

# **FY 2009 Omnibus Appropriation**

**H.R. 1105**

**P.L. 111-8**

**Enacted March 11, 2009**

**Passed by the House: 245-178**  
**2/25/09**

**Passed by the Senate: 62-35 (Cloture)**  
**3/10/09**

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One Hundred Eleventh Congress  
of the  
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday,  
the sixth day of January, two thousand and nine*

An Act

Making omnibus appropriations for the fiscal year ending September 30, 2009,  
and for other purposes.

*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.**

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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.

~~assume subsidy costs commonly referred to as the EAS local participation program.~~

~~Sec. 104. The Secretary or his or her designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.~~

**FEDERAL AVIATION ADMINISTRATION**

**OPERATIONS**

(AIRPORT AND AIRWAY TRUST FUND)

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, \$9,042,467,000, of which \$5,238,005,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed \$7,099,019,000 shall be available for air traffic organization activities; not to exceed \$1,164,597,000 shall be available for aviation safety activities; not to exceed \$14,094,000 shall be available for commercial space transportation activities; not to exceed \$111,004,000 shall be available for financial services activities; not to exceed \$96,091,000 shall be available for human resources program activities; not to exceed \$331,000,000 shall be available for region and center operations and regional coordination activities; not to exceed \$180,859,000 shall be available for staff offices; and not to exceed \$46,500,000 shall be available for information services: *Provided*, That not to exceed 2 percent of any budget activity, except for aviation safety 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 405 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 the Secretary utilize not less than \$10,000,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: *Provided further*, That the amount herein appropriated shall be reduced by \$100,000 for each day after March 31 that such report has not been submitted to the Congress: *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 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 \$9,000,000 shall be for the contract tower cost-sharing 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 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.

#### 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, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, \$2,742,095,000, of which \$2,281,595,000 shall remain available until September 30, 2011, and of which \$460,500,000 shall remain available until September 30, 2009: *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 2010 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 2010 through 2014, 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: *Provided further*, That the Secretary of Transportation shall conduct an analysis that compares the current status of air traffic management and

the national airspace system to the planned architecture of the “next generation” air transportation system: *Provided further*, That upon initial submission to the Congress of the fiscal year 2010 President’s budget, the Secretary of Transportation shall transmit to the Congress an interim architecture for the “next generation” air transportation system that establishes a list of priority capabilities to be achieved by 2017 and provides an estimated cost for each of those priorities.

**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, \$171,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2011: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available 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, \$3,600,000,000 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 \$3,514,500,000 in fiscal year 2009, 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, of funds limited under this heading, not more than \$87,454,000 shall be obligated for administration, not less than \$15,000,000 shall be available for the airport cooperative research program, not less than \$19,348,000 shall be for Airport Technology Research, and \$8,000,000, to remain available until

expended, shall be available and transferred to “Office of the Secretary, Salaries and Expenses” to carry out the Small Community Air Service Development Program.

(RESCISSION)

Of the amounts authorized under sections 48103 and 48112 of title 49, United States Code, \$80,000,000 are permanently rescinded from amounts authorized for the fiscal year ending September 30, 2009.

**ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION**

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 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 2009.

SEC. 111. 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. 112. 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 2009, 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. 113. 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. 114. 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. 115. (a) No funds provided in this Act may be used by the Secretary of Transportation to promulgate regulations or take any action regarding the scheduling of airline operations at any commercial airport in the United States if such regulation or action involves:

(1) the auctioning by the Secretary or the FAA Administrator of rights or permission to conduct airline operations at such an airport,

(2) the implementation by said Secretary or Administrator of peak-period or other forms of congestion pricing at such an airport,

(3) either:

(A) withdrawal by the Secretary or Administrator of a right or permission to conduct operations at such an

airport (except when the withdrawal is for operational reasons or pursuant to the terms or conditions of such operating right or permission), or

(B) requiring a carrier to transfer involuntarily any such right or permission to another person,

(4) the charging by the Secretary or Administrator of a fee for the right or permission to use navigable airspace at such an airport, or

(5) requiring or providing incentives or disincentives to airport proprietors to take such actions themselves.

(b) Nothing in this section shall be construed to:

(1) prohibit the Secretary or the Administrator from imposing per-operation limitations on airports for the purpose of alleviating congestion at such airports,

(2) prohibit individual airports from implementing peak-period or other congestion pricing at such airports, consistent with regulations pertaining to airport rates and charges, or

(3) limit the ability of a State, political subdivision of a State, or political authority of at least two States that owns or operates a commercial airport from carrying out its proprietary powers and rights.

SEC. 116. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a non-revenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 117. Within 60 days of the publication date of any Government Accountability Office report reviewing the Federal Aviation Administration's project to redesign the airspace over the New York, New Jersey, and Philadelphia region, the Administrator of the Federal Aviation Administration shall report in writing to the Committee on Appropriations and the Committee on Commerce, Science, and Transportation, on actions the agency intends to take in order to address any concerns and recommendations identified in the Government Accountability Office report.

