to-fuel technology can be a win for everybody if we do it right and if we make sure that any facility uses the cleanest and most advanced technology available—again, if they do it right. It will help lessen our dependence on foreign sources of energy while creating thousands of jobs in America. I am proud to join our Governor in trying to bring a new investment in this technology to Montana and to the Nation.

A third example is renewable and alternative energy in the form of wind energy. They may call Chicago ''the windy city,'' but many say Great Falls, MT, is the windiest city in America. ''Wind is like water flowing out of the mountains,'' says Bob Quinn, a farmer from Big Sandy, MT. Big Sandy is a little bit east of what we call the eastern front. It is the Rocky Mountains and the Continental Divide. The eastern front falls off similar to a big cliff. That is why we call it the front. By the time it gets to Big Sandy, which is not too far away, it is similar to water flowing out of the mountains.

Closer to the mountains, the wind is turbulent, but across the prairie, it flows uniformly similar to a huge river, and that makes it attractive as a wind farm site.

Five years ago, Bob traveled to Germany to research his ancestry. He visited a distant cousin who had developed a wind project and was contemplating others in Chile or South Africa.

Bob asked him, Why are you thinking about going clear to Chile to build a wind farm when you can buy one in Montana, where we have this river of wind? The cousin reconsidered and chose Montana. Along with another partner and two cousins, they formed WindPark Solutions America and began looking for sites.

They settled on Judith Gap, a town of about 150 people in central Montana. Eventually, WindPark sold the project to Invenergy Wind, a Chicago-based company that will own and operate the project. Invenergy is now building a $150 million facility, the Judith Gap wind farm.

Billings resident Ludlow Howe manages the construction. His work crews erected 130 turbines in two phases. The wind farm will cover an area about 8 miles long and 5 miles wide, straddling Highway 191 between Judith Gap and Harlowton.

So far, workers have assembled at least 27 towers, colored white-gray to blend with the sky. Each tower is 260 feet tall. On top of each tower sits a generator box the size of a motor home. Seven-ton rotors with 122-foot blades sweep up to 387 feet into the air. Each turbine weighs more than 400,000 pounds. A system of 140 bolts secures each tower to its base.

The rotors come from Houston, the turbines come from North Carolina, and tower sections come from China, Korea, and Fargo, ND.

Ludlow says of the wind turbines:

> They will actually seek out the wind at 9 miles per hour. They will pitch their blades, just like a sailboat.

They will trim their sails.

The plant should be in full operation soon. NorthWestern Energy will buy power from the 150-megawatt wind

farm for customers in central and western Montana.

Wheatland County Commissioner Tom Bennett says admiringly:

> It's environmentally friendly. It's renewable. It's something we'll have forever. You tell me any negative on this. We couldn't find any.

A fourth example of renewable and alternative energy is biomass and ethanol.

Energy competitiveness can also come from a clear commitment to the development of biomass and ethanol-based fuels. Currently, most alternative fuels are not profitable without a Federal subsidy, but if we continue to support the industry until it reaches profitability, much as with wind power, it will become a self-sustaining model in its own right.

A Pentagon-sponsored study called ''Winning the Oil Endgame,'' projects that biomass and ethanol-based fuels can create 750,000 new jobs. This effort could revitalize rural and agricultural areas of America. It could add tens of billions of dollars to farmers' revenue every year.

Rural America is at the center of the next age of domestic energy production. Rather than spending $50 billion a year overseas to buy oil from foreign countries, we could be buying into rural America. We must continue to support these new industries.

The man who headed the research team that created the hybrid Toyota Prius tells his young researchers:

> Forget about concentrating on such things as trivial increments in performance or cost cutting. If you restrict yourself to refining the prevailing paradigm, you will never come up with an earth-shattering idea or technology.

That is the guy who heads the team that formed the new hybrid Prius, which is doing very well.

America needs to follow that sage advice. We need to move beyond trivial increments in refining the prevailing petroleum paradigm. We need to move on to the next Earth-shattering ideas and technologies.

During World War II, America created the Manhattan Project in an effort to develop the first nuclear weapons and win the war against fascism. That important effort involved sites at Hanford, Los Alamos, Oak Ridge, and more than 30 locations in all. By 1945, the project employed more than 130,000 people. It cost nearly $2 billion, or $20 billion in 2004 dollars, that is, in current dollars.

Today, America needs a new Manhattan Project. As Tom Friedman put it in his book, ''The World is Flat,'' we need ''a crash program to . . . develop clean alternative energies.''

On May 25, 1961, President John F. Kennedy told the Congress:

> I believe that this nation should commit itself to achieving the goal, before this decade is out, of landing a man on the Moon and returning him safely to the Earth.

Don't you remember that? That was a real challenge, an important and necessary challenge. It lifted us up, helped us develop technologies, and made America feel good about itself.

Today, America needs a new challenge. As Friedman puts it, we need ''a similar legacy project . . . a crash program for alternative energy and conservation to make America energy-independent in 10 years.''

Developing new energy sources in America will contribute to energy independence. Energy independence will contribute to national security, and energy independence will contribute to the stability of energy sources, allowing business to go forward without the jolts of supply disruptions. People facing the jolt of supply disruptions is a huge additional part of the problem of dependence.

As well, developing new energy sources in America has the potential to turn renewable and alternative energy development into comparative advantage for America, to gain an advantage for America. If we can figure out how to make clean, cheap energy before other countries, then those other countries will pay American companies to build energy production there.

Because of our early investments in the 1970s, America had an opportunity to become the world leader of the fossil alternative energy. With lower energy prices and decreased Federal support, however, our advantage dwindled.

Countries such as Denmark and Germany built on our initial research. Denmark and Germany have become the world leaders in wind generation. Danish companies are now the No. 1 provider of wind services in America, outnumbering even American companies.

The Danish became world leaders in wind power production by first growing the industry at home. According to the Danish Wind Industry Association, the Danish wind industry has created 20,000 new jobs. It exports 90 percent of the wind turbines it creates, and it supplies 20 percent of Denmark's electricity.

This is all because Denmark was the second country to reach the critical production level of 100 megawatts a year in 1987. That was 4 years after America. But we decided to end wind power subsidies for a time. That put them ahead.

There is a silver lining, however. America still has the resources to create technologies that could be turned into comparative advantages. Because of our wind power penetration, we are still fairly advanced compared to other nations. With a concerted effort for research, development, and production of wind generation—or solar power or other energy programs that we have been working on—we could easily become the world leaders in those industries if we put our mind and effort to it.

America has underinvested in research and development. This happens because firms invest in R&D based on the private return to their firms alone.

The social rate of return to investment, however, exceeds the private return. As economists put it, positive externalities exist. These external benefits come from knowledge spillovers, the creation of public goods, and economies of scale. The existence of these externalities—an awful word, but it is so powerful—counsels that the Government needs to subsidize R&D until the private rate of return matches the social rate of return. Traditionally, governments have used a few different policy tools to subsidize R&D: the first as government research grants to industry and educational institutions but, second, to provide tax incentives for R&D. A third tool is the increasingly popular and effective technique of offering prizes to spur innovation.

For example, in 1714, the British Government offered the longitude prize, a prize of 20,000 pounds, for precise determination of a ship's longitude. John Harrison solved the problem and eventually won the prize using precision clocks.

A year ago, SpaceShipOne won the Ansari X Prize competition. The X Prize Foundation offered $10 million to the first private venture to send a privately funded craft into space twice in a week.

The Clay Mathematics Institute of Cambridge, MA, offers a $1 million prize each for the solutions of seven Prize problems. The problems are classic mathematical questions that have resisted solution over the years.

Prizes like these involve little risk for the Government. And these prizes provide a very efficient, market-based approach to subsidy. For every success, there will be numerous failures. It is extremely difficult to predict who the winner will be. America needs to invest in a basket of potential technologies.

In 1874, it was a dream of science fiction: Jules Verne envisaged a world in which water would replace coal as the fuel of the future.

Now Icelanders believe they can do just that; they can turn that dream into science fact. And they have taken steps to create the world's first hydrogen society.

In old Icelandic sagas, whales were either good or evil. The evil whales swallowed boats and men. Just talking about such whales while on a boat would bring bad luck.

In contrast, the blue whale protected both boats and men. Blue whales would scare away all the evil whales. According to old Icelandic sagas, blue whales would warn fishermen by circling a boat three times in a row.

Sometimes energy sources can also appear to be good or bad. With hydrogen, Iceland hopes it has found the energy equivalent of a good blue whale.

Certainly, with the 1970s oil shocks and now the Katrina-related price spikes, we have been warned at least three times in a row to seek out safer seas.

In the 19th century, America plotted the course to a more productive energy future. In this new century, let us see that America once again leads the way.

Let us once again chart a course to more secure energy waters. And let us once again explore the uncharted oceans of possibilities and bring the energy that we need safely home.

R&D TAX CREDIT

Mr. BURNS. Mr. President, because I support innovation and continued economic growth, I am pleased to announce my cosponsorship of S. 627, the Investment in America Act of 2005 sponsored by my colleague Senator HATCH.

With a permanent R&D tax credit, companies will no longer have to worry about the potential for expiration and may more accurately gauge long-term investment for research and development. Certainty to the market will help provide much-needed stability and assist U.S. companies in overseas competition. This permanent tax credit will allow companies the flexibility they want, and gives them the time needed to develop new and innovative ideas.

In global terms, it is extremely important that the United States remains a leader in a variety of sectors, from technology to manufacturing. Countries such as France, Japan, Australia, Pakistan, Spain, India, Indonesia, the Netherlands, Portugal, Singapore, United Kingdom, and Canada all have permanent R&D credits. If we want to stay competitive, we must put our country on at least equal footing to that of our foreign competitors.

In Montana, over 100 companies engage in research and development and stand to benefit from the R&D tax credit. When Steve Lethert, controller of Wood's Powr-Grip Company from Laurel, MT, visited my office, he expressed that a permanent tax incentive is vital to his company's growth. This bill will not only help the United States economy at large but will benefit those in the Big Sky State.

In March 2004 when Senator HATCH proposed to extend the credit for 18 months during debate of the Jumpstart Our Business Strength, JOBS, Act of 2004. I was pleased to support that measure, and hope that the Senate will soon provide permanency to such an advantageous tool for our businesses.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On June 5, 2002, Fred Martinez a 16-year-old Navajo youth was murdered by 18-year-old Shaun Murphy. Murphy repeatedly smashed a heavy rock into Martinez's head, throat, and abdomen. The apparent motivation for the attack was that Martinez was a transgender person.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

PHILIPPINES DEBT RELIEF PROPOSAL

Mr. INOUYE. Mr. President, today, I rise to speak on an innovative and creative proposal submitted by the Republic of the Philippines that would provide debt relief to the 100 most heavily indebted nations. This proposal was presented to the Boards of the International Monetary Fund and the World Bank on September 20, 2005, by the Honorable Jose De Venecia, Speaker of the House of Representatives, Congress of the Republic of the Philippines. The proposal has received a positive reception by financial and political authorities in Western Europe and will be considered by the Paris Club at its next meeting.

The proposal, known as the Debt-for-Millennium Development Goals—MDG—Investments program, would allow creditor countries to convert up to 50 percent of the debt-service payments from debtor countries into equities or other forms of investment capital. Such equities would subsequently be use to finance MDG initiatives, including, but not limited to, reforestation, energy, mass housing, irrigation, food production, and postharvest facilities, ecotourism projects, safe water systems, hospitals, infrastructure, and microfinancing.

The Debt-for-MDG Investments proposal is voluntary and would augment the agreements made by G8 countries to depreciate multilateral debt owed by heavily indebted countries. Creditor countries will have a say in which projects they support in a specific debtor country. For example, under the proposal, a creditor country may decide to help finance housing construction to address the needs of low-income households in a debtor country. In addition, the proposal would provide debtor countries with the opportunity to improve on its infrastructure and make the economic and social investments required for them to achieve a self-sustaining economic stability.

Developing countries with heavy debt burdens face tremendous challenges in meeting the Millennium Development Goals of the United Nations and in promoting their own economic development and growth. The Philippine Debt-for-MDG Investments program proposal is one innovative and creative approach in bringing together the G8 countries to help address the debt burdens of the 100 most heavily indebted nations. I encourage my colleagues to review the Republic of the Philippines' proposal in the hopes that it will spark productive discussion and debate on this international problem.

Mr. President, I ask unanimous consent that the text of my statement, and the September 20, 2005, statement of Speaker De Venecia before the Boards of the International Monetary Fund and the World Bank be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(Sept. 20, 2005)

DEBT FOR MDG INVESTMENTS

(By Jose De Venecia)

On this eve of the 2005 World Summit, I am honored to be given this opportunity to elaborate before this distinguished body on the Philippine proposal for a ''Debt-for-MDG-Investments'' program to help realize the UN's Millennium Development Goals—the foremost of which is to cut world poverty in half by 2015.

Since the late eighteenth century—a time of the overturning of monarchies and the emergence of ordinary people on the stage of history—visionaries inspired by scientific progress and the promise of the new international economy have dreamt of an end to poverty.

Yet a World Bank study finds that, until now, 1.2 billion people still have a daily spending power equal to about the price of a hamburger, or a can of soft drink and a chocolate bar, in the West.

And, according to the Food and Agriculture Organization, about 815 million people go to bed hungry (among them 200 million children under the age of five).

Of course, the Good Book says the poor we will always have with us.

But—in our age of the information revolution—it has become more and more difficult to segregate poverty and wealth: To prevent the poor from realizing what is possible.

So that—in the long run—the peace and prosperity of the rich depend on the well-being of all the others.

THE WORLD DEBT BURDEN

Since the 1980s, the weakest economies have been weighted down by their burden of external debt.

Nowadays, the 100 most-heavily-indebted poor and middle-income countries must service over 2.3 trillion U.S. dollars in combined debt-stock yearly.

Debt-servicing in effect deprives these countries of scarce resources and hard-earned savings which they could otherwise invest in economic growth, job-creation, and poverty-reduction.

To pay off interests and principals, our governments are forced to slash social spending and investment in infrastructure. They are also forced to impose more—and higher—taxes.

Typically, debt-ridden states must sacrifice budget allocations for education, health care, housing, and development projects in the name of financial responsibility and continued access to international capital markets.

And, all too often, even such sacrifices come to naught, because the higher a poor country's debt-stock, the lower the level of foreign-investor confidence—and the higher the premium that lenders charge on its debt-paper.

In sum, the debt-burden of the developing world—a burden that's still growing—has

been blocking economic progress for billions of the world's poorest peoples.

Now the creditor-countries must realize that the poor economies need a respite from the burden of their debts.

This is the only way they can achieve the higher—and better-quality—economic growth which is the key to reducing global poverty that the MDG seeks.

THE HIPC INITIATIVE OF THE G–8 COUNTRIES

Let me say—up front—that we welcome the decision of the G–8 countries to condone tens of billions of dollars in loans of the Highly Indebted Poor Countries or HIPCs (pronounced ''hipicks'')—which are states mostly from the African continent.

This is a compassionate—and praiseworthy—step the G–8 has taken—to reduce to ''sustainable'' levels the debt-stock of this most vulnerable group of countries.

We must all realize, however, that the HIPCs make up a relatively-tiny group—when compared to the absolute number of poor peoples in the so-called middle-income countries.

In fact, over three-quarters of the world's poorest peoples are found, not in Africa, but in Southeast Asia, South Asia, the Middle East, Latin America, and Eastern Europe.

''Middle-income'' countries with large populations—such as Indonesia, Bangladesh, Pakistan, Egypt, and the Philippines—have much larger absolute numbers of people who themselves subsist on less than US$1 a day.

And the countries of which these absolutely-poor people are part are also saddled by debts just as debilitating as those of their African counterparts.

BEYOND DEBT FORGIVENESS

Undeniably—if we are to achieve substantially the Millennium Development Goal of halving the number of the world's poor by 2015—the global community must organize deeper, wider, and faster debt relief than that awarded to the largely-African HIPCs.

Jeffrey Sachs of Harvard University—in his Report on the UN Millennium Project—has warned that the world community has barely enough time to meet its MDG targets.

We believe it naïve to ask for debt-write-offs for the middle-income countries.

The cost of universal debt-forgiveness may be too much for even the rich countries to bear.

Realistically, middle-income countries such as the Philippines seek no more than a breathing spell from their huge debt-service burdens.

Laying down their debt-burdens—even for a short while—would give them enough ''fiscal space'' to finance their requirements of growth and poverty-reduction under the social objectives of the Millennium Development Goals.

THE PHILIPPINE PROPOSAL

The ''Debt-for-MDG-Investments'' program that my Government proposes seeks to provide that fiscal breathing space.

We offer the Philippine proposal as a complement to the agreement by the G–8 countries to write off multilateral debt owed by the poorest countries.

We plead neither for debt-forgiveness nor for debt-cancellation.

Our proposal requires no new monies from the parliaments and governments of the rich countries. Neither do we envision any reduction or loss of face-value in the creditor's financial asset.

Furthermore, participation by creditors in the debt-for-equity program will be voluntary.

And creditors would have the option of choosing which MDG projects to support in a specific debtor-country.

We propose only that the rich countries plow back into the economies of the debtor-countries—over an agreed-on period—an agreed-on portion of the debt-service payments they receive.

These payments would be plowed back in the form of equities, or other kinds of financial assets, and channeled toward MDG programs—such as reforestation, mass-housing, safe water systems, hospitals, infrastructure, or micro-financing.

To be sure, there have been debt-for-equity and debt-for-nature initiatives in the past.

For instance, the United States—through its Tropical Forest Conservation Act—allowed debt relief, debt buy-back, or debt restructuring for countries like the Philippines on their bilateral loan obligations.

But those instances have been few, small, and sporadic.

What we propose is a large-scale conversion of debt for MDG projects—a plow-back of up to 50 percent of debt-service payments received.

Creditors may also choose to convert up to 50% of their debt-stock holdings immediately. This will save a debtor-country up to half of its debt-service payments.

In countries where debt-stocks are huge and where the debt-service payment alone is significant, the creditor may choose to convert only the stream of debt payments.

POSITIVE RESPONSE IN WESTERN EUROPE

We are offering this program for consideration by the Paris Club and the G–8 governments; by the multilateral financial institutions and the regional development banks; and by the world's large commercial banks.

And I am pleased to tell you that the Philippine proposal has been received positively by financial and political authorities in Western Europe.

The Italian Government, for one, agreed to ''give favorable consideration to the Philippine proposal—once [it] is submitted to the Paris Club.''

For its part, the German Government has promised it ''will work to ensure your proposals are discussed openly and constructively in the Paris Club.''

In London, senior Treasury officials on the International Poverty Reduction Team also assured me they would consider the proposal seriously in the Paris Club.

Subsequently I was able to meet with Jean-Pierre Jouyet, President of the Paris Club. After hearing me out, he decided to create immediately a 'Technical Committee' of experts to evaluate our proposal for presentation to the Club's 21 member-states.

MENU OF OPTIONS

Our ''Debt-for-MDG-Investments'' program will be backed by tangible assets—most of which would be value-creating, job-generating, and tradable in themselves.

A particular creditor may convert his debt-holdings into equities in new projects that have their own prospective income streams.

Or he may choose to put it in trusts or endowment funds for social investments—such as USAID has done through the World Wildlife Fund, under the Tropical Forest Conservation Act.

As a third alternative, debt-service receipts may be plowed back into new lending for long-term social-reform programs. This third alternative the World Bank and other multilateral institutions may be inclined to consider.

We are extra-cautious in our approach to the holders of public-sector bonds, domestic government securities, and Brady Bonds—because we do not wish to give them any cause for alarm.

Nonetheless, we eagerly invite them—as they see fit—to convert their bond-holdings into equity in assets being privatized by developing-country governments.

Technically, no one should lose under this Philippine proposal. The debt-service and/or principal amount is merely converted into equities in new or existing projects of at least equal value, and with their own earnings potential.

THE PHILIPPINE CASE

To illustrate how far this proposed program would benefit a specific middle-income state, let me cite the case of the Philippines.

Our MDG projects over 2005–2010 will cost roughly $6.5 billion in social investments yearly.

Our domestic financing capacity for these projects is $5 billion yearly. Thus we face a residual-financing gap of $1.5 billion.

Meanwhile, for 2005 alone, the Philippines will be paying roughly US$2 billion in interest and another US$ 2.5 billion in principal amortization on our foreign debt.

If, say, 50 percent of this total amount were freed under our proposal, the Philippines will have the equivalent of 112.5 billion pesos (at more than 50 pesos to one U.S. dollar) worth of anti-poverty projects—enough to ensure it is able to meet all its Millennium Development Goals.

RE-INVESTMENT CHOICES

Debtor-countries like the Philippines can readily offer specific projects as the object of debt-for-MDG investments. Creditors may wish to consider the following.

1. Debt-for-Reforestation—These are projects that will regenerate forest resources; bring back green cover to the bald mountains in Asia, Africa, and Latin America; restore the ecological balance and create hundreds of thousands of jobs in upland rural communities throughout the poor countries.

By taking advantage of carbon credits under the Kyoto Protocol, investors in reforestation projects can realize investment paybacks within three years.

Moreover, it has been well-established that reforestation projects in tropical countries can turn a $100,000 investment into $3 million in ten years from timber sales alone.

2. Debt for Energy—Current runaway oil prices have given impetus to the search for indigenous and renewable alternatives to hydrocarbons.

The successful Brazilian experiment of substituting ethanol from sugar cane for petroleum is already being adopted by many countries not only to lower their dependence on foreign crude but also to lower their energy costs.

High oil prices have now made the conversion of cane sugar to ethanol more profitable than its traditional use to produce sugar granules.

The Philippines has set itself the goal of replacing 30% of the gasoline it consumes with ethanol within three to five years. Setting up a sufficient number of ethanol factories in our sugar-producing regions will require investments of roughly $1.5 billion.

3. Debt for Mass-Housing—The lack of shelter is a common problem in many developing countries.

In the Philippines alone, we have a backlog of up to four million units. This is due mainly to the lack of long-term financing at interest rates our low-income households could afford.

Housing loans that extend over 15 to 25 years will create mass demand in our construction sector. And this demand will ripple widely throughout the economy. Not only is building labor-intensive. Its has strong linkages with other industries.

4. Debt for irrigation, food production, and post-harvest facilities—In many developing countries, the interrelated problems of rural poverty, under-employment, hunger, and malnutrition are best dealt with through strategic investments in basic food production, irrigation, and farm-storage facilities.

Off-farm employment can be enlarged through investments in high-value crops and

animal production, food processing and other post-harvest facilities.

Creditor-countries can set up community-based corporations in these activities with equity participation from local government units, cooperatives, or non-government organizations.

5. Debt for Eco-Tourism—Many poor countries have natural tourist attractions which are often located in untouched regions far from the usual tourist spots.

In the Philippines alone, there are dozens of white-sand beaches, secluded coves, and diving sites, historical attractions, and mountain vistas—all with strong potential to attract global tourists.

Foreign investment can make these potential tourism sites attractive by giving them modern infrastructure such as airports, communication lines, and hotel facilities.

Investors may also wish to develop specific areas as complete travel ''packages''—much as Bali, in Indonesia, has become. Ecological tourism in the new countries will bring many benefits—even apart from enabling the developing country to generate foreign exchange.

6. Debt for Wealth-Creating Projects. Many developing countries possess natural resources they are unable to exploit because of their lack of investment capital. The Philippines, for one, can potentially become the world's fifth-largest minerals producer. Substantial deposits of gold, copper, and nickel have been discovered in many parts of the archipelago.

Oil and gas wells are now operational in the Malampaya areas in offshore Palawan.

In addition, land-reclamation programs may be launched in coastal cities like Manila, Cebu, Davao—all of which need room for expansion. These programs could raise billions of pesos for the foreign investor and the Philippine State.

Reclamation, as we know has been a major stimulus to the economies of Hong Kong and Singapore.

SOCIAL INVESTMENTS

Bilateral or multi-lateral creditors, who offer official loans, will be attracted to social investment opportunities for their Debt-for-MDG programs.

There are many ways through which official lenders can plow back their debt-service receipts into social investment in the poor countries. Among them are the following:

1. Debt for Education. Millions of young people in poor countries have little or no access to basic education. Debt-payments can be plowed back into school buildings, instructional materials, and better pay and training for public-school teachers in the poor countries.

They can also fund school-feeding programs and ''wages for learning'' incentive schemes that keep potential drop-outs in school—as well as college scholarships and ''study-now-pay-later'' programs. In making these social investments, creditors can deal directly with local. government units and school boards.

2. Debt for Hospitals and Health Care. Debt-relief funds can also be channeled to primary health-care facilities such as puericulture centers, general hospitals, and diagnostic laboratories. Even more useful are mass vaccination programs to prevent epidemic that now kill people in poor countries in great number.

3. Debt for Micro-Finance. The United Nations regards microfinance as a key strategy in poverty reduction. The success of micro-lending in Bangladesh and elsewhere proves how much poor people (particularly rural women) can do—given a little capital.

The hundreds of micro-banks operating throughout the Third World can use recycled debt-service payments to expand their coverage and to raise their loan levels to the local entrepreneurs they serve.

If we are to realize the vision we share—of halving the world's' most abject poor in 10 years' time—we will need the concerted action of the world's richest economies.

According to the ''Report on the UN Millennium Project,'' the MDGs will require from the donor-states at least $50 billion more yearly—on top of the US$88 billion the rich countries have already committed in Official Development Aid—to fund sufficiently their action points, reform programs, and development requirements.

Persuading the G–8 countries and the Paris Club to raise this new money will obviously be hard to do.

So we say outright that the world's donor and creditor communities need not raise new money. They can easily meet the most urgent needs of the poor and middle-income countries just by agreeing to plow back a portion of their debt payments into the economies of the poor countries—through our Debt-for-MDG-Investments program.

The rich countries commonly reproach the poor countries for dissipating in corruption too large a part of the foreign aid they receive.

We believe this reproach to be richly deserved. We expect that the debtor-countries which subscribe to the Philippine proposal will agree to observe adequate standards of transparency in their handling of recycled debt-payments—particularly those that go into social investments. (In the case of equity investments, investors will presumably be protected by the normal business constraints.)

AN END AT LAST TO POVERTY?

In conclusion, let me emphasize that we in the so-called middle-income countries are not seeking the charity of the rich.

Whatever the outcome of this proposal, we shall continue to honor our debts.

But we appeal to our creditors: Together let us seek creative ways of easing our debt-burden—ways that will also help us meet our obligations to you.

Right now, all we seek is some fiscal breathing space—which will allow us to realize our national Millennium Development Goals by 2015.

With your consent and your support—and with a little help from the various institutions of the United Nations, as well as the world's large commercial banks—we can launch together a massive international effort, truly to ''make poverty history.''

Thank you for hearing me out, and good day.

ADDITIONAL STATEMENTS

HONORING JAMES E. KELLEY

• Mr. BAYH. Mr. President, it is with a heavy heart that I wish to honor the life of a great man, Jim Kelley, who died Sunday, leaving behind a legacy of generosity and selflessness. He was known as a visionary businessman, a dedicated public servant, and a kind-hearted humanitarian. His friends and family will miss him dearly, and I know that sentiment is shared by countless others across Indiana and the country.

Jim grew up during the Great Depression on a farm in northeast Indiana. Through hard work and study, Jim became a great business success, a position he used to support his many philanthropic efforts. There was hardly a Fort Wayne charity or non-profit that did not benefit from Jim's generosity. In addition to helping existing charities, Jim actively sought new ways to help the people in his community and even families halfway around the world. From creating a golf tournament to support local charities to organizing humanitarian trips to help foster families in the former Soviet Republic of Moldova, Jim's philanthropy had no boundaries.

Jim believed in equality and worked hard to provide opportunities for all Hoosiers. When he purchased Brookwood Golf Club in the 1960s, it became the first privately owned course in the area to welcome African-American golfers. He was also a supporter of Union Baptist Church, the oldest African-American church in Fort Wayne.

As Chairman of the Democratic Party in Allen County, Jim became one of the most influential Democrats in the County's history. His role helped restore the Democratic Party in Allen County and provided him with yet another avenue to improve the quality of life for area Hoosiers.

There is a saying that life is not about what you take out of it, but what you put back in. Jim lived that sentiment to the fullest. He touched countless lives through his work, from local families in Fort Wayne to children an ocean away in Eastern Europe. While Jim was a leader in many aspects, including business, politics and community service, it is his generosity of spirit that Hoosiers will remember most. I am proud to be among the many Hoosiers to call him my friend, and I will miss him.

Indiana lost a great man this week. It is my sad honor to enter the name of James Kelley in the official record of the U.S. Senate for his service to Indiana.•

RECOGNIZING JOHN W. MACK

• Mrs. BOXER. Mr. President, I am very pleased to take a few moments to recognize the many important accomplishments of John W. Mack, as the Los Angeles Unified School District opens a new elementary school on South Catalina Street in Los Angeles bearing his name.

Earlier this year, John W. Mack stepped down from his post as president of the Los Angeles Urban League after 36 years of service. During his tenure, John led the venerable civil rights organization through an amazing period of growth and accomplishment. His ability to build coalitions with a wide variety of groups enabled him to keep the Los Angeles Urban League focused on providing opportunity to African Americans and other minorities over the years. Under John's leadership, the Los Angeles Urban League's budget grew from $1.7 million to nearly $25 million; providing funding for innovative, results-oriented

job training, job placement, education, academic tutorial, youth achievement and business development programs, serving more than 112,000 people annually. Countless individuals credit John and the Los Angeles Urban League for helping them turn their lives around for the better, start businesses, and complete their education.

John Mack has an innate ability to forge partnerships with elected officials, corporate leaders, local clergy, and community residents. His ability to build bridges has made him a highly respected advocate for equal opportunities in education, law enforcement and economic empowerment and has garnered him many awards. His coalition-building skills also proved useful during his youth, as he was an early leader of the civil rights movement with Rev. Martin Luther King, Jr.

I invite my colleagues to join me and the thousands of people touched by his work in commending John W. Mack for his great leadership and tireless advocacy throughout his lifetime. Naming an elementary school after a man who devoted so much of his life to bettering our Nation will remind all who walk through its halls about the importance of community service.●

IN CELEBRATION OF BLUE RIBBON SCHOOLS AWARDS

● Mr. CARPER. Mr. President, today I wish to celebrate the selection of Booker T. Washington Elementary School as a No Child Left Behind-Blue Ribbon Schools Award recipient. This prestigious honor is awarded to exemplary schools that meet one of two criteria. The nominated school must have at least 40 percent of a nominated school's student population come from disadvantaged backgrounds, and each segment—including Whites, Blacks, Hispanics, low-income and special education students must show scholastic improvement, or the school must score in the top 10 percent on State achievement tests. This is a well deserved honor for Booker T. Washington Elementary School, attesting to years of tireless commitment that this school, as well as the First State, brings to educating our youth.

Booker T. Washington Elementary School is located in historic Dover, DE, the State's Capital. The school was founded in 1919 to serve approximately 240 African-American children from two schools in the downtown Dover area. Today, the school serves approximately 350 students. Booker T. Washington's student body is now comprised of 56 percent African American, 2 percent Asian American, 8 percent Hispanic, and 34 percent Caucasian students. Twenty-three percent of the students are identified as special needs students. Approximately 9 percent of the students have limited English proficiency. Forty-four percent of the students qualify as low income. The school's small size and culturally rich student and staff population enhance the educational and social-emotional growth of the children and affords the school the opportunity to personalize the learning experience for the children.

The mission of Booker T. Washington is to offer the best educational program possible in order to develop the mind and character of each child. To accomplish this mission, the school has established a firm foundation in the core subject areas. Led by Principal Marcia Johnson, they have established high expectations for all children and communicate these expectations daily in the staffs' work with them. Booker T. Washington provides an environment that celebrates and promotes understanding of self and others, and expects that everyone will behave in a manner that represents the standards that have been set for the school community. Booker T. Washington has established close working relationships with the parents and the community and depends on their support to help the school meet its goals.

Booker T. Washington's primary program nurtures the continuing growth of children's knowledge and understanding of themselves and their world. The remarkable growth of all children over the past 5 years is evident in the decreases in the achievement gaps between all subgroups of children served in the school. Not only is this school meeting yearly targets for all subgroups set by the State and capital school district, but they are also moving more children into higher achievement levels. The growth that children have made is also a direct result of staff members' use of data to make instructional decisions and their willingness to change their instructional practices by participating in professional development activities based on best practices. Collaborative decision-making and the participation of parents and the community in the decisionmaking process have added to Booker T. Washington's success.

The faculty and staff view themselves as a work in progress. They understand how far they have come over the past 5 years to change the community's perception of their school and to provide instructional activities that will move children toward the goals the district, State, and No Child Left Behind legislation have set for them as learners. Five years ago, there were vast differences in student achievement in the areas of reading, writing, and mathematics. Today, although some discrepancies remain, the gap has narrowed significantly and continues to close. The school's selection as a national blue ribbon school is a testament to their hard work and dedication.

