

PUBLIC LAW 109-115—NOV. 30, 2005

TRANSPORTATION, TREASURY, HOUSING
AND URBAN DEVELOPMENT, THE JUDICIARY,
THE DISTRICT OF COLUMBIA, AND
INDEPENDENT AGENCIES APPROPRIATIONS
ACT, 2006

Public Law 109-115
109th Congress

An Act

Nov. 30, 2005
[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.

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

Transportation,
Treasury,
Housing and
Urban
Development, the
Judiciary, the
District of
Columbia, and
Independent
Agencies
Appropriations
Act, 2006.

DIVISION A—TRANSPORTATION, TREASURY, HOUSING AND
URBAN DEVELOPMENT, THE JUDICIARY, AND INDE-
PENDENT 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, Housing and Urban Development, the Judiciary, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

Transportation,
Treasury,
Housing and
Urban
Development, the
Judiciary, and
Independent
Agencies
Appropriations
Act, 2006.

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

Department of
Transportation
Appropriations
Act, 2006.

For necessary expenses of the Office of the Secretary, \$84,900,000, 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 \$11,650,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$8,485,000 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

to as the Federal Tort Claims Act) and any other Federal tort liability statute shall not apply to an employee who is assigned to a contractor under subsection (a).

SEC. 180. (a) In this section:

(1) The term “Conservation Area” means the Sloan Canyon National Conservation Area established by section 604(a) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2010).

(2) The term “County” means Clark County, Nevada.

(3)(A) The term “helicopter tour” means a commercial helicopter tour operated for profit.

(B) The term “helicopter tour” does not include a helicopter tour that is carried out to assist a Federal, State, or local agency.

(4) The term “Secretary” means the Secretary of the Interior.

(5) The term “Wilderness” means the North McCullough Mountains Wilderness established by section 202(a)(13) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2000).

(b) As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the County, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) The parcel of land to be conveyed under subsection (b) is the parcel of approximately 229 acres of land depicted as tract A on the map entitled “Clark County Public Heliport Facility” and dated May 3, 2004.

(d)(1) The parcel of land conveyed under subsection (b)-

(A) shall be used by the County for the operation of a heliport facility under the conditions stated in paragraphs (2), (3), and (4); and

(B) shall not be disposed of by the County.

(2)(A) Any operator of a helicopter tour originating from or concluding at the parcel of land described in subsection (c) shall pay to the Clark County Department of Aviation a \$3 conservation fee for each passenger on the helicopter tour if any portion of the helicopter tour occurs over the Conservation Area.

(B)(i) Not earlier than 10 years after the date of enactment of this Act and every 10 years thereafter, the Secretary shall conduct a review to determine whether to raise the amount of the conservation fee.

(ii) After conducting a review under clause (i) and providing an opportunity for public comment, the Secretary may raise the amount of the conservation fee in an amount determined to be appropriate by the Secretary, but by not more than 50 percent of the amount of the conservation fee in effect on the day before the date of the increase.

(3)(A) The amounts collected under paragraph (2) shall be deposited in a special account in the Treasury of the United States.

(B) Of the amounts deposited under subparagraph (A)-

(i) $\frac{2}{3}$ of the amounts shall be available to the Secretary, without further appropriation, for the management of cultural, wildlife, and wilderness resources on public land in the State of Nevada; and

Deadlines.
Fees.

Public comment.

(ii) $\frac{1}{3}$ of the amounts shall be available to the Director of the Bureau of Land Management, without further appropriation, for the conduct of Bureau of Land Management operations for the Conservation Area and the Red Rock Canyon National Conservation Area.

(4)(A) Except for safety reasons, any helicopter tour originating or concluding at the parcel of land described in subsection (c) that flies over the Conservation Area shall not fly-

(i) over any area in the Conservation Area except the area that is between 3 and 5 miles north of the latitude of the southernmost boundary of the Conservation Area;

(ii) lower than 1,000 feet over the eastern segments of the boundary of the Conservation Area; or

(iii) lower than 500 feet over the western segments of the boundary of the Conservation Area.

Regulations.

(B) The Administrator of the Federal Aviation Administration shall establish a special flight rules area and any operating procedures that the Administrator determines to be necessary to implement subparagraph (A).

(5) If the County ceases to use any of the land described in subsection (c) for the purpose described in paragraph (1)(A) and under the conditions stated in paragraph (2)-

(A) title to the parcel shall revert to the United States, at the option of the United States; and

(B) the County shall be responsible for any reclamation necessary to revert the parcel to the United States.

(e) The Secretary shall require, as a condition of the conveyance under subsection (b), that the County pay the administrative costs of the conveyance, including survey costs and any other costs associated with the transfer of title.

SEC. 181. The first sentence of section 29(c) of the International Air Transportation Competition Act of 1979 (Public Law 96-192; 94 Stat. 48) is amended by inserting "Missouri," before "and Texas".

SEC. 182. Notwithstanding any other provision of law, none of the funds provided in or limited by this Act may be obligated or expended to provide a budget justification for fiscal year 2007 concurrently with the President's annual budget submission to Congress under section 1105(a) of title 31, United States Code, to any congressional committee other than the House and Senate Committees on Appropriations prior to May 31, 2006.

SEC. 183. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: *Provided*, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 184. Notwithstanding any other provision of law, the projects numbered 5094 and 5096 in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1144) shall be subject to section 120(c) of title 23, United States Code.