SEC. 118. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

~~FEDERAL HIGHWAY ADMINISTRATION~~

~~LIMITATION ON ADMINISTRATIVE EXPENSES~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~Not to exceed \$390,000,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made~~

~~available for obligation by individuals other than the Secretary of Transportation, or his or her designee.~~

~~RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION~~

~~RESEARCH AND DEVELOPMENT~~

~~For necessary expenses of the Research and Innovative Technology Administration, \$12,900,000, of which \$6,936,000 shall remain available until September 30, 2011: *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, \$71,400,000: *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, \$26,847,000: *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 2009, to result in a final appropriation from the general fund estimated at no more than \$25,597,000.~~

**GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION**

SEC. 180. 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. 181. 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. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 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. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 184. (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. 185. 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 "Research and University Research Centers" 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. 186. Funds provided or limited in this Act under the appropriate accounts within the Federal Highway Administration, the Federal Railroad Administration and the Federal Transit Administration shall be for the eligible programs, projects and activities in the corresponding amounts identified in the explanatory statement accompanying this Act for "Ferry Boats and Ferry Terminal Facilities", "Federal Lands", "Interstate Maintenance Discretionary", "Transportation, Community and System Preservation Program", "Delta Region Transportation Development Program", "Rail Line Relocation and Improvement Program", "Rail-highway crossing hazard eliminations", "Alternatives analysis", and "Bus and bus facilities".

SEC. 187. 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. 188. 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 \$500,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any grant from the Federal

Railroad Administration; or (4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any “quick release” of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation.

SEC. 189. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the sub-leasing 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. 190. 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 or contractor support in the implementation of the Improper Payments Information Act of 2002: *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 further*, 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. 191. 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. 192. (a) None of the funds appropriated or otherwise made available under this Act to the Surface Transportation Board of the Department of Transportation may be used to take any action to allow any activity described in subsection (b) in a case, matter, or declaratory order involving a railroad, or an entity

claiming or seeking authority to operate as a railroad, unless the Board receives written assurance from the Governor, or the Governor's designee, of the State in which such activity will occur that such railroad or entity has agreed to comply with State and local regulations that establish public health, safety, and environmental standards for the activities described in subsection (b), other than zoning laws or regulations.

(b) Activities referred to in subsection (a) are activities that occur at a solid waste rail transfer facility involving—

(1) the collection, storage, or transfer of solid waste (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)) outside of original shipping containers; or

(2) the separation or processing of solid waste (including baling, crushing, compacting, and shredding).

SEC. 193. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 194. Of the funds made available or limited by this Act, which are not otherwise allocated under this Act or under SAFETEA-LU (Public Law 109-59) or necessary to fulfill existing agreements between the Department of Transportation and metropolitan areas under the "Urban Partnerships" and "Congestion-Reduction Demonstration" programs, not more than 10 percent of such funds for any program that is allocated at the discretion of the Secretary may be expended in furtherance of the Department of Transportation's "National Strategy to Reduce Congestion on America's Transportation Network" issued May 2006 by Secretary of Transportation, the Honorable Norman Mineta; also known as the "Congestion Initiative" or any other new congestion initiative.

SEC. 195. Of the funds available for Ferry Boats and Ferry Terminal Facilities, \$950,000 shall be for Missouri River, Route 240, Saline and Howard Counties for expenses, including reimbursement of previously incurred expenses, for alternative transportation (including ferryboat service) during bridge replacement.

SEC. 196. Notwithstanding any other provision of law, the State of New Mexico may use funds apportioned to the State under section 104(b)(2) of title 23, United States Code, for the congestion mitigation and air quality improvement program under section 149 of title 23, United States Code, to support the operation of commuter rail service between Belen and Bernalillo, New Mexico.

SEC. 197. Notwithstanding any other provision of law, funds made available in fiscal years 2006 through 2009 for item number 598 in section 3044(a) of Public Law 109-59 that are unobligated or unexpended in a grant shall be made available to OATS, Incorporated for buses and bus-related facilities.

SEC. 198. Notwithstanding any other provision of law, funds made available in fiscal years 2006 through 2009 for item number 1152 in section 1702 of Public Law 109-59 that are unobligated or unexpended shall be made available for maintenance, repair and reconstruction of the Tucker Bridge in the City of St. Louis, Missouri.

SEC. 199. Notwithstanding any other provision of law, section 198 of division K of Public Law 110-161 shall continue in effect during fiscal year 2009.

This title may be cited as the “Department of Transportation Appropriations Act, 2009”.