Delaware is a small State, but we are building a growing record of achievement in public school education. Helping lead the way are the students at Booker T. Washington Elementary School, along with their teachers and parents. Collectively, they are truly an inspiration to other schools and communities in Delaware and throughout our Nation.

Today we also celebrate the selection of Long Neck Elementary School as a No Child Left Behind-Blue Ribbon Schools Award recipient. This prestigious honor is awarded to exemplary schools that meet one of two criteria. The nominated school must have at least 40 percent of a nominated school's student population come from disadvantaged backgrounds, and each segment—including Whites, Blacks, Hispanics, low-income and special education students—must show scholastic improvement, or the school must score in the top 10 percent on State achievement tests. This is a well deserved honor for Long Neck Elementary School, attesting to years of tireless commitment that this school, as well as the First State, brings to educating our youth. It is also the fourth elementary school from the Indian River School District to receive this national recognition, a remarkable accomplishment for any school district.

It is not surprising that such an award is bestowed upon a school committed to the philosophy that all students can achieve academic success. The teachers and staff at Long Neck Elementary, led by Principal Charlynne Hopkins, are steadfast in their schoolwide goal that all students are expected to meet Delaware's academic standards. Furthermore, Long Neck Elementary is dedicated to encouraging students to not only meet these standards but to exceed them regardless of their limitations.

Long Neck Elementary School is located in the rural town of Millsboro, DE. The school is composed of a large percentage of students from low socioeconomic backgrounds. Over half of the school's 522 students receive free or reduced-price lunches. Long Neck Elementary houses a diverse population of students from prekindergarten to the fifth grade. The racially diverse student body includes students from all ethnic backgrounds, including African American, Hispanic, and American Indian. In addition, Long Neck Elementary has an academically diverse student population. The school offers an EXCEL program for high achieving students as well as an intensive learning center and other special education services for struggling learners. It is by combining the efforts of the entire school family that the needs of students at Long Neck Elementary are met and exceeded.

At Long Neck Elementary, the school family consists of parents, teachers, support staff and community members, all working together collaboratively for the benefit and growth of its students. An active and continually growing parent teacher organization there works to enable parents to support their school and their children. In addition, parents and community members partner with the school through its Creative Mentoring program, classroom volunteer opportunities, an

''adopt a class'' program, and a weekly career corner on the Long Neck Elementary School's televised news program. Lastly, the school improvement committee, which consists of staff, parents, and community members, identifies and allocates resources to enhance achievement for all students.

At Long Neck Elementary, students are not only challenged academically. They are also expected to demonstrate model behavior. Good citizenship is reinforced through a character education program where students are honored monthly with certificates and medals for demonstrating the six pillars of good character which promotes making positive choices and becoming a productive member of society.

No school could achieve the gains and progress Long Neck Elementary has met without having a staff that believes every child can learn and who are committed to providing students opportunities to reach their fullest potential. Long Neck Elementary has implemented professional learning communities where teachers work closely together, both within and across grade levels, to promote learning. All members of the staff assist students in improving their academic performances, increasing the likelihood that they will find success through their school years and go on to become productive and active members of society. This is done through after school programs, differentiated instruction, and extra support programs. In addition, instructional staff members participate in numerous learning-focused professional development activities, which enable them to provide students with instructional strategies that are sound and research-based.

Tirelessness of staff and parents at Long Neck Elementary have made possible real progress in closing that school's achievement gap. Along with the National Blue Ribbon Schools Award, the school also earned ''Superior'' rating from the State of Delaware in 2003, 2004, and 2005. Long Neck Elementary School is a school that demonstrates that all students can learn. The school's selection as a national blue ribbon school is a testament to their hard work and dedication.

Delaware is a small State, but we are building a growing record of achievement in public school education. Helping lead the way are the students at Long Neck Elementary School, along with their teachers and parents. Collectively, they are truly an inspiration to other schools and communities in Delaware and throughout our Nation.●

TRIBUTE TO JACK GHERTY OF LAND O'LAKES

● Mr. COLEMAN. Mr. President, it is my pleasure to recognize an individual who has made a significant positive difference in U.S. agriculture, agribusiness, rural communities and cooperative enterprise.

That individual is Land O'Lakes' President and Chief Executive Officer Jack Gherty, retiring after a 35-year career with the cooperative and 16 years as its President and CEO.

During his tenure as CEO, Land O'Lakes was transformed from a regional to a national farmer-owned business and membership organization—giving producers a powerful presence in the marketplace and, from my experience, an equally powerful and positive voice in the policy arena.

Jack Gherty's role in Land O'Lakes' transformation comes as no surprise, for agriculture, rural communities and cooperatives have always been close to his heart.

Gherty grew up on his family's western Wisconsin dairy and livestock farm, in a close-knit rural community, where the local cooperative was at the center of agribusiness activity.

He learned the importance of diligence and teamwork. He learned to value family, community and the land. And, he learned the important role farmer-owned businesses can play in helping preserve the integrity of family-based agriculture and rural communities.

Jack carried these lessons with him when he left the farm in the mid-1960s and earned business and law degrees from the University of Wisconsin. They were also part of his work in the late 1960s as a VISTA volunteer on the tough, poverty-stricken south side of Chicago.

In 1970, Jack joined the Land O'Lakes law department. Over the next several years, he held a number of executive positions within the cooperative. In 1989, the board selected him to serve as Land O'Lakes' President and CEO.

In this leadership role, Gherty continued to be driven by a strong set of personal values. He combined this with the belief that the most critical role a CEO must play is defining organizational culture, and he immediately began working with the board and his leadership team to set the foundation for Land O'Lakes' future—the organization's vision, mission and values.

Over the past 16 years, Gherty's vision, mission and values have served Land O'Lakes and its members well. Not only has Land O'Lakes built business success while remaining true to its cooperative principles, the company has gained a reputation for uncompromising standards of ethics and integrity and has established a strong record of corporate social responsibility.

As a Minnesotan, I am proud to count Land O'Lakes as a Minnesota-based company. I am proud of its ethics. I admire its contributions to the success of family-based agriculture and producer-owned agribusiness. I share its rural and family values. I applaud its commitment to community.

I am equally proud of Jack Gherty's record as its leader and of the values that have shaped his career—and, in turn, the Land O'Lakes of today.

A few years ago, Jack Gherty traveled here to Washington D.C. to speak at the 35th Anniversary celebration for VISTA. At that time he said, ''The most successful and satisfied people are not those who are out to make an impression, but rather those who are out to make a difference.''

Jack Gherty has made an impression by making a difference, and I am pleased to share his achievements with you today.●

AMMON, IDAHO

● Mr. CRAPO. Mr. President, this month, the city of Ammon, ID celebrates a very special birthday: it turned 100 on October 10. A century ago, this thriving town of over 10,000 people was covered with sagebrush that was so tall and thick, as one historian put it ''one could ride for miles on horseback without being seen.'' Today, the vestiges of those stalwart Mormon settlers can still be seen in this community that champions family, faith and hard work.

The steady growth and measured additions of elements that make a city a city: church, school, electricity, railroad, well, park and public works reflect the wisdom of a well-organized, solid community of citizens. I have lived close to Ammon my entire life; it is a fine community and a great place for families. Those Idahoans who call it home can be proud of their fine city and its 100 years of prosperity.●

BURLINGTON, A CORNERSTONE FOR ECONOMIC DEVELOPMENT

● Mr. HARKIN. Mr. President, one of the greatest challenges we face—not just in Iowa but all across America—is preserving the character and vitality of our towns. This is about economics, but it is also about our culture and identity. After all, you won't find the heart and soul of Iowa at Wal-Mart or Home Depot out in the strip malls. No, the heart and soul of Iowa is in our family farms, and on Main Street in communities all across my State. That is why we need to be as generous as possible—and creative as possible—in keeping our downtowns not just alive but thriving.

As a member of the Senate Appropriations Committee, I am involved in funding many hundreds of programs every year. But the Main Street Iowa program—providing challenge grants to revitalize downtown buildings across my State—is in a class by itself. It is smart. It is effective. And it touches communities and people in very concrete ways.

For example, the town of Burlington, IA, is making an effort to improve the aesthetics and function of its downtown area. So many of our rural communities are fading away, but with the assistance of Federal funding through a Main Street grant, Burlington is revitalizing its downtown. Downtown Burlington has been waiting for a grocery

store for years, and all studies and market analysis done in the city for the past 10 years have shown that a grocery store would be a great asset to the area. Becky and Tom Shockley, two Burlington citizens, have led the charge to get this project completed, and will be investing almost $4 million into this project made possible through the Main Street Challenge Grant. This project serves the people of Burlington in more ways than just providing them a grocery store; it will create jobs, increase the tax base, and help to improve the community at large.

The beauty of the Main Street Iowa program is that the ideas and initiatives come from our towns and rural communities. I have been pleased to secure $1.5 million in funding since 2002 for Main Street Iowa Challenge Grants. The Main Street programs of the Iowa Department of Economic Development help provide technical assistance, but, as we have seen in Burlington, success itself comes from local leadership, local teamwork, and home-grown ideas and solutions.

This project is a shining example of new construction and a catalyst for future projects. With a continued increase in residents living in downtown Burlington, a grocery store is a much needed addition. When people see one of the anchor businesses on Main Street being renovated or expanded, this can change the whole psychology of a town or community. It offers hope. It serves as a catalyst for a far-reaching ripple effect of positive changes.

So I congratulate Becky and Tom Shockley and the citizens of Burlington for putting together a winning proposal to secure a Main Street Challenge Grant. Their efforts to reinvigorate their historic downtown are setting a terrific example for other small towns across America, and for that, I salute them.●

IN APPRECIATION OF CONNECTICUT'S METROPOLITAN DISTRICT COMMISSION

● Mr. LIEBERMAN. Mr. President, today is Metropolitan District Commission Day in Connecticut and it is with great pleasure that I send my congratulations to the commission as it celebrates another year of impressive service to the people of Connecticut and our State's riverfronts.

Seven years ago, Connecticut's Metropolitan District Commission took on a groundbreaking mission. Expanding its role of providing water and sewer services to the Hartford region, the commission made a historic step to partner with the organization Riverfront Recapture to maintain Connecticut Riverfront parks and provide funding for park rangers in each of the parks. Metropolitan District Commission believed then as it believes today that creating and maintaining an attractive waterfront environment is valuable to everyone in a community.

Of course, the Metropolitan District Commission is no newcomer to civic engagement. For decades the commission has participated in enhancing the Connecticut River's water quality—making it possible to use the once-polluted river for a rich variety of recreational activities, including fishing tournaments, triathlons, rowing regattas, and dragon boat races.

Metropolitan District Commission's partnership with Riverfront Recapture is only natural. The team has worked together skillfully to create a welcoming presence in the parks and attracting visitors as well as residents. Last year, more than 786,000 people visited the riverfront parks and as much as $4 billion worth of development projects are underway or planned within walking distance of the parks. The Metropolitan District Commission's funding efforts and maintenance capabilities are critical to making the mission succeed. Unsurprisingly, this exceptional partnership is attracting national attention as a model for urban parks management.

By commemorating the contributions of the Metropolitan District Commission today, we honor the spirit of entrepreneurship that has profited the people of Connecticut and their guests so significantly.

I am very happy to join colleagues in honoring the Metropolitan District Commission on this day, October 25, 2005.●

TRIBUTE TO COLONEL BRAD APPLEGATE

● Mr. SMITH. Mr. President, I rise today on behalf of Oregonians, the people of the Pacific Northwest, and all Americans to pay tribute to COL Brad Applegate, the Wing Commander of the 142nd Fighter Wing. In doing so, I also pay tribute to all those who wear our Nation's uniform, as Colonel Applegate's professionalism and capability is characteristic of all those who serve to protect our Nation.

Brad Applegate began his association with the Air Force while attending Indiana University when he received an Air Force Reserve Officer Training Course aviation scholarship. Upon graduating, he received his commission in the U.S. Air Force, and shortly thereafter, began his training as an F–15 pilot. From that time until now, Brad has served in many locations and has been awarded several decorations. As an F–15 pilot, he is quick to tell you that homeland security has long been his specialty.

My association with Colonel Applegate is relatively late in his career. With the recent round of Base Realignment and Closure, BRAC, proposals from the Defense Department, the people of the Pacific Northwest woke up to the news that the reassuring roar of the F–15 Eagles from the 142nd Fighter Wing might not be flying over their heads in the years to come. I learned quickly that the Portland Air National Guard base was among the first bases to be scrutinized by the BRAC Commissioners and analysts.

With little more than a weekend to prepare, Colonel Applegate organized his team, sifted through the scant and murky details of the proposal, and prepared such an extensive briefing to the Commissioners and analysts that the efforts of the 142nd presentation became a model for bases across the country. The media will give, and the politicians will take, credit for saving the bases, but I am here today to set the record straight in regards to the preservation of the 142nd Fighter Wing in Portland. The intelligence, skill, and knowledge of COL Brad Applegate and his team is why we will continue to have air defenses in the Pacific Northwest. Without his leadership skills, my part of the country would be an open target for our enemies.

Colonel Applegate will soon be retiring from military service after more than 20 years of dedicated service to his Nation. The leadership torch of the 142nd Fighter Wing will soon be passed to another very capable fighter pilot and leader, and the important work of our Air National Guard will continue.

Mr. President, I would like to offer my words of appreciation and thanks to COL Applegate and the countless others who wear our Nation's uniform. Although our Nation has dangerous enemies who wish to do us harm, I sleep better at night knowing that the reassuring roar of the F–15 Eagles will continue to fly overhead in the Pacific Northwest.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NOTIFICATION OF THE PRESIDENT'S INTENT TO ENTER INTO A FREE TRADE AGREEMENT WITH THE SULTANATE OF OMAN—PM 26

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

Consistent with section 2105(a)(1)(A) of the Trade Act of 2002 (Public Law 107–210) (the ''Trade Act''), I am pleased to notify the Congress of my intention to enter into a Free Trade Agreement (FTA) with the Sultanate of Oman.

The Agreement will generate export opportunities for U.S. companies, farmers, and ranchers, help create jobs in the United States, and help American consumers save money while offering them more choices. Entering into an FTA with Oman will build on the FTAs that we already have with Israel, Jordan, and Morocco, as well as the FTA that we have concluded with Bahrain, and will be an important step on the path to fulfilling my vision of developing economic growth and democracy in the Middle East and creating a U.S.-Middle East Free Trade Area (MEFTA) by 2013.

Consistent with the Trade Act, I am sending this notification at least 90 days in advance of signing the FTA. My Administration looks forward to working with the Congress in developing appropriate legislation to approve and implement this Agreement.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 17, 2005*.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on October 7, 2005, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 263. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the House has passed the following bill, without amendment:

S. 1858. An act to provide for community disaster loans.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 2360. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

S. 1858. An act to provide for community disaster loans.

Under the authority of the order of the Senate on October 7, 2005, the enrolled bills were signed on October 7, 2005, during the adjournment of the Senate, by the Acting President pro tempore (Mr. WARNER).

MESSAGE FROM THE HOUSE

At 2:46 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3893. An act to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 248. Concurrent resolution honoring the life and work of Simon Wiesenthal and reaffirming the commitment of Congress to the fight against anti-Semitism and intolerance in all forms, in all forums, and in all nations.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 248. Concurrent resolution honoring the life and work of Simon Wiesenthal and reaffirming the commitment of Congress to the fight against anti-Semitism and intolerance in all forms, in all forums, and in all nations; to the Committee on Foreign Relations.

ENROLLED BILLS PRESENTED DURING ADJOURNMENT

The Secretary of the Senate reported that on Friday, October 7, 2005, she had presented to the President of the United States the following enrolled bills:

S. 1413. A act to redesignate the Crowne Plaza in Kingston, Jamaica, as the Colin L. Powell Residential Plaza.

S. 1786. An act to authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricanes Katrina and Rita.

S. 1858. An act to provide for community disaster loans.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4221. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, the Commission's Auctions Expenditure Report for fiscal year 2004; to the Committee on Commerce, Science, and Transportation.

EC–4222. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, the Commission's Strategic Plan for fiscal years 2006 to 2011; to the Committee on Commerce, Science, and Transportation.

EC–4223. A communication from the Director for Acquisition Management and Procurement Executive, Department of Commerce, transmitting, pursuant to law, the Department's annual progress report which covers interagency activities and DOC-specific activities; to the Committee on Commerce, Science, and Transportation.

EC–4224. A communication from the Secretary of Transportation transmitting, pursuant to law, the Federal Railroad Administration's March 2005 Report entitled ''Use of Dedicated Trains for Transportation of High-Level Radioactive Waste and Spent Nuclear Fuel''; to the Committee on Commerce, Science, and Transportation.

EC–4225. A communication from Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting pursuant to law, the report of a rule entitled ''Changes to Implement the Cooperative Research and Technology Enhancement Act of 2004'' (RIN0651–AB76) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4226. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Designations; Incorporation by Reference; Correction'' ((RIN2120–ZZ76) (2005–0002)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4227. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Models 1900, 1900C, 1900C (C–12J), and 1900D Airplanes'' ((RIN2120–AA64) (2005–0447)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4228. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce plc RB211 Trent 875, 877, 884, 884B, 892, 892B, and 895 Series Turbofan Engines'' ((RIN2120–AA64) (2005–0449)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4229. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–100, 100B, 100B SUD, 200B, 200C, 200F, 300, 747–SR, and 747–SP Series Airplanes'' ((RIN2120–AA64) (2005–0445)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4230. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Model 390 Airplanes'' ((RIN2120–AA64) (2005–0446)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4231. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Model 390 Premier 1 Airplanes'' ((RIN2120–AA64) (2005–0448)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4232. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: BAe Systems Limited Model ATP Airplanes'' ((RIN2120–AA64) (2005–0450)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4233. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–600, 700, 700C, 800, and 900 Series Airplanes'' ((RIN2120–AA64) (2005–0451)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4234. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A340–200 and 300 Series Airplanes'' ((RIN2120–AA64) (2005–0452)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4235. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. Model ERJ 170 Airplanes'' ((RIN2120–AA64) (2005–0453)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4236. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. Model EMB 110P1 and EMB 110P2 Airplanes'' ((RIN2120–AA64) (2005–0454)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4237. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 777–200 and 300 Series Airplanes'' ((RIN2120–AA64) (2005–0455)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4238. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Aerospatiale Model ATR42–500 Airplanes'' ((RIN2120–AA64) (2005–0456)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4239. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E5 Airspace; Gardner, KS'' ((RIN2120–AA66) (2005–0215)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4240. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Chehalis, WA'' ((RIN2120–AA66) (2005–0217)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4241. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Golovin, AK'' ((RIN2120–AA66) (2005–0213)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4242. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Legal Description of Class E Airspace; Lincoln, NE'' ((RIN2120–AA66) (2005–0214)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4243. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Norfolk, NE; Correction'' ((RIN2120–AA66) (2005–0216)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4244. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Prospect Creek, AK'' ((RIN2120–AA66) (2005–0218)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4245. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Cordova, AK'' ((RIN2120–AA66) (2005–0219)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4246. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska'' (I.D. No. 090605F) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4247. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska'' (I.D. No. 090605E) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4248. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Deep-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (I.D. No. 090705D) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4249. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 082305C) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4250. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Closed Area I Scallop Access Area to General Category Scallop Vessels'' (I.D. No. 083105A) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4251. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Pacific Tuna Fisheries; Final Rule; Restrictions for 2005 Longline Fisheries in the Eastern Tropical Pacific Ocean—Temporary Rule—Emergency Action'' ((RIN 0648–AT33) (I.D. No. 081105E)) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4252. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Modification of the Emergency Fishery Closure Due to the Presence of the Toxin that Causes Paralytic Shellfish Poisoning'' (RIN0648–AT48) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4253. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies FMP; Final Rule to Implement Framework Adjustment 41'' (RIN0648–AT08) received on October 4, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4254. A communication from the Chief Human Capital Officer/Director, National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, the report of discontinuation of service in the acting role for the position of Deputy Administrator, Defense Nuclear Nonproliferation, received on October 4, 2005; to the Committee on Energy and Natural Resources.

EC–4255. A communication from the Chief Human Capital Officer/Director, National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Deputy Administrator, Defense Nuclear Nonproliferation, received on October 4, 2005; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 1871. An original bill to repeal the increased micropurchase threshold.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted on Friday, October 7, 2005:

By Ms. COLLINS for the Committee on Homeland Security and Governmental Affairs. Julie L. Myers, of Kansas, to be an Assistant Secretary of Homeland Security.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE (for himself, Mr. JEFFORDS, and Mr. CHAFEE):

S. 1869. A bill to reauthorize the Coastal Barrier Resources Act, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN:

S. 1870. A bill to clarify the authorities for the use of certain National Park Service properties within Golden Gate National Recreation Area and San Francisco Maritime National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. COLLINS:

S. 1871. An original bill to repeal the increased micropurchase threshold; from the Committee on Homeland Security and Governmental Affairs; placed on the calendar.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 1872. A bill to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BURR (for himself, Mr. ENZI, Mr. GREGG, Mr. FRIST, and Mr. ALEXANDER):

S. 1873. A bill to prepare and strengthen the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 1874. A bill to amend title 28, United States Code, to clarify jurisdiction of Federal Courts over a tort action brought by an alien, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN:

S. 1875. A bill to provide financial aid to local law enforcement officials along the Nation's borders, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA:

S. 1876. A bill to provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS:

S. 1877. A bill to prohibit the closure or relocation of certain county offices of the Farm Service Agency; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. AKAKA:

S. 1878. A bill to prohibit predatory payday loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA:

S. 1879. A bill to amend title 11, United States Code, to limit claims in bankruptcy by certain unsecured creditors; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. CLINTON, Mr. SCHUMER, and Mr. OBAMA):

S. 1880. A bill to amend the Public Health Service Act to enhance biodefense and pandemic preparedness activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COLEMAN:

S. Res. 273. A resolution expressing the sense of the Senate that the United Nations and other international organizations shall not be allowed to exercise control over the Internet; to the Committee on Foreign Relations.

By Mr. FRIST (for himself, Mr. REID, Mr. MARTINEZ, Mr. BIDEN, and Mr. LUGAR):

S. Res. 274. A resolution expressing sympathy and pledging the support of the Senate and the American people to the victims of the devastating earthquake that struck South Asia and caused the severe loss of life and destruction on October 8, 2005, and pledging immediate United States assistance to save lives and help the region recover from this monumental tragedy; considered and agreed to.

ADDITIONAL COSPONSORS

S. 408

At the request of Mr. DEWINE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 627

At the request of Mr. HATCH, the names of the Senator from Montana (Mr. BURNS), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 696

At the request of Mr. BURNS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 696, a bill to amend the Elementary and Secondary Education Act of 1965 regarding the transfer of students from certain schools.

S. 757

At the request of Mr. CHAFEE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 769

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 769, a bill to enhance compliance assistance for small businesses.

S. 894

At the request of Mr. ENZI, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 894, a bill to allow travel between the United States and Cuba.

S. 969

At the request of Mr. OBAMA, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 969, a bill to amend the Public Health Service Act with respect to preparation for an influenza pandemic, including an avian influenza pandemic, and for other purposes.

S. 1055

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1055, a bill to improve elementary and secondary education.

S. 1086

At the request of Mr. HATCH, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Arizona (Mr. KYL) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1139

At the request of Mr. SANTORUM, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1139, a bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry.

S. 1155

At the request of Mr. BROWNBACK, the names of the Senator from Virginia (Mr. ALLEN), the Senator from North Carolina (Mrs. DOLE) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1155, a bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1294

At the request of Mr. LAUTENBERG, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1294, a bill to amend the Telecommunications Act of 1996 to preserve and protect the ability of local governments to provide broadband capability and services.

S. 1317

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood.

S. 1353

At the request of Mr. REID, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1358

At the request of Mr. DURBIN, the name of the Senator from New Jersey

(Mr. CORZINE) was added as a cosponsor of S. 1358, a bill to protect scientific integrity in Federal research and policymaking.

S. 1367

At the request of Mr. ALEXANDER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1367, a bill to provide for recruiting, selecting, training, and supporting a national teacher corps in underserved communities.

S. 1399

At the request of Mr. THOMAS, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1399, a bill to improve the results the executive branch achieves on behalf of the American people.

S. 1462

At the request of Mr. BROWNBACK, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1462, a bill to promote peace and accountability in Sudan, and for other purposes.

S. 1516

At the request of Mr. LOTT, the names of the Senator from Maine (Ms. SNOWE), the Senator from Maine (Ms. COLLINS), the Senator from Delaware (Mr. CARPER) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1516, a bill to reauthorize Amtrak, and for other purposes.

S. 1698

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1698, a bill to accelerate efforts to develop vaccines for diseases primarily affecting developing countries and for other purposes.

S. 1700

At the request of Mr. COBURN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S. 1749

At the request of Mr. KENNEDY, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Michigan (Mr. LEVIN) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1749, a bill to reinstate the application of the wage requirements of the Davis-Bacon Act to Federal contracts in areas affected by Hurricane Katrina.

S. 1772

At the request of Mr. INHOFE, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1772, a bill to streamline the refinery permitting process, and for other purposes.

S. 1774

At the request of Mr. CORNYN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1774, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension.

S. 1793

At the request of Mr. BINGAMAN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1793, a bill to extend certain apportionments to primary airports.

S. 1798

At the request of Mr. KENNEDY, his name was added as a cosponsor of S. 1798, a bill to amend titles XI and XVIII of the Social Security Act to prohibit outbound call telemarketing to individuals eligible to receive benefits under title XVIII of such Act.

S. 1817

At the request of Mr. DEMINT, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1817, a bill to suspend the Davis-Bacon Wage rate requirements for Federal contracts in areas declared national disasters.

S. 1821

At the request of Mr. REID, the names of the Senator from California (Mrs. BOXER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1821, a bill to amend the Public Health Service Act with respect to preparation for an influenza pandemic, including an avian influenza pandemic, and for other purposes.

S. 1826

At the request of Mr. KOHL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1826, a bill to amend the Internal Revenue Code of 1986 to allow a credit to encourage employers to offer flexible and phased work opportunities to older workers, to expand the credit for dependent care expenses to cover eldercare expenses, to extend COBRA coverage for certain older workers who lose health insurance coverage due to a reduction in work, to improve older workers' access to job training services, and for other purposes.

S. 1862

At the request of Mr. SMITH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1862, a bill to establish a joint energy cooperation program within the Department of Energy to fund eligible ventures between United States and Israeli businesses and academic persons in the national interest, and for other purposes.

S. 1867

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1867, a bill to extend to individuals evacuated from their residences as a result of Hurricane Katrina the right to use the absentee balloting and registration procedures available to military and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act, and for other purposes.

S.J. RES. 25

At the request of Mr. TALENT, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S.J. Res. 25, a joint resolution proposing an amendment to the Constitution of the United States to authorize the President to reduce or disapprove any appropriation in any bill presented by Congress.

S. CON. RES. 58

At the request of Mr. DODD, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Con. Res. 58, a concurrent resolution supporting ''Lights On Afterschool'', a national celebration of after school programs.

S. RES. 180

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 180, a resolution supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families.

S. RES. 261

At the request of Mr. KERRY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 261, a resolution expressing the sense of the Senate that the crisis of Hurricane Katrina should not be used to weaken, waive, or roll back Federal public health, environmental, and environmental justice laws and regulations, and for other purposes.

AMENDMENT NO. 1550

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 1550 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 1870. a bill to clarify the authorities for the use of certain National Park Services properties within Golden Gate National Recreation Area and San Francisco Maritime National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce a bill which will clarify certain National Park Service authorities for the Golden Gate

National Recreation Area and San Francisco Maritime National Historic Park.

I also want to thank Congresswoman PELOSI for introducing a similar bill in the house. As a San Francisco native and a former mayor, I know these parks are extremely popular tourist sites and I believe this bill will allow the National Park Service to restore and renovate these parks in order to maintain their status as top tourist destinations.

The Golden Gate National Recreation Area is one of the largest urban national parks in the world—home to such renowned sites as the Presidio of San Francisco and Alcatraz Island. Additionally, the San Francisco Maritime National Historic Park, located at the west end of San Francisco's Fisherman's Wharf, includes a fleet of landmark vessels and a maritime museum.

Presently, the revenue collected by these parks must be spent in the same fiscal year in which it is collected. Otherwise, any revenue that is not spent is deposited in the National Treasury. This current policy makes it difficult for these two parks to pursue long term, major restoration projects. This bill makes the necessary changes to allow these parks to undertake needed substantive restoration as opposed to smaller, less significant projects allowed under the current revenue system.

The bill also calls for a modest boundary adjustment between the two adjacent parks in order to be consistent with the current administration of San Francisco's Municipal Pier.

I am introducing this bill with the hope that it will allow these two parks to retain the revenue necessary for maintenance in order to continue to attract visitors from around the world to these historic sites of California.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1870

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

SECTION 1. GOLDEN GATE NATIONAL RECREATION AREA.

Section 4(f) of Public Law 92–589 (16 U.S.C. 460bb–3) is amended by striking ''Haslett Warehouse, Cliff House Properties and Louis' Restaurant,'' and all that follows and inserting ''Cliff House Properties and Louis' Restaurant, the Secretary may enter into a contract for the management (including rental or lease) of the aforementioned properties with such terms and conditions as will protect the Government's interest. Any proceeds from the use of such properties shall be available until expended, without further appropriation, for the administration, maintenance, repair and related expenses of the properties and for major renovation and park rehabilitation of those buildings included in the Fort Mason Foundation Agreement''.

SEC. 2. SAN FRANCISCO MARITIME NATIONAL HISTORICAL PARK.

Section 3 of Public Law 100–348 (16 U.S.C. 410nn–1) is amended—

(1) by amending the text of subsection (c) to read as follows: ''Notwithstanding any other provision of law, in the administration of any real or personal property (including vessels and heavy marine equipment such as floating drydocks) that is administered as part of the park, the Secretary may enter into a contract for the management (including rental or lease) of such property with such terms and conditions as will protect the Government's interest. Any proceeds from the use of such property shall be available until expended, without further appropriation, for the administration, maintenance, repair, and related expenses of the property.''; and

(2) in the second sentence of subsection (d) by striking ''shall be credited'' and all that follows and by inserting ''shall be available until expended, without further appropriation, for use at the park for purposes of facility maintenance and repair, interpretation, signage, habitat or facility enhancement, resource preservation, annual operations (including fee collection), and law enforcement.''.

SEC. 3. CONFORMING AMENDMENTS.

(a) Section 2(b) of Public Law 100–348 (16 U.S.C. 410nn) is amended—

(1) by striking ''numbered 641/80,053 and dated April 7, 1987'' and inserting ''numbered 350/80,012 and dated June 2004''; and

(2) by striking the third and fourth sentences and inserting the following: ''The Secretary of the Interior'' (hereinafter in this Act referred to as the ''Secretary'') may make minor revisions to the boundary of the park in accordance with section 7(c) of the Land and Water Conservation Act of 1965 (16 U.S.C. 4601–9(c)).

(b) Section 4(e) of Public Law 92–589 (16 U.S.C. 460bb–3) is amended by striking ''and for admission to the sailing vessel Balclutha and other historic vessels of the National Maritime Museum''.

By Mr. BURR (for himself, Mr. ENZI, Mr. GREGG, Mr. FRIST, and Mr. ALEXANDER):

S. 1873. A bill to prepare and strengthen the biodefenses of the United States against deliberate, accidental, and natural outbreaks of illness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURR. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1873

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Biodefense and Pandemic Vaccine and Drug Development Act of 2005''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Biomedical Advanced Research and Development Agency.
Sec. 4. Clarification of countermeasures covered by Project BioShield.
Sec. 5. Orphan drug market exclusivity for countermeasure products.
Sec. 6. Liability protections for pandemics, epidemics, and countermeasures.
Sec. 7. Compensation.
Sec. 8. Rebates and grants for research development, and manufacturing of vaccines, qualified countermeasures and pandemic or epidemic products.
Sec. 9. Technical assistance.
Sec. 10. Animal models for certain diseases.
Sec. 11. Animal Model/Research Tool Scientific Advisory Committee.
Sec. 12. Collaboration and coordination.
Sec. 13. Procurement.
Sec. 14. National Pathology Center.

SEC. 3. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AGENCY.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 319K the following:

"SEC. 319L. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AGENCY.

''(a) DEFINITIONS.—In this section:

''(1) BARDA.—The term 'BARDA' means the Biomedical Advanced Research and Development Agency.

''(2) FUND.—The term 'Fund' means the Biodefense Medical Countermeasure Development Fund established under subsection (d).

