

111TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

OMNIBUS APPROPRIATIONS ACT, 2009

COMMITTEE PRINT

of the

**COMMITTEE ON APPROPRIATIONS
U.S. HOUSE OF REPRESENTATIVES**

on

H.R. 1105 / Public Law 111-8

[Legislative Text and Explanatory Statement]

BOOK 1 OF 2—DIVISIONS A-E



MARCH 2009

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BOOK 1 OF 2—DIVISIONS A-E



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 2009

47-494

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CLERK'S NOTE

This committee print provides a compilation of the enacted text and applicable explanatory material for the Omnibus Appropriations Act, 2009 (H.R. 1105; P.L. 111-8).

This Act, which consists of the nine regular annual appropriations bills for fiscal year 2009 that were outstanding from the prior congress, as well as further provisions related to Homeland Security and other matters, is the product of negotiations between the House and Senate Appropriations Committees that took place before its introduction. The compromise measure was introduced as an original bill by Chairman Obey on February 23, 2009 and was passed by the House without amendment two days later.¹ The Senate began consideration on March 2, and passed the bill without amendment by voice vote on March 10.² The President signed the legislation on March 11, 2009 and it became Public Law 111-8.

Because the measure was pre-negotiated and the final product introduced as an original bill, there is no conference report and no "joint explanatory statement of the managers" for H.R. 1105. Instead, as directed by the House of Representatives,³ Chairman Obey submitted an Explanatory Statement in the Congressional Record of February 23, 2009.⁴ Section 4 of the Act provides that this Explanatory Statement "shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference." The text of the Explanatory Statement is reproduced in full in this committee print.

For the convenience of users, this print is organized according to the ten divisions of the Act, with the legislative text of each division paired with the applicable portion of the Explanatory Statement.

¹ Vote on passage: 245 yeas-178 nays (Roll No. 86), February 25, 2009.

² Senate vote to invoke cloture on the bill: 62 yeas-35 nays (Record vote no. 96).

³ H. Res. 92, section 2 (as amended by section 2 of H. Res. 108).

⁴ The Statement appears on pages H1653-H2599 in the February 23 Congressional Record.

[House Appropriations Committee Print]

**Omnibus Appropriations Act, 2009
(H.R. 1105; Public Law 111-8)**

**PROVISIONS APPLYING TO ALL DIVISIONS
OF CONSOLIDATED ACT**

[CLERK'S NOTE: Reproduced below is the text of the sections of the Omnibus Appropriations Act (H.R. 1105, P.L. 111-8) which precede division A and which apply to all divisions of that Act.]

LEGISLATIVE TEXT

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 "Omnibus Appropriations Act, 2009".

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. References.
- Sec. 4. Explanatory statement.
- Sec. 5. Statement of appropriations.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

- Title I—Agricultural Programs
- Title II—Conservation Programs
- Title III—Rural Development Programs
- Title IV—Domestic Food Programs
- Title V—Foreign Assistance and Related Programs
- Title VI—Related Agency and Food and Drug Administration
- Title VII—General Provisions

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

- Title I—Department of Commerce
- Title II—Department of Justice
- Title III—Science
- Title IV—Related Agencies
- Title V—General Provisions

DIVISION C—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

- Title I—Department of Defense—Civil: Department of the Army
- Title II—Department of the Interior
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DIVISION D—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2009

- Title I—Department of the Treasury
- Title II—Executive Office of the President and Funds Appropriated to the President
- Title III—The Judiciary
- Title IV—District of Columbia
- Title V—Independent Agencies
- Title VI—General Provisions—This Act
- Title VII—General Provisions—Government-wide
- Title VIII—General Provisions—District of Columbia

DIVISION E—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

Title I—Department of the Interior
Title II—Environmental Protection Agency
Title III—Related Agencies
Title IV—General Provisions

DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

Title I—Department of Labor
Title II—Department of Health and Human Services
Title III—Department of Education
Title IV—Related Agencies
Title V—General Provisions
Title VI—Afghan Allies Protection Act of 2009