~~TITLE II~~

~~DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT~~

~~MANAGEMENT AND ADMINISTRATION~~

~~EXECUTIVE DIRECTION~~

~~For necessary salaries and expenses for Executive Direction, \$23,799,456, of which not to exceed \$3,885,581 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed \$1,613,898 shall be available for the Office of Hearings and Appeals; not to exceed \$544,552 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$720,343 shall be available for the immediate Office of the Chief Financial Officer; not to exceed \$1,516,800 shall be available for the immediate Office of the General Counsel; not to exceed \$2,715,488 shall be available to the Office of the Assistant Secretary for Congressional and Intergovernmental Relations; not to exceed \$2,586,721 shall be available for the Office of the Assistant Secretary for Public Affairs; not to exceed \$1,005,120 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$1,602,655 shall be available to the Office of the Assistant Secretary for Public and Indian Housing; not to exceed \$1,707,499 shall be available to the Office of the Assistant Secretary for Community Planning and Development; not to exceed \$3,778,560 shall be available to the Office of the Assistant Secretary for Housing, Federal Housing Commissioner; not to exceed \$1,431,212 shall be available to the Office of the Assistant Secretary for Policy Development and Research; and not to exceed \$691,027 shall be available to the Office of the Assistant Secretary for Fair Housing and Equal Opportunity: *Provided*, That the Secretary of the Department of Housing and Urban Development is authorized to transfer funds appropriated for any office funded under this heading to any other office funded under this heading following the written notification to the House and Senate Committees on Appropriations: *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 prior approval to the House and Senate Committees on Appropriations: *Provided further*, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide all signed reports required by Congress electronically: *Provided further*, That not to exceed \$25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.~~

~~ADMINISTRATION, OPERATIONS AND MANAGEMENT~~

~~For necessary salaries and expenses for administration, operations and management for the Department of Housing and Urban Development, \$527,433,640, of which not to exceed \$75,510,000~~

~~amended, \$2,333,000: *Provided*, That no funds may be used to pay the salaries and benefits of any employee of the United States Interagency Council on Homelessness that spends more than 10 days outside of the United States while not on annual leave.~~

~~Title II of the McKinney-Vento Homeless Assistance Act, as amended, is amended in section 209 by striking “2008” and inserting “2010”.~~

#### TITLE IV

##### **GENERAL PROVISIONS—THIS ACT**

SEC. 401. Such sums as may be necessary for fiscal year 2009 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. 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. 403. 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. 404. 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. 405. Except as otherwise provided in this Act, 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 2009, 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 explanatory statement 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 Committees 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. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2009 from appropriations made available for salaries and expenses for fiscal year 2009 in this Act, shall remain available through September 30, 2010, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate 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 under section 405 of this Act.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 31, 2009. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.

SEC. 408. (a) None of the funds made available in this 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. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures

designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfield as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain.

SEC. 410. 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. 411. 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. 412. 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. 413. 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).

This division may be cited as the "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2009".

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

~~DEPARTMENT OF HOMELAND SECURITY~~

~~UNITED STATES SECRET SERVICE~~

~~SALARIES AND EXPENSES~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For an additional amount for "Salaries and Expenses", \$100,000,000, to remain available until expended, to address additional requirements related to the protection mission: *Provided*, That of this amount, not to exceed \$12,730,000 may be transferred to "Acquisition, Construction, Improvements, and Related Expenses" to address the deferred maintenance backlog: *Provided further*, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section~~

~~section shall be treated as a violation of a rule promulgated under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.”~~

TITLE VII

**GENERAL PROVISIONS—GOVERNMENT-WIDE**

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2009 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. 702. 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 \$13,197 except station wagons for which the maximum shall be \$13,631: *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. 703. 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. 704. 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 Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: *Provided further*, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. 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. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. 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. 13423 (January 24, 2007), 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. 707. 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. 708. 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. 709. 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. 710. (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 2009, 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 2009, 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 2009, 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 2009 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 2009 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, 2008, 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, 2008, 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, 2008.

(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. 711. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal 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 transmitted to the Committees on Appropriations of the House of Representatives and the Senate. 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. 712. Notwithstanding section 1346 of title 31, United States Code, or section 708 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. 713. (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 forces detailed to or from—

- (1) the Central Intelligence Agency;
- (2) the National Security Agency;
- (3) the Defense Intelligence Agency;
- (4) the National Geospatial-Intelligence Agency;

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

(6) the Bureau of Intelligence and Research of the Department of State;

(7) 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

(8) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 714. 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 or 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. 715. (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. 716. 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 of 1989 (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. 717. 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. 718. 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. 719. 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 of the House of Representatives and the Senate.

SEC. 720. 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 heretofore authorized by the Congress.

SEC. 721. (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 Regulatory 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. 722. Notwithstanding 31 U.S.C. 1346 and section 708 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 Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

(TRANSFER OF FUNDS)

SEC. 723. Notwithstanding 31 U.S.C. 1346 and section 708 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 President’s Management Council for overall management improvement initiatives, the Chief Financial Officers Council 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 Chief Acquisition Officers Council for procurement initiatives): *Provided further*, That the total funds transferred or reimbursed shall not exceed \$17,000,000: *Provided further*, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 724. 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. 725. Notwithstanding section 1346 of title 31, United States Code, or section 708 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 Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 726. 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. 727. (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 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. 728. (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. 729. 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. 730. 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. 731. 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. 732. 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. 733. (a) For fiscal year 2009, no funds shall be available for transfers or reimbursements to the E-Government initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the Committees on Appropriations by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the Committees on Appropriations of the House of Representatives and the Senate.