''(3) OTHER TRANSACTIONS.—The term 'other transactions' means transactions, other than procurement contracts, grants, and cooperative agreements, including transactions for prototypes, as provided to the Secretary of Defense under section 2371 of title 10, United States Code.

''(4) QUALIFIED COUNTERMEASURE.—The term 'qualified countermeasure' has the meaning given such term in section 319F–1.

''(5) QUALIFIED COUNTERMEASURE AND QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT ADVANCED RESEARCH AND DEVELOPMENT.—

''(A) IN GENERAL.—The term 'qualified countermeasure and qualified pandemic or epidemic product advanced research and development' means any applied research, testing, or evaluation (including those conducted on humans or animals), related to the safety or effectiveness, that is required for approval, clearance, or licensing by the Secretary under this Act or the Federal Food, Drug, and Cosmetic Act, of such countermeasure or pandemic or epidemic product to diagnose, mitigate, prevent, or treat harm from a deliberate, accidental, or natural exposure to a chemical, biological, radiological, or nuclear agent, particularly such exposure resulting from an act of terrorism or potential pandemic infectious disease.

''(B) INCLUSION.—The term under subparagraph (A) includes any investigation to improve the manufacturing, formulation, finish, fill, delivery, or shelf-life of such qualified countermeasures or qualified pandemic or epidemic products.

''(6) QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—The term 'qualified pandemic or epidemic product' has the meaning given the term in section 319F–3(c)(5).

''(7) SECURITY COUNTERMEASURE.—The term 'security countermeasure' has the meaning given such term in section 319F–2.

''(8) PERSON.—The term 'person' includes an individual, partnership, corporation, association, entity, or public or private corporation, including a Federal, State, or local agency or department.

''(b) BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AGENCY.—

''(1) ESTABLISHMENT.—There is established within the Department of Health and Human Services, the Biomedical Advanced Research and Development Agency.

''(2) PURPOSE.—It shall be the purpose of the BARDA to coordinate and oversee activities that support and accelerate qualified countermeasure or qualified pandemic or epidemic product (referred to in this section

as 'countermeasure or product') advanced research and development by—

''(A) directing and coordinating collaboration among the Department of Health and Human Services, other Federal agencies, relevant industries, academia, and other persons, with respect to such advanced research and development;

''(B) supporting countermeasure and product advanced research and development;

''(C) recommending approaches to modernize and streamline the countermeasure or product development process and reduce regulatory burdens with respect to procurement of security countermeasures and qualified pandemic or epidemic products; and

''(D) supporting innovation to reduce the time and cost of countermeasure and product advanced research and development.

''(3) DIRECTOR.—The BARDA shall be headed by a Director (referred to in this section as the 'Director') who shall—

''(A) be appointed by the President, with the advice and consent of the Senate;

''(B) report to the Secretary; and

''(C) serve as the principal advisor to the Secretary on countermeasure and product advanced research and development.

''(4) DUTIES OF DIRECTOR.—

''(A) COLLABORATION.—To carry out the purpose described in paragraph (2)(A), the Secretary, acting through the Director, shall—

''(i) increase appropriate communication between the Federal Government and relevant industries, academia, and other interested persons with respect to countermeasure and product advanced research and development by establishing transparent, expeditious, and direct processes to—

''(I) facilitate regular, ongoing communication regarding the processes established under subparagraph (C)(ii) and new countermeasures or products of interest;

''(II) solicit research and associated data on potential countermeasures and products and related technologies; and

''(III) provide technical assistance with respect to such processes and the Food and Drug Administration approval process;

''(ii) at least annually—

''(I) convene meetings with representatives from relevant industries, academia, other Federal agencies, international agencies, and other interested persons; and

''(II) sponsor relevant biodefense countermeasure technology demonstrations;

''(iii) carry out the activities described in subsection (g) of section 2 of the Clayton Act; and

''(iv) encourage and coordinate countermeasure or product advanced research and development, including by convening working groups as identified in paragraph (5).

''(B) SUPPORT ADVANCED RESEARCH AND DEVELOPMENT.—To carry out the purpose described in paragraph (2)(B), the Secretary, acting through the Director, shall—

''(i) conduct continuous searches and support calls for potential countermeasures or products for drugs, biological products, devices, or research tools to diagnose, mitigate, prevent, or treat harm from existing, emerging, or possible chemical, biological, radiological, and nuclear agents or potential pandemic infectious diseases that threaten public health and national security, as identified by the Assistant Secretary for Public Health Emergency Preparedness;

''(ii) direct the countermeasure and product advanced research and development activities of the Department of Health and Human Services, in consultation with the Assistant Secretary for Public Health Emergency Preparedness, the Director of the National Institutes of Health, the Director of the Centers for the Disease Control and Prevention, and the Commissioner of Food and Drugs; and

''(iii) award contracts, grants, cooperative agreements, and enter into other transactions, to include use of simplified acquisition authorities provided under sections 319F–1 and 319F–2(c)(7)(C)(iii), to public and private persons, including for-profit and nonprofit persons, federally funded research and development centers, and universities, to—

''(I) support the cost of countermeasure and product advanced research and development; and

''(II) ensure accelerated development of countermeasures and products.

''(C) STREAMLINE PROCESSES.—To carry out the purpose described in paragraph (2)(C), the Secretary, acting through the Director, shall—

''(i) receive from the Assistant Secretary for Public Health Emergency Preparedness, requirements for national civilian biodefense needs, particularly countermeasures or products and other technologies, to diagnose, mitigate, prevent, or treat harm from existing, emerging, or potential chemical, biological, radiological, or nuclear agents or potential pandemic infectious diseases;

''(ii) establish transparent, expeditious, and direct processes for selecting promising countermeasures and products, supporting them through advanced research and development and recommending them for procurement;

''(iii) establish an office within the BARDA, in consultation with the Commissioner of Food and Drugs, to—

''(I) facilitate regular and ongoing communication between the BARDA and the Food and Drug Administration regarding the status of BARDA advanced research and development activities;

''(II) ensure that such activities are coordinated with the approval requirements of the Food and Drug Administration, with the goal of expediting the development and approval of countermeasures and products; and

''(III) connect interested persons with additional technical assistance made available under section 565 of the Federal Food, Drug, and Cosmetic Act;

''(iv) coordinate with the Food and Drug Administration to facilitate regulatory review and approval of promising classes of countermeasures or products through the development of research tools; and

''(v) recommend to the Secretary, through the Assistant Secretary for Public Health Emergency Preparedness, procurement of the most promising eligible security countermeasures or qualified pandemic or epidemic products identified in clause (i).

''(D) SUPPORTING INNOVATION.—To carry out the purpose described in paragraph (2)(D), the Secretary, acting through the Director, shall award contracts, grants, cooperative agreements, or enter into other transactions, to include use of simplified acquisition authorities provided under sections 319F–1 and 319F–2(c)(7)(C)(iii), to the entities described in subparagraph (B)(iii), to promote innovation in technologies supporting the advanced research and development and production of qualified or security countermeasures or qualified pandemic or epidemic products, such as research tools, manufacturing, countermeasure administration, storage, and bioinformatics and other devices.

''(E) OTHER DUTIES.—

''(i) IN GENERAL.—The Director may—

''(I) prepare and submit to the President and Congress, an annual budget estimate for qualified countermeasure and pandemic or epidemic product advanced research and development and other BARDA activities, after opportunity for comment by the Secretary; and

''(II) receive from the President and the Office of Management and Budget directly all funds appropriated by Congress for obligation and expenditure by the BARDA.

''(ii) SECRETARY DUTIES.—The Secretary, acting through the Director, may—

''(I) enter into such contracts, leases, cooperative agreements, or other transactions, as may be necessary to carry out the functions of BARDA, without regard to section 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 3324(a) and (b), (41 U.S.C. 5), with any public agency, any firm, association, corporation, or educational institution, or any other person;

''(II) support advanced research and development and innovation of potential countermeasures or products by highly qualified foreign nationals outside the United States that may inure to the benefit of the American people and collaborative research involving American and foreign participants;

''(III) administer grants using milestone–based awards and payments; and

''(IV) establish 1 or more federally funded research and development centers or university affiliated research centers in accordance with section 253(c)(3) of title 41, United States Code.

''(5) VULNERABLE POPULATIONS.—In carrying out the activities under this section, the Director, in consultation with the Vulnerable Populations Working Group, may give priority to supporting and facilitating advanced research and development of countermeasures or products, and formulations of countermeasures or products, that are likely to be safe and effective for pediatric populations, pregnant women, and other vulnerable populations.

''(6) WORKING GROUPS.—

''(A) IDENTIFICATION OF TECHNOLOGIES.—

''(i) IN GENERAL.—The Director may establish and convene, or enter into a contract with a public or private research institution to convene, one or more working groups that consists of experts on countermeasure technology to identify innovative technologies that have the potential to be developed as countermeasures or products.

''(ii) MEETINGS.—A working group established under clause (i) shall participate in regular meetings with sponsors of countermeasures, products, or related technologies to—

''(I) review the scientific evidence or concept of such countermeasures, products, or related technologies;

''(II) provide guidance on research protocols or studies; and

''(III) provide guidance on the regulatory approval process for countermeasures, products, and related technologies.

''(iii) RECOMMENDATIONS.—Not later than 30 days after each meeting with a sponsor of a countermeasure, product, or related technology, the working group shall make recommendations to the Director concerning such countermeasure, product, or related technology.

''(iv) CONFIDENTIALITY.—Any commercial confidential or proprietary information that is disclosed to the working group in a meeting under this section shall remain confidential and shall not be disclosed other than to the Secretary or the Director, or their designees.

''(v) CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit a sponsor from meeting with the Director to discuss potential countermeasures, products, or related technologies.

''(B) PUBLIC WORKING GROUP.—The Director may establish and convene one or more working groups composed of private citizens

and officials of Federal, State, and local governments to advise such Director with respect to the functions of the BARDA and the Director.

''(C) VULNERABLE POPULATIONS WORKING GROUP.—The Director shall establish and convene a Vulnerable Populations Working Group composed of experts on pediatric populations, pregnant women, and other vulnerable populations to advise such Director with respect to—

''(i) supporting and facilitating advanced research and development of countermeasures, and formulations of countermeasures, that are safe and effective for such populations; and

''(ii) other activities of the BARDA that effect such populations.

''(7) PERSONNEL AUTHORITIES.—

''(A) SPECIALLY QUALIFIED SCIENTIFIC AND PROFESSIONAL PERSONNEL.—In hiring personnel for the BARDA, the Director shall have the hiring and management authorities described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note; Public Law 105–261). With respect to the personnel of the BARDA, the term of appointments for employees referred to under subsection (c)(1) of that section may not exceed 5 years before the granting of any extension under subsection (c)(2) of that section.

''(B) SPECIAL CONSULTANTS.—The Director may accept special consultants as personnel for the BARDA under section 207(f).

''(C) INTERGOVERNMENTAL PERSONNEL ACT.—The Director may accept as personnel for the BARDA, employees under subchapter VI of chapter 33 of subpart B of part III of title 5, United States Code.

''(D) OTHER SERVICES.—The Director may accept voluntary and uncompensated services.

''(c) NATIONAL BIODEFENSE ADVISORY BOARD.—

''(1) IN GENERAL.—

''(A) PURPOSE.—The National Biodefense Advisory Board shall provide expert advice and guidance to the Secretary on the threats, challenges, and opportunities presented by advances in biological and life sciences and the threat from natural infectious diseases and chemical, biological, radiological, and nuclear threats.

''(B) MEMBERSHIP.—There is established the National Biodefense Advisory Board (hereinafter in this section referred to as the 'Board') to be composed of 23 members who represent the Nation's preeminent scientific, public health, and medical experts on the subject of biological, chemical, nuclear, and radiological threats, whether naturally occurring, accidental, or deliberate, as follows:

''(i) EX OFFICIO.—The following members shall serve on the Board ex officio:

''(I) The Assistant to the President for Homeland Security and Counterterrorism.

''(II) The Director of the Office of Science and Technology Policy.

''(III) The Assistant Secretary for Public Health Emergency Preparedness.

''(IV) The Director of the National Institutes of Health.

''(V) The Director of the Centers for Disease Control and Prevention.

''(VI) The Commissioner of Food and Drugs.

''(VII) The Director of BARDA.

''(VIII) The Assistant Secretary of Defense for Health Affairs.

''(IX) The Assistant Secretary of Homeland Security for Science and Technology.

''(X) The Secretary of Agriculture (or a designee).

''(ii) APPOINTED MEMBERS.—The following individuals, as appointed by the Secretary:

''(I) Four representatives of the pharmaceutical and biotechnology industries.

''(II) Four representatives of academia.

''(III) Five other members as determined appropriate by the Secretary.

''(C) TERM OF APPOINTMENT.—A member of the Board described in subparagraph (B)(ii) shall serve for a term of 3 years, except that the Secretary may adjust the terms of the initial Board appointees in order to provide for a staggered term of appointment for all members.

''(D) CONSECUTIVE APPOINTMENTS; MAXIMUM TERMS.—A member may be appointed to serve not more than 3 terms on the Board and may serve not more than 2 consecutive terms.

''(2) DUTIES.—The Board shall—

''(A) advise the Secretary on major biodefense initiatives and review ongoing and proposed biodefense programs, which may include potential activities of the BARDA; and

''(B) in consultation with the Director of BARDA, and in coordination with the Director of National Institute of Allergy and Infectious Diseases, provide to the Secretary, recommendations and findings for an expanded, intensified, and coordinated biodefense research program encompassing the programs of the BARDA and other Federal agencies and related programs of the other research institutes.

''(3) MEETINGS.—The Board shall meet at the call of the Secretary, but in no case less than twice annually to provide to the Secretary updated assessments, findings, and recommendations of the current trends, challenges, and opportunities posed in biotechnology and genetic engineering.

''(4) VACANCIES.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner as the original appointment.

''(5) CHAIRPERSON.—The Secretary shall appoint a chairperson from among the members of the Board.

''(6) POWERS.—

''(A) HEARINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out this subsection.

''(B) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(7) PERSONNEL.—

''(A) OFFICERS OF THE FEDERAL GOVERNMENT.—A member of the Board that is an employee of the Federal Government may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

''(B) OTHER MEMBERS.—A member of the Board that is not an employee of the Federal Government shall be compensated at a rate equivalent to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board.

''(C) TRAVEL EXPENSES.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

''(D) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Board without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(d) FUND.—

''(1) ESTABLISHMENT.—There is established the Biodefense Medical Countermeasure Development Fund, which shall be administered by the Director of the BARDA.

''(2) FUNDS.—

''(A) FIRST FISCAL YEAR.—Of the amounts appropriated to carry out the Project BioShield Act of 2004 (Public Law 108–276) and not obligated, $1,000,000,000 shall be available to the Fund to carry out this section for fiscal year 2006. Such amounts shall remain available until expended.

''(B) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2007 and each subsequent fiscal year. Such sums shall remain available until expended.

''(e) EFFECT OF SECTION.—Nothing in this section shall be construed to limit any authority of the Department of Health and Human Services, including those authorities provided under the Project BioShield Act of 2004 (Public Law 108–276).

''(f) INAPPLICABILITY OF CERTAIN ACTS.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the duties, activities, working groups, and advisory boards of the BARDA.

''(2) FOIA.—Information that relates to the activities, working groups, and advisory boards of the BARDA shall not be subject to disclosure under section 552 of title 5, United States Code, unless the Secretary or Director determines that such disclosure would pose no threat to national security. Such a determination shall not be subject to judicial review.

''(3) CERTAIN COST PRINCIPLES AND COST ACCOUNTING STANDARDS.—Notwithstanding any other provision of law, the cost principles set forth under part 31 of title 48, Code of Federal Regulations, the cost accounting standards set forth under chapter 99 of title 48, Code of Federal Regulations, and the requirement for the submission of certified cost and pricing information under section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b), shall not apply to any contract, grant, cooperative agreement, or other transaction entered into under the Project BioShield Act of 2004 (Public Law 108–276).''.

SEC. 4. CLARIFICATION OF COUNTERMEASURES COVERED BY PROJECT BIOSHIELD.

(a) QUALIFIED COUNTERMEASURE.—Section 319F–1(a) of the Public Health Service Act (42 U.S.C. 247d–6a(a)) is amended by striking paragraph (2) and inserting the following:

''(2) DEFINITIONS.—In this section:

''(A) QUALIFIED COUNTERMEASURE.—The term 'qualified countermeasure' means a drug (as that term is defined by section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))), biological product (as that term is defined by section 351(i) of this Act (42 U.S.C. 262(i))), device (as that term is defined by section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))), or research tool (as that term is defined in section 201(rr) of the Federal Food, Drug, and Cosmetic Act) that the Secretary determines to be a priority (consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) to—

''(i) diagnose, mitigate, prevent, or treat harm from any biological agent (including organisms that cause an infectious disease) or toxins, chemical, radiological, or nuclear agent that may cause a public health emergency affecting national security;

''(ii) diagnose, mitigate, prevent, or treat harm from a condition that may result in adverse health consequences or death and may be caused by administering a drug, biological product, or device that is used as described in this subparagraph; or

''(iii) in the case of a research tool, enable the rapid and effective identification, assessment, or development of a drug, biological

product, or device to diagnose, mitigate, prevent, or treat harm, as described in clause (i) or (ii).

''(B) INFECTIOUS DISEASE.—The term 'infectious disease' means a disease potentially caused by a pathogenic organism (including a bacteria, virus, fungus, or parasite) that is acquired by a person and that reproduces in that person.''.

(b) SECURITY COUNTERMEASURE.—Section 319F–2(c)(1)(B) is amended by—

(A) striking ''treat, identify, or prevent'' each place it appears and inserting ''diagnose, mitigate, prevent, or treat''; and

(B) inserting ''agent (including organisms that cause an infectious disease) or toxin'' after ''any biological''.

(c) RESEARCH TOOL.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

''(rr) RESEARCH TOOL.—The term 'research tool' includes the full range of tools and systems that assist in the discovery, development, or manufacture of drugs, biological products (as defined in section 351 of the Public Health Service Act), or devices.''.

SEC. 5. ORPHAN DRUG MARKET EXCLUSIVITY FOR COUNTERMEASURE PRODUCTS.

(a) MARKET EXCLUSIVITY.—Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505B the following:

''SEC. 505C. ORPHAN DRUG MARKET EXCLUSIVITY FOR COUNTERMEASURE PRODUCTS.

''(a) IN GENERAL.—With respect to countermeasure products (as such term is defined in this section), if a countermeasure product is designated under section 526 for a rare disease or condition, the period referred to in section 527(a) shall be 10 years instead of 7 years.

''(b) DEFINITION.—For the purpose of this section, the term 'countermeasure' means a drug or biological product (as such term is defined by section 351(i) of the Public Health Service Act) that the Secretary determines to be a priority (consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) to diagnose, mitigate, prevent, or treat harm from any biological, chemical, radiological, or nuclear agent (including organisms that cause an infectious disease) or toxin identified as a material threat under subsection (c)(2)(A)(ii) of section 319F-2 of the Public Health Service Act.''.

(b) ORPHAN DRUGS.—For purposes of section 526 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb) a biological, chemical, radiological, or nuclear agent (including organisms that cause an infectious disease) or toxin identified as a material threat under subsection (c)(2)(A)(ii) of section 319F-2 of the Public Health Service Act shall be considered to be a ''rare disease or condition'' within the meaning of such term in such section 526. The Secretary may designate antibiotics and anti-infective products that treat infectious diseases as designated drugs or biological products under such section 526.

(c) EFFECT OF SECTION.—This section, and the amendments made by this section, shall apply to new drug applications and biological product licenses approved under the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act after the date of enactment of this Act.

SEC. 6. LIABILITY PROTECTIONS FOR PANDEMICS, EPIDEMICS, AND COUNTERMEASURES.

Part B of title III of the Public Health Service Act is amended by inserting after section 319F–2 (42 U.S.C. 247d–6b) the following:

''SEC. 319F–3. LIABILITY PROTECTIONS FOR PANDEMIC AND EPIDEMIC PRODUCTS AND SECURITY COUNTERMEASURES.

''(a) AUTHORITY.—As provided in subsection (b), and subject to subsection (b)(1)(C), a manufacturer, distibutor, or administrator of a security countermeasure, or a qualified pandemic and epidemic product, described in subsection (b)(1)(A) or a health care provider shall be immune from suit or liability caused by or arising out of the design, development, clinical testing and investigation, manufacture, labeling, distribution, sale, purchase, donation, dispensing, prescribing, administration, or use of a security countermeasure, or a qualified pandemic and epidemic product, described in subsection (b)(1)(A).

''(b) LITIGATION MANAGEMENT.—

''(1) LIMITATION ON CAUSE OF ACTION.—

''(A) IN GENERAL.—

''(i) IN GENERAL.—No cause of action shall exist against a person described in subsection (a) for claims for loss of property, personal injury, or death arising out of, reasonably relating to, or resulting from the design, development, clinical testing and investigation, manufacture, labeling, distribution, sale, purchase, donation, dispensing, prescribing, administration, or use of a security countermeasure or qualified pandemic or epidemic product distributed, sold, purchased, donated, dispensed, prescribed, administered, or used in anticipation of and preparation for, in defense against, or in response to, or recovery from an actual or potential public health emergency that is a designated security countermeasure or a qualified pandemic or epidemic product by the Secretary in a declaration described in paragraph (2).

''(ii) RULE OF CONSTRUCTION.—For purposes of this section, the phrase 'arising out of, reasonably relating to, or resulting from' shall not be construed to apply to loss of property, personal injury, or death that has no alleged or potential causal relationship with the design, development, clinical testing and investigation, manufacture, labeling, distribution, sale, purchase, donation, dispensing, prescribing, administration, or use of a product described in clause (i).

''(B) RULE.—

''(i) SUBSEQUENT INJURY.—The protections set forth in subsection (a) and subparagraph (A) shall apply to all claims identified in subparagraph (A) that involve products distributed, sold, purchased, donated, dispensed, prescribed, administered, or used during the effective period set forth in the designation provided for in paragraph (2), regardless of the date of alleged injury.

''(ii) PRIVATE DONATION OR SALE.—The protections set forth in subsection (a) and subparagraph (A) shall apply to all claims identified in subparagraph (A) that involve security countermeasures or qualified pandemic or epidemic products distributed, sold, purchased, donated, dispensed, prescribed, administered, or used during the effective period set forth in the designation provided for in paragraph (2) by a manufacturer through the commercial market, provided that the security countermeasures or the qualified pandemic or epidemic product are the security countermeasure or qualified pandemic or epidemic product described in a declaration described in paragraph (2) and the Secretary does not specifically prohibit such private donation or sale in such declaration.

''(C) POTENTIAL LIABILITY UPON DETERMINATION.—

''(i) IN GENERAL.—A manufacturer, distributor, administrator, or health care provider shall not be immune under subsection (a) or exempted from a cause of action under subparagraph (A) if the Secretary makes a determination as provided for in subparagraph (D).

''(ii) INVESTIGATION BY SECRETARY.—A party seeking a determination under subparagraph (D) may petition the Secretary to investigate allegations against a manufacturer, distributor, administrator, or health care provider arising out of, relating to, or resulting from the design, development, clinical testing and investigation, manufacture, labeling, distribution, sale, purchase, donation, dispensing, prescribing, administration, or use of products as provided for in subparagraph (A)(i). The decision to undertake such investigation shall be within the Secretary's discretion and shall not be subject to judicial review.

''(iii) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to abrogate or limit the application of subtitle II of chapter 5 and chapter 7 of title 5, United States Code (commonly known as the Administrative Procedure Act).

''(D) DETERMINATION BY SECRETARY.—

''(i) IN GENERAL.—In making a determination under this subparagraph, the Secretary, acting through an administrative law judge, must find clear and convincing evidence that—

''(I) the manufacturer, distributor, administrator, or health care provider violated a provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or this Act; and

''(II) in violating such Act, such manufacturer, distributor, administrator, or health care provider acted with willful misconduct.

''(ii) EFFECT OF DETERMINATION.—If the Secretary finds such clear and convincing evidence under clause (i), the Secretary shall examine whether such willful misconduct to violate an Act under such clause—

''(I) caused the product to present a significant or unreasonable risk to human health; and

''(II) proximately caused the injury alleged by the party.

''(ii) NOTICE AND HEARING.—Prior to the Secretary's making a determination under clause (i), the manufacturer, distributor, administrator, or health care provider shall have notice and a right to a formal hearing in accordance with section 556 of title 5, United States Code.

''(iii) EFFECT OF DETERMINATION.—Subject to subsection (c), the sole exception to the immunity from suit and liability of manufacturers, distributors, administrators, or healthcare providers set forth in subsection (a) and subparagraph (A) shall be for actions against a manufacturer, distributor, administrator, or healthcare provider as provided in subparagraph (A).

''(iv) JUDICIAL REVIEW.—At any time prior to the 90th day following a determination by the Secretary under clause (i), any manufacturer, distributor, administrator, or health care provider named in such determination may file a petition with the United States Court District Court for the District of Columbia, for a judicial review of such determination. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by the Secretary for that purpose. The Secretary thereupon shall file in the court the record of the findings on which the Secretary based his or her determination. The filing of a petition under this clause shall automatically stay the Secretary's determination for the duration of the judicial proceeding. The sole parties to the judicial proceeding shall be the Secretary and the petitioner. Intervention by third parties in the judicial proceeding shall not be permitted. No subpoenas shall be issued nor shall other compulsory process apply. The court's review of a determination by the Secretary under this clause shall conform to the procedures for judicial review of administrative

orders set forth in paragraphs (2) through (6) of section 701(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(f)) to the extent consistent with this section.

''(v) TOLLING OF STATUTE OF LIMITATIONS.—The computation of the statute of limitations for any action against a manufacturer, distributor, administrator, or health care provider described under this subparagraph shall not include any time occurring before the determination by the Secretary under this subparagraph.

''(vi) REGULATORY AUTHORITY.—The Secretary, in consultation with the Attorney General, shall promulgate regulations defining what actions by a manufacturer, distributor, administrator, or healthcare provider of a security countermeasure or a qualified pandemic and epidemic product shall be deemed to constitute 'willful misconduct' for purposes of clause (i). In promulgating such regulations, the Secretary shall consider the nature of the actual or potential public health emergency, the timing and extent of any vaccination or countermeasure program, and any other circumstances they deem significant, so that any civil actions permitted under this subsection will not adversely affect the public health. The Secretary may specify the period of time for which such regulations apply.

''(vii) EVIDENCE REQUIRED.—The Secretary, in consultation with the Attorney General, shall promulgate regulations that require, in order to be a party under this section, that an individual present evidence that reasonably demonstrates that—

''(I) such individual has suffered a loss as a direct result of the design, development, clinical testing and investigation, manufacture, labeling, distribution, sale, purchase, donation, dispensing, prescribing, or administration of a security countermeasure or qualified epidemic or pandemic product; and

''(II) the loss as described in subclause (I) was a direct result of the willful misconduct of the manufacturer, distributor, administrator, or health care provider in violating the Federal Food, Drug, and Cosmetic Act or this Act.

''(E) SCOPE.—Subparagraph (C) shall apply regardless of whether the suit or liability described in subsection (a) or the claim described in subparagraph (A) arises from the design, development, clinical testing and investigation, manufacture, labeling, distribution, sale, purchase, donation, dispensing, prescribing, administration, or use by the Federal Government or by any person.

''(2) DECLARATION BY SECRETARY.—

''(A) IN GENERAL.—The Secretary may issue a declaration, pursuant to this paragraph, that an actual or potential public health emergency makes advisable the distribution, administration, or use of a security countermeasure or qualified pandemic or epidemic product.

''(B) SECURITY COUNTERMEASURE OR QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—The Secretary shall specify in such declaration the security countermeasures or qualified pandemic or epidemic products to be sold by, purchased from, or donated by a manufacturer or drawn from the Strategic National Stockpile.

''(C) EFFECTIVE PERIOD.—The Secretary shall specify in such declaration the beginning and the ending dates of the effective period of the declaration, which shall be not longer than 6 months. The Secretary may subsequently amend such declaration to shorten or extend such effective period, provided that the new ending data is after the date on which the declaration is amended.

''(D) PUBLICATION.—The Secretary shall promptly publish each such declaration and amendment in the Federal Register.

''(c) ACTIONS BY THE UNITED STATES.—Nothing in this section shall be construed to abrogate or limit any right, remedy, or authority that the United States or any agency thereof may possess under any other provision of law.

''(d) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'administrator' means a person employed by the State or local government, or their designee, who supervised or administered a program with respect to the administration, dispensing, distribution, or provision of a security countermeasure or a qualified pandemic or epidemic product, including a person who has established requirements, provided policy guidance, supplied technical or scientific advice or assistance.

''(2) HEALTH CARE PROVIDER.—The term 'health care provider' means a person, including a volunteer, who distributes, prescribes, administers, dispenses, provides a facility to administer, or supervises or oversees the administration of a security countermeasure or a qualified pandemic or epidemic product, including persons who distribute, prescribe, administer, dispense, or provide a facility to administer in accordance with a designation under subsection (b)(2).

''(3) LOSS.—The term 'loss' means death, physical injury, or loss of or damage to property, including business interruption loss.

''(4) MANUFACTURER.—The term 'manufacturer' includes—

''(A) a contractor or subcontractor of a manufacturer;

''(B) a supplier of any product or service, research tool, or component to the manufacturer; and

''(C) any or all of the parents, subsidiaries, affiliates, successors, and assigns of a manufacturer.

''(5) QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—The term 'qualified pandemic or epidemic product' means a drug (as such term is defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))), biological product (as such term is defined by section 351(i) of this Act) or device (as such term is defined by section 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321(h))) designed, developed, modified, or procured to diagnose, mitigate, prevent, treat, or cure a pandemic or epidemic or limit the harm such pandemic or epidemic might otherwise cause or a serious or life-threatening disease or condition caused by such a product, that—

''(A) is approved or cleared under chapter V of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of this Act;

''(B) is a product for which the Secretary determines that sufficient and satisfactory clinical experience or research data (including data, if available, from pre-clinical and clinical trials) support a reasonable conclusion that the product will qualify for approval or licensing within 8 years after the date the Secretary makes a declaration under paragraph (2); or

''(C) is authorized for emergency use section 564 of the Federal Food, Drug, and Cosmetic Act, except that subsection (b) of such section shall not apply.

''(6) PARTY.— The term 'party' means an individual who can reasonably demonstrate to the Secretary that such individual has suffered a loss (as defined in paragraph (3)) as a direct result of the willful misconduct of a manufacturer, distributor, administrator, or health care provider.

''(7) PERSON.—The term 'person' includes an individual, partnership, corporation, association, entity, or public or private corporation, including a Federal, State, or local agency or department.

''(8) SECURITY COUNTERMEASURE.—The term 'security countermeasure' has the meaning given such term in section 319F–2(c)(1)(B).''.

SEC. 7. COMPENSATION.

Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following:

"PART D—OTHER COMPENSATION PROGRAMS

"SEC. 271. COVERED COUNTERMEASURES PROGRAM.

''(a) IN GENERAL.—If the Secretary issues a Proclamation stating that there is a critical public health need for a covered individual to receive a covered countermeasure during the effective period of the Proclamation, the Secretary shall establish a process to provide compensation to such covered individuals for a covered injury, consistent with the Smallpox Emergency Personnel Protection program under part C.

''(b) DEFINITION.—For purposes of this section:

''(1) COVERED COUNTERMEASURE.—The term 'covered countermeasure' means a qualified pandemic or epidemic (as defined in section 319F-3(c)(5)) or a security countermeasure (as defined in section 319F-2(c)(1)(B)) specified in the Proclamation.

''(2) COVERED INDIVIDUAL.—The term 'covered individual' means an individual—

''(A) who is a health care worker, law enforcement officer, firefighter, security personnel, emergency medical personnel, other public health or safety personnel, or support personnel for such occupational specialties;

''(B) who is or will be functioning in a role identified in a State, local, or Department of Health and Human Services emergency response plan approved by the Secretary;

''(C) who has volunteered and been selected to be a member of an emergency response plan; and

''(D) to whom a covered countermeasure is administered pursuant to such approved plan during the effective period of the Proclamation and prior to the time at which the Secretary declares a public health emergency pursuant to section 319 related to a covered countermeasure specified in the Proclamation.

''(3) COVERED INJURY.—The term 'covered injury' means an injury, disability, illness, condition, or death (other than a minor injury such as minor scarring or minor local reaction) determined by the Secretary to have been sustained by a covered individual as the direct result of administration to the individual of a covered countermeasure.

''(4) EFFECTIVE PERIOD OF THE PROCLAMATION.—The term 'effective period of the Proclamation' means the effective period specified in the Proclamation, unless extended by the Secretary.