DIVISION G—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2009

Title I—Legislative Branch Appropriations
Title II—General Provisions

DIVISION H—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2009

Title I—Department of State and Related Agency
Title II—United States Agency for International Development
Title III—Bilateral Economic Assistance
Title IV—International Security Assistance
Title V—Multilateral Assistance
Title VI—Export and Investment Assistance
Title VII—General Provisions

DIVISION I—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

Title I—Department of Transportation
Title II—Department of Housing and Urban Development
Title III—Related Agencies
Title IV—General Provisions This Act

DIVISION J—FURTHER PROVISIONS RELATING TO THE DEPARTMENT OF HOMELAND SECURITY AND OTHER MATTERS

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. EXPLANATORY STATEMENT.

The explanatory statement regarding this Act printed in the House of Representatives section of the Congressional Record on or about February 23, 2009 by the Chairman of the Committee on Appropriations of the House shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

SEC. 5. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009.

[CLERK'S NOTE: Reproduced below are the introductory paragraphs of the "Explanatory Statement Submitted by Mr. Obey, Chairman of the House Committee on Appropriations, Regarding H.R. 1105, Omnibus Appropriations Act, 2009".]

**EXPLANATORY STATEMENT SUBMITTED BY MR. OBEY,
CHAIRMAN OF THE HOUSE COMMITTEE ON APPROPRIATIONS,
REGARDING H.R. 1105, OMNIBUS APPROPRIATIONS
ACT, 2009**

Following is an explanation of the Omnibus Appropriations Act, 2009, including disclosure of congressional earmarks and congressionally directed spending items as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate.

Section 4 of the Act specifies that this explanatory statement shall have the same effect with respect to the allocation of funds and implementation of this legislation as if it were a joint explanatory statement of a committee of conference.

The Omnibus Appropriations Act includes fiscal year 2009 appropriations encompassing 9 regular annual appropriations bills, each in a separate division, plus a 10th division including further provisions relating to the Department of Homeland Security and other agencies. The divisions contained in the Act are as follows:

- Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2009;
- Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2009;
- Division C—Energy and Water Development and Related Agencies Appropriations Act, 2009;
- Division D—Financial Services and General Government Appropriations Act, 2009;
- Division E—Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009;
- Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2009;
- Division G—Legislative Branch Appropriations Act, 2009;
- Division H—Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009;
- Division I—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2009; and

- **Division J—Further Provisions Relating to the Department of Homeland Security and Other Matters.**

Section 3 states that, unless expressly provided otherwise, any reference to “this Act” contained in any division shall be treated as referring only to the provisions of that division.

[House Appropriations Committee Print]

Omnibus Appropriations Act, 2009
(H.R. 1105; Public Law 111-8)

**DIVISION I—TRANSPORTATION, HOUSING
AND URBAN DEVELOPMENT, AND RELATED
AGENCIES APPROPRIATIONS ACT, 2009**

CONTENTS, DIVISION I

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Title I—Department of Transportation	2023
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Title IV—General Provisions—This Act	2158

[CLERK'S NOTE: Five sections which precede division I in the Omnibus Appropriations Act apply to all divisions of the Act, including this one. The text of these sections is as follows:]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Appropriations Act, 2009".

SEC. 2. TABLE OF CONTENTS.

[Text omitted for purposes of this note]

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. EXPLANATORY STATEMENT.

The explanatory statement regarding this Act, printed in the House of Representatives section of the Congressional Record on or about February 23, 2009 by the Chairman of the Committee on Appropriations of the House, shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

SEC. 5. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009.

Reproduced below is the text of division I of the Omnibus Appropriations Act, 2009 (H.R. 1105; P.L. 111-8) as presented to the President for signature.]