(b) The report in (a) and other required justification materials shall include at a minimum—

(1) a description of each initiative including but not limited to its objectives, benefits, development status, risks, cost effectiveness (including estimated net costs or savings to the

government), and the estimated date of full operational capability;

(2) the total development cost of each initiative by fiscal year including costs to date, the estimated costs to complete its development to full operational capability, and estimated annual operations and maintenance costs; and

(3) the sources and distribution of funding by fiscal year and by agency and bureau for each initiative including agency contributions to date and estimated future contributions by agency.

(c) No funds shall be available for obligation or expenditure for new E-Government initiatives without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

**SEC. 734.** Notwithstanding section 1346 of title 31, United States Code, and section 708 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 inter-agency 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 2009 and any period thereafter that precedes the enactment of the Financial Services and General Government Appropriations Act, 2010. 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 12-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. 735.** Section 739(a)(1) of division D of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2029) is amended by striking “more than 10”.

**SEC. 736.** Section 739 of division D of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2030) is amended by striking subsection (b) and inserting the following:

“(b) GUIDELINES ON INSOURCING NEW AND CONTRACTED OUT FUNCTIONS.—

“(1) GUIDELINES REQUIRED.—(A) The heads of executive agencies subject to the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note) shall devise and implement guidelines and procedures to ensure that

consideration is given to using, on a regular basis, Federal employees to perform new functions and functions that are performed by contractors and could be performed by Federal employees.

“(B) The guidelines and procedures required under subparagraph (A) may not include any specific limitation or restriction on the number of functions or activities that may be converted to performance by Federal employees.

“(2) SPECIAL CONSIDERATION FOR CERTAIN FUNCTIONS.—The guidelines and procedures required under paragraph (1) shall provide for special consideration to be given to using Federal employees to perform any function that—

“(A) is performed by a contractor and—

“(i) has been performed by Federal employees at any time during the previous 10 years;

“(ii) is a function closely associated with the performance of an inherently governmental function;

“(iii) has been performed pursuant to a contract awarded on a non-competitive basis; or

“(iv) has been performed poorly, as determined by a contracting officer during the 5-year period preceding the date of such determination, because of excessive costs or inferior quality; or

“(B) is a new requirement, with particular emphasis given to a new requirement that is similar to a function previously performed by Federal employees or is a function closely associated with the performance of an inherently governmental function.

“(3) EXCLUSION OF CERTAIN FUNCTIONS FROM COMPETITIONS.—The head of an executive agency may not conduct a public-private competition under Office of Management and Budget Circular A-76 or any other provision of law or regulation before—

“(A) in the case of a new agency function, assigning the performance of the function to Federal employees;

“(B) in the case of any agency function described in paragraph (2), converting the function to performance by Federal employees; or

“(C) in the case of an agency function performed by Federal employees, expanding the scope of the function.

“(4) DEADLINE.—(A) The head of each executive agency shall implement the guidelines and procedures required under this subsection by not later than 120 days after the date of the enactment of this subsection.

“(B) Not later than 210 days after the date of the enactment of this subsection, the Government Accountability Office shall submit a report on the implementation of this subsection to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

“(5) DEFINITIONS.—In this subsection:

“(A) The term ‘inherently governmental functions’ has the meaning given such term in subpart 7.5 of part 7 of the Federal Acquisition Regulation.

“(B) The term ‘functions closely associated with inherently governmental functions’ means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

“(6) APPLICABILITY.—This subsection shall not apply to the Department of Defense.”.

SEC. 737. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

SEC. 738. (a) Section 142(a) of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; 122 Stat. 3580) is amended by striking “Security.” and inserting “Security and shall apply to civilian employees in the Department of Defense who are represented by a labor organization as defined in section 7103(a)(4) of title 5, United States Code.”.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

SEC. 739. 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. 740. 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) and regulations implementing that section.

SEC. 741. Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually-billed travel charge cards shall include an assessment of the individual’s consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91-508): *Provided*, That 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 further*, 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. 742. CROSSCUT BUDGET. (a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) GREAT LAKES.—The terms “Great Lakes” and “Great Lakes State” have the same meanings as such terms have in section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22).

(2) GREAT LAKES RESTORATION ACTIVITIES.—The term “Great Lakes restoration activities” means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.

(b) REPORT.—Not later than 45 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each agency that has budget authority for Great Lakes restoration activities, containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures since fiscal year 2004 by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

SEC. 743. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 744. (a) Each executive department and agency shall establish and maintain on the homepage of its website, an obvious, direct link to the website of its respective Inspector General.

(b) Each Office of Inspector General shall: (1) post on its website any public report or audit or portion of any report or audit issued within one day of its release; (2) provide a service on its website to allow an individual to request automatic receipt of information relating to any public report or audit or portion of that report or audit and which permits electronic transmittal of the information, or notice of the availability of the information without further request; and (3) establish and maintain a direct link on its website for individuals to anonymously report waste, fraud and abuse.

SEC. 745. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled “Competitive Area” published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 746. None of the funds made available by this or any other Act may be used to implement, administer, or enforce section 5(b) of Executive Order 13422 (72 Fed. Reg. 2763; relating to Regulatory Policy Officer).