''(5) EMERGENCY RESPONSE PLAN.—The term 'emergency response plan' or 'plan' means a response plan detailing actions to be taken in preparation for a pandemic, epidemic, or biological, chemical, nuclear agent or toxin that presents, or may present, a public health emergency.

''(6) PROCLAMATION.—The term 'Proclamation' means a Proclamation regarding the critical public health need for the administration of a covered countermeasure issued by the Secretary and published in the Federal Register. Such Proclamation shall specify the specific covered countermeasure recommended for administration.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the creation of a compensation program if the covered injuries are only minor injuries consistent with section (b)(3).''.

SEC. 8. REBATES AND GRANTS FOR RESEARCH DEVELOPMENT, AND MANUFACTURING OF VACCINES, QUALIFIED COUNTERMEASURES AND PANDEMIC OR EPIDEMIC PRODUCTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') may award to a person with respect to an investment described in this section (or an amendment made by this section)—

(1) a rebate pursuant to subsection (b); or

(2) a grant pursuant to section 319M of the Public Health Service Act (as added by subsection (c)).

(b) SURGE CAPACITY AND RESEARCH REBATES.—

(1) IN GENERAL.—The Secretary may award rebates out of any money in the Treasury not otherwise appropriated to persons for the expansion of surge capacity for manufacturing vaccines, qualified countermeasures (as defined in 319F–1 of the Public Health Service Act, as amended by this Act) or qualified pandemic or epidemic products (as defined in 319F–3(c)(5) of such Act, as added by this Act) (referred to in this section as ''vaccines, countermeasures or products'') and for vaccines, countermeasures, or products research.

(2) VACCINES, COUNTERMEASURES OR PRODUCTS MANUFACTURING FACILITIES INVESTMENT REBATE.—

(A) IN GENERAL.—For purposes of this section, vaccines, countermeasures or products manufacturing facilities investment rebate for any taxable year for a person (as defined with respect to such person for purposes of the Internal Revenue Code of 1986) shall be an amount equal to 20 percent of the qualified investment for such taxable year.

(B) VACCINES, COUNTERMEASURES OR PRODUCTS MANUFACTURING FACILITIES INVESTMENT.—For purposes of subparagraph (A), the qualified investment for any taxable year for a person is the basis of each vaccines, countermeasures or products manufacturing facilities property placed in service by the person during the taxable year involved.

(C) VACCINES, COUNTERMEASURES AND PRODUCTS MANUFACTURING FACILITIES PROPERTY.—For purposes of this subsection, the term ''vaccines, countermeasures and products manufacturing facilities property'' means real and tangible personal property—

(i)(I) the original use of which commences with the person applying for the rebate; or

(II) which is acquired through purchase (as defined by section 179(d)(2) of the Internal Revenue Code of 1986);

(ii) which is depreciable under section 167 of the Internal Revenue Code of 1986;

(iii) which is physically located in a State;

(iv) which is used for the manufacture, distribution, or research and development of vaccines, countermeasures, or products; and

(v) which is in compliance with applicable good manufacturing practice and with any other applicable requirements which are promulgated by the Secretary, the Occupational Safety and Health Administration, or the Environmental Protection Agency, and which are applicable to such property.

(D) DENIAL OF DOUBLE BENEFIT FOR MANUFACTURING FACILITIES EXPENSES.—If any portion of the vaccines, countermeasures, and products manufacturing facilities property investment expenses is otherwise allowable as a deduction for the taxable year involved, the Secretary shall only provide a rebate under this section for the portion of such expenses not covered by the rebate determined by such deduction.

(E) ELIGIBILITY.—To be eligible to receive a rebate under this subsection, a manufacturer shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(i) a detailed description and intended use of the facilities that is the basis of application;

(ii) a detailed description of the vaccine, countermeasure, or product being produced or that may be produced at the facility;

(iii) a detailed accounting of qualified manufacturing facilities investment of the person;

(iv) a certification as to the compliance of the person with clauses (i) through (iv) of subparagraph (C); and

(v) copies of tax returns for the taxable year involved.

(F) EFFECTIVE DATE.—This paragraph shall apply to property placed in service after December 31, 2005.

(G) TERMINATION.—This paragraph shall not apply to any property placed in service after December 31, 2010.

(3) MEDICAL RESEARCH RELATED TO DEVELOPING VACCINES, COUNTERMEASURES OR QUALIFIED PANDEMIC OR EPIDEMIC PRODUCTS REBATE.—

(A) IN GENERAL.—For purposes of this subsection, the research rebate determined under this section for the taxable year involved (as determined as provided for in paragraph (2)(A)) is an amount equal to 35 percent of the vaccines, qualified countermeasures, or qualified pandemic or epidemic products (referred to in this section as ''vaccine, countermeasure, or product'') research expenses for the taxable year.

(B) VACCINES, COUNTERMEASURES, OR PRODUCTS RESEARCH EXPENSES.—Except as otherwise provided in this paragraph, the term ''vaccines, countermeasures, or products research expenses'' means the amounts which are paid or incurred by the researcher or manufacturer during the taxable year with respect to any research and development of vaccines, countermeasures, or products. Qualified research and development expenses include expenses related to reformulating existing vaccines, countermeasures, or products.

(C) DETERMINING RESEARCH EXPENSES.—Any vaccines, countermeasures, or products research expenses for any taxable year which are qualified research expenses (within the meaning of this subsection) shall be taken into account in determining base period research expenses for purposes of applying this paragraph to subsequent taxable years.

(D) DENIAL OF DOUBLE BENEFIT FOR VACCINES, COUNTERMEASURES, OR PRODUCTS RESEARCH EXPENSES.—If any portion of the vaccines, countermeasures, or products research expenses is otherwise allowable as a deduction for the taxable year involved, the Secretary shall only provide a rebate under this section for the portion of such expenses not covered by any rebate determined by such deduction.

(E) ELIGIBILITY.—To be eligible to receive a rebate under this paragraph, a manufacturer or researcher shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(i) a detailed description of the vaccine, countermeasure, or product being researched or developed;

(ii) a detailed description of the research that is the subject of the rebate;

(iii) a detailed accounting of the qualified research expenses involved;

(iv) an assurance that the researcher or manufacturer is following good laboratory practice, as required by the Secretary pursuant to the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and the Public Health Service Act (42 U.S.C. 201 et seq.); and

(v) copies of tax returns for the taxable year involved.

(F) EFFECTIVE DATE.—This paragraph shall apply to expenses for taxable years beginning after December 31, 2005.

(4) EXCLUSION FOR AMOUNTS FUNDED BY GRANTS, ETC.—The terms ''vaccines, countermeasures, or products manufacturing investment'' and ''qualified research expenses'' shall not include any amount to the extent such amount is funded by any grant, contract, or otherwise funded by another person (or any governmental entity).

(c) GRANTS TO EXPAND AND IMPROVE RESEARCH AND DEVELOPMENT AND MANUFACTURING OF VACCINES, COUNTERMEASURES OR PRODUCTS.—Part B of title III of the Public Health Service Act is amended by inserting after section 319L, as added by this Act, the following:

"SEC. 319M. GRANTS TO EXPAND AND IMPROVE RESEARCH AND DEVELOPMENT AND MANUFACTURING OF VACCINES, QUALIFIED COUNTERMEASURES OR QUALIFIED PANDEMIC OR EPIDEMIC PRODUCTS.

''(a) IN GENERAL.—The Secretary may award grants to a manufacturer to purchase or improve real property and tangible personal property used in the research and development, manufacture, or distribution of a vaccine, qualified countermeasure (as defined in section 319F–1) or qualified pandemic or epidemic product (as defined in section 319F–3(c)(5)).

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a manufacturer shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a detailed description of the planned expansion;

''(2) a detailed description of the equipment, facility, or property involved;

''(3) a certification that such facility or property is physically located in a State;

''(4) a detailed description of the vaccine, qualified countermeasure or qualified pandemic or epidemic product involved;

''(5) a detailed description of the research and development, manufacturer, or distribution involved;

''(6) a description of how such equipment, facility, or property is to be used;

''(7) a description of whether such equipment, facility, or property can be used for the research and development, manufacture, or distribution of a drug, biological product, device or other countermeasure not described in paragraph (4); and

''(8) a certification that the equipment, facility, or property involved complies with all applicable Federal, State, and local laws.

''(c) RECAPTURE.—

''(1) IN GENERAL.—If, at any time prior to the expiration of the 20-year period beginning on the date on which a grant is awarded under this section, the facility or property involved ceases to be used for the purpose for which the grant was awarded, the United States shall be entitled to recover from the manufacturer an amount bearing the same ratio to the value of the facility or property at such time as the amount of the grant bore to the total cost of the purchase or improvement involved. The value of the facility or property at such time may be determined by agreement of the manufacturer and the Secretary, or by order of the United States District Court for the district in which such facility or property is situated.

''(2) LIMITATION.—The Secretary may not recapture the facility or property under this subsection if the Secretary determines, in accordance with regulations promulgated by the Secretary, that there is good cause for the failure of proper use.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such

sums as may be necessary to carry out this section.''.

SEC. 9. TECHNICAL ASSISTANCE.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

''SEC. 565. TECHNICAL ASSISTANCE.

''The Secretary, in consultation with the Commissioner of Food and Drugs, shall establish within the Food and Drug Administration a team of experts on manufacturing and regulatory activities (including compliance with current Good Manufacturing Practices) to provide both off-site and on-site technical assistance to the manufacturers of qualified countermeasures (as defined in section 319F-1 of the Public Health Service Act), security countermeasures (as defined in section 319F-2 of such Act), or vaccines, at the request of such a manufacturer and at the discretion of the Secretary, if the Secretary determines that a shortage or potential shortage may occur in the United States in the supply of such vaccines or products and that the provision of such assistance would be beneficial in helping alleviate or avert such shortage.''.

SEC. 10. ANIMAL MODELS FOR CERTAIN DISEASES.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

''SEC. 409J. ANIMAL MODELS FOR CERTAIN DISEASES.

''(a) IN GENERAL.—The Secretary, acting through the Director of NIH, in coordination with the Director of the Biomedical Advanced Research and Development Agency, the Director of the Centers for Disease Control and Prevention, and the Commissioner of Food and Drugs, shall establish and award grants under this section to eligible entities, including other Federal agencies, to study the physiological responses of certain animal species and, where appropriate, juvenile models, to chemical, biological, radiological, or nuclear agents or toxins or potential pandemic infectious disease, and to develop and validate such animal models.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

''(1) provide assurances to the Secretary that the entity—

''(A) has access to an appropriate biosafety laboratory or facility, as determined by the Secretary; and

''(B) will follow good laboratory practices;

''(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) a detailed description of the animal model involved;

''(B) a detailed description of the chemical, biological, radiological, nuclear, or other infectious agents involved;

''(C) a detailed description of how the animal model will be used for the development of a drug, biological product, or device for use as a countermeasure;

''(D) a detailed description of validation methods; and

''(E) an assurance that the entity will follow good laboratory practices; and

''(3) agree to submit the results of the research funded under the grant to the Director of the Biomedical Advanced Research and Development Agency and the Director of NIH.

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

SEC. 11. ANIMAL MODEL/RESEARCH TOOL SCIENTIFIC ADVISORY COMMITTEE.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.), as amended by this Act, is amended by adding at the end the following:

''SEC. 566. ANIMAL MODEL/RESEARCH TOOL SCIENTIFIC ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this section, the Secretary shall establish an 11-member advisory committee to be known as the 'Animal Model/Research Tool Scientific Advisory Committee' (referred to in this section as the 'Advisory Committee').

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Secretary shall appoint as members of the Advisory Committee individuals who are technically qualified by training and experience, including in medicine, veterinarian medicine, biology, technology involving the manufacture, evaluation, or use of research tools, who are of appropriately diversified professional backgrounds to evaluate the priority animal models and research tools.

''(2) EX OFFICIO MEMBERS.—The Secretary may appoint Federal officials, including at least 1 representative of the Biomedical Advanced Research and Development Agency, to serve as ex officio members of the Advisory Committee.

''(3) CHAIRPERSON.—The Secretary shall designate 1 of the members of the Advisory Committee to serve as the chairperson.

''(c) DUTIES.—The Advisory Committee shall provide advice, information, and recommendations to the Secretary on—

''(1) accepted animal models for diseases and conditions associated with any biological (including organisms that cause infectious diseases), chemical, radiological, or nuclear agent or toxin or potential pandemic infectious disease;

''(2) strategies to accelerate animal model and research tool development and validation; and

''(3) scientific issues raised in applications as requested by the Secretary.

''(d) PRIORITIES.—Priorities for animal models and research tools shall be established by the Secretary.

''(e) COMPENSATION; SUPPORT; FACA.—

''(1) COMPENSATION AND TRAVEL.—Members of the Advisory Committee who are not officers or employees of the United States, while attending conferences or meetings of the committee or otherwise engaged in its business, shall be entitled to receive compensation at rates to be fixed by the Secretary, which may not exceed daily equivalent of the rate in effect for level 4 of the Senior Executive Schedule under section 5382 of title 5, United States Code, for each day (including travel time) they are so engaged, and while so serving away from their homes or regular places of business each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Federal Government service employed intermittently.

''(2) ADMINISTRATIVE SUPPORT.—The Secretary shall furnish the Advisory Committee clerical and other assistance.

''(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

''(f) PROCEEDINGS.—The Advisory Committee shall make and maintain a transcript of any proceeding of the Committee. The Committee shall delete from any transcript made under this subsection information, which is exempt from disclosure under section 552(b) of title 5, United States Code.''.

SEC. 12. COLLABORATION AND COORDINATION.

Section 2 of the Clayton Act (15 U.S.C. 13) is amended by adding at the end the following:

''(g) LIMITED ANTITRUST EXEMPTION.—

''(1) SECURITY COUNTERMEASURES, QUALIFIED COUNTERMEASURES AND QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT DEVELOPMENT MEETINGS.—

''(A) COUNTERMEASURES AND PRODUCTS DEVELOPMENT MEETINGS AND CONSULTATIONS.—The Secretary of Health and Human Services (referred to in this subsection as the 'Secretary') or the Director of the Biomedical Advanced Research and Development Agency (referred to in this subsection as the 'Director'), in coordination with the Attorney General and the Secretary of Homeland Security, may conduct meetings and consultations with parties involved in the development of security countermeasures (as defined in section 319F-2 of the Public Health Service Act) qualified countermeasures (as defined in section 319F–1 of the Public Health Service Act) or qualified pandemic or epidemic products (as defined in section 319F–3(c)(5) of the Public Health Service Act) (referred to in this section as ''countermeasures or products'') for the purpose of the development, manufacture, distribution, purchase, sale, or storage of countermeasures or products consistent with the purposes of this title. The Secretary or Director may convene such meeting or consultation at the request of any person, the Secretary of Homeland Security, the Attorney General, the Chairperson of the Federal Trade Commission, an industry representative or member, or upon initiation by such Secretary. The Secretary or Director shall give notice of such meetings and consultations to the Chairperson of the Federal Trade Commission (referred to in this subsection as the 'Chairperson') and the Attorney General.

''(B) MEETING AND CONSULTATION CONDITIONS.—A meeting or consultation conducted under subparagraph (A) shall—

''(i) be chaired or, in the case of a consultation, facilitated by the Secretary or Director;

''(ii) be open to parties involved in the development, manufacture, distribution, purchase, or sale of countermeasures or products, as determined by the Secretary or Director;

''(iii) be open to the Attorney General, the Secretary of Homeland Security, and the Chairperson;

''(iv) be limited to discussions involving the development, manufacture, distribution, or sale of countermeasures or products, consistent with the purposes of this title; and

''(v) be conducted in such manner as to ensure that national security, confidential, and proprietary information is not disclosed outside the meeting or consultation.

''(C) LIMITATION.—The Secretary or Director may not require the disclosure of confidential commercial or proprietary information.

''(D) MINUTES.—The Secretary or Director shall maintain minutes of meetings and consultations under this subsection, which shall not be disclosed under section 552 of title 5, United States Code, unless such Secretary or Director, in consultation with the Attorney General, determines that disclosure would pose no threat to national security. Such determination shall not be subject to judicial review.

''(E) EXEMPTION.—

''(i) IN GENERAL.—The antitrust laws shall not apply to meetings and consultations under this paragraph.

''(ii) LIMITATION.—Clause (i) shall not apply to any agreement or conduct that results from a meeting or consultation and that does not receive an exemption pursuant to this subsection.

''(2) WRITTEN AGREEMENTS.—The Secretary or the Director shall file a written agreement regarding covered activities, made pursuant to meetings or consultations conducted under paragraph (1) and that is consistent with this paragraph, with the Attorney General and the Chairperson for a determination of the compliance of such agreement with antitrust laws. In addition to the proposed agreement itself, any such filing shall include—

''(A) an explanation of the intended purpose of the agreement;

''(B) a specific statement of the substance of the agreement;

''(C) a description of the methods that will be utilized to achieve the objectives of the agreement;

''(D) an explanation of the necessity of a cooperative effort among the particular participating parties to achieve the objectives of the agreement; and

''(E) any other relevant information determined necessary by the Secretary or Director in consultation with the Attorney General and the Chairperson.

''(3) DETERMINATION.—The Attorney General, in consultation with the Chairperson, shall determine whether an agreement regarding covered activities referred to in paragraph (2) would likely—

''(A) be in compliance with the antitrust laws, and so inform the Secretary or Director and the participating parties; or

''(B) violate the antitrust laws, in which case, the filing shall be deemed to be a request for an exemption from the antitrust laws, limited to the performance of the agreement consistent with the purposes of this title.

''(4) ACTION ON REQUEST FOR EXEMPTION.—

''(A) IN GENERAL.—The Attorney General, in consultation with the Chairperson, shall grant, deny, grant in part and deny in part, or propose modifications to a request for exemption from the antitrust laws under paragraph (3) within 15 business days of the receipt of such request.

''(B) EXTENSION.—The Attorney General may extend the 15-day period referred to in subparagraph (A) for an additional period of not to exceed 10 days. Such additional period may be further extended only by the United States district court, upon an application by the Attorney General after notice to the Secretary or Director and the parties involved.

''(C) DETERMINATION.—In granting an exemption under this paragraph, the Attorney General, in consultation with the Chairperson and the Secretary or Director—

''(i) shall find—

''(I) that the agreement involved is necessary to ensure the availability of countermeasures or products;

''(II) that the exemption from the antitrust laws would promote the public interest; and

''(III) that there is no substantial competitive impact to areas not directly related to the purposes of the agreement; and

''(ii) may consider any other factors determined relevant by the Attorney General and the Chairperson.

''(5) LIMITATION ON AND RENEWAL OF EXEMPTIONS.—An exemption granted under paragraph (4) shall be limited to covered activities, and shall be renewed (with modifications, as appropriate) on the date that is 3 years after the date on which the exemption becomes effective (and at 3-year intervals thereafter, if renewed) unless the Attorney General in consultation with the Chairperson determines that the exemption should not be renewed (with modifications, as appropriate) considering the factors described in paragraph (4).

''(6) LIMITATION ON PARTIES.—The use of any information acquired under an exempted agreement by the parties to such an agreement for any purposes other than those specified in the antitrust exemption granted by the Attorney General shall be subject to the antitrust laws and any other applicable laws.

''(7) GUIDELINES.—The Attorney General and the Chairperson may develop and issue guidelines to implement this subsection.

''(8) REPORT.—Not later than 1 year after the date of enactment of the Biodefense and Pandemic Vaccine and Drug Development Act of 2005, and annually thereafter, the Attorney General and the Chairperson shall report to Congress on the use and continuing need for the exemption from the antitrust laws provided by this subsection.

''(9) STATUS OF MEMORANDUMS.—Minutes maintained by the Secretary or Director pursuant to paragraph (1)(D) shall not be disclosed under section 552 of title 5, United States Code, if the exemption is not renewed under paragraph (5), or if meetings are no longer conducted, unless the Secretary or Director, in consultation with the Attorney General, determines that the disclosure would pose no threat to national security. Such determination shall not be subject to judicial review.

''(h) SUNSET.—The authority of the Attorney General to grant or renew a limited antitrust exemption under this section shall expire at the end of the 6-year period that begins on the date of enactment of the Biodefense and Pandemic Vaccine and Drug Development Act of 2005.

''(i) DEFINITIONS.—In this section:

''(1) ANTITRUST LAWS.—The term 'antitrust laws'—

''(A) has the meaning given such term in subsection (a) of the first section of this Act, except that such term includes the Act of June 19, 1936 (15 U.S.C. 13 et seq.) (commonly known as the Robinson-Patman Act), and section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

''(B) includes any State law similar to the laws referred to in subparagraph (A).

''(2) COVERED ACTIVITIES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'covered activities' means any group of activities or conduct, including attempting to make, making, or performing a contract or agreement or engaging in other conduct, for the purpose of—

''(i) theoretical analysis, experimentation, or the systematic study of phenomena or observable facts necessary to the development of countermeasures or products;

''(ii) the development or testing of basic engineering techniques necessary to the development of countermeasures or products;

''(iii) the extension of investigative findings or theory of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, prototypes, equipment, materials, and processes necessary to the development of countermeasures or products;

''(iv) the production, distribution, or marketing of a product, process, or service that is a countermeasures or products;

''(v) the testing in connection with the production of a product, process, or services necessary to the development of countermeasures or products;

''(vi) the collection, exchange, and analysis of research or production information necessary to the development of countermeasures or products; or

''(vii) any combination of the purposes described in clauses (i) through (vi);

and such term may include the establishment and operation of facilities for the conduct of covered activities described in clauses (i) through (vi), the conduct of such covered activities on a protracted and proprietary basis, and the processing of applications for patents and the granting of licenses for the results of such covered activities.

''(B) EXCEPTION.—The term 'covered activities' shall not include the following activities involving 2 or more persons:

''(i) Exchanging information among competitors relating to costs, profitability, marketing, or distribution of any product, process, or service if such information is not reasonably necessary to carry out the purposes of covered activities.

''(ii) Entering into any agreement or engaging in any other conduct—

''(I) to restrict or require the sale, licensing, or sharing of inventions, developments, products, processes, or services not developed through, produced by, or distributed or sold through such covered activities; or

''(II) to restrict or require participation by any person who is a party to such covered activities in other research and development activities, that is not reasonably necessary to prevent the misappropriation of proprietary information contributed by any person who is a party to such covered activities or of the results of such covered activities.

''(iii) Entering into any agreement or engaging in any other conduct allocating a market with a competitor that is not expressly exempted from the antitrust laws by a determination under subsection (g)(4).

''(iv) Exchanging information among competitors relating to production (other than production by such covered activities) of a product, process, or service if such information is not reasonably necessary to carry out the purpose of such covered activities.

''(v) Entering into any agreement or engaging in any other conduct restricting, requiring, or otherwise involving the production of a product, process, or service that is not so expressly exempted from the antitrust laws by a determination under subsection (g)(4).

''(vi) Except as otherwise provided in this subsection, entering into any agreement or engaging in any other conduct to restrict or require participation by any person who is a party to such activities, in any unilateral or joint activity that is not reasonably necessary to carry out the purpose of such covered activities.

''(vii) Entering into any agreement or engaging in any other conduct restricting or setting the price at which a product is offered for sale, whether by bid or otherwise.

''(4) DEVELOPMENT.—The term 'development' includes the identification of suitable compounds or biological materials, the conduct of preclinical and clinical studies, the preparation of an application for marketing approval, and any other actions related to preparation of a countermeasure or product.''.

SEC. 13. PROCUREMENT.

Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended—

(1) in the section heading, by inserting ''**AND SECURITY COUNTERMEASURE PROCUREMENTS**'' before the period; and

(2) in subsection (c)—

(A) in the subsection heading, by striking ''BIOMEDICAL'';

(B) in paragraph (5)(B)(i), by striking ''to meet the needs of the stockpile'' and inserting ''to meet the stockpile needs'';

(C) in paragraph (7)(C)(ii)—

(i) by amending clause (I) to read as follows:

''(I) PAYMENT CONDITIONED ON DELIVERY.—The contract shall provide that no payment may be made until delivery of a portion, acceptable to the Secretary, of the total number of units contracted for, except that, notwithstanding any other provision of law, the

contract may provide that, if the Secretary determines (as the Secretary's discretion) that an advance payment, partial payment for significant milestones, or payment to increase manufacturing capacity is necessary to ensure success of a project, the Secretary shall pay an amount, not to exceed 10 percent of the contract amount, in advance of delivery. The contract shall provide that such advance payment is required to be repaid if there is a failure to perform by the vendor under the contract. The contract may also provide for up to 3 additional advance payments of 5 percent each for meeting the milestones specified in such contract. Provided that the specified milestones are reached, these advanced payments of 5 percent shall not be required to be repaid. Nothing in this subclause shall be construed as affecting the rights of vendors under provisions of law or regulation (including the Federal Acquisition Regulation) relating to the termination of contracts for the convenience of the Government.''; and

(ii) by adding at the end the following:

''(VII) SALES EXCLUSIVITY.—The contract may provide that the vendor is the sole and exclusive supplier of the product to the Federal Government for a specified period of time, not to exceed 15 years, on the condition that the vendor is able to satisfy the needs of the Government. During the agreed period of sales exclusivity, the vendor shall not assign its rights of sales exclusivity to another entity or entities without approval by the Secretary.

''(VIII) SURGE CAPACITY.—The contract may provide that the vendor establish domestic manufacturing capacity of the product to ensure that additional production of the product is available in the event that the Secretary determines that there is a need to quickly purchase additional quantities of the product. Such contract may provide a fee to the vendor for establishing and maintaining such capacity in excess of the initial requirement for the purchase of the product. Additionally, the cost of maintaining the domestic manufacturing capacity shall be an allowable and allocable direct cost of the contract.

''(IX) CONTRACT TERMS.—The Secretary, in any contract for procurement under this section, may specify—

''(aa) the dosing and administration requirements for countermeasures to be developed and procured;

''(bb) the amount of funding that will be dedicated by the Secretary for research and development of the countermeasure; and

''(cc) the specifications the countermeasure must meet to qualify for procurement under a contract under this section.''; and

(D) in paragraph (8)(A), by adding at the end the following: ''Such agreements may allow other executive agencies to order qualified and security countermeasures under procurement contracts or other agreements established by the Secretary. Such ordering process (including transfers of appropriated funds between an agency and the Department of Health and Human Services as reimbursements for such orders for countermeasures) may be conducted under the authority of section 1535 of title 31, United States Code, except that all such orders shall be processed under the terms established under the Biodefense and Pandemic Vaccine and Drug Development Act of 2005 and the Project BioShield Act of 2004, for the procurement of countermeasures under section 319F–1 or 319F–2.''

SEC. 14. NATIONAL PATHOLOGY CENTER.

(a) IN GENERAL.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 401(b)(2), by adding at the end the following:

''(H) The National Pathology Center.''; and

(2) by adding at the end of part E (42 U.S.C. 287 et seq.) the following:

"Subpart 7—National Pathology Center

"SEC. 485A. ESTABLISHMENT OF NATIONAL PATHOLOGY CENTER.

''In order to provide pathology consultation for civilian and military health professionals (including Department of Veterans Affairs health professionals) there is established the National Pathology Center (in this subpart referred to as the 'Center'). The Center shall be headed by a director, who shall be appointed by the Secretary. The Director of the Center shall report directly to the Director of NIH.

"SEC. 485B. PURPOSES AND FUNCTIONS OF THE CENTER.

''(a) PURPOSES OF THE CENTER.—The general purposes of the Center are to—

''(1) conduct and support research, education, training, and other programs with respect to the science and clinical practice of pathology;

''(2) maintain and improve a pathology tissue repository; and

''(3) provide pathology consultation services.

''(b) ACTIVITIES OF THE DIRECTOR.—In order to carry out the purposes of the Center described in subsection (a), the Director of the Center—

''(1) shall—

''(A) maintain and improve a comprehensive repository of pathological specimens;

''(B) provide consultations on request regarding clinical cases;

''(C) conduct educational programs and publish educational materials on the science and clinical practice of pathology;

''(D) maintain and improve registries on such clinical conditions as the Director of the Center determines appropriate; and

''(E) conduct and support research on pathology; and

''(2) may—

''(A) collect reasonable and appropriate fees for the activities described in paragraph (1)(B); and

''(B) conduct such other activities as the Director of the Center determines appropriate to carry out the purposes described in subsection (a).

''(c) AUTHORITY FOR EXPERT OPINIONS.—The Director of the Center may enter into memoranda of understanding with officials at the Department of Veterans Affairs and the Department of Defense to provide expert second opinion pathology consultations and pathology education or training if the Secretary of either such Department determines that such provision would be in the best interest of either of their respective departments.

"SEC. 485C. BOARD OF REGENTS.

''(a) MEMBERSHIP.—

''(1) IN GENERAL.—There is established a Board of Regents of the Center (in this subpart referred to as the 'Board') consisting of—

''(A) the Surgeons General of—

''(i) the Public Health Service;

''(ii) the Army;

''(iii) the Navy; and

''(iv) the Air Force;

''(B) the Chief Medical Director of the Department of Medicine and Surgery of the Department of Veterans Affairs;

''(C) the Deputy Director of the National Library of Medicine;

''(D) the Assistant Secretary of Health of the Department of Defense;

''(E) the Dean of the Uniformed Services University of the Health Sciences; and

''(F) 11 members to be appointed by the Secretary from among leaders in pathology research, education and clinical practice.

''(2) EX OFFICIO MEMBERS.—The members of the Board described in subparagraphs (A) through (E) of paragraph (1) shall serve as ex officio members of the Board.

''(3) CHAIRPERSON.—The members of the Board appointed under paragraph (1)(F) shall annually elect one of such members to serve as the Chairperson of the Board until the next election.

''(b) DUTIES OF THE BOARD.—It shall be the duty of the Board to advise, consult with, and make recommendations to the Director of NIH on important matters of policy in regard to the Center, including such matters as the scope, content and organization of the research, education and consultative services provided by the Center. The Board shall make recommendations to the Director of NIH regarding the rules under which specimens from the tissue repository will be used and under which it's publications, facilities and services will be made available to various kinds of users.

''(c) TERMS OF OFFICE.—Each appointed member of the Board shall hold office for a term of 4 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor of such member was appointed shall be appointed for the remainder of such term. None of the appointed members shall be eligible for reappointment within 1 year after the end of the preceding term of such member.

''(d) COMPENSATION.—Appointed members of the Board who are not otherwise in the employ of the United States, while attending conferences of the Board or otherwise serving at the request of the Secretary in connection with the administration of the Board, shall be entitled to receive compensation, per diem in lieu of subsistence, and travel expenses in the same manner and under the same conditions as that prescribed under section 208(c).

"SEC. 485D. GIFTS TO THE CENTER.

''Section 231 shall be applicable to the acceptance and administration of gifts made for the benefit of the Center or for carrying out any of its functions.

"SEC. 485E. CENTER FACILITIES.

''There are authorized to be appropriated amounts sufficient for the erection and equipment of suitable and adequate buildings and facilities for use of the Center. The Administrator of General Services may acquire, by purchase, condemnation, donation, or otherwise, a suitable site or sites, selected by the Secretary in accordance with the direction of the Board, for such buildings and facilities and to erect thereon, furnish, and equip such buildings and facilities. The amounts authorized to be appropriated by this section include the cost of preparation of drawings and specifications, supervision of construction, and other administrative expenses incident to the work. The Administrator of General Services shall prepare the plans and specifications, make all necessary contracts, and supervise construction.''.

(b) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to the appropriate committees of Congress that contains—

(1) a review of all functions and duties of the National Pathology Center under subpart 7 of part E of title IV of the Public Health Service Act,as established by subsection (a);

(2) areas where such functions and duties overlap with the functions and duties of the National Institutes of Health; and

(3) recommendations concerning necessary modifications to the National Pathology Center.

(c) TRANSFER OF THE ARMED FORCES INSTITUTE OF PATHOLOGY.—

(1) IN GENERAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), there are transferred to the National Pathology Center established under subpart 7 of part E of title IV of the Public Health Service Act all functions, duties, personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations of the Armed Forces Institute of Pathology. The preceding sentence shall not affect any proceedings, pending applications, suits, or other actions pending on the date of enactment of this Act.

(B) EXCEPTIONS.—The following components of the Armed Forces Institute of Pathology shall not be transferred from the Department of Defense pursuant to subparagraph (A):

(i) The Armed Forces Medical Examiner.

(ii) The Department of Defense DNA registry.

(iii) Accident Investigation Program.

(iv) The histopathology training program.

(v) The patient safety center.

(vi) Department of Legal Medicine.

(vii) Center for Clinical Laboratory Medicine.

(viii) Drug Testing and Quality Assurance Program.

(ix) Subject to the discretion of the Secretary of Defense, medical research programs on the following:

(I) Body armor.

(II) Environmental sarcoidosis.