TRANSPORTATION PLANNING, RESEARCH AND DEVELOPMENT

The bill provides \$18,300,000 for transportation planning, research and development. Adjustments to the budget request are as follows:

Ballast water research, UW-Superior, WI	\$950,000
Great Lakes maritime research institute, WI	\$950,000
Fire and Oil Spill Response Communications Project, WA	\$1,520,000
Commercial Vehicle Rollover Prevention Technology Demonstration, MI	\$950,000
Inland Pacific Hub Analysis Project, WA	\$237,500
Advanced Freight Locomotive Safety and Monitoring Systems Implementation, MA	\$950,000
Wildlife Crossing Project, FL	\$950,000
University Transportation Center, MS	\$475,000
Freight transportation policy institute, WA	\$475,000
Assessment of Critical Transportation Infrastructure, MS	\$712,500
Decision Support Tools for Transportation Resilience and Security, MS	\$712,500
National Institute for Aviation Research (NIAR) at Wichita State University, KS	\$950,000

WORKING CAPITAL FUND

The bill includes a limitation of \$128,094,000 for working capital fund activities, and specifies that services shall be provided on a competitive basis to entities within the Department of Transportation. Services should be provided on a competitive basis to the maximum extent possible. The bill also provides that the limitation does not apply to non-DOT entities, and that no funds appropriated in this act to an agency of the Department of Transportation shall be transferred to the Working Capital Fund without the approval of the agency modal administrator. The bill directs that no assessments may be levied against any program, budget activity, sub-activity or project funded by this Act unless notice of such assessment and the basis are presented to and approved by the Committees on Appropriations.

Budget Justification.—For each modal administration's fiscal year 2010 congressional budget justification, the Department is directed to account for increases or decreases in working capital fund billings based on planned usage requested or anticipated by the modes rather than anticipated by working capital managers. The Department is also directed to update the transparency paper included in the justification for fiscal year 2009 and include it in the budget justifications for fiscal year 2010.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

The bill provides a total appropriation of \$912,000 for the minority business center program; \$353,000 of which is provided for the costs of guaranteed loans for short-term working capital and \$559,000 for administrative expenses. The bill limits loans made under this program to \$18,367,000.

MINORITY BUSINESS OUTREACH

The bill provides \$3,056,000 for minority business outreach and allows funds to be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS
(AIRPORT AND AIRWAY TRUST FUND)
(INCLUDING TRANSFER OF FUNDS)

The bill provides \$73,013,000 for payments to air carriers. In addition to these funds, the program will receive \$50,000,000 in mandatory spending pursuant to the Federal Aviation Authorization Act of 1996. It is anticipated that approximately \$10,000,000 still remains available pursuant to the Deficit Reduction Act of 2005, resulting in a total program budget for fiscal year 2009 of \$133,013,000. The bill allows the Secretary to consider the relative subsidy requirements of the carriers in determining between or among competing carriers. The bill also directs the Secretary to transfer to the essential air service program such sums as may be necessary to continue service to all eligible essential air service communities. If required, the Secretary shall transfer the funds from the Office of the Secretary.

The Administration's proposal to restructure the essential air service program is rejected.

COMPENSATION FOR AIR CARRIERS
(RESCISSION)

The bill rescinds remaining balances from unobligated funds from the compensation for air carriers.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF
TRANSPORTATION

Section 101 allows the Secretary to transfer unexpended sums available for the bonding assistance program from "Office of the Secretary, salaries and expenses" to "minority business outreach".

Section 102 prohibits the Office of the Secretary of Transportation from approving assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

Section 103 prohibits the use of funds to implement an essential air service local cost share participation program.

Section 104 allows the Secretary to engage in activities with states or state legislatures to consider proposals related to the reduction of motorcycle fatalities.

FEDERAL AVIATION ADMINISTRATION
OPERATIONS
(AIRPORT AND AIRWAY TRUST FUND)

The bill includes \$9,042,467,000 for operations of the Federal Aviation Administration which is \$44,005,000 above the budget request and \$302,467,000 above the fiscal year 2008 enacted level. Of the total amount provided, \$5,238,005,000 is to be derived from the airport and airway trust fund. Funds are distributed in the bill by budget activity.