SEC. 747. No later than 120 days after enactment of this Act, the Office of Management and Budget shall submit a status report on the pilot program, established under section 748 of division D of Public Law 110–161, to develop and implement an inventory to track the cost and size (in contractor manpower equivalents) of service contracts, particularly with respect to contracts that have been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer within the last 5 years, involve inherently governmental functions, or were undertaken without competition.

SEC. 748. Executive Order 13423 (72 Fed. Reg. 3919; Jan. 24, 2007) shall remain in effect hereafter except as otherwise provided by law after the date of the enactment of this Act.

SEC. 749. Effective January 20, 2009, and for each fiscal year thereafter, no part of any appropriation contained in this or any other Act may be used for the payment of services to any individual carrying out the responsibilities of any position requiring Senate advice and consent in an acting or temporary capacity after the second submission of a nomination for that individual to that position has been withdrawn or returned to the President.

SEC. 750. Except as expressly provided otherwise, any reference to “this Act” contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

SEC. 751. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD. (a) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

**“§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard**

“(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive,

for each pay period described in subsection (b), an amount equal to the amount by which—

“(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee’s civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

“(2) the amount of pay and allowances which (as determined under subsection (d))—

“(A) is payable to such employee for that service; and  
“(B) is allocable to such pay period.

“(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee’s civilian employment had not been interrupted)—

“(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

“(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee’s civilian employment with the Government.

“(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

“(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

“(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).

“(c) Any amount payable under this section to an employee shall be paid—

“(1) by such employee’s employing agency;

“(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

“(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee’s civilian employment had not been interrupted.

“(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

“(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

“(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

“(f) For purposes of this section—

“(1) the terms ‘employee’, ‘Federal Government’, and ‘uniformed services’ have the same respective meanings as given those terms in section 4303 of title 38;

“(2) the term ‘employing agency’, as used with respect to an employee entitled to any payments under this section,

means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

“(3) the term ‘basic pay’ includes any amount payable under section 5304.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

“5538. Nonreduction in pay while serving in the uniformed services or National Guard.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act.

SEC. 752. Not later than 120 days after enactment of this Act, each executive department and agency shall submit to the Director of the Office of Management and Budget a report stating the total size of its workforce, differentiated by number of civilian, military, and contract workers as of December 31, 2008. Not later than 180 days after enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee a comprehensive statement delineating the workforce data by individual department and agency, as well as aggregate totals of civilian, military, and contract workers.

#### ~~TITLE VIII~~

##### ~~GENERAL PROVISIONS—DISTRICT OF COLUMBIA~~

~~SEC. 801. Whenever in this Act, an amount is specified within an appropriation for 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. 802. Appropriations in this Act 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. 803. 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. 804. (a) None of the Federal funds provided in this Act 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.~~

~~SEC. 805. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available~~

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

Following is an explanation of the effects of this division (hereafter referred to as “the bill”). Funds for the individual programs and activities within the accounts in this Act are displayed in the detailed table at the end of the explanatory statement for this Act. Funding levels that are not displayed in the detailed table are identified in this explanatory statement.

**TITLE I—DEPARTMENT OF TRANSPORTATION**

**OFFICE OF THE SECRETARY  
SALARIES AND EXPENSES**

The bill provides \$98,248,000 for the salaries and expenses of the Office of the Secretary of Transportation and includes funding specified by office. The bill provides as follows:

Immediate Office of the Secretary .....	\$2,400,000
Immediate Office of the Deputy Secretary .....	759,000
Office of the General Counsel ...	19,838,000
Office of the Under Secretary for Transportation Policy .....	10,107,000
Office of the Assistant Secretary for Budget and Programs .....	10,200,000
Office of the Assistant Secretary for Governmental Affairs .....	2,400,000
Office of the Assistant Secretary for Administration .....	26,000,000
Office of Public Affairs .....	2,020,000
Office of the Executive Secretariat .....	1,595,000
Office of Small and Disadvantaged Business Utilization .....	1,369,000
Office of Intelligence, Security, and Emergency Response .....	8,675,000
Office of the Chief Information Officer .....	12,885,000

*Budget Justifications.*—The Department is directed to include the same level of detail that was provided in the congressional justifications presented in fiscal year 2009, including funding levels for the prior year, current year, and budget year for all programs, activities, initiatives, and program elements as well as a detailed justification for the incremental funding increases and additional FTEs being requested above the enacted level, by program, activity, or program element. The Department is also directed to include detailed information in tabular format which identifies specific changes in funding from the current year to the budget year for each office, including each office within the office of the Secretary.

*General Provisions.*—The Department is directed to justify each general provision proposed either in its relevant modal congressional justification or in the congressional justification for the office of the Secretary of Transportation.

*Operating Plan.*—The Department shall submit an operating plan for fiscal year 2009 to the Committees on Appropriations within 60 days of the bill’s enactment. The operating plan should include funding levels for the various offices, programs and initiatives detailed down to the object class or program element covered in the budget justifications.