(III) Depleted uranium.

(IV) Military working dogs.

(V) Such other areas of research related to pathology as the Secretary of Defense shall choose to conduct.

(2) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Armed Forces Institute of Pathology shall be deemed to be a reference to the National Pathology Center established under subpart 7 of part E of title IV of the Public Health Service Act.

By Mrs. FEINSTEIN:

S. 1874. A bill to amend title 28, United States Code, to clarify jurisdiction of Federal Courts over a tort action brought by an alien, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce legislation that clarifies the meaning and scope of the Alien Tort Statute.

This 200-year-old law has spawned dozens of legal cases involving U.S. multinational companies, human rights groups, foreign plaintiffs, the State Department, and millions of dollars in litigation costs. Numerous companies in California are in the midst of these lawsuits as defendants and it is my view that legislation can help refine and improve the law.

Judges have grappled in interpreting and applying the statute for years now without a consensus view emerging. I think it would be fair to say that confusion reigns supreme when it comes to alien tort suits.

Given this opaque legal picture, last summer the Supreme Court ruled on a case, Sosa v. Alvarez Machain, in an attempt to reconcile conflicting decisions from judges across the country.

The Court's June 2004 ruling was notable, for embracing certain principles that will help guide the Judiciary branch on alien tort claim issues but for leaving many questions unanswered as well.

It held that a substantive, legal basis exists for foreigners to sue U.S. individuals and corporations over alleged human rights violations occurring in overseas locations. The Court essentially affirmed that a limited, implicit sanction for courts exists to decide certain alien tort claims.

At the same time, the opinion provided a wide berth for what the claims might actually be. The Court hedged on key issues, without clearly demarcating what suits ought to go forward under the statute and which ones should be summarily dismissed.

In particular the ruling did not address: which international law claims by foreigners should be heard in a U.S. district court, and the standard of liability for U.S. companies facing these human rights charges.

To clarify these areas, the Justices wrote that they would welcome ''any congressional guidance'' on the breadth of the statute. During oral arguments a number of the Justices appeared to concur that a legislative approach would make sense. One Justice even commented that ''I just wonder if it isn't wise to . . . let Congress have a look at this thing.''

Those views were echoed by a Washington Post editorial that followed soon after. The paper stated that the alien tort law has ''formed the basis for litigation against U.S. companies involved with nefarious regimes abroad. And while horrid conduct by an American company ought to be, where proven, grounds for action in American courts, the parameters of such litigation are surely a legislative question, not one for the freewheeling discretion of judges. . . . But the court left open the possibility that at least some of these suits can proceed in the absence of further congressional action.''

The Court's perspective, along with the Post commentary, indicates, at least to me, a sense of caution about imposing by judicial fiat action that is better left to consideration and refinement by the Congress.

The Court's hesitation to legislate from the bench shifts the responsibility to this body, I believe, to pass legislation that settles on a reasonable legal means that plaintiffs and defendants alike can rely on to litigate their differences.

I believe the measure we are introducing today accomplishes this basic and important goal.

Right now, courts are essentially adrift in terms of being able to pinpoint the underlying meaning, scope and intent of this 200-year-old statute. In its entirety, it reads: ''The district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States.''

The economy of words makes the law abstruse and subject to varying interpretation. And complex, lengthy and unnecessary litigation has burdened the courts as a result.

This new bill will establish a fair, legal basis for filing suit under the Alien Tort Statute (ATS). And it will have the added benefit of explicating the law's dual jurisdictional and substantive nature.

The measure: specifies a legal standard convicting defendants of wrongdoing if they directly participate with specific intent to commit the alleged tort; codifies international claims under the Alien Tort law to include genocide, torture, slavery and slave trade, extrajudicial killing, and piracy; expands on existing statutory law, the Torture Victim Protection Act; states that Federal courts shall not proceed with tort claims when the President adequately certifies that such exercise of jurisdiction will have a negative impact on the foreign policy interests of the U.S.; maintains that every effort should be made to try these cases in the country of origin before granting jurisdiction in U.S. courts; invokes a 10-year statute of limitations on ATS charges filed against U.S. multinational companies; and disallows contingency fee arrangements for legal representatives of plaintiffs or defendants.

The Supreme Court's delineation that the Alien Tort law is jurisdictional in one sense, but recognizes a restricted category of substantive claims encompassed by the law of nations, leaves many unresolved questions.

The historical origins of the ATS, passed by the First Congress as part of the Judiciary Act of 1789, suggest that certain offenses relevant to that period in American history—piracy, infringing the rights of ambassadors, and prevention of safe travel abroad—were meant to be prosecutable. But Justice Souter's Alvarez-Machain opinion notes that a slim legislative history of the statute makes it difficult to surmise the law's true intent.

At the same time, Justice Souter opined: ''Still, the history does tend to support two propositions. First, there is every reason to suppose that the First Congress did not pass the ATS as a jurisdictional convenience to be placed on the shelf for use by a future Congress or state legislature that might, some day, authorize the creation of causes of action or itself decide to make some element of the law of nations actionable for the benefit of foreigners. The anxieties of the preconstitutional period cannot be ignored easily enough to think that the statute was not meant to have a practical effect. . . . The second inference to be drawn from the history is that Congress intended the ATS to furnish jurisdiction for a relatively modest set of actions alleging violations of the law of nations.''

The opinion ranges further, that, such a ''modest set of actions'' indeed applies to current times, not merely offenses grounded in law two hundred

years ago. The critical portion reads: ''Accordingly, we think courts should require any claim based on the present-day law of nations to rest on a norm of international character accepted by the civilized world and defined with specificity comparable to the features of the 18th century paradigms we have recognized.''

I am uncomfortable with such a nebulous, open-ended legal approach permitting courts to entertain suits based on a ''norm of international character'' and ''specificity'' consistent with crimes of early American history. Adjudicating cases based on these broad historical and legal precepts is admirable. In practical terms it remains very difficult.

The Congress ought to weigh in and play a constructive role. Without legislation, judges will continue to reach markedly different conclusions under the law, based on arbitrary interpretations of case-specific facts and other considerations.

Let's take the legal mystery out of the statute and what qualifies as an alien tort and replace it with something that is concrete and appropriate for the times.

At the heart of this legislation is codifying a class of violations of international law that will discourage defendant companies from consorting with human rights violators in any respect. They will be held liable if they do so by a specific standard that judges whether they intentionally and directly caused certain violations of human rights.

A plaintiff victim will be able to vindicate their rights by filing an express statutory cause of action based on a half dozen egregious wrongs. Regardless of the foreign policy and trade implications, defendant U.S. companies will be held fully accountable under the bill for bad corporate behavior in their overseas business operations.

That is as it should be. Certain alien torts in violation of the law of nations ought to be cognizable and this legislation ensures that result. Moreover, the fact that specific crimes are made actionable and enforceable will aid human rights organizations in their fight to strengthen the deterrent effect of the law for potential violators.

Regarding the defendant perspective, in one friend of the court brief submitted in the Alvarez Machain case, the argument was made that ''. . . companies face enormous uncertainty regarding the scope of potential claims under the statute. . . . Because ATS cases are based upon an implied cause of action without any clear standards of liability, there may be little companies can do to protect themselves against potential claims, short of simply ceasing to do business in the many nations whose human rights practices come up short against evolving Western ideals.''

The business community ought to embrace this legislation precisely because it wipes away this uncertainty. The best way to encourage U.S. multinationals to invest abroad is: 1. by specifying a universe of the most egregious human rights violations that they may be held liable for and 2. offering a clear, understandable legal standard that judges their actions accordingly. This legislative measure tackles both issues head on.

There are estimates that dozens of existing alien tort suits claim damages—collectively—in excess of $200 billion dollars. That's an extraordinary sum that rightly concerns the U.S. business community, particularly given numerous inconsistent federal courts verdicts handed down in the past two decades.

This legislation deters private plaintiffs from filing sweeping and specious claims simply because a corporation has a U.S. legal nexus and deep pockets. Yet, it expands the basis for foreign plaintiffs pursuing certain international law causes of action in federal court by codifying their rights in a judicious way.

While some in the U.S. business community would prefer that the Alien Tort statute be deleted from the U.S. Code altogether, I would respectfully disagree. A fair compromise that balances the interests of U.S. companies and human rights organizations is what this legislation seeks to accomplish.

The Congress has waded into this debate before, passing the Torture Victim Protection Act in 1991, and this new legislation contains many similar elements: a statute of limitations, a statutory exhaustion provision, and specifying torture and extrajudicial killing as within the adjudicatory discretion of a district court.

There is precedent, then, for the Legislative branch acting to provide civil redress for victims of torture. Asserting extraterritorial jurisdiction under the ATS, for torture and other jus cogen violations, has a firm footing in American jurisprudence.

The legislative history of the TVPA is important because it spells out the constitutional grounds justifying that statutory law and this new legislation as well.

The Senate Judiciary Committee report on the TVPA states as follows: ''Under article III of the Constitution, the Federal judiciary has the power to adjudicate cases 'arising under' the 'law of the United States.' The Supreme Court has held that the law of the United States includes international law. . . . Congress's ability to enact this legislation also derives from article I, section 8 of the Constitution which authorizes Congress 'to define and punish . . . Offenses against the Law of Nations.' ''

Existing case law confirms the point that Congress has given the federal courts the power to interpret and apply international human rights law. The notable Paquete Habana decision states, in part, that ''international law is part of our law, and must be ascertained and administered by the courts of justice of appropriate jurisdiction, as often as questions of right depending upon it are duly presented for their determination. . . Congress, however, has not only expressed no disagreement with our view of the proper exercise of the judicial power, but has responded to its most notable instance by enacting legislation [the Torture Victim Protection Act] supplementing the judicial determination in some detail.''

The view expressed in the Alvarez Machain case last year was much the same, that no development in the last two centuries has ''categorically precluded federal courts from recognizing a claim under the law of nations as an element of common law.''

Different precedent, Tel Oren v. Libyan Arab Republic, also posits that civil liability should ensue from certain violations of international law, suggesting that the ''limits of section 1350's [the ATS] reach'' be defined by ''a handful of heinous actions—each of which violates definable, universal and obligatory norms.''

This legislation fills that legal vessel with the most egregious crimes: genocide, torture, slavery and slave trading, extrajudicial killing, and piracy. These jus cogen offenses are singled out through 1. stare decisis, 2. the Restatement (Third) of Foreign Relations Law, 3. academic writings, 4. official annual human rights assessments from the State Department and 5. among the writings and publications of many human rights and international law advocacy groups.

Congress is in the best position to make the determination of what falls within the ambit of the statute, not judges across America who lack expertise, time, and resources to assess what constitutes definable, specific, universal, and obligatory norms of international law. The bill, I would submit, represents a good faith effort in permitting these tortious acts, all firmly established and well defined in international law norms, to be prosecuted in U.S. district courts.

I was interested to read the views last year of the head of the National Foreign Trade Council, William Reinsch, that ''these cases are going to end up in the Supreme Court . . . and the Court will over time end up defining what in its judgment constitutes the law of nations and what does not. But that seems to us a fairly circuitous way of doing things.'' I would concur, particularly since the Supreme Court's decision last year in the Alvarez Machain case did not clear up the inherent vagaries in the law.

A significant provision in this legislation creates a standard of liability that requires plaintiffs to show that a defendant directly participated with specific intent in carrying out the alleged tort. In my view, we need to deter legal fishing expeditions, whereby plaintiffs come to the bar with flinty facts backing weak charges.

Their real intent, it seems, is to rely on an extensive legal discovery process to uncover matters that embarrass companies and delay their business plans.

In the groundbreaking 1980 Filartiga v. Pena-Irala case, for example, the threshold requirement laid out was that the offense needed to be ''clear and unambiguous'' to be viable under the statute. Succeeding cases have affirmed a standard essentially requiring proof of a defendant aiding and abetting the worst human rights violations. This bill replaces the current aiding and liability standard for good reason: these foreign-based claims demand a particularity of facts that is both strong and specific.

I would submit that the existing ambiguous grant of jurisdiction needs more refinement to provide judges legal bright lines for deciding these cases. My bill offers precise, and fair, treatment for which cases get standing in a U.S. court.

A common theme in dozens of cases alien tort cases is whether the facts and law combine to present a nonjusticiable political question. Each cause of action is obviously different, and whether the matter ought to be under the province of a different branch of government requires careful analysis.

I would certainly agree that certain prudential doctrines, act of state, political question, foreign sovereign immunity, forum non conveniens, and considerations of comity among nations, at times can be appropriately invoked to limit jurisdiction.

Part of that consideration can usefully come from statements of interest and certifications submitted by the Executive branch; for that reason, the legislation I'm offering preserves a suitable role for the Executive branch to weigh in. If a judge determines that a certification offered by the State Department adequately justifies that harm will come to U.S. foreign policy interests if an alien tort suit proceeds, then dismissal is warranted.

In regards to restricting the statute of limitations to ten years, equitable tolling considerations should be explicitly considered in interpreting provisions in the legislation. There are numerous factors that give rise to equitable tolling and long-established judge-made doctrine in this area is not inconsistent with the goals of my bill.

Complementary legislation which I raised earlier, the Torture Victim Protection Act, upholds the principle of equitable tolling. The Judiciary Committee report on that measure notes some common examples:

''The statute of limitation should be tolled during the time the defendant was absent from the United States or from any jurisdiction in which the same or a similar action arising from the same facts may be maintained by the plaintiff, provided that the remedy in that jurisdiction is adequate and available. Excluded also from calculation of the statute of limitations would be the period when a defendant has immunity from suit. The statute of limitations should also be tolled for the period of time in which the plaintiff is imprisoned or otherwise incapacitated.''

I would submit that all of these listed circumstances, and others, are sufficient to suspend the running of the time under my legislation.

Let me conclude by referring back to one of the Supreme Court's foundational points in the Alvarez-Machain case that ''despite considerable scholarly attention, it is fair to say that a consensus understanding of what Congress intended has proven elusive.''

The 33 words contained in the law remain a ''legal Lohengrin'' since ''no one seems to know whence it came'' added a judge hearing a different case some years ago. As a result, costly, complex litigation proceeds forward across the country.

Courts deserve guidance from Congress about how to treat and interpret the statute, particularly in light of the growing importance of international trade and commerce. In a major address Supreme Court Justice O'Connor recently observed that ''international law has emerged in ways that affect all courts, both here and abroad. The reason is globalization. Its importance should not be underestimated. Thirty percent or more of our gross domestic product is internationally derived.'' Yet these particular suits, brought by foreigners for massive monetary damages, threaten the international economic activities that are important to sustaining the American economy.

The suits should be able to go forward, but judges need better legal tools to make heads or tails of the cases that come before them hence the motivation for introducing the Alien Tort Statute Reform Act.

With full understanding of the Supreme Court's admonition to act with judicial caution in framing the alien tort statute, I believe it is time for Congress to bring clarity to the law and this proposed legislation does so.

I look forward to working with colleagues on the Judiciary Committee, through the hearing process and other means, to give this matter serious consideration by the Legislative branch.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1874

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Alien Tort Statute Reform Act''.

SEC. 2. SUITS BY ALIENS.

Section 1350 of title 28, United States Code, is amended to read as follows:

''§ 1350. Alien's action for tort

''(a) JURISDICTION OF DISTRICT COURTS.—The district courts shall have original and exclusive jurisdiction of any civil action brought by an alien asserting a claim of torture, extrajudicial killing, genocide, piracy, slavery, or slave trading if a defendant is a direct participant acting with specific intent to commit the alleged tort. The district courts shall not have jurisdiction over such civil suits brought by an alien if a foreign state is responsible for committing the tort in question within its sovereign territory.

''(b) DEFINITIONS.—For the purposes of this section:

''(1) DEFENDANT.—The term 'defendant' means any person subject to the jurisdiction of the district courts of the United States, including—

''(A) a United States citizen;

''(B) a natural person who is a permanent resident of the United States;

''(C) a natural person who resides in the United States; or

''(D) a partnership, corporation, or other legal entity organized under the laws of the United States or of a foreign state.

''(2) FOREIGN STATE.—The term 'foreign state' has the meaning given that term in section 1603 of title 28, United States Code.

''(3) EXTRAJUDICIAL KILLING.—The term 'extrajudicial killing'—

''(A) means a deliberated killing, which—

''(i) notwithstanding the jurisdictional limitations referred to in subsection (a), is carried out by an individual under actual or apparent authority, or color of law, of any foreign state;

''(ii) is directed against another individual in the offender's custody or physical control; and

''(iii) is not authorized by a previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples; and

''(B) does not include any such killing that, under international law, is lawfully carried out under the authority of a foreign state.

''(4) GENOCIDE.—The term 'genocide' means, whether in time of peace or in time of war, an act carried out, or an attempt to carry out an act, with the specific intent to destroy, in whole or in substantial part, a national, ethnic, racial, or religious group as such, which—

''(A) kills members of that group;

''(B) causes serious bodily injury to members of that group;

''(C) causes the permanent impairment of the mental faculties of members of the group through drugs, torture, or similar techniques;

''(D) subjects the group to conditions of life that are intended to cause the physical destruction of the group in whole or in part;

''(E) imposes measures intended to prevent births within the group; or

''(F) transfers by force children of the group to another group.

''(5) PIRACY.—The term 'piracy' means—

''(A) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed—

''(i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; or

''(ii) against a ship, aircraft, persons, or property in a place outside the jurisdiction of any country;

''(B) any act of voluntary participation in the operations of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft; or

''(C) any act of inciting or of intentionally facilitating an act described in subparagraph (A) or (B).

''(6) SLAVE TRADING.—The term 'slave trading' includes—

''(A) all acts involved in the capture, acquisition, or disposal of a person with intent to reduce such person to slavery;

''(B) all acts involved in the acquisition of a slave with a view to selling or exchanging such slave;

''(C) all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged; and

''(D) in general, every act of trade or transport of slaves.

''(7) SLAVERY.—The term 'slavery' means the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

''(8) TORTURE.—

''(A) IN GENERAL.—Notwithstanding the jurisdictional limitations referred to in subsection (a), the term 'torture' means any act, carried out by an individual under actual or apparent authority, or color of law, of any foreign state, directed against another individual in the offender's custody or physical control, by which severe pain or suffering (other than pain or suffering arising only from or inherent in, or incidental to, lawful sanctions), whether physical or mental, is intentionally inflicted on that individual for such purposes as obtaining from that individual or a third person information or a confession, punishing that individual for an act that individual or a third person has committed or is suspected of having committed, intimidating or coercing that individual or a third person, or for any reason based on discrimination of any kind.

''(B) MENTAL PAIN OR SUFFERING.—In subparagraph (A), mental pain or suffering refers to prolonged mental harm caused by or resulting from—

''(i) the intentional infliction or threatened infliction of severe physical pain or suffering;

''(ii) the administration or application, or threatened administration or application, of mind altering substances, or other procedures calculated to disrupt profoundly the senses or the personality;

''(iii) the threat of imminent death; or

''(iv) the threat that another individual will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind altering substances or other procedures calculated to disrupt profoundly the senses or personality.

''(c) LIABILITY FOR DAMAGES.—Any defendant who is a direct participant acting with specific intent to commit a tort referred to in subsection (a) against an alien shall be liable for damages to that alien or to any person who may be a claimant in an action for the wrongful death of that alien.

''(d) EXHAUSTION OF REMEDIES.—A district court shall abstain from the exercise of jurisdiction over a civil action described in subsection (a) if the claimant has not exhausted adequate and available remedies in the place in which the injury occurred. Adequate and available remedies include those available through local courts, claims tribunals, and similar legal processes.

''(e) FOREIGN POLICY INTERESTS OF THE UNITED STATES.—No court in the United States shall proceed in considering the merits of a claim under subsection (a) if the President, or a designee of the President, adequately certifies to the court in writing that such exercise of jurisdiction will have a negative impact on the foreign policy interests of the United States.

''(f) PROCEDURAL REQUIREMENTS.—

''(1) SPECIFICITY.—In any action brought under this section, the complaint shall state with particularity specific facts that—

''(A) describe each tort alleged to have been committed and demonstrate the reason or reasons why the tort action may be brought under this section, provided that if an allegation is made on information and belief, the complaint shall state with particularity all facts on which that belief is formed; and

''(B) demonstrate that the defendant had the specific intent to commit the tort alleged to have been committed.

''(2) MOTION TO DISMISS.—In any action brought under this section, the court shall, on the motion of any defendant, dismiss the complaint if the requirements of subparagraphs (A) and (B) of paragraph (1) are not met.

''(3) STAY OF DISCOVERY.—In any action brought under this section, all discovery related to the merits of the claim and other proceedings shall be stayed during the pendency of any motion to dismiss, unless the court finds upon the motion of any party that particularized discovery is necessary to preserve evidence or to prevent undue prejudice to that party.

''(4) PLAINTIFF IDENTITY.—

''(A) REQUIREMENT.—Subject to subparagraph (B), in any action brought under this section, the first and last names of all plaintiffs shall be disclosed in the complaint filed with the court.

''(B) EXCEPTION.—A court may permit an anonymous filing of a complaint if a plaintiff's life or safety would be endangered by publicly disclosing the plaintiff's identity.

''(g) FEES.—Contingency fee arrangements are prohibited in any action brought under the jurisdiction provided in this section.

''(h) STATUTE OF LIMITATIONS.—No action shall be maintained under this section unless it is commenced not later than 10 years from the date the injury occurred.

''(i) APPLICATION OF OTHER LAWS.—Nothing in this section may be construed to waive or modify the application of any provision of the Class Action Fairness Act of 2005 (Public Law 109–2; 119 Stat. 4) and any amendment made by that Act, or of title 28, United States Code, to any class action law suit brought under this section.''.

By Mr. BINGAMAN:

S. 1875. A bill to provide financial aid to local law enforcement officials along the Nation's borders, and for other purposes; to the Committee on the Judiciary.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Border Law Enforcement Relief Act of 2005. This bill will provide local law enforcement in border communities with much needed assistance in combating border-related criminal activity. For far too long, law enforcement agencies operating along the border have had to incur significant costs due to the inability of the Federal Government to secure our Nation's borders. It is time that the Federal Government recognizes that border communities should not have to bear this burden alone.

The bill I am introducing today is aimed at enhancing security in the border region by giving law enforcement agencies the manpower and resources they need to combat border-related crimes. Specifically, the bill would establish a competitive grant program within the Department of Homeland Security to help local law enforcement situated along the border cover some of the costs they incur as a result of dealing with illegal immigration, drug trafficking, stolen vehicles, and other border-related crimes, and authorizes $30 million a year to carry out the program. Funds allocated under the grant program could be used to hire additional personnel, obtain necessary equipment, upgrade law enforcement technology, and cover overtime and transportations costs.

Law enforcement agencies serving communities within 100 miles of the U.S. border with Mexico or Canada, as well as any other agencies located outside of this geographical limit located in an area which has been designated by the Secretary of Homeland Security as a ''High Impact Area,'' would be eligible to apply for the grants. Priority in awarding grants would go to law enforcement agencies serving communities with populations under 50,000. Two-thirds of the funds would be set aside for the six states with the highest alien apprehension rates and one-third for areas designated as ''High Impact Areas.''

It is the responsibility of the Federal Government to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the country. Despite the fact that the Border Patrol apprehends over 1 million people each year trying to illegally enter the United States, the number of illegal aliens in the United States continues to rise as thousands of individuals enter the country through our porous borders. The border region is also a major corridor for the shipment of drugs—according to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the United States enter the country through the Southwest border.

By virtue of their proximity to an international border, many of adverse consequences of the failure of the Federal Government to adequately secure the border fall on the border communities. In traveling around the New Mexico-Mexico border region, I have heard repeatedly how drug trafficking, kidnappings, human smuggling, and the destruction of private property, such as the tearing down ranchers' cattle fences, are impacting our communities.

The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land with few officers and very limited resources. Counties along the Southwest border are some of the poorest in the country and are not in the position to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

According to a 2001 study by the United States-Mexico Border Counties Coalition, local law enforcement and criminal justice costs associated with illegal immigration exceed $89 million every year. The States of Arizona and New Mexico have declared states of emergency in order to provide local

law enforcement with immediate assistance in addressing criminal activity along the border. It is time that the Federal Government step up and share some of this burden.

We are making some headway in terms of increasing the number of Border Patrol agents along the border. Despite the fact that the administration only requested funding to hire an additional 210 Border Patrol agents in its 2006 Budget Request, Congress has appropriated enough funding to hire and train an additional 1,500 agents. We are making some progress, and I am pleased that additional agents have been sent to New Mexico, but we must face the reality that much more needs to be done and we are a long way off from securing our borders and preventing the illegal flow of drugs and undocumented person into this country. I believe that this is an area that Congress can, and should, be doing more.

We need more Border Patrol agents, better technology, and a comprehensive strategy to meet our security needs. We also need to reform our broken immigration system so we are able to more effectively target those who pose a threat to our country. However, we must also remember the role local law enforcement play in responding to criminal activity that occurs in the border region. Increasing funding for local law enforcement will help border communities alleviate some of these problems and enhance security in the border region.

Federal assistance is desperately needed to help border law enforcement agencies address the unique challenges that arise from being situated along an international border and the lack of overall border security. I urge my colleagues to lend their support to this important bill and give law enforcement the resources they need to meet these challenges.

By Mr. AKAKA:

S. 1878. A bill to prohibit predatory payday loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA:

S. 1879. A bill to amend title 11, United States Code, to limit claims in bankruptcy by certain unsecured creditors; to the Committee on the Judiciary.

BANKRUPTCY REFORM IMPLEMENTATION

Mr. AKAKA. Mr. President, I opposed the bankruptcy reform bill because it was an outdated bill that failed to include adequate consumer protections. We saw a record number of consumer bankruptcy filing prior to the October 17 implementation deadline for the harsh new bankruptcy. Not enough was included in the legislation to protect consumers from predatory lenders or to make credit counseling a viable alternative to bankruptcy or to better inform over extended consumers about the true costs of their debts. I was disappointed that the Senate failed to effectively address these issues in a meaningful way, and instead, passed an outdated bill that forces working families into more costly and difficult bankruptcy proceedings. I am committed to making improvements in this flawed law.

Today, I am introducing two bills that address flaws in the bankruptcy reform law. The first bill is the Predatory Payday Loan Prohibition Act. This bill would prevent federally-insured financial institutions from originating predatory payday loans. Payday loans are small cash loans repaid by borrowers' postdated checks or borrowers' authorizations to make electronic debits against existing financial accounts. Payday loan amounts are usually in the range of $100 to $500 with full payment due in 2 weeks. Finance charges on payday loans are typically in the range of $15 to $30 per $100 borrowed, which translates into triple digit interest rates in the range of 390 percent to 780 percent when expressed as an annual percentage rate. Loan flipping, which is a common practice, is the renewing of loans at maturity by paying additional fees without any principal reduction. Loan flipping often leads to instances where the fees paid for a payday loan well exceed the principal borrowed. This situation often creates a cycle of debt that is hard to break.

Industry analysts conservatively estimate that more than 15,000 payday advance locations across America extend about $25 billion in short-term credit to millions of households experiencing cash-flow shortfalls. Too many of its customers are low-income, working families. More and more customers are the financially stretched middle class, including people who have maxed out their credit cards, people perhaps who have lost a job, or people with no savings to fall back on during a situation that causes a cash-flow shortfall, such as a medical emergency.

Payday lending is also rampant in the military. One in five servicemembers have used payday lenders in the last year, according to the report, ''Payday Lenders Target the Military,'' by the Center for Responsible Lending. Payday lenders exploit people in financial need and profit enormously from these loans. We must act to protect vulnerable consumers from these predatory lenders.

In addition, I previously introduced S. 1347, the Low-Cost Alternatives to Payday Loans Act. This bill would authorize award demonstration project grants for eligible entities to provide consumers with low-cost, small loan alternatives to more costly and predatory payday loans. Loan alternatives that meet the needs of consumers and are at a fair price must be developed.

Today, I am also introducing the Bankruptcy Prevention Credit Counseling Act. The new bankruptcy reform law does not allow consumers to declare personal bankruptcy in either chapter 7 or chapter 13, unless they receive a briefing from an approved nonprofit credit counseling agency within 6 months of filing. The credit counseling instructional course requirement is intended to provide financial education to consumers who declare bankruptcy so they can attempt to avoid future financial problems.

About one in three consumers in credit counseling enter a debt management plan. In exchange, creditors may agree to concessions so that consumers pay off as much of their outstanding debt as possible. Examples of concessions can include a reduced interest rate on the amount they owe and the elimination of fees. Unfortunately, most credit card companies have become increasingly unwilling to significantly reduce interest rates for consumers in credit counseling.

The Bankruptcy Prevention Credit Counseling Act would prevent unsecured creditors, primarily credit card issuers, from attempting to collect accruing interest and additional fees from consumers in bankruptcy, if the creditor does not have a policy of waiving interest and fees for debtors who enter a consolidated payment plan at a credit counseling agency. Since the new bankruptcy law requires that consumers enter credit counseling before filing for bankruptcy, we must ensure that consumers are given a fair chance at reducing their debt burden.

I also offered the text of the amendment of my bill, S. 393, the Credit Card Minimum Payment Warning Act, as an amendment to the bankruptcy bill. My amendment, intended to provide consumers with adequate, timely, and meaningful disclosures, was unfortunately defeated. As the bankruptcy reform law makes it more difficult for consumers to discharge their debts in bankruptcy, we have a responsibility to provide meaningful additional information so that consumers can make better informed debt management decisions. The bankruptcy reform law includes a requirement that credit card issuers provide a generic warning about the consequences of only making the minimum payment. This requirement fails to provide consumers the detailed information that my amendment would have provided, which means detailed, personalized information necessary for them to make better informed choices about their credit card use and repayment. My amendment would have required companies to inform consumers of how many years and months it would take to repay their entire balance, and the total cost in interest and principal, if the consumer makes only the minimum payment. My legislation would also have required consumers to be provided with the amount they would need to pay to eliminate their outstanding balance in 36 months. Finally, my legislation would have required that creditors establish a toll-free number so that consumers can access trustworthy credit counselors. In response to criticisms that my amendment was not feasible, I, along with

Senator SARBANES, requested that the Government Accountability Office study the issue. I am hopeful the report will provide helpful information as we must continue to improve meaningful and understandable disclosures that will help Americans better manage their credit card debts.

I want to take a moment to thank Senator SARBANES, and his Banking Committee staff, for working with me on this and many other financial literacy related issues. In addition, I also want to thank Senator LEAHY and the staff of the Judiciary Committee for all of their efforts to try and improve the flawed bankruptcy legislation.

I fear that the bankruptcy reform law will significantly harm families who have suffered financially due to illnesses, the loss of a job, or the death of a loved one. I remain committed to working with all of my colleagues to better protect and inform consumers and to hold the credit card industry accountable for its aggressive marketing of credit to our debt burdened society.

Mr. AKAKA. Mr. President, I rise to introduce the Predatory Payday Loan Prohibition Act of 2005. Currently, federal law authorizes insured depository institutions to export interest rates, as provided under the laws of the state where the bank or credit union is located, to out-of-state borrowers. My bill would effectively eliminate the ability of financial institutions to do this by prohibiting federally-insured financial institutions from originating predatory payday loans.

What constitutes a payday loan? These are small cash loans repaid by borrowers' postdated checks or borrowers' authorizations to make electronic debits against existing financial accounts. Payday loan amounts are usually in the range of $100 to $500 with payment in full due in two weeks. Finance charges on payday loans are typically in the range of $15 to $30 per $100 borrowed, which translates into triple digit interest rates in the range of 390 percent to 780 percent when expressed as an annual percentage rate. Loan flipping, which is a common practice, is the renewing of loans at maturity by paying additional fees without any principal reduction. Loan flipping often leads to instances where the fees paid for a payday loan well exceed the principal borrowed. This situation often creates a cycle of debt that is hard to break. Today, industry analysts conservatively estimate that more than 15,000 payday advance locations across America extend about $25 billion in short-term credit to millions of households experiencing cash-flow shortfalls.

I am appalled that the payday lending industry is portrayed as a legitimate business. Too many of its customers are low-income, working families. More and more customers are the financially stretched middle class including people who have maxed out their credit cards, people perhaps who have lost a job, or people with no savings to fall back on during a situation that causes a cash-flow shortfall, such as a medical emergency. Payday lending is also rampant in the military. One in five servicemembers have used payday lenders in the last year, according to the report, ''Payday Lenders Target the Military,'' by the Center for Responsible Lending. Payday lenders are concentrated around military bases, such as the Navy bases in Norfolk, Virginia, the Army's Fort Lewis in Washington State, and the Marine Corps base at Camp Pendleton in California. The Department of Defense confirms the Center's report by listing payday lending as one of the top 10 priority issues facing military families, according to Dr. David Chu, the Under Secretary of Defense for Personnel and Readiness. To the predatory lenders, our military personnel's government paychecks represent a reliable source of fees. Also, payday lenders can be relatively confident that borrowers will continue to pay, because military personnel face harsh consequences, such as court martial or dishonorable discharge, for not repaying their debts. I am pleased that in my home state a local credit union, Windward Community Federal Credit Union, Kailua, Hawaii, has developed an affordable, alternative product to offer the many Marines who live in its service area. Earlier this year I introduced another bill to encourage replication of such practices. S. 1347, the Low-Cost Alternatives to Payday Loans Act, would authorize demonstration project grants to eligible entities to provide low-cost, small loans to consumers that would provide alternatives to more costly, predatory payday loans so that more people could have access to payday loan alternatives.