*Prohibitions.*—The bill prohibits any funds from being used for the position of Assistant Secretary for Public Affairs. The request for two additional FTEs in the Office of Intelligence, Security, and Emergency Response is denied.

*Protection of Air Passengers.*—Within the amounts provided to the Office of the General Counsel, an additional \$2,500,000 is provided. The Office of the General Counsel is

directed to use these funds exclusively for activities that most effectively improve the enforcement of rules and the protection of air travel consumers. The office is further directed to use none of the funds for organizing public forums to discuss general consumer issues.

*Reception and Representation Expenses.*—Within the funds provided, the bill allows the Department to spend up to \$60,000 for official reception and representation expenses.

*Transfer Limitation.*—The bill provides a limitation on transfers between offices within the Office of the Secretary to no more than 5 percent and requires that any transfer greater than 5 percent must be submitted for approval to the Committees on Appropriations.

*User Fees.*—The bill provides that up to \$2,500,000 in user fees may be credited to salaries and expenses.

*Working Capital Fund Audit.*—The Office of the Secretary is instructed to reimburse up to \$100,000 to the Office of the Inspector General to audit the Working Capital Fund.

**FINANCIAL MANAGEMENT CAPITAL**

The bill provides \$5,000,000 for the financial management capital program.

*Budget Request.*—The Department shall also provide more detailed justifications for this program in its fiscal year 2010 budget request. These justifications should clearly display the amount requested for OST as well as the amount included in the budget request from each modal administration.

*Expenditure Plan.*—The Department is directed to provide the Committees on Appropriations with an expenditure plan 30 days after the enactment of this Act that outlines the amount of funding for this initiative, including the amount contributed by each modal administration, as well as the benefits that will result from these investments.

**OFFICE OF CIVIL RIGHTS**

The bill provides \$9,384,000 for the office of civil rights.

**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, subactivity 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.

The following table compares the President's budget request with the levels provided in the bill by budget activity:

	FY 09 budget request	Recommendation
<b>Air Traffic Organization Adjustments:</b>	<b>\$7,078,793,000</b>	<b>\$7,078,793,000</b>
Controller Training Activities	15,000,000	15,000,000
Contract Tower base program	921,000	921,000
Contract Tower Cost-Share	305,000	305,000
RNAV/RNP Procedures	4,000,000	4,000,000
<b>Total, Air Traffic Organization</b>	<b>7,078,793,000</b>	<b>7,099,019,000</b>
<b>Aviation Safety Adjustments:</b>	<b>1,130,927,000</b>	<b>1,130,927,000</b>
Annualize on-board AIR and AFS staff:		16,900,000
Additional AFS Staff		8,000,000
Additional AIR Staff		2,000,000
Alternative Compliance		320,000
Repair, Alteration & Fabrication		1,000,000
Airworthiness & Safety		450,000
Whistleblower Activities		200,000
Element Performance Inspections		2,250,000
Medallion Program, Alaska		2,375,000
National Agricultural Aviation Research & Education Foundation		47,500
<b>Total, Aviation Safety</b>	<b>1,130,927,000</b>	<b>1,164,597,000</b>
Commercial Space Transportation	14,094,000	14,094,000
Financial Services	112,004,000	111,004,000
Human Resource Management	96,091,000	96,091,000
Region and Center Operations	336,894,000	331,000,000
Staff Offices	181,321,000	180,859,000
Information Services	48,338,000	46,500,000
Account-wide Adjustments:		
Unfilled executive positions		-697,000
<b>Amount recommended</b>		<b>-697,000</b>
<b>Total</b>	<b>\$8,998,462,000</b>	<b>\$9,042,467,000</b>

**Controller Staffing and Training.**—The bill requires FAA to transmit an annual update to the controller workforce plan by March 31, 2009, and reduces the appropriation by \$100,000 per day each day the report is late. The FAA is directed to include facility-by-facility data as well as a new benchmark for each facility for evaluating the proportion of certified controllers to controllers-in-training and developmental controllers. The agency is also expected to promptly implement strategies from the 2004 controller workforce plan and directs that the 2009 workforce plan include an update on the agency's progress. Funding under this heading also includes \$15,000,000 for controller training activities including additional contract trainers; for expenses needed to retain experienced controllers and to attract controllers at needed locations; and to accelerate the hiring pace of new controllers. The FAA is directed to provide a report to the House and Senate Committees on Appropriations within 30 days of enactment that describes the agency's use of the controller training funds.

**Contract tower program.**—The bill includes \$110,000,000 for the contract tower base program and \$9,000,000 for the contract tower cost-sharing program. In addition, the FAA is permitted to use unsubscribed funds from the contract tower base line program to avoid elimination of communities from the cost share towers program, but only after all base line tower obligations have been fulfilled.

**Technical staffing requirements.**—The FAA is directed to carefully monitor the size and capability of its technical workforce and to maintain agreed upon staffing levels. The FAA is directed to provide semi-annual updates to the House and Senate Committees on Appropriations as to the agency's technical staffing levels.