Payday loan providers claim that they are offering a simple financial product that addresses an emergency or temporary credit need that usually cannot be met by traditional financial institutions. An analysis of payday lending statistics by the Center for Responsible Lending indicates that the majority of payday loan borrowers have multiple loans each year with two thirds having five or more payday loans annually and half of these borrowers having 12 or more payday loans annually. Some borrowers seek loans from two or more payday lenders, multiplying the potential for getting trapped in debt. Research by the Community Financial Services Association of America, the payday loan industry's national trade association, found that 40 percent of payday loan customers renew their payday loans a staggering five times or more.

The payday loan industry exploits people that are in financial need. Congress has failed to act to prevent the exploitation of working families that are short on cash due to unexpected medical expenses or other needs. We must act to protect consumers from these unscrupulous lenders. I remain committed to restricting all forms of predatory lending, including payday loans, and I encourage my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1878

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Predatory Payday Loan Prohibition Act of 2005''.

SEC. 2. PROHIBITION ON CREDITORS MAKING PAYDAY LOANS.

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 109 the following:

''SEC. 110. PROHIBITION ON PAYDAY LOANS.

''(a) IN GENERAL.—A creditor may not make a payday loan to any person, if the creditor knows or has reasonable cause to believe that—

''(1) the personal check or share draft that the creditor receives from the person in exchange for the loan is drawn on an insured depository institution or an insured credit union; or

''(2) the account that will be debited in exchange for the loan is a transaction account or share draft account at an insured depository institution or an insured credit union.

''(b) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) INSURED INSTITUTIONS.—The terms 'insured depository institution' and 'insured credit union' have the meanings given those terms in section 3 of the Federal Deposit Insurance Act and section 101 of the Federal Credit Union Act, respectively.

''(2) PAYDAY LOAN.—The term 'payday loan' means any transaction in which a short-term cash advance is made to a consumer in exchange for—

''(A) the personal check or share draft of the consumer, in the amount of the advance plus a fee, where presentment or negotiation of such check or share draft is deferred by agreement of the parties until a designated future date; or

''(B) the authorization of a consumer to debit the transaction account or share draft account of the consumer, in the amount of the advance plus a fee, where such account will be debited on or after a designated future date.''.

SEC. 3. PROHIBITION ON INSURED DEPOSITORY INSTITUTIONS MAKING PAYDAY LOANS.

Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following:

''(x) PROHIBITION ON CERTAIN UNSAFE AND UNSOUND BANKING PRACTICES.—

''(1) IN GENERAL.—An insured depository institution may not—

''(A) make any payday loan, either directly or indirectly; or

''(B) make any loan to any other lender for purposes of financing a payday loan or refinancing or extending any payday loan.

''(2) PAYDAY LOAN DEFINED.—For purposes of this subsection, the term 'payday loan' means any transaction in which a short-term cash advance is made to a consumer in exchange for—

''(A) the personal check or share draft of the consumer, in the amount of the advance plus a fee, where presentment or negotiation of such check or share draft is deferred by agreement of the parties until a designated future date; or

''(B) the authorization of the consumer to debit the transaction account or share draft account of the consumer, in the amount of the advance plus a fee, where such account will be debited on or after a designated future date.''.

OCTOBER 6, 2005.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: Consumer Federation of America, Community Reinvestment Association of NC, Consumer Action, Consumers Union, National Community Reinvestment Coalition, National Consumer Law Center and U.S. PIRG applaud you for sponsoring legislation to prohibit lending based on checks or debits drawn on federally insured depository institutions. You have recognized that it is an unsafe banking practice for consumers to be enticed by payday lenders to write checks or authorize debits when there is no money on deposit to cover these cash advances. We are also pleased that your bill would prohibit banks from partnering with payday lenders, a tactic used by storefront lenders to evade state small loan and usury laws.

The ''Predatory Payday Loan Prohibition Act of 2005'' prohibits the relatively new practice of holding a check as security for a loan. Using the check as security for the payment of a payday loan is the key to the coercive collection tactics used by the lenders. As the lender holds the check, at the end of the short term loan, the consumer is generally forced to choose among three untenable options: 1) allowing the check to be debited from their bank account where it will deplete money needed for food and other living necessities, 2) allowing the check to bounce, exposing the borrower to coercive collection tactics when lenders threaten civil or criminal liability for unpaid checks, and from the risk of losing their bank account or checkwriting privileges, or 3) renewing the loan at the original high cost. Loans based on personal checks drawn on the borrower's bank account that will be deposited to repay the loan on the next payday is the modern version of lending secured by wage assignments, a credit practice long recognized as inherently unfair which violates FTC rules.

Your legislation also stops payday lenders from partnering with federally insured depository institutions to evade state usury or small loan rate caps. A few federally insured state chartered banks persist in ''renting'' their charters to payday lenders, a practice curtailed by most federal bank regulators, to make loans in states that enforce their usury or small loan laws.

Although payday lender-bank charter renting has been curtailed by regulatory action, only legislation will create a clear prohibition to stop this practice that undermines state small loan regulation.

Sincerely,

JEAN ANN FOX,
Director of Consumer Protection, Consumer Federation of America.

PETER SKILLERN,
Executive Director, Community Reinvestment Association of NC.

LINDA SHERRY,
Director, National Priorities, Consumer Action.

SUSANNA MONTEZEMOLO,
Policy Analyst, Consumers Union.

MONICA GONZALES,
Vice President of Legislation and Regulatory Affairs, National Community Reinvestment Coalition.

MARGOT SAUNDERS,
Of Counsel, National Consumer Law Center.

ED MIERZWINSKI,
Consumer Program Director, U.S. Public Interest Research Group (U.S. PIRG).

Mr. AKAKA. Mr. President, I rise to introduce the Bankruptcy Prevention Credit Counseling Act. The new bankruptcy reform law does not allow consumers to declare personal bankruptcy in either Chapter 7 or Chapter 13, unless they receive a briefing from an approved nonprofit credit counseling agency within 6 months of filing. The credit counseling instructional course requirement is intended to provide financial education to consumers who declare bankruptcy so they can attempt to avoid future financial problems.

About one in three consumers in credit counseling enter a debt management plan. In exchange, creditors may agree to concessions so that consumers pay off as much of their outstanding debt as possible. Concessions can include a reduced interest rate on the amount they owe and the elimination of fees. Unfortunately, most credit card companies have become increasingly unwilling to significantly reduce interest rates for consumers in credit counseling. A study by the National Consumer Law Center and the Consumer Federation of America revealed that 5 of 13 credit card issuers increased the interest rates they offered to consumers in credit counseling between 1999 and 2003. American Express and Wells Fargo completely waive all interest for consumers in credit counseling. However, the majority of credit card issuers charge interest rates above 9 percent for account holders that enter into credit counseling, with several charging more than 15 percent.

My bill would prevent unsecured creditors, primarily credit card issuers, from attempting to collect accruing interest and additional fees from consumers in bankruptcy, if the creditor does not have a policy of waiving interest and fees for debtors who enter a consolidated payment plan at a credit counseling agency.

Since the new bankruptcy law requires that consumers enter credit counseling before filing for bankruptcy, we must ensure that credit counseling is truly effective and a viable alternative to bankruptcy. Credit card issuers undermine the good intentions of those consumers. They have sharply curtailed the concessions they offer to consumers in credit counseling, contributing to increased bankruptcy filings. According to a survey by VISA USA, 33 percent of consumers who failed to complete a debt management plan in credit counseling said they would have stayed on the plan if creditors had lowered interest rates or waived fees. Credit card companies have an obligation to ensure that effective alternatives are readily available to the consumers they aggressively pursue.

We must make sure that credit counseling is an effective tool to help consumers avoid bankruptcy. In order to do this, credit card issuers should waive the amount owed in interest and fees for consumers who enter a consolidated payment plan. Successful completion of a debt management plan benefits both creditors and consumers. Mr. President, for many consumers, paying off their debt is not easy. My bill will help people who are struggling to repay their obligations. I encourage all of my colleagues to support this legislation to help consumers enrolled in debt management plans to successfully repay their creditors, free themselves from debt, and avoid bankruptcy.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1879

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bankruptcy Prevention Credit Counseling Act of 2005''.

SEC. 2. REDUCTION OF UNSECURED CLAIMS.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(10) such consumer debt is an unsecured claim arising from a debt to a creditor that does not have, as of the date of the order for relief, a policy of waiving additional interest for all debtors who participate in a debt management plan administered by a nonprofit budget and credit counseling agency described in section 111(a).''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 273—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS SHALL NOT BE ALLOWED TO EXERCISE CONTROL OVER THE INTERNET

Mr. COLEMAN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 273

Whereas market-based polices and private sector leadership have allowed the Internet the flexibility to evolve;

Whereas given the importance of the Internet to the global economy, it is essential that the underlying domain name system

and technical infrastructure of the Internet remain stable and secure;

Whereas the Internet was created in the United States and has flourished under United States supervision and oversight, and the Federal Government has followed a path of transferring Internet control from the defense sector to the civilian sector, including the Internet Corporation for Assigned Names and Numbers (ICANN) with the goal of full privatization;

Whereas the developing world deserves the access to knowledge, services, commerce, and communication, the accompanying benefits to economic development, education, health care, and the informed discussion that is the bedrock of democratic self-government that the Internet provides;

Whereas the explosive and hugely beneficial growth of the Internet did not result from increased government involvement but from the opening of the Internet to commerce and private sector innovation;

Whereas, on June 30, 2005, President George W. Bush announced that the United States intends to maintain its historic role over the master ''root zone'' file of the Internet, which lists all authorized top-level Internet domains;

Whereas the recently articulated principles of the United States on the domain name and addressing system of the Internet (DNS) are that the Federal Government will preserve the security and stability of the DNS, will take no action with the potential to adversely affect the effective and efficient operation of the DNS, and will maintain the historic role of the United States regarding modifications to the root zone file, that governments have a legitimate interest in the management of country code top level domains (ccTLD), and the United States is committed to working with the international community to address the concerns of that community in accordance with the stability and security of the DNS, that ICANN is the appropriate technical manager of the Internet, and the United States will continue to provide oversight so that ICANN maintains focus and meets its core technical mission, and that dialogue relating to Internet governance should continue in multiple relevant fora, and the United States encourages an ongoing dialogue with all stakeholders and will continue to support market-based approaches and private sector leadership;

Whereas the final report issued by the Working Group on Internet Governance (WGIG) of the United Nations indicates that an entity affiliated with the United Nations should assume global governance of the Internet;

Whereas a United Nations taskforce report suggests that, in addition to terminating the leadership role of the United States with respect to the Internet, the authority and functions of ICANN should be transferred to an entity affiliated with the United Nations;

Whereas that report contains recommendations for relegating the private sector and nongovernmental organizations to an advisory capacity, and some nations advocating such a change have stated that the private sector and nongovernmental organizations should have no future role in Internet governance;

Whereas the European Union has also proposed transferring control of the Internet to the United Nations, and such a transfer of control of the Internet would confer significant leverage to the governments of Iran, Cuba, and China, and would impose an undesirable layer of politicized bureaucracy on the operations of the Internet that would result in an inadequate response to the rapid pace of technological change;

Whereas some nations that advocate radical change in the structure of Internet governance censor the information available to their citizens through the Internet and use the Internet as a tool of surveillance to curtail legitimate political discussion and dissent, and other nations operate telecommunications systems as state-controlled monopolies or highly-regulated and highly-taxed entities;

Whereas some nations in support of transferring Internet governance to an entity affiliated with the United Nations, or another international entity, might seek to have such an entity endorse national policies that block access to information, stifle political dissent, and maintain outmoded communications structures;

Whereas the structure and control of Internet governance has profound implications for homeland security, competition and trade, democratization, free expression, access to information, privacy, and the protection of intellectual property, and the threat of some nations to take unilateral actions that would fracture the root zone file would result in a less functional Internet with diminished benefits for all people; and

Whereas the World Summit on the Information Society will meet in November 2005 in Tunisia to discuss the possibility of transferring control of the Internet to the United Nations or another international entity, and that summit will likely be the beginning of a prolonged international debate regarding the future of Internet governance:

Now, therefore, be it

Resolved, That the Senate—

(1) calls on the President to continue to oppose any effort to transfer control of the Internet to the United Nations or any other international entity;

(2) applauds the President for—

(A) clearly and forcefully asserting that the United States has no present intention of relinquishing the historic leadership role the United States has played in Internet governance; and

(B) articulating a vision of the future of the Internet that places privatization over politicization with respect to the Internet; and

(3) calls on the President to—

(A) recognize the need for, and pursue a continuing and constructive dialogue with the international community on, the future of Internet governance; and

(B) advance the values of an open Internet in the broader trade and diplomatic conversations of the United States.

SENATE RESOLUTION 274—EXPRESSING SYMPATHY AND PLEDGING THE SUPPORT OF THE SENATE AND THE AMERICAN PEOPLE TO THE VICTIMS OF THE DEVASTATING EARTHQUAKE THAT STRUCK SOUTH ASIA AND CAUSED THE SEVERE LOSS OF LIFE AND DESTRUCTION ON OCTOBER 8, 2005, AND PLEDGING IMMEDIATE UNITED STATES ASSISTANCE TO SAVE LIVES AND HELP THE REGION RECOVER FROM THIS MONUMENTAL TRAGEDY

Mr. FRIST (for himself, Mr. REID, Mr. MARTINEZ, Mr. BIDEN, and Mr. LUGAR) submitted the following resolution; which was considered and agreed to.

S. RES. 274

Whereas on October 8, 2005, at 8:50 am local time, a devastating earthquake, measuring 7.6 on the Richter scale, struck parts of Pakistan, India, and Afghanistan, causing massive loss of life and destruction;

Whereas it is estimated that more than 39,000 people residing in Pakistan-administered Kashmir and the Northwest Frontier Province of Pakistan and between 1,000 to 2,000 people located in Indian-administered Kashmir have perished as a result of the earthquake and that tens of thousands of others have been injured;

Whereas the capital city of Pakistan-administered Kashmir, Muzaffarabad, located near the epicenter of the earthquake, was one of the worst-affected cities, suffering tens of thousands of deaths and widespread destruction throughout the city;

Whereas millions of people throughout the region have been left homeless as a result of this earthquake;

Whereas the earthquake damaged and destroyed sanitation systems and hospitals and left thousands of people more vulnerable to deadly diseases such as measles and cholera;

Whereas the Senate and the people of the United States acknowledge with deep sadness that this severe tragedy occurred during the Islamic holy month of Ramadan, a time when Muslims across the world observe a fast during the daylight hours and focus on worship, contemplation, and strengthening family and community ties;

Whereas the United States immediately deployed material and technical assistance to the region, including plastic sheeting, blankets, water containers, food, and a United States Agency for International Development Disaster Assistance Response Team to assess humanitarian needs, coordinate assistance from the United States, and provide technical assistance as required;

Whereas the Department of Defense immediately dispatched 8 military helicopters and is providing additional helicopter support to assist in relief and rescue operations in remote areas that are largely inaccessible by road;

Whereas the United States made an initial pledge of $50,000,000 in humanitarian assistance to help Pakistan cope with its massive relief and recovery needs;

Whereas Secretary of State Condoleezza Rice, during her October 12, 2005, visit to Pakistan, said that the United States would support Pakistan over the long-term in the Pakistani Government's efforts to provide assistance to the victims of the earthquake and rebuild parts of the country devastated by the earthquake;

Whereas the United Nations launched a $272,000,000 international flash appeal to support recovery efforts;

Whereas the United Nations estimates that as many as 2,500,000 people are homeless and 1,000,000 are in need of immediate assistance;

Whereas Pakistani President Pervez Musharraf has appealed for international assistance and called for more medicine, tents, and cargo helicopters;

Whereas Indian Prime Minister Manmohan Singh declared the earthquake a ''national calamity'' and pledged to rebuild the lives of thousands of people in Indian-administered Kashmir affected by the earthquake;

Whereas during humanitarian crises, such as the earthquake that struck South Asia, women and children often become more vulnerable to exploitation and abuse and have difficulty accessing humanitarian relief;

Whereas India has begun sending a consignment of 25 tons of emergency relief supplies, including medicines, blankets, tents, and food items, to Islamabad, the first time India has provided assistance to Pakistan in over 30 years; and

Whereas the recovery and reconstruction of the devastated areas will require the concerted leadership of the United States working with the governments of the affected countries and with the international community: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its sympathy and support for the people of South Asia following the devastating earthquake that struck Pakistan, India, and Afghanistan on October 8, 2005, during the Islamic holy month of Ramadan;

(2) conveys its most sincere condolences to the families, communities, and governments of the more than 39,000 people that lost their lives in this terrible natural disaster;

(3) expresses its admiration and full support for the courageous rescue and relief workers, including personnel of the United States Agency for International Development and the United States military, who are saving lives and providing relief and assistance to those affected by the earthquake;

(4) supports the initial pledge by President George W. Bush of $50,000,000 in humanitarian assistance, the deployment of United States military assets to the region to assist in relief and recovery efforts, and provision of additional United States assistance necessary to save lives and help the region recover from this monumental disaster;

(5) commends the ongoing international relief effort that includes the work of individual countries, numerous international organizations, and various relief and nongovernmental entities;

(6) commends the Governments of Pakistan and India for their cooperation in the common cause of saving lives and providing humanitarian relief to people on both sides of the Line of Control; and

(7) encourages further cooperation between India and Pakistan on relief operations and efforts to fortify and expand peace and stability in the region as they cope with the impact of the earthquake over the next several months and seek to rehabilitate the lives of those affected.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2060. Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

SA 2061. Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, supra.

SA 2062. Mr. KYL (for himself, Mr. SANTORUM, Mr. CORNYN, Mrs. HUTCHISON, and Mr. FEINGOLD) proposed an amendment to the bill H.R. 3058, supra.

SA 2063. Mr. KENNEDY (for himself, Mr. HARKIN, Mrs. BOXER, Mr. FEINGOLD, Ms. STABENOW, and Mr. DAYTON) proposed an amendment to the bill H.R. 3058, supra.

SA 2064. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2065. Mr. BINGAMAN (for himself, Mr. NELSON, of Nebraska, Mr. LEVIN, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2066. Mr. ENSIGN (for himself and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2067. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

SA 2068. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3058, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2060. Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Strike section 719.

SA 2061. Mr. BOND (for himself and Mrs. MURRAY) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Insert the following on page 348, after line 5, and renumber sections accordingly:

SEC. 321. Section 421 of the Housing and Community Development Act of 1978 (12 U.S.C. §1715z–4a) is amended—

(1) in subsection (a)(1)(A), by inserting after ''is'' the following: ''or, at the time of the violations, was''; and

(2) in subsection (a)(1)(C), by inserting after ''held'' the following: ''or, at the time of the violations, was insured or held''.''.

SA 2062. Mr. KYL (for himself, Mr. SANTORUM, Mr. CORNYN, Mrs. HUTCHISON, and Mr. FEINGOLD) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. NO COST OF LIVING ADJUSTMENT FOR MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2006.

SA 2063. Mr. KENNEDY (for himself, Mr. HARKIN, Mrs. BOXER, Mr. FEINGOLD, Ms. STABENOW, and Mr. DAYTON) proposed an amendment to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. MINIMUM WAGE.

(a) INCREASE IN THE MINIMUM WAGE.—

(1) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2005;

''(B) $6.55 an hour, beginning 12 months after that 60th day; and

''(C) $7.25 an hour, beginning 24 months after that 60th day;''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 60 days after the date of enactment of this Act.

(b) APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—

(1) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(2) TRANSITION.—Notwithstanding paragraph (1), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(B) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

SA 2064. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was order to lie on the table; as follows:

On page 251, strike line 23 and all that follows through page 252, line 11, and insert the following: ''of the Corporation: *Provided further*, That the Corporation, during the 1-year period beginning on the date of enactment of this Act, may not assess or collect maintenance or access fees from any commuter rail authority operating along the Northeast Corridor:''.

SA 2065. Mr. BINGAMAN (for himself, Mr. NELSON of Nebraska, Mr. LEVIN, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 229, between lines 12 and 13, insert the following:

(c) Section 47114(c)(1)(F) of title 49, United States Code, is amended by striking ''and 2005'' each place it appears in the text and in the heading and inserting '', 2005, and 2006''.

SA 2066. Mr. ENSIGN (for himself and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and

Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 293, after line 25, add the following:

SEC. 221. None of the funds appropriated or otherwise made available by this Act or source to the Secretary of the Treasury may be expended for the provision of individual income tax electronic filing or preparation products or services other than through the Free File program. Nothing in the preceding sentence shall be construed to preclude the Secretary of the Treasury from making expenditures for the operation of walk-in tax service centers or the volunteer income tax assistance program.

SA 2067. Mr. BROWNBACK submitted an amendment intendd to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 243, strike line 20 and all that follows through page 244, line 8, and insert the following:

SEC. 121. None of the funds appropriated or otherwise made available by this Act may be used to implement or enforce any provisions of the Final Rule, issued on April 28, 2003 (Docket No. FMCSA–97–2350), with respect to—

(1) the operators of utility service vehicles (as defined in section 395.2 of title 49, Code of Federal Regulations);

(2) maximum daily hours of service for drivers engaged in the transportation of property or passengers to or from a motion picture or television production site located within a 100-air mile radius of the work reporting location of such drivers; or

(3) maximum daily hours of service for any driving activities reasonably related to derailment services if such rail restoration is initiated in response to a request for derailment vehicles to move wrecked or disabled train cars or locomotives, or make emergency repairs to track, locomotives or other rolling stock made by a railroad, Federal, State or local police official, or an elected official of the State or locality, in which the rail emergency has occurred.

SA 2067. Mr. BROWNBACK submitted an amendment intendd to be proposed by him to the bill H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 312, between lines 17 and 18, insert the following:

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 number 83 with respect to amounts made available for Haskell Indian Nations University in Kansas by striking ''construction'' and inserting ''planning, design, engineering, and construction''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, October 18, 2005 at 10 a.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to discuss the winter fuels outlook and the effect of high prices this coming winter.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Lisa Epifani 202–224–5269 or Shannon Ewan at 202–224–7555.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, November 2, 2005, at 2 p.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1541, to protect, conserve, and restore public lands administered by the Department of the Interior or the Forest Service and adjacent land through cooperative cost-share grants to control and mitigate the spread of invasive species, and for other purposes; S. 1548, to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska; S. 1552, to amend Public Law 97–435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain lands conveyed by the United States to Eastern Washington University until December 31, 2009; and H.R. 482, to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Frank Gladics (202–224–2878), Dick Bouts (202–224–7545), or Kristina Rolph (202–224–8276) of the Committee staff.

PRIVILEGE OF THE FLOOR

Mr. VOINOVICH. I ask unanimous consent Jeff Muhs of my staff be granted the privilege of the floor during my remarks.

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following detailees and interns with the Senate Finance Committee be granted the privileges of the floor during the Senate's consideration of the Transportation, Treasury, and HUD appropriations bill: Mary Baker, Jorlie Cruz, Brian Townsend, and Will Larson.

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

Mr. FRIST. Mr. President, I ask unanimous consent Senate floor privileges be extended to Harry Wingo through this session of Congress. Mr. Wingo is on loan to the Senate Commerce Committee from the Federal Communications Commission.

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

SYMPATHY FOR SOUTH ASIA EARTHQUAKE VICTIMS

Mr. FRIST. I ask unanimous consent the Senate now proceed to consideration of S. Res. 274 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 274) expressing sympathy and pledging the support of the Senate and the American people to the victims of the devastating earthquake that struck South Asia and caused severe loss of life and destruction on October 8, 2005, and pledging immediate United States assistance to save lives and help the region recover from this monumental tragedy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 274) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 274

Whereas on October 8, 2005, at 8:50 am local time, a devastating earthquake, measuring 7.6 on the Richter scale, struck parts of Pakistan, India, and Afghanistan, causing massive loss of life and destruction;

Whereas it is estimated that more than 39,000 people residing in Pakistan-administered Kashmir and the Northwest Frontier Province of Pakistan and between 1,000 to 2,000 people located in Indian-administered Kashmir have perished as a result of the earthquake and that tens of thousands of others have been injured;

Whereas the capital city of Pakistan-administered Kashmir, Muzaffarabad, located

near the epicenter of the earthquake, was one of the worst-affected cities, suffering tens of thousands of deaths and widespread destruction throughout the city;

Whereas millions of people throughout the region have been left homeless as a result of this earthquake;

Whereas the earthquake damaged and destroyed sanitation systems and hospitals and left thousands of people more vulnerable to deadly diseases such as measles and cholera;

Whereas the Senate and the people of the United States acknowledge with deep sadness that this severe tragedy occurred during the Islamic holy month of Ramadan, a time when Muslims across the world observe a fast during the daylight hours and focus on worship, contemplation, and strengthening family and community ties;

Whereas the United States immediately deployed material and technical assistance to the region, including plastic sheeting, blankets, water containers, food, and a United States Agency for International Development Disaster Assistance Response Team to assess humanitarian needs, coordinate assistance from the United States, and provide technical assistance as required;

Whereas the Department of Defense immediately dispatched 8 military helicopters and is providing additional helicopter support to assist in relief and rescue operations in remote areas that are largely inaccessible by road;

Whereas the United States made an initial pledge of $50,000,000 in humanitarian assistance to help Pakistan cope with its massive relief and recovery needs;

Whereas Secretary of State Condoleezza Rice, during her October 12, 2005, visit to Pakistan, said that the United States would support Pakistan over the long-term in the Pakistani Government's efforts to provide assistance to the victims of the earthquake and rebuild parts of the country devastated by the earthquake;

Whereas the United Nations launched a $272,000,000 international flash appeal to support recovery efforts;

Whereas the United Nations estimates that as many as 2,500,000 people are homeless and 1,000,000 are in need of immediate assistance;

Whereas Pakistani President Pervez Musharraf has appealed for international assistance and called for more medicine, tents, and cargo helicopters;

Whereas Indian Prime Minister Manmohan Singh declared the earthquake a ''national calamity'' and pledged to rebuild the lives of thousands of people in Indian-administered Kashmir affected by the earthquake;

Whereas during humanitarian crises, such as the earthquake that struck South Asia, women and children often become more vulnerable to exploitation and abuse and have difficulty accessing humanitarian relief;

Whereas India has begun sending a consignment of 25 tons of emergency relief supplies, including medicines, blankets, tents, and food items, to Islamabad, the first time India has provided assistance to Pakistan in over 30 years; and

Whereas the recovery and reconstruction of the devastated areas will require the concerted leadership of the United States working with the governments of the affected countries and with the international community: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its sympathy and support for the people of South Asia following the devastating earthquake that struck Pakistan, India, and Afghanistan on October 8, 2005, during the Islamic holy month of Ramadan;

(2) conveys its most sincere condolences to the families, communities, and governments of the more than 39,000 people that lost their lives in this terrible natural disaster;

(3) expresses its admiration and full support for the courageous rescue and relief workers, including personnel of the United States Agency for International Development and the United States military, who are saving lives and providing relief and assistance to those affected by the earthquake;

(4) supports the initial pledge by President George W. Bush of $50,000,000 in humanitarian assistance, the deployment of United States military assets to the region to assist in relief and recovery efforts, and provision of additional United States assistance necessary to save lives and help the region recover from this monumental disaster;

(5) commends the ongoing international relief effort that includes the work of individual countries, numerous international organizations, and various relief and nongovernmental entities;

(6) commends the Governments of Pakistan and India for their cooperation in the common cause of saving lives and providing humanitarian relief to people on both sides of the Line of Control; and

(7) encourages further cooperation between India and Pakistan on relief operations and efforts to fortify and expand peace and stability in the region as they cope with the impact of the earthquake over the next several months and seek to rehabilitate the lives of those affected.

Mr. FRIST. Mr. President, the resolution we passed does express support for those victims of the South Asia earthquake. I encourage our colleagues to make statements for the RECORD. A number of people have called me over the last several days. This is a resolution that has been put forth by Senator REID and myself, the Republican leader and the Democratic leader. With that, we express our heartfelt support for the hundreds of thousands of families who have been affected by that earthquake.

ORDERS FOR TUESDAY, OCTOBER 18, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. on Tuesday, October 18; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and there then be a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democratic leader or his designee; provided that following morning business, the Senate then resume consideration of H.R. 3058, the Transportation-Treasury appropriations bill. I further ask consent that following debate on the Brownback-Landrieu amendment, the time until 12:10 be equally divided between the majority leader or his designee and the Democratic leader or his designee; provided further that upon disposition of amendment No. 2062, the Senate stand in recess until 2:15 to accommodate the weekly policy luncheons.

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

PROGRAM

Mr. FRIST. Mr. President, today the Senate began consideration of the Transportation-Treasury appropriations bill. I do urge my colleagues to come to the floor if they wish to offer amendments as soon as possible. The bill managers are here throughout the day for that purpose. We are working to get an amendment filing deadline and complete action on this bill this week. Let me repeat, we are going to complete action on this bill this week. That means we cannot have everybody rushing over Thursday afternoon or Thursday night to have their amendment considered.

Tomorrow, the first vote will occur at 12:10 and that vote will be on the Kyl amendment relating to a cost-of-living freeze for Members' pay. We will continue with amendments throughout the afternoon. I expect multiple votes tomorrow as we continue with the consideration of the Transportation-Treasury bill.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:10 p.m., adjourned until Tuesday, October 18, 2005, at 9:45 a.m.

NOMINATIONS

Executive Nominations Received by the Senate October 17, 2005:

BROADCASTING BOARD OF GOVERNORS

MARK MCKINNON, OF TEXAS, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2006, VICE FAYZA VERONIQUE BOULAD RODMAN .

MARK MCKINNON, OF TEXAS, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2009. (REAPPOINTMENT)

DEPARTMENT OF STATE

RONALD L. SCHLICHER, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CYPRUS.

UNITED NATIONS

ALEJANDRO DANIEL WOLFF, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

ALEJANDRO DANIEL WOLFF, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HIS TENURE OF SERVICE AS DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JEAN B. ELSHTAIN, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 26, 2010, VICE THOMAS MALLON, RESIGNED.

ALLEN C. GUELZO, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 26, 2006, VICE NAOMI SHIHAB NYE.

ALLEN C. GUELZO, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2012. (REAPPOINTMENT)

EUGENE HICKOK, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 26, 2008, VICE SIDNEY MCPHEE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. MICHAEL J. DIAMOND, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. ERVIN PEARSON, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CHRISTOPHER SARTORI, 0000

THE FOLLOWING NAMED INDIVIDUALS IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A).