**RNAV/RNP procedures.**—Within the amounts provided for the air traffic organization, \$39,200,000 is included for RNAV/RNP procedures. FAA is directed to include a dedicated section for the FAA's performance based navigation program in future budget submissions and to provide semi-annual reports to the House and Senate Committees

on Appropriations on the number of procedures developed, average cost and steps taken to streamline the procedure approval process.

**TRACON security staffing.**—The FAA is directed to evaluate the security staffing needs at the TRACON in Seattle, Washington and then allocate the appropriate level of staff to address any shortfall.

**Aviation safety (AVS).**—The bill provides \$1,164,597,000 for aviation safety, which is an increase of \$33,670,000 over the budget request and \$82,995,000 over the fiscal year 2008 enacted level. This amount includes \$16,900,000 to annualize safety personnel in AFS and AIR that are currently on-board. The bill includes no less than \$10,000,000 to increase aviation safety staff of which \$8,000,000 is directed for additional flight standards inspectors and \$2,000,000 is directed for aircraft certification inspectors and related staff.

The Secretary is directed to continue to provide an annual report on aviation safety employment data which delineates inspector losses and gains from the beginning of fiscal year 2009 until March 31, 2009. The report is due to the House and Senate Appropriations Committees by April 10, 2009. In addition, the FAA is expected to include the fully annualized cost of the additional inspectors in the fiscal year 2010 budget. If the FAA chooses not to fund these inspectors, the agency is directed to display changes to the aviation safety base program and how many inspector positions would be affected.

Additionally, the FAA is directed to establish a working group, including safety inspectors, to develop a benchmark to measure how much time inspectors spend in the field and to include that benchmark in the next inspector workforce plan. FAA is directed to provide semi-annual reports to the House and Senate Appropriations Committees on all overdue safety attribute inspections and element performance inspections including a target completion date.

**Air transportation oversight system (ATOS).**—The Department of Transportation Office of Inspector General (OIG) is directed to submit a report to the House and Senate Commit-

tees on Appropriations within six months of enactment which verifies the ATOS field data that is sent to FAA headquarters; describes the agency's analysis of that data; and, evaluates the effectiveness of FAA's use of the data.

**Inspector staffing model.**—The FAA is directed to notify the House and Senate Committees on Appropriations if the agency is 30 days delinquent on any of the milestones related to the safety inspector staffing model.

**Medallion program.**—Within the funds provided for aviation safety, \$2,375,000 is included to continue the Medallion program, a cooperative program to improve rural air safety in Alaska.

**Professional aerial application support system.**—The recommendation includes \$47,500 for the National Agricultural Aviation Research and Education Foundation's Professional Aerial Application Support System. This program is designed to assist with agricultural pilot safety, operational security and the safe and accurate delivery of crop protection products.

**Commercial space transportation.**—The FAA is directed to provide semi-annual updates to the House and Senate Committees on Appropriations on commercial airspace test flight activities.

**Workforce diversity plans for controllers and safety staff.**—The FAA is directed to provide a further update to the workforce diversity plan required in fiscal year 2008 in order to measure the progress and specific efforts that the agency has made to eliminate barriers for underrepresented populations in the FAA's controller and safety workforce. The submittal date for the plan is April 1, 2009.

**FACILITIES AND EQUIPMENT**

(AIRPORT AND AIRWAY TRUST FUND)

The bill includes \$2,742,095,000 for FAA facilities and equipment which is \$18,585,000 above the budget request and \$228,484,000 above the fiscal year 2008 enacted level. Of the total amount available, \$460,500,000 is available until September 30, 2009, and \$2,281,595,000 is available until September 30, 2010. The bill includes language directing FAA to transmit a detailed five-year capital

investment plan to Congress with its fiscal year 2010 budget submission. Additionally, the bill requires FAA to conduct an analysis of the current air traffic control system

compared to the planned NextGen system and to transmit with the fiscal year 2010 budget a list of capabilities to be achieved by 2017 and their estimated costs.

The following table provides a breakdown of the fiscal year 2009 budget estimate and the fiscal year 2009 funding levels by program:

	FY 2009 estimate	Recommendation
<b>Activity 1, Engineering, Development, Test and Evaluation:</b>		
Advanced Technology Development and Prototyping .....	41,400,000	44,900,000
Traffic Management Advisor (TMA) .....	3,700,000	3,700,000
NAS Improvement of System Support Laboratory .....	1,000,000	1,000,000
William J. Hughes Technical Center Facilities .....	12,000,000	12,000,000
William J. Hughes Technical Center Infrastructure Sustainment .....	5,400,000	5,400,000
Next Generation Network Enabled Weather .....	20,000,000	20,000,000
Data Communications for Trajectory Based Operations (NGATS) .....	28,800,000	28,800,000
Next Generation Transportation System Technology Demonstration .....	28,000,000	28,000,000
Next Generation Transportation System—System Development .....	41,400,000	41,400,000
Next Generation Transportation System—Trajectory Based Operations .....	39,500,000	39,500,000
Next Generation Transportation System—Weather Reduction Impact .....	14,400,000	14,400,000
Next Generation Transportation System—High Density Arrivals/Departures .....	18,200,000	18,200,000
Next Generation Transportation System—Collaborative ATM .....	27,700,000	27,700,000
Next Generation Transportation System—Flexible Terminals and Airports .....	37,100,000	37,100,000
Next Generation Transportation System—Safety Security and Environment .....	8,000,000	8,000,000
Next Generation Transportation System—Networked Facilities .....	17,000,000	15,000,000
ADS-B Three Nautical Mile Separation .....		6,765,000
<b>Total, Activity 1 .....</b>	<b>343,600,000</b>	<b>351,865,000</b>
<b>Activity 2, Air Traffic Control Facilities and Equipment:</b>		
En Route Programs		
En Route Automation Modernization (ERAM) .....	203,050,000	203,050,000
En Route Communications Gateway (ECG) .....	7,400,000	7,400,000
Next Generation Weather Radar (NEXRAD)—Provide .....	3,000,000	3,000,000
Air Traffic Control System Command Center (ATCSCC)—Relocation .....	28,600,000	28,600,000
ARTCC Building Improvements/Plant Improvements .....	56,500,000	56,500,000
Air Traffic Management (ATM) .....	90,200,000	90,200,000
Air/Ground Communications Infrastructure .....	7,500,000	7,500,000
ATC Beacon Interrogator (ATCBI)—Replacement .....	13,000,000	13,000,000
Air Traffic Control En Route Radar Facilities Improvements .....	5,300,000	5,300,000
Voice Switching and Control System (VSCS) .....	23,300,000	23,300,000
Oceanic Automation System .....	20,700,000	20,700,000
Corridor Weather Integrated System (CWIS) .....	5,900,000	5,900,000
San Juan Radar Approach Control (CERAP) .....	6,000,000	6,000,000
Next Generation Very High Frequency Air/Ground Communications System (NEXCOM) .....	46,400,000	46,400,000
System-Wide Information Management .....	41,000,000	43,042,500
ADS-B NAS Wide Implementation .....	300,000,000	300,000,000
Wind Hazard Detection Equipment .....		807,500
Subtotal En Route Programs .....	857,850,000	860,700,000
Terminal Programs		
Airport Surface Detection Equipment—Model X (ASDE-X) .....	32,700,000	33,700,000
Terminal Doppler Weather Radar (TDWR)—Provide .....	6,100,000	6,100,000
Standard Terminal Automation Replacement System (STARS) (TAMR Phase 1) .....	28,200,000	28,200,000
Terminal Automation Modernization/Replacement Program (TAMR Phase 3) .....	3,000,000	3,000,000
Terminal Automation Program .....	4,300,000	4,300,000
Terminal Air Traffic Control Facilities—Replace .....	134,295,476	136,545,476
ATCI/Terminal Radar Approach Control (TRACON) Facilities Improve .....	37,900,000	37,900,000
Terminal Voice Switch Replacement (TVSR) .....	8,400,000	8,400,000
NAS Facilities OSHA and Environmental Standards Compliance .....	26,000,000	26,000,000
Airport Surveillance Radar (ASR-9) .....	8,800,000	8,800,000
Terminal Digital Radar (ASR-11) .....	17,100,000	17,100,000
DOD/FAA Facilities Transfer .....	1,400,000	1,400,000
Precision Runway Monitors .....	1,000,000	1,000,000
Runway Status Lights .....	26,960,000	26,960,000
National Airspace System Voice Switch (NVS) .....	10,000,000	10,000,000
Weather System Processor (WSP) .....	700,000	700,000
Voice Recorder Replacement Program (VRRP) .....	10,800,000	10,800,000
Houston Area Air Traffic System (HAATS) .....	3,600,000	3,600,000
Integrated Display System (IDS) .....	7,000,000	7,000,000
ASR-8 Service Life Extension Program .....	3,000,000	3,000,000
Integrated Terminal Weather System (ITWS) .....	4,500,000	4,500,000
Subtotal Terminal Programs .....	375,755,476	379,005,476
Flight Service Programs		
Automated Surface Observing System (ASOS) .....	8,500,000	8,500,000
Flight Service Station (FSS) Modernization .....	14,600,000	14,600,000
Weather Camera Program (moved from Safeflight) .....	2,000,000	2,000,000
Subtotal Flight Service Programs .....	25,100,000	25,100,000
Landing and Navigational Aids Program		
VHF Omnidirectional Radio Range (VOR) with Distance Measuring Equipment (DME) .....	7,500,000	7,500,000
Instrument Landing System (ILS)—Establish .....	7,500,000	9,050,000
Wide Area Augmentation System (WAAS) for GPS .....	99,000,000	91,656,000
Runway Visual Range (RVR) .....	5,000,000	5,000,000
Approach Lighting System Improvement Program (ALSIP) .....	10,000,000	13,614,000
Distance Measuring Equipment (DME) .....	6,000,000	6,000,000
Visual NAVAIDS—Establish/Expand .....	1,700,000	1,700,000
Instrument Flight Procedures Automation (IFPA) .....	10,900,000	10,900,000
Navigation and Landing Aids—