To be lieutenant colonel

SUZANNE M. CECCONI, 0000
GARY A. PEITZMEIER, 0000
HARRY M. RICHTER, 0000

To be major

PHILIP M. BECK, 0000
LANCE T. FRYE, 0000
JAMES J. MADEN, 0000
KIRK B. STETSON, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

MELISSA A. SARAGOSA, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624:

To be lieutenant colonel

CRAIG L. ADAMS, 0000
RONALD E. ADAMSON, 0000
JEFFERY R. ALDER, 0000
CRAIG ALAN C. BIAS, 0000
NORMITA C. BRAVO, 0000
PETER G. BREED, 0000
ROBERT G. BURGESS, 0000
JAMES M. CANTRELL, 0000
JOHN D. CAYE, 0000
RENE J. CHADWELL, 0000
BRENDA L. CROOK, 0000
KEVIN W. CULP, 0000
KEITH A. CUNNINGHAM, 0000
DANA J. DANE, 0000
MICHAELA A. DEMBOSKI, 0000
GREGORY P. DURAND, 0000
VIRA EM, 0000
VERNE S. FUTAGAWA, 0000
MARGARET F. HAYNES, 0000
EDITHA P. HEBERLEIN, 0000
SCOTT T. HEBRINK, 0000
PAUL J. HOERNER, 0000
ANN S. HRYSHKOMULLEN, 0000
CAROLYN S. JACOBSON, 0000
TODD C. JOACHIM, 0000
NATHAN H. JOHNSON, 0000
BETH A. KECK, 0000
WENDY E. KLEIN, 0000
GREGORY S. LAFFITTE, 0000
THERESA A. LAWSON, 0000
GERALD T. MCGINTY, 0000
JOSEPH A. MIGGINS, 0000
THOMAS O. MORRISON, 0000
TRACY A. NEALWALDEN, 0000
ANGELA M. OGAWA, 0000
DEBORAH J. OLSON, 0000
RICHARD J. ONKEN, 0000
ALFRED J. OZANIAN, 0000
RHONDA G. OZANIAN, 0000
KIRK A. PHILLIPS, 0000
PAUL S. PIRKLE III, 0000
TASHA L. PRAVECEK, 0000
CHARLENE H. REITH, 0000
DONNAMARIA ROBINSON, 0000
KIRK L. ROWE, 0000
BRIAN L. SASSAMAN, 0000
TAMMY M. SAVOIE, 0000
RAFAEL A. SCHARRON, 0000
JILL R. SCHECKEL, 0000
WINSTON J. SHAFFER II, 0000
ROBERT A. SHULL, 0000
SHARI FOX SILVERMAN, 0000
JEFFREY A. STINSON, 0000
DARRYL J. SUMRALL, 0000
TRENT J. TATE, 0000
CHARITY J. THOMASOS, 0000
CHRISTIAN T. TOTTEN, 0000
SCOTT F. WALTER, 0000
JACK D. WRIGHT, JR., 0000
ANTHONY J. WURMSTEIN, 0000
MATTHEW C. WYATT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JAMES C. AULT, 0000
VALORIE L. BAGGENSTOSS, 0000
TERRI L. BAILEY, 0000
ROSE M. BELL, 0000
APRIL S. BROOME, 0000
TERRY J. BROUSSARD, 0000
MARGARET M. CAREY, 0000
FLAVIA CASASSOLA, 0000
LINDA A. CASE, 0000
TIMOTHY L. COOK, 0000
DEAN KAREN L. COX, 0000
WILLIAM J. CRAIG, 0000
KATHLEEN B. CRAVER, 0000
CAROLINE M. CUTBUSH, 0000
LAUREEN M. DONOVAN, 0000
ARTHUR M. DURKIN, JR., 0000
CHRISTOPHER A. DYER, 0000
STEPHEN E. FECURA, JR., 0000
BRUCE E. FEWKES, 0000
VIRGINIA A. GARNER, 0000
JUDY B. GAVIN, 0000
ROBIN C. GIACONIA, 0000
NATALIE Y. GISCOMBE, 0000
CHRISTINE L. HALEPIERCE, 0000
PHYLLIS A. HAMILTON, 0000
ADRIENNE G. HARTGERINK, 0000
THEODORE D. HAYNES, JR., 0000
KIMBERLY S. HERNDON, 0000
DAVID HOLLAND, 0000
HELEN M. HORN, 0000
HEIDI M. HOYT, 0000
DIANE T. HUSTON, 0000
APRIL L. IACOPELLI, 0000
DENISE R. IRIZARRY, 0000
DANA J. JAMES, 0000
ANDREA L. JONES, 0000
ALLEN J. KIDD, 0000
JENNIFER A. KIMMET, 0000
SONIA J. KUCH, 0000
DAVID T. KWIATKOWSKI, 0000
MICHELLE D. LAVEY, 0000
JERRY B. LAWSON, 0000
LORI D. LEE, 0000
MARK A. LEE, 0000
WENDY J. LEE, 0000
EILEEN M. LOFLIN, 0000
ANNE T. MAGPURI, 0000
KATHRYN A. MANGION, 0000
BARBARA C. MARTIN, 0000
CYNTHIA A. MARTIN, 0000
TINA M. MCCONNELL, 0000
IDA L. MCDONALD, 0000
TANYA R. MCKINNEY, 0000
JEAN A. MEINK, 0000
JENNIFER C. MERCIER, 0000
BRENDA R. NELSON, 0000
JODY L. OCKER, 0000
MARY M. OLOUGHLIN, 0000
CHRISTOPHER H. PAYNE, 0000
LISA M. PERDUE, 0000
RICHARD G. PEREZ, 0000
LINDA G. PHELPS, 0000
MARK A. PISTONE, 0000
KAREN S. RASMUSSEN, 0000
DAVID J. ROLL, 0000
ELLEN M. SCHAFF, 0000
KIMBERLY M. SHANKS, 0000
DANA J. SMITH, 0000
IRENE M. SOTO, 0000
HEATHER L. STETSON, 0000
KATHRYN F. TATE, 0000
DWAYNE B. WILHITE, 0000
KENNETH A. WILLIAMS, 0000
MARYANNE C. YIP, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JAY O. AANRUD, 0000
ALDRU T. AARON, 0000
JAMES M. ABATTI, 0000
DEREK A. ABEYTA, 0000
EDWARD T. ACKERMAN, 0000
TODD E. ACKERMAN, 0000
MARK R. ADAIR, 0000
CLOYCE J. ADAMS, 0000
MICHAEL E. ADDERLEY, 0000
JEFFREY E. ADDISON, 0000
LARRY D. ADKINS, 0000
JEFFREY R. ALEXANDER, 0000
ROBERT M. ALEXANDER, 0000
JOSEPH A. ALLEGRETTI, 0000
BRADLEY D. ALLEN, 0000
RICHARD G. ALLEN, 0000
BENJAMIN L. ALLEY, 0000
PETER A. AMES, 0000
BRIAN L. AMMERMAN, 0000
BRADLEY E. ANDERSON, 0000
DAGVIN R. M. ANDERSON, 0000
JEFFREY R. ANDERSON, 0000
DAVID S. ANDRUS, 0000
DOUGLAS E. ANTCLIFF, 0000
SCOTT A. ARCURI, 0000
KEVIN S. ARMSTRONG, 0000
RICHARD W. ARMSTRONG, 0000
RUSSELL L. ARMSTRONG, 0000
CRAIG L. ARNOLD, 0000
NEIL P. ARNOLD, 0000
KEVIN R. ARTHUR, 0000
JULIANA M. ASTRACHAN, 0000
RUDOLPH E. ATALLAH, 0000
JOSEPH ATKINS, 0000
ELISABETH S. AULD, 0000
DALE R. AUSTIN, 0000
WARREN G. AUSTIN, 0000
MICHAEL J. BABYAK, 0000
GEOFFREY S. BACON, 0000
DAVID E. BACOT, 0000
KENNETH W. BAILEY, 0000
LOWELL E. BAILEY, JR., 0000
PETER K. BAILEY, 0000
THOMAS E. BAILEY, 0000
WILLIAM E. BAKER III, 0000
JEFFREY J. BAKKEN, 0000
PETER I. BAKO, 0000
KEITH W. BALTS, 0000
DAVID D. BANHOLZER, 0000
DAVID R. BARKER, 0000
DAVID W. BARNA, 0000
CHRISTOPHER C. BARNETT, 0000
BRADLEY D. BARNETTE, 0000
PAUL K. BARNEY, 0000
GREG A. BARNHART, 0000
JEFFREY J. BARROWS, 0000
KURT D. BARRY, 0000
KRISTIN BARTO, 0000
ERIC R. BASS, 0000
BRYAN E. BATT, 0000
MELISSA L. BATTEN, 0000
FRANK BATTISTELLI, 0000
BRIEN J. BAUDE, 0000
JEROLD J. BAUER, 0000
COLIN K. BEAL, 0000
ALAN K. BEATY, 0000
EUGENE V. BECKER, 0000
JOSEPH M. BECKER, 0000
KELI A. BEDICS, 0000
DAVID A. BEEBE, 0000
KENNETH J. BEEBE, 0000
JEANNINE A. BEER, 0000
ANDREA D. BEGEL, 0000
CHERYL J. BEINEKE, 0000
ALMARAH K. BELK, 0000
JAMES BELL, 0000
JEFFREY S. BELL, 0000
JOHN E. BELL, 0000
MARK E. BELL, 0000
LANE M. BENEFIELD, 0000
MARK S. BENNETT, 0000
MIKE BENSON, 0000
SCOTT D. BENTON, 0000
CHRISTOPHER N. BERG, 0000
ALEXANDER BERGER, 0000
ROBERT D. BERGER, 0000
KEVIN J. BERNER, 0000
JOHN A. BERNHART II, 0000
BRIAN J. BERNING, 0000
KENNETH B. BERRY, 0000
RICARDO J. BERUVIDES, 0000
YVONNE M. BESSELLIEU, 0000
KENNETH T. BIBB, JR., 0000
KENNETH R. BIBEE, 0000
ANGELA L. BILLINGS, 0000
PETER M. BILODEAU, 0000
FRANK M. BIRD, 0000
BRADLEY L. BISTODEAU, 0000
THOMAS C. BLACK, 0000
ROBERT K. BLAGG, 0000
DANIEL E. BLAKE, JR., 0000
FRED R. BLASS, 0000
MICHAEL S. BLASS, 0000
NICOLE I. BLATT, 0000
JOHN R. BOBROSKI, 0000
KENT A. BODILY, 0000
FREDERICK H. BOEHM, 0000
BRIAN C. BOHANNON, 0000
JAMES E. BOLES, JR., 0000
PAUL E. BOLEY II, 0000
JEFFREY P. BOMKAMP, 0000
ROBERT K. BOONE, 0000
MARK J. BOROCZ, 0000
DAVID B. BOSKO, 0000
GENTRY W. BOSWELL, 0000
JOEL D. BOSWELL, 0000
GREGG C. BOTTEMILLER, 0000
DAVID H. BOUSKA, 0000
RICHARD H. BOUTWELL, 0000
MARK E. BOWEN, 0000
KENNETH B. BOWLING, 0000
CHARLES W. BOYD, 0000
RICHARD D. BOYD, 0000
NANCY M. BOZZER, 0000
NOEL D. BRADFORD, 0000
DANIEL J. BRADLEY, 0000
MARK P. BRAISTED, 0000
SHAWN E. BRAKE, 0000
BRYCE H. BRAKMAN, 0000
TIMOTHY S. BRANDON, 0000
STEVEN S. BRANDT, 0000
MIKE M. BRANTLEY, 0000
TROY A. J. BRASHEAR, 0000
THOMAS K. BRAUNLINGER, 0000
EVAN A. BREEDLOVE, 0000
JOHN F. BRENDLE, 0000
CARL N. BRENNER, 0000
EDWARD S. BREWER, 0000
ERIC T. BREWINGTON, 0000
LEE J. BRIDGES, 0000
DAVID E. BRIEN, 0000
ANDRE J. BRIERE, 0000
RAYMOND E. BRIGGS, JR., 0000
JOHN U. BRINKMAN, 0000
ROBERT A. BRISSON, 0000
ROBERT L. BROADY, JR., 0000

PETER J. BROMEN, 0000
CHRISTOPHER D. BROOKS, 0000
BRIAN A. BROWN, 0000
DONALD L. BROWN, 0000
MARK A. BROWN, 0000
THOMAS S. BROWNING, 0000
DAVID W. BRUCE, 0000
BRIAN R. BRUCKBAUER, 0000
ROBERT J. BRUST, 0000
HAROLD D. BUGADO, 0000
LANCE R. BUNCH, 0000
DAVID S. BUNZ, 0000
HEATHER L. BUONO, 0000
STEVEN C. BURGH, 0000
MARK L. BURMAN, 0000
LLOYD A. BUZZELL, 0000
CECILIA M. BYRNE, 0000
JAMES G. CABALQUINTO, 0000
DAVID M. CADE, 0000
STEVEN E. CAHANIN, 0000
ERIC D. CAIN, 0000
JOHN T. CAIRNEY, 0000
MARK J. CALFEE, 0000
MICHAEL E. CALTA, 0000
CARLOS E. CAMARILLO, 0000
WHITNEY J. CANFIELD, 0000
TODD D. CANTERBURY, 0000
CHRISTOPHER P. CAPUTO, 0000
WILLIAM J. CARLE, 0000
SHAY T. CARNES, 0000
MICHAEL E. CAROTHERS, 0000
ROBERT E. CARRAWAY, 0000
DONALD T. CARTER, 0000
MICHAEL E. CARTER, 0000
BRENDA P. CARTIER, 0000
BENJAMIN M. CASON, 0000
VINCENT R. CASSARA, 0000
CHRISTOPHER M. CAUSEY, 0000
PAUL O. CHAMBERS, 0000
CINDI M. CHIARAVALLOTI, 0000
GREGORY H. CHURCH, 0000
MARK E. CHURCH, 0000
RAYMOND E. CHUVALA, JR., 0000
RICHARD A. CIARAMELLA, 0000
ANTON W. CIHAK II, 0000
JAMES M. CLARK, 0000
MARK S. CLARK, 0000
MICHAEL B. CLARK, 0000
RICHARD A. CLARK, 0000
ELLEN D. CLEMENS, 0000
ERIC N. CLEVELAND, 0000
JOHN D. CLINE, 0000
DAVID R. CLINTON, 0000
DEAN A. CLOTHIER, 0000
PAUL J. COBB, 0000
TAMMY S. COBB, 0000
VINCENT A. COBB, 0000
JERRY D. COCHRAN, 0000
WILLIAM L. COCHRAN, 0000
CHAD D. COE, 0000
JERRY A. COLE, 0000
RONALD C. COLE, 0000
PAMELA D. COLEMAN, 0000
JAMES C. COLLINS, 0000
JEFFREY G. COMPTON, 0000
ROBERTO M. CONCEPCION, 0000
THOMAS R. CONKLIN, 0000
MICHAEL J. CONNELLY, 0000
THOMAS P. CONSTANT, 0000
JOSEPH E. COOGAN, 0000
ANTHONY G. COOK, 0000
BARRY W. COOK, 0000
PAUL E. COOK, 0000
DAVID A. COOPER, 0000
DAVID M. COPE, 0000
SHAWN B. COPELAND, 0000
TODD M. COPELAND, 0000
MICHAEL A. COPLEY, 0000
CHARLES S. CORCORAN, 0000
DONALD D. CORNWELL, 0000
ANNE M. COVERSTON, 0000
GEORGE COVIN, JR., 0000
DAVID B. COX, 0000
REYNA E. COX, 0000
JERALD L. CRAIG, 0000
JEFFREY E. CREHAN, 0000
CHRISTOPHER S. CRONK, 0000
MICHAEL E. CROOK, 0000
VONDA L. CROSS, 0000
ANTHONY D. CRUCIANI, 0000
RANDALL G. CUMBERWORTH, 0000
DARYL CUNNINGHAM, 0000
SCOTT M. CURTIN, 0000
BEACHEL S. CURTIS, 0000
DAVID P. CVANCARA, 0000
GEORGE CYHANIUK, 0000
NORMAN W. CZUBAJ, JR., 0000
ROBERT A. DAHLKE, 0000
MARION D. DALLISON, 0000
ERIC M. DALTON, 0000
JON Y. DANDREA, 0000
WALTER C. DANIELS II, 0000
KAREN M. DARNELL, 0000
BENJIMAN W. DAVIS, 0000
JEFFREY A. DAVIS, 0000
JOSEPH C. DAVISSON, 0000
JON K. DAWSON, 0000
MICHAEL A. DAY, 0000
MICHEAL S. DAY, 0000
JOSEPH D. DEANE, 0000
JOSEPH L. DECARO, 0000
WILLIAM A. DEEB, 0000
MATTHEW J. DELLER, 0000
DAVID A. DELMONACO, 0000
MARCELINO E. DELROSARIO, JR., 0000
JAVIER A. DELUCCA, 0000
ANDREW D. DEMBOSKY, 0000
RICHARD A. DENNERY, 0000
JEFFREY S. DENNIS, JR., 0000
THOMAS A. DERMODY, 0000
ERNEST V. DESHAYES II, 0000
SCOTT V. DETHOMAS, 0000
SEAN M. DEWITT, 0000
DOUGLAS S. DICKERSON, 0000
DAVID W. DIEHL, 0000
STEVEN J. DIMATTEO, 0000
TODD A. DIXON, 0000
THOMAS W. DOBBS, 0000
STEPHEN J. DOBRONSKI, 0000
WAYNE E. DOHERTY, 0000
TODD J. DOLBIER, 0000
JOHN J. DONAHUE, 0000
RICHARD A. DONLEY, 0000
MARK J. DORIA, 0000
TODD A. DOZIER, 0000
ERNEST S. DRAKE, 0000
STEVEN T. DREWRY, 0000
JAMES D. DRYJANSKI, 0000
DOUGLAS S. DUDLEY, 0000
CHRISTOPHER G. DUFFY, 0000
MICHAEL B. DUFFY, 0000
CYNTHIA L. DUNCAN, 0000
JOHN J. DUNKS, 0000
TIMOTHY L. DUREPO, 0000
MICHAEL A. EADS, 0000
LIONEL F. EARL, JR., 0000
BARBARA A. EAST, 0000
MICHELE C. EDMONDSON, 0000
JAMES T. EGBERT, 0000
WILLIAM A. EGER III, 0000
ELIZABETH A. EIDAL, 0000
KRISTIAN S. ELLINGSEN, 0000
BRIAN I. ELLIOTT, 0000
ERIC D. ELLIOTT, 0000
VIKKI L. ELLISON, 0000
JOHN S. EMIG, 0000
THOMAS A. EMMOLO, 0000
GREGORY L. ENDRIS, 0000
THOMAS E. ENGLE, 0000
BRIAN E. EPPLER, 0000
ROBERT W. ERICKSON, 0000
STEVEN E. ERICKSON, 0000
TODD C. ERICSON, 0000
VALERIE R. ERNST, 0000
TYLER M. EVANS, 0000
RONALD C. EVENSON, 0000
PHILIP C. EVERITTE, 0000
SHAWN C. FAIRHURST, 0000
ERIC V. FAISON, 0000
JUDSON R. FANCHER, 0000
TIMOTHY L. FANNING, 0000
BRIAN J. FARRAR, 0000
SCOTT R. FARRAR, 0000
SEAN M. FARRELL, 0000
JEFFREY R. FEARON, 0000
MICHAEL S. FEATHERS, 0000
ERIC FERGUSON, 0000
FRANK T. FERRARO, 0000
RONALD J. FISCHER, 0000
SCOTT C. FISHER, 0000
VINCENT R. FISHER, 0000
ERIC S. FISK, 0000
ALBERT H. FITTS, 0000
MICHAEL T. FITZGERALD, 0000
GERALD W. FLAUGHER, 0000
MARGARET N. FLEMING, 0000
EDGAR L. FLERI, JR., 0000
JEFFREY D. FLINT, 0000
TIMOTHY D. FLORA, 0000
RICHARD W. FOGG, 0000
SAROYA I. FOLLENDER, 0000
JAMES M. FORAND, 0000
PETER S. FORD, 0000
JOEL R. FORTENBERRY, 0000
STEVEN E. FOSS, 0000
GARY W. FOSTER, 0000
JOAN Y. FOURNIER, 0000
ROBERT J. FOURNIER, 0000
BRIAN A. FOX, 0000
SCOTT A. FOY, 0000
ANTHONY A. FRANZESE, 0000
STEVEN P. FRASER, 0000
MICHAEL J. FREDELL, 0000
SCOTT A. FRERKING, 0000
JOHN A. FREY, 0000
DANIEL J. FRITZ, 0000
CHRISTOPHER P. FROESCHNER, 0000
FREDERICK H. FROSTIC, 0000
BRADY A. FULLER, 0000
CHRISTOPHER T. FULLER, 0000
TIMOTHY L. FULLER, 0000
JENNIFER M. FULLMER, 0000
CRAIG S. GADDIS, 0000
RUDIE D. GALBERT, 0000
ANDREW J. GALE, 0000
SEAN T. GALLAGHER, 0000
LUIS S. GALLEGOS, 0000
ROBERT J. GAMBERA, 0000
JOSEPH M. GAMBRELL, 0000
PHILIP A. GARRANT, 0000
MARK A. GAUBERT, 0000
KEVIN J. GAUDETTE, 0000
STEVEN S. GAUTHIER, 0000
ANDREW J. GAWRYLUK, 0000
JESSE A. GAYDON, 0000
ANDREW J. GEBARA, 0000
GORDON M. GEISSLER, 0000
ROBERT J. GENDREAU, 0000
RONALD J. GENDRON, 0000
JEFFREY L. GEOZEFF, 0000
STEPHEN T. GIBSON, 0000
DANIEL E. GIFFORD, 0000
RONALD P. GILBERT, 0000
ROB D. GILCHREST, 0000
DANIEL M. GILLESPIE, 0000
DAVID J. GILLIHAN, 0000
VINCENT J. GILLIS, 0000
RANDLE A. GLADNEY, 0000
JAY D. GLASCOCK, 0000
THOMAS E. GLOCKZIN, 0000
JOHN W. GLOYSTEIN III, 0000
RONALD J. GODWIN, JR., 0000
JAMES D. GOLDEN, 0000
DREW C. GONZALEZ, 0000
BRUCE E. GOOCH, 0000
THOMAS E. GOODNOUGH, 0000
ROBERT G. GORDY, 0000
DAVID B. GOSSETT, 0000
WILLIAM L. GOULD, 0000
WINSTON A. GOULD, 0000
THOMAS J. GOULTER, JR., 0000
CARMEN S. GOYETTE, 0000
SAMUEL D. GRABLE, 0000
CHRISTINE GRAMLICH, 0000
JOSEPH S. GRANDUCCI III, 0000
STEPHEN J. GRANGER, 0000
LEONARD R. GRASSLEY, 0000
TRACY L. GRAY, 0000
WILLIAM J. GRAY, JR., 0000
ANDREW W. GREEN, 0000
JASON D. GREEN, 0000
KELLY A. GREENE, 0000
BRIAN L. GREENWOOD, 0000
MICHAEL A. GREINER, 0000
THOMAS H. GRIEP, 0000
BRENT M. GRIFFIN, 0000
MARK J.C. GRIFFIN, 0000
PAUL E. GRIFFITH, 0000
JEFFREY H. GROBMAN, 0000
PETER J. GUERRA, 0000
RICHARD A. GUGLIEMINO, JR., 0000
JOSE E. GUILLEN, JR., 0000
QUINN A. GUMMEL, 0000
GARY B. GUY, 0000
OTTO D. HABEDANK, 0000
MARK W. HABERICHTER, 0000
GARY D. HAINES, 0000
ROBERT M. HAINES, 0000
CARLOS HALCOMB, 0000
RODERICK A. HALEY, 0000
CHRISTOPHER R. HALL, 0000
KARL D. HALL, 0000
KENT C. HALVERSON, 0000
WILLIAM B. HAMANT, 0000
DAVID M. HAMERSHOCK, 0000
DAVID T. HAMM, 0000
KENNETH R. HAMM, 0000
KEVIN D. HAMPSHIRE, 0000
JOHN HAMUKA, 0000
THOMAS E. HANCOCK, 0000
JASON L. HANOVER, 0000
FORREST B. HARE, 0000
JULIE A. HARMON, 0000
TONY D. HARPER, 0000
BRYAN L. HARRIS, 0000
MATTHEW C. HARRIS, 0000
MCKINLEY HARRIS III, 0000
PAUL H. HARRIS, 0000
TAL H. HARRIS, 0000
RUSSELL J. HART, JR., 0000
STACY K. HARUGUCHI, 0000
RYAN E. HATTEN, 0000
DANIEL B. HAUCK, 0000
LAWRENCE B. HAVIRD, 0000
GARY F. HAWTHORNE, 0000
MARK J. HAYES, 0000
EMILE L. HAZEUR, JR., 0000
THOMAS E. HAZLEBECK, 0000
ANDREW D. HEALY, 0000
JEFFREY M. HEBERT, 0000
ROBERT S. HEDDEN, 0000
JERRY G. HELMS, 0000
SAMANTHA A. HELWIG, 0000
JAMES A. HENDERSON, 0000
RONALD L. HENRY, 0000
THOMAS K. HENSLEY, 0000
GARY F. HERMANN, 0000
MICHAEL F. HERNANDEZ, 0000
CHRISTOPHER A. HERRING, 0000
ANDREAS C. HEY, 0000
ROBERT W. HICKS, 0000
DUANE L. HIEBSCH, 0000
DOUGLAS E. HIESTAND, 0000
ROBERT J. HILL, JR., 0000
JOHN J. HILLSMAN III, 0000
SAMUEL C. HINOTE, 0000
BRADLEY T. HOAGLAND, 0000
MARILYN E. HODGES, 0000
DAVID J. HOEY, 0000
ROBERT A. HOFF, 0000
CHARLES E. HOGAN II, 0000
JEFFREY A. HOKETT, 0000
STEVEN W. HOLLIS, 0000
SCOTT A. HOLLISTER, 0000
MICHAEL A. HOLLMAN, 0000
JOHN O. HOLM, 0000
DAVID P. HOLMEN, 0000
DANIEL T. HOLT, 0000
WILLIAM G. HOLT II, 0000
JEREMY C. HOLTGRAVE, 0000
MICHAEL A. HOMSY, 0000
ANDREW J. HOSTETTER, 0000
RODNEY A. HOUSER, 0000
CHARLES M. HOWARD, 0000
PAUL L. HOWE, 0000
BRENT R. HRNCIR, 0000
JEFFREY B. HUBBELL, 0000
ROBERT V. HUCKLEBERRY, 0000
JAMES M. HUMES, 0000
THERESA B. HUMPHREY, 0000
LANE R. HUMPHREYS, 0000

PETER A. HUNSUCK, 0000
BRIAN S. HUNT, 0000
CURTIS C. HUNT, 0000
ROBERT J. HUNT, JR., 0000
MATTHEW M. HURLEY, 0000
RONALD E. HUZZARD, 0000
ALFRED A. IANNACCONE, 0000
DAVID J. IMPICCINI, 0000
PAUL H. ISSLER, 0000
DAPHINE B. JACKSON, 0000
JOEL D. JACKSON, 0000
RONALD L. JACKSON, JR., 0000
WILMER M. JACKSON, 0000
DEBORAH S. JACOBS, 0000
SCOTT C. JACOBS, 0000
BRANDON A. JAEGER, 0000
EDWARD M. JAKES, 0000
BRIAN L. JAMES, 0000
RAYMOND T. JAMES, 0000
STEVEN P. JAMES, 0000
RICHARD F. JANOSO, 0000
MICHAEL M. JANSEN, 0000
RYAN A. JARA, 0000
JOHN T. JARVIS, 0000
GUY R. JASEPH, 0000
SEAN E. JEFFERS, 0000
DOUGLAS H. JENKINS, 0000
DOUGLAS W. JENKINS, 0000
RONALD S. JOBO, 0000
TAY W. JOHANNES, 0000
DONALD A. JOHNSON, 0000
JAMES L. JOHNSON, 0000
MARCUS JOHNSON, 0000
PAUL L. JOHNSON, 0000
SHANE W. JOHNSON, 0000
JAMES M. JOHNSTON, 0000
LANCE A. JOLLY, 0000
BRIAN C. JONES, 0000
DIANE M. JONES, 0000
ROBERT W. JONES, JR., 0000
KIMBERLEE P. JOOS, 0000
JAMES F. JORDAN, JR., 0000
LYNN C. JORGENSEN, JR., 0000
THOMAS M. JOSS, 0000
JAMES A. JOYCE, 0000
TODD S. JOYNER, 0000
DANIEL A. KALTENBAUGH, 0000
GREG M. KALUA, 0000
TIMOTHY J. KARMONDY, 0000
PAUL J. KASUDA, 0000
LANCE K. KAWANE, 0000
MICHAEL J. D. KAYSER, 0000
JEFFREY S. KECKLEY, 0000
DAVID W. KELLER, 0000
JONATHAN L. KELLY, 0000
PATRICK J. KELLY, 0000
FRED G. W. KENNEDY III, 0000
DOUGLAS L. KERSEY, 0000
GREGORY S. KEYSOR, 0000
ROBERT E. KIEBLER, 0000
JENNIFER L. KILBOURN, 0000
MICHAEL L. KILBOURN, 0000
STEPHEN W. KILL, 0000
JOEL T. KING, 0000
MICHAEL J. KING, 0000
PATRICK C. KING, 0000
RANDY E. KING, 0000
PRESTON D. KISE, 0000
STEPHEN D. KISER, 0000
MIKLOS C. KISS, JR., 0000
DAVID A. KIVIOJA, 0000
CATHERINE M. M. KLEIFGES, 0000
KELLY KLEIFGES, 0000
JACK A. KLEIN, 0000
GREGG A. KLINE, 0000
JAMES F. KLINGMEYER, 0000
TIMOTHY S. KLOPFER, 0000
THOMAS G. KLOPOTEK, 0000
ERIC K. KNIGHT, 0000
ANDREW J. KNOEDLER, 0000
THEODORE S. KOCH, 0000
JAMES S. KOCKLER, 0000
EDWARD J. KOHARIK III, 0000
MARIE O. KOKOTAJLO, 0000
STEPHEN O. KORNITZER, 0000
MICHAEL G. KOSCHESKI, 0000
MICHAEL J. KOSCO, 0000
THOMAS S. KOSS, 0000
WALLACE J. KOST, 0000
BENJAMIN F. KOUDELKA, JR., 0000
ALEXANDER L. KOVEN, 0000
TIMOTHY A. KRANER, 0000
JON M. KRAUSE, 0000
JORDAN R. KRISS, 0000
TODD C. KRUEGER, 0000
GARY B. KUBAT, 0000
JOHN C. KUBINEC, 0000
JAMES D. KUEHN, 0000
BRENDA S. KURTYKA, 0000
DEBORAH L. KUTH, 0000
STEVEN N. LACASSE, 0000
MARK B. LACY, 0000
TIMOTHY M. LAMBERT, 0000
PAUL C. LAMBERTSON, 0000
JOHN K. LANDRUM, 0000
LANCE K. LANDRUM, 0000
DEBORAH A. LANDRY, 0000
TIMOTHY J. LANDVOGT, 0000
HARRY J. LANE, 0000
LARRY H. LANG, 0000
LEIANN M. LANG, 0000
MARY P. LANGHILL, 0000
ELIZABETH S. LARSON, 0000
KATHY H. LAUDEN, 0000
SCOTT E. LAVIGNE, 0000
JAMES W. LAW, 0000
CARMELLA V. LAWSON, 0000
THOMAS R. LAYNE, 0000
BRIAN K. LEATHERWOOD, 0000
CHARLES P. LEE, 0000
DAVID R. LEE, 0000
DEBRA S. LEE, 0000
GENE C. LEE, 0000
JAMES D. LEE, 0000
DANTE S. LEGASPI, 0000
PETER F. LEHEW, 0000
EDWARD J. LENGEL, 0000
THOMAS J. LENNON, JR., 0000
ALBERT P. LENSE, 0000
BROOK J. LEONARD, 0000
MARK T. LEONARD, 0000
ROBERT S. LEPPER, JR., 0000
STEVEN R. LETCH, 0000
JOHN R. LEWIS, 0000
MICHAEL B. LEWIS, 0000
WILLIAM A. LIBBY, 0000
DANIEL LIGGINS, 0000
MICHAEL S. LIGHTFOOT, 0000
SAMUEL LIGHTFOOT, JR., 0000
JOE L. LINDSEY, 0000
BARTH L. LIPPERT, 0000
JEFFREY D. LIPSKY, 0000
ROLAND J. LIRETTE, JR., 0000
JAMES F. LOBASH, 0000
DANIEL R. LOCKERT, 0000
MICHAEL J. LOGAR, 0000
EDWARD A. LOMBARD, 0000
DONALD W. LONG, 0000
RICKY M. LONGHURST, 0000
JESUS K. LOPEZ, 0000
MARC A. LOPEZ, 0000
JEFFREY C. LOUIE, 0000
MICHAEL A. LOVE, 0000
JOHN R. LOWELL, 0000
ROBERT R. LOY, 0000
ROY E. LOZANO, JR., 0000
VERNON K. LUCAS, 0000
RYAN S. LUCHSINGER, 0000
KEITH A. LUDWIG, 0000
CLARENCE W. LUKES, JR., 0000
DAVID A. LUNGER, 0000
GARRY W. LUNSFORD, 0000
JAMIE A. LUTES, 0000
MICHAEL J. LUTTON, 0000
PAUL J. MACDONALD, 0000
TIMOTHY B. MACGREGOR, 0000
THOMAS A. MACIAS, 0000
JAMES B. MACKEY, 0000
RUSSELL E. MACLEAN, 0000
GARY W. MACLEOD, 0000
MITCHELL E. MADDOX, 0000
KAREN R. MADSEN, 0000
SCOTT R. MAETHNER, 0000
DAVID A. MAHER, 0000
BRIAN J. MAHONEY, 0000
CHRISTOPHER T. MAINE, 0000
LORI L. MALDONADO, 0000
PHILIPPE R. MALEBRANCHE, 0000
ROBERT A. MALLETS, 0000
RUSSELL W. MAMMOSER, 0000
ANDREW W. MANN, 0000
DANIEL G. MANUEL, JR., 0000
HENRY F. MARCINOWSKI III, 0000
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EDWARD MARTIGNETTI, 0000
WAYNE R. MARTIN, 0000
JOHN C. MARTINEZ, 0000
RUSSELL T. MASSEY, 0000
JOHN C. MATEER IV, 0000
DENNIS R. MATHEWS, 0000
PAUL T. MATIER, 0000
GARY A. MAUSS, 0000
STACY L. MAXEY, 0000
BRIAN G. MAY, 0000
ROBERT E. MAYFIELD, 0000
ERIC S. MAYHEU, 0000
WILLIAM P. MAZZENO, 0000
RANDALL J. MAZZONI, 0000
HOWARD G. MCARTHUR, 0000
PAUL B. MCARTHUR, 0000
BUSTER G. MCCALL, 0000
WAYNE A. MCCASKILL, 0000
MARK H. MCCLOUD, 0000
GREGORY L. MCCLURE, 0000
LISA R. MCCOLGAN, 0000
DEVON F. MCCOLLOUGH, 0000
BRIAN E. MCCOMBS, 0000
ROBERT P. MCCRADY, 0000
DANIEL P. MCCUTCHON, 0000
CHARLES B. MCDANIEL, 0000
JEFFREY T. MCDONALD, 0000
JOHN P. MCELDOWNEY, 0000
PATRICK D. MCEVOY, 0000
CURTIS D. MCGIFFIN, 0000
DAVID O. MCGRATH, 0000
SHAUN R. MCGRATH, 0000
THOMAS P. MCGRATH, 0000
ANTHONY K. MCGRAW, 0000
THOMAS G. MCGUIRE, 0000
KEITH T. MCILVOY, 0000
PATRICK D. MCKEOWN, 0000
MICHAEL J. MCKINNEY, 0000
BRIAN P. MCLAUGHLIN, 0000
FRED A. MCNEIL, 0000
PATRICK J. MCNELIS, 0000
MICHAEL A. MCNERNEY, 0000
AARON T. MEADOWS, 0000
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HELEN M. MEISENHELDER, 0000
CHARLES J. MELNIK, 0000
JAMES A. MELVIN, 0000
JOHN J. MENOZZI, 0000
LEIGH E. METHOD, 0000
STEPHEN R. MEZHIR, 0000
MELANIE J. MILBURN, 0000
MICHAEL D. MILLEN, 0000
ALBERT G. MILLER, 0000
CHAD H. MILLER, 0000
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GARY H. MILLS, 0000
DAVID A. MILLSAPPS, 0000
CHRISTOPHER W. MILNER, 0000
PETER J. MILOHNIC, 0000
GEORGE G. MITCHELL, 0000
MATTHEW W. MITCHELL, 0000
MATTHEW K. MOELLER, 0000
TROY P. MOLENDYKE, 0000
TIMOTHY S. MOLNAR, 0000
ROBERT B. MONROE, 0000
BOBBIE A. MOORE, 0000
JENNIFER L. MOORE, 0000
KYLE W. MOORE, 0000
LEANNE C. MOORE, 0000
MICHAEL J. MOORE, 0000
RANDALL W. MOORE, 0000
RICHARD G. MOORE, JR., 0000
VICTOR H. MORA, 0000
BRENT P. MORAN, 0000
GREY L. MORGAN, 0000
MELINDA F. MORGAN, 0000
JOY L. MORIBE, 0000
MICHAEL A. MORREALE, 0000
ANNA MARIE MORRIS, 0000
DOUGLAS B. MORRIS, 0000
SCOTT A. MORRIS, 0000
DAVID F. MORRISSEY, 0000
ADAM L. MORTENSEN, 0000
STEPHEN J. MORTENSEN, 0000
WILLIAM J. MOWRY, 0000
MICHAEL A. MRAS, 0000
ANDRES E. MUKK, 0000
RALPH J. MULI, 0000
JOSEPH E. MULLEN, JR., 0000
JAMES F. MULLIN III, 0000
MATTHEW P. MURDOUGH, 0000
DAVID W. MURPHY, 0000
JENNIFER J. MURPHY, 0000
MICHAEL C. MURPHY, 0000
RODERICK T. MURPHY, 0000
NIELE H. MUSEKAMP, 0000
RICK R. MUSSI, 0000
CHRISTOPHER R. MYERS, 0000
STEVEN R. MYERS, 0000
DARRYL F. NEAL, 0000
RICHARD D. NEAL, JR., 0000
MICHAEL R. NEEMAN, 0000
ROBERT E. NEHER, JR., 0000
WILLIAM D. NEITZKE, 0000
ROBERT G. NELSON, 0000
ROBERT J. NELSON, 0000
CHARLES S. NESEMEIER, 0000
ALEXANDER F. NEUMANN, 0000
ROGER L. NEUMANN, 0000
STEVEN T. NEUSER, 0000
JOHN J. NICHOLS, 0000
PAUL B. NICHOLS, 0000
FRANK D. NICHOLSON, 0000
TODD A. NICHOLSON, 0000
LAWRENCE A. NIXON, 0000
BRADFORD N. NORRIS, 0000
JULIE T. NORRIS, 0000
BRIAN M. NOVOTNY, 0000
KEVIN W. NYBERG, 0000
KRISTINA M. OBRIEN, 0000
SEAN B. OBRIEN, 0000
SHAWNA E. OBRIEN, 0000
EDWARD A. OCONNOR, 0000
TREVOR A. ODAY, 0000
EDWIN J. OFFUTT, 0000
LESTER S. OGAWA, 0000
MARK L. OLAUGHLIN, 0000
TIMOTHY F. OLDENBURG, 0000
DAVID B. OLIVER, 0000
DANIEL R. OLSON, 0000
ERIC J. OLSON, 0000
ANDREW D. ONEEL, 0000
BRADLEY A. ONEIL, 0000
ELIZABETH A. ORIE, 0000
STEVEN ORIE, 0000
DANIEL S. ORMSBY, 0000
PETER A. ORNELL, 0000
KEVIN P. OROURKE, 0000
KENNETH J. ORR, 0000
ROBERT J. ORRIS, 0000
CARLOS H. ORTIZ, 0000
BRYAN R. OSSOLINSKI, 0000
WILLIAM K. OSWALD, 0000
WILLIAM R. OTTER, 0000
GREGORY R. OTTOMAN, 0000
DONALD A. OVERBAY, 0000
JAMES L. OVERSTREET, 0000
JOSEPH P. PACE, 0000
SUZANNE M. PALMER, 0000
DANNY E. PALUBECKIS, 0000
GERALD J. PARISH, 0000
BOYD C. L. PARKER IV, 0000
KENNETH J. PASCOE, 0000
DAVID PASTORE, 0000
JEFFREY E. PATERSON, 0000
GREGORY M. PATSCHKE, 0000
WILLIAM C. PATTERSON, 0000
ALLEN D. PATTON, 0000
ROBERT J. PAVELKO, 0000
GREGORY J. PAYNE, 0000

TAMMI L. PEACOCK, 0000
STEPHEN W. PEARCE, 0000
MICHAEL S. PEDERSON, 0000
JAMES C. PENROD, 0000
RODERICK F. PEOPLES, 0000
DANIEL A. PEPPER, 0000
CHARLES D. PERHAM, 0000
MARC A. PETERSON, 0000
ERIK D. PETTYJOHN, 0000
JEFFREY D. PHILIPPART, 0000
JAMES W. PHILLIPS, 0000
MICHAEL A. PHILLIPS, 0000
JOSEPH F. PIASECKI, 0000
CHARLES PICONE, 0000
JEFFREY G. PIERCE, 0000
WILLIAM N. PIERCE, 0000
MASON B. PIGUE, 0000
GEOFFREY B. PIHLAJA, 0000
STEVEN W. PLANK, 0000
STEPHEN C. PLATT, 0000
MICHAEL E. PLATTEEL, 0000
STEPHEN M. PLESCHA, 0000
STEPHEN D. POINTON, 0000
WILLIAM J. POIRIER, 0000
WILLIAM E. POLAKOWSKI, 0000
MICHAEL J. POLLEY, 0000
MARK E. POLOMSKY, 0000
BRIAN G. POLSER, 0000
PATRICK D. POON, 0000
MICHAEL D. PORT, 0000
JAMES C. PORTER, 0000
CHRISTOPHER S. POVAK, 0000
WILLIAM P. POWER, 0000
MICHAEL J. POWERS, 0000
SANDERS E. PRESCOTT, 0000
EDWARD R. PRESLEY, 0000
RYAN J. PRICE, 0000
THOMAS E. PRICE, 0000
KELLY J. PRIMUS, 0000
HEATHER L. PRINGLE, 0000
GREGORY T. PUGH, 0000
BRIAN D. PUKALL, 0000
THOMAS J. QUICK, 0000
JAMES A. QUINN, 0000
JEFFREY G. RAETZ, 0000
KENNETH C. RAGSDALE, 0000
STEVEN J. RAJOTTE, 0000
ANTHONY R. RAMAGE, 0000
STEVEN E. RAMER, 0000
MURIEL RAMIREZSALAS, 0000
THOMAS E. RAMPULLA, 0000
ROBERT L. RAMSDEN, 0000
GREGORY N. RANKIN, 0000
BILLY M. RASNAKE, 0000
CHRISTOPHER R. RATE, 0000
KOLIN D. RATHMANN, 0000
WILLIAM F. I. RATLEDGE, 0000
JAMES R. RAY, 0000
KEVIN J. RAYBINE, 0000
DENNIS V. RED, 0000
RANDALL J. REDELL, 0000
GEORGE E. REED, 0000
BROOKS B. REESE, 0000
MATTHEW R. REGNER, 0000
CHRISTOPHER MICHAEL REIN, 0000
LYNN A. REISE, 0000
ROBERT S. RENEAU, 0000
KENNETH J. RENGERING, 0000
THOMAS A. REPPART, 0000
GEORGE M. REYNOLDS, 0000
PATRICK J. RHATIGAN, 0000
LARRY G. RICE, JR., 0000
DONNA M. RICHARDS, 0000
THOMAS J. RICHARDS, 0000
ANDREW J. RICHARDSON, 0000
JOSEPH C. RICHARDSON, 0000
MICHAEL G. RICKARD, 0000
WILLIAM R. RIDDLE, JR., 0000
THOMAS A. RIETKERK, 0000
STEPHEN P. RITTER, 0000
WILLIAM RITTERSHAUS, 0000
MICAH S. RIZA, 0000
JOSEPH M. RIZZUTO, 0000
MATTHEW S. ROBERSON, 0000
STEVEN J. ROBERTS, 0000
TOMMY A. ROBERTS, 0000
WILLIAM P. ROBERTS, 0000
HOWARD G. ROBINSON, 0000
REGINALD O. ROBINSON, 0000
WILLIAM B. ROGAN III, 0000
JAMES W. ROGERS, JR., 0000
TAMARA S. ROGERS, 0000
HAROLD N. ROLLINS, 0000
DAVID F. ROMAN, 0000
DEBRA K. ROSE, 0000
MICHAEL D. ROSS, SR., 0000
THOMAS ROSS, 0000
MARTIN L. ROTHROCK, 0000
DONOVAN L. ROUTSIS, 0000
BRIAN C. ROY, 0000
JAMES D. ROY, 0000
DAVID L. RUFFIN, 0000
DENNIS G. GUZ RUIZ, 0000
BRIAN RUSLER, 0000
DONALD G. RUSSELL, 0000
ROBERT D. RUSSELL, 0000
TIMOTHY R. RUSSELL, 0000
MICHAEL J. RUSZKOWSKI, 0000
DOUGLAS B. SABO, 0000
ANDREW L. SACKETT, 0000
ROBERT D. SAGRAVES, 0000
CARL D. SALAS, 0000
BRIAN R. SALMANS, 0000
ASHLEY D. SALTER, 0000
KEVIN L. SAMPELS, 0000
GARY L. SAMSON, 0000
CESAR C. SANDAN, 0000
BRETT H. SANDERS, 0000
GREGORY P. SARAKATSANNIS, 0000
MICHAEL E. SAUNDERS, 0000
SCOTT G. SAUNDERS, 0000
DENNIS G. SCARBOROUGH, 0000
CARL E. SCHAEFER, 0000
SCOTT A. SCHAEFER, 0000
GREGORY SCHECHTMAN, 0000
GREGORY C. SCHEER, JR., 0000
ANTHONY SCHEIDT, 0000
MARK P. SCHENCK, 0000
MARTIN K. SCHLACTER, 0000
ROBERT J. SCHLEGEL, 0000
DAVID I. SCHMIDT, 0000
THOMAS L. SCHMIDT, 0000
JAIME M. SCHOFIELD, 0000
PAUL L. SCHOLL, 0000
TODD J. SCHOLLARS, 0000
CHERYL M. SCHRAMM, 0000
ROBERT C. SCHROEDER, JR., 0000
CARL J. SCHULER, JR., 0000
MARCUS R. SCHULTHESS, 0000
ALLEN D. SCHWARTZ, 0000
TERESA M. SCHWEHM, 0000
JEFFREY S. SCHWOOB, 0000
VERNON L. SCRIBNER, 0000
LOUIS P. SELIQUINI, JR., 0000
SOPHIE M. SENN, 0000
STEVEN E. SENN, 0000
BRIAN W. SENNETT, 0000
JOHN S. P. SEO, 0000
CHRISTOPHER L. SETLIFF, 0000
BRIAN G. SEVERNS, 0000
JAMES P. SEWARD, 0000
KRISTINE M. SHAFFER, 0000
CHRISTOPHER C. SHANNON, 0000
EVERETT E. SHAVER, JR., 0000
ROBERT M. SHAW, 0000
MICHAEL J. SHEA, 0000
DARRYL M. SHEETS, 0000
MICHAEL C. SHENBERGER, 0000
MICHAEL J. SHEPHERD, 0000
DREXEL B. SHERMAN, 0000
JAMES S. SHIGEKANE, 0000
STEVEN L. SHINKEL, 0000
DONNA D. SHIPTON, 0000
DAVID R. SHONK, JR., 0000
TODD C. SHULL, 0000
DAVID A. SIKORA, 0000
DONLEY R. SILBAUGH, 0000
ERIC E. SILBAUGH, 0000
STEPHEN S. SILVERS, 0000
JOHN P. SIMMONS, 0000
LESTER G. SIMPSON III, 0000
JILL E. SINGLETON, 0000
TIMOTHY M. SIPOWICZ, 0000
SAMUEL T. SKAGGS, 0000
ERIN A. SKOWRAN, 0000
MARK H. SLOCUM, 0000
AARON M. SMITH, 0000
ELDON R. SMITH III, 0000
HOMER R. SMITH, 0000
JEFFERY B. SMITH, 0000
JEFFERY P. SMITH, 0000
JEFFREY S. SMITH, 0000
LESLIE T. SMITH, JR., 0000
RAYMOND H. SMITH, JR., 0000
ROBERT J. SMITH, JR., 0000
SCOTT E. SMITH, 0000
TERRY E. SMITH, 0000
BENJAMIN E. SNOW, 0000
JONATHAN D. SNOWDEN, 0000
STANLEY G. SOLLIE, 0000
JAY C. SORENSEN, 0000
FRANK C. SOUZA, 0000
WILLIAM A. SPANGENTHAL, 0000
BERTRAND D. SPARROW, JR., 0000
JUSTIN J. SPEEGLE, 0000
PATRICK H. SPIERING, 0000
CHARLES J. SPILLAR, JR., 0000
NANCY F. STAATS, 0000
STEVEN G. STAATS, 0000
GREGORY K. STANKEWICZ, 0000
ANDREW J. STARK, 0000
TODD R. STAUDT, 0000
GRANT J. STEDRONSKY, 0000
DARRELL C. STEELE, 0000
DAVID R. STEELE, 0000
JERALD W. STEEN, JR., 0000
CRAIG D. STEINER, 0000
DAVID M. STEPHAN, 0000
MATTHEW A. STEVENS, 0000
DAVID R. STEWART, 0000
PHILLIP A. STEWART, 0000
THERESA A. STOCKDALE, 0000
DAVID A. STONE, 0000
ROBERT H. STONEMARK, 0000
GUY D. STORY, 0000
ANDREW M. STOSS, 0000
JAMES E. STRATTON, 0000
ROBERT O. STROEBEL, 0000
MARIA LIZA R. STRUCK, 0000
MICHAEL S. STRUNK, 0000
SHAUN R. STUGER, 0000
PATRICK D. SULLIVAN, 0000
NICHOLAS A. SULLY, 0000
JONATHAN A. SUTHERLAND, 0000
ARAS P. SUZIEDELIS, 0000
THOMAS J. SVOBODA, 0000
EDWARD W. SWANSON, 0000
FRANCIS J. SWEKOSKY, JR., 0000
JEFFERY S. SZATANEK, 0000
ANDREW G. SZMEREKOVSKY, 0000
PAUL E. SZOSTAK, 0000
DAVID H. TABOR, 0000
ALBERT Z. TALAMANTEZ, JR., 0000
ANTHONY T. TAYLOR, 0000
SHAWN E. TEAGAN, 0000
RICHARD R. TELLES, 0000
KEITH A. TERRELL, 0000
JOHN P. TERRY, 0000
PATRICK A. TESTERMAN, 0000
KIM E. THEIN, 0000
KEITH L. THIBODEAUX, 0000
GEORGE E. THOMAS, JR., 0000
GREGORY D. THOMAS, 0000
JORDAN K. THOMAS, 0000
BRAD R. THOMPSON, 0000
MARK E. THOMPSON, 0000
WILLIAM P. THOMPSON, 0000
MARK A. THONNINGS, 0000
JEFFREY A. TIBBITS, 0000
LANCE A. TILGHMAN, 0000
MICHAEL J. TIMMERMAN, 0000
CHARLES R. TIMMERMEYER, JR., 0000
DAVID TOBAR, 0000
RODNEY F. TODARO, 0000
LANCE S. TOKUNAGA, 0000
GEORGE W. TOMBE IV, 0000
MARY D. TOOHEY, 0000
FRANCISCO A. TORANOCAMPOS, 0000
LAWRENCE O. TORRES, 0000
GAVIN B. TOVREA, 0000
JULIE D. TRAVNICEK BURNS, 0000
ROBERT W. TRAYERS, JR., 0000
CHESTER A. TRELOAR, 0000
JIMMIE L. TRIGG, 0000
MICHELLE M. TRIGG, 0000
ERIC J. TRYCHON, 0000
TROY A. TSCHIRHART, 0000
CLAUDE K. TUDOR, JR., 0000
DANIEL H. TULLEY, 0000
LONNIE K. TURNER, 0000
AMY E. TWEED, 0000
DANIEL A. TWOMEY, JR., 0000
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JEFFREY R. ULLMANN, 0000
LISA A. UNDEM, 0000
JERRY J. UPDEGRAFF, 0000
CHRISTOPHER J. URDZIK, 0000
SANTIAGO A. VACA, 0000
JOHN J. VANCE, 0000
JEFFREY L. VANDENBUSSCHE, 0000
HARRY W. VANDERBACH, 0000
REX S. VANDERWOOD, 0000
EDWARD J. VANGHEEM, 0000
ROBERT H. VANHOOSE, 0000
JONATHAN R. VANNOORD, 0000
DAVID M. VARDAMAN, 0000
JOHN E. VARLJEN, 0000
DANIEL R. VASQUEZ, 0000
DAVID S. VAUGHN, 0000
BRYAN S. VEIT, 0000
ROBERT J. VERCHER, 0000
TODD M. B. VICIAN, 0000
ROMMEL B. C. VILLALOBOS, 0000
JUAN C. VILLARREAL, 0000
JOHN M. VITACCA, 0000
MARK A. VIVIANS, 0000
JAMES R. VOGEL, 0000
BRENT R. VOSSELLER, 0000
JAMES D. WAGGLE, 0000
EUGENE H. WAGNER, JR., 0000
JOHN W. WAGNER, 0000
MICHAEL L. WAHLER, 0000
CRAIG J. WALKER, 0000
JAMES E. WALKER, 0000
KEVIN J. WALKER, 0000
RICHARD W. WALKER, 0000
ANDREW M. WALLACE, 0000
GINGER L. WALLACE, 0000
SCOTT J. WARDLE, 0000
ERIC L. WARNER, 0000
LUCILLE J. WARNER, 0000
SCOTT A. WARNER, 0000
JAMES L. WARNKE, 0000
JAMES T. WASHINGTON, 0000
OLIVER D. WASHINGTON, JR., 0000
DANIEL L. WATERS, 0000
JEFFREY J. WATERS, 0000
BILLY J. WATKINS, JR., 0000
GORDON K. WATTS, 0000
ANDREW H. WEAVER, 0000
JOEL J. WEAVER, 0000
CHARLES W. WEBB, JR., 0000
RICHARD E. WEBB, JR., 0000
MARK D. WEBER, 0000
JOSEPH P. WEDDING III, 0000
MICHAEL R. WEHMEYER, 0000
HOLLY B. WEIK, 0000
CHRISTOPHER S. WELDON, 0000
MICHAEL V. WELGE, 0000
MARK W. WELHAF, 0000
ALIX E. WENGERT, 0000
MARK S. WERT, 0000
TIMOTHY P. WESSEL, 0000
TIMOTHY C. WEST, 0000
RICHARD G. WESTON, 0000
GARY A. WETTENGEL, JR., 0000
TODD J. WEYERSTRASS, 0000
MICHAEL T. WHATLEY, 0000
CHRISTOPHER L. WHEELER, 0000
MARK C. WHEELHOUSE, 0000
ROBERT S. WIDMANN, 0000
PHILIP W. WIELHOUWER, 0000
DAVID A. WIESNER, 0000
JOHN T. WILCOX II, 0000
GARY WILEY, JR., 0000
CURTIS L. WILKEN, 0000
JAMES B. WILKIE, 0000
BERNARD M. WILLI, 0000
CHRISTOPHER S. WILLIAMS, 0000
CLIFFORD D. WILLIAMS, 0000
CRAIG E. WILLIAMS, 0000

GREG A. WILLIAMS, 0000
REGINALD J. WILLIAMS, 0000
SHUN V. WILLIAMS, 0000
MICHAEL D. WILLIAMSON, 0000
RICHARD E. WILLIAMSON, JR., 0000
ALLEN C. WILSON, 0000
MARK P. WILSON, 0000
THEODORE D. WILSON, 0000
THOMAS E. WILSON, 0000
PATRICK J. WINDEY, 0000
PATRICK E. WINGATE, 0000
MICHAEL P. WINKLER, 0000
ROBERT P. WINKLER, 0000
MARK B. WISER, 0000
STEPHEN A. WISSER, 0000
TRACY M. WITCHER, 0000
ERIC P. WOHLRAB, JR., 0000
JOSEPH L. WOLFKIEL, 0000
JASON L. WOOD, 0000
MARK A. WOOTAN, 0000
TOBI SEARS WORDEN, 0000
CHRISTOPHER A. WORLEY, 0000
KARYN E. WRIGHT, 0000
RICHARD D. WRIGHT, 0000
JUSTIN R. WYMORE, 0000
KEVIN J. YANDURA, 0000
JOSEPH F. YEZZI, 0000
STACY L. YIKE, 0000
ZEV YORK, 0000
DAVID T. YOUNG, 0000
JOEL D. YOUNG, 0000
WILLIAM E. YOUNG, JR., 0000
RAMONA D. YOUNGHANSE, 0000
JEFFREY A. ZEMKE, 0000
KENNETH S. ZEPP, 0000
SCOTT C. ZIPPWALD, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

DEBORAH WHITMER, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

STEVEN C. HENRICKS, 0000
MICHAEL D. MIERAU, 0000
WILLIAM C. MOORHOUSE, 0000
WILLIAM J. NELSON, 0000

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED: CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

R. NICHOLAS BURNS, OF MASSACHUSETTS
ERIC S. EDELMAN, OF VIRGINIA
JAMES FRANKLIN JEFFREY, OF VIRGINIA
KRISTIE ANNE KENNEY, OF VIRGINIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

KATHLEEN HATCH ALLEGRONE, OF VIRGINIA
JONATHAN MARK ALOISI, OF CALIFORNIA
JAY N. ANANIA, OF CONNECTICUT
ALEXANDER A. ARVIZU, OF COLORADO
DAVID L. BALLARD, OF TEXAS
WILLIAM M. BARTLETT, OF VIRGINIA
PATRICIA A. BUTENIS, OF VIRGINIA
FREDERICK BISHOP COOK, OF FLORIDA
ERNEST E. DAVIS, OF MISSOURI
KATHLEEN R. DAVIS, OF CALIFORNIA
SCOTT H. DELISI, OF MINNESOTA
DAVID TANNRATH DONAHUE, OF INDIANA
EDWARD KWOK HEE DONG, OF CALIFORNIA
JOSEPH R. DONOVAN, JR., OF NEW YORK
PATRICK D. DONOVAN, OF VIRGINIA
CHARLES LEWIS ENGLISH, OF FLORIDA
GARY M. GIBSON, OF MARYLAND
MARY ELLEN T. GILROY, OF VIRGINIA
GEORGE A. GLASS, OF NEW JERSEY
PATRICIA HASLACH, OF OREGON
WILLIAM J. HAUGH, OF VIRGINIA
ERIC G. JOHN, OF INDIANA
JOHN J. KEYES III, OF FLORIDA
MICHAEL DAVID KIRBY, OF OHIO
L.W. KOENGETER, OF FLORIDA
ALAN BRYAN CEDRIC LATIMER, OF GEORGIA
SALLY MATHIASEN LIGHT, OF WASHINGTON
HUGO LLORENS, OF FLORIDA
JACKSON C. MCDONALD, OF FLORIDA
WILLIAM JOSEPH MCGLYNN, JR., OF CALIFORNIA
LUIS G. MORENO, OF FLORIDA
DAVID D. NELSON, OF SOUTH DAKOTA
CAROL ZELIS PEREZ, OF TEXAS
ROGER DWAYNE PIERCE, OF VIRGINIA
MARGUERITA D. RAGSDALE, OF VIRGINIA
CHARLES AARON RAY, OF TEXAS
JAMES P. REID, OF CALIFORNIA
RONALD SINCLAIR ROBINSON, OF VIRGINIA
LESLIE VENTURA ROWE, OF WASHINGTON
DANIEL A. RUSSELL, OF MAINE
JOHN FREDERICK SAMMIS, OF VIRGINIA
ROBIN RENEE SANDERS, OF NEW YORK
KYLE R. SCOTT, OF ARIZONA
DANIEL BENNETT SMITH, OF COLORADO
DOUGLAS GORDON SPELMAN, OF VIRGINIA
SUSAN H. SWART, OF VIRGINIA
HARLAN D. WADLEY, OF WASHINGTON
D. BRUCE WHARTON, OF VIRGINIA
JAMES G. WILLIARD, OF FLORIDA
ROBERT T. YAMATE, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED: CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

RICHARD ALAN ALBRIGHT, OF OHIO
GERALD C. ANDERSON, OF ILLINOIS
DAVID EGERT APPLETON, OF NEW HAMPSHIRE
GARY G. BAGLEY, OF CALIFORNIA
RICHARD C. BEER, OF VIRGINIA
SCOTT D. BELLARD, OF THE DISTRICT OF COLUMBIA
ERIC DAVID BENJAMINSON, OF OREGON
EARLE C. BLAKEMAN III, OF THE DISTRICT OF COLUMBIA
JOHN BRIEN BRENNAN, OF VIRGINIA
DOLORES MARIE BROWN, OF VIRGINIA
RAYMOND LEWIS BROWN, OF CALIFORNIA
SUE KATHRINE BROWN, OF TEXAS
LEE A. BRUDVIG, OF CALIFORNIA
BEATRICE A. CAMP, OF VIRGINIA
LOIS ANN CECSARINI, OF CONNECTICUT
JUDITH BETH CEFKIN, OF TEXAS
LINDA CAROL CHEATHAM, OF TEXAS
ANDREW GILMAN CHRITTON, OF TEXAS
JOHN W. DAVISON, OF PENNSYLVANIA
THOMAS LAWRENCE DELARE, OF VIRGINIA
J. THOMAS DOUGHERTY, OF WYOMING
MARY DALE DRAPER, OF CALIFORNIA
GORDON K. DUGUID, OF ILLINOIS
SUSAN M. ELBOW, OF THE DISTRICT OF COLUMBIA
THOMAS SCOTT ENGLE, OF THE DISTRICT OF COLUMBIA
HENRY S. ENSHER, OF CALIFORNIA
PAUL MICHAEL FITZGERALD, OF VIRGINIA
WILLIAM E. FITZGERALD, OF NEW YORK
ROBERT STEPHEN FORD, OF MARYLAND
JOHN GILMORE FOX, OF CALIFORNIA
ATIM ENEIDA GEORGE, OF CALIFORNIA
ALAN ERIC GREENFIELD, OF MAINE
JERI S. GUTHRIE-CORN, OF CALIFORNIA
DEAN J. HAAS, OF CALIFORNIA
MARY E. HICKEY, OF CALIFORNIA
GRETA CHRISTINE HOLTZ, OF FLORIDA
JASON P. HYLAND, OF VIRGINIA
KEVIN M. JOHNSON, OF NEW YORK
MARGARET ELLEN KEETON, OF CALIFORNIA
DAMARIS A. KIRCHHOFER, OF HAWAII
EDWARD J. KULAKOWSKI, OF VIRGINIA
JERRY P. LANIER, OF NORTH CAROLINA
EDWARD ALEX LEE, OF TEXAS
DAVID ERIK LINDWALL, OF TEXAS
ERIC H. MADISON, OF VIRGINIA
FRANK J. MANGANIELLO, OF VIRGINIA
ALBERTA MAYBERRY, OF VIRGINIA
JAMES P. MCANULTY, OF VIRGINIA
MARIA ELIZABETH MCKAY, OF FLORIDA
ALAN GREELEY MISENHEIMER, OF VIRGINIA
ROBIN JAN MORRITZ, OF ILLINOIS
CHRISTOPHER W. MURRAY, OF THE DISTRICT OF COLUMBIA
ADAM E. NAMM, OF VIRGINIA
PATRICIA NELSON-DOUVELIS, OF VIRGINIA
RICHARD NORLAND, OF MISSOURI
MAUREEN E. PARK, OF VIRGINIA
GEETA PASI, OF NEW YORK
LAWRENCE G. RICHTER, OF CALIFORNIA
FERIAL ARA SAEED, OF CALIFORNIA
RICHARD MILTON SANDERS, OF PENNSYLVANIA
ERIC T. SCHULTZ, OF COLORADO
SANDRA JEAN SHIPSHOCK, OF VIRGINIA
GREGORY S. STANFORD, OF FLORIDA
DAVID L. STONE, OF LOUISIANA
W. STUART SYMINGTON IV, OF MISSOURI
LUCY TAMLYN, OF NEW YORK
DOUGLAS B. WAKE, OF NEW YORK
VIVIAN S. WALKER, OF CALIFORNIA
CHARLES H. WALSH, JR., OF OREGON
LAURIE B. WEITZENKORN, OF FLORIDA
MARK A. WENTWORTH, OF MAINE
BRUCE WILLIAMSON, OF VIRGINIA
CLAUD R. YOUNG, JR., OF THE DISTRICT OF COLUMBIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

RANDALL D. BENNETT, OF MARYLAND
DAVID J. BENSON, OF FLORIDA
ROGER N. COHEN, OF FLORIDA
JAMES T. CRONIN, JR., OF VIRGINIA
RODNEY ALLEN EVANS, OF VIRGINIA
WALTER G. FELT, OF VIRGINIA
LESTER S. FOLENSBEE, OF VIRGINIA
WILLIAM S. GREEN, OF OHIO
STEPHEN RICHARD HARTWELL, OF NEW HAMPSHIRE
MARK JEFFREY HIPP, OF WASHINGTON
MARK J. HUNTER, OF FLORIDA
DAVID G. KIDD, OF VIRGINIA
TIMOTHY C. LAWSON, OF OHIO
RUSSELL G. LE CLAIR, JR., OF ILLINOIS
PATRICK JOSEPH MEAGHER, OF CALIFORNIA
THOMAS S. MILLER, OF MINNESOTA
BARRY M. MOORE, OF TEXAS
CLAUDE J. NEBEL, JR., OF NEW HAMPSHIRE
CHRISTOPHER J. PAUL, OF FLORIDA
ROBERT G. REED, OF VIRGINIA
TERRENCE K. WILLIAMSON, OF MARYLAND
JACOB M. WOHLMAN, OF FLORIDA
CHARLES E. WRIGHT, OF CALIFORNIA

WITHDRAWAL

Executive message transmitted by the President to the Senate on October 17, 2005 withdrawing from further Senate consideration the following nomination:

MARK MCKINNON, OF TEXAS, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2008, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 6, 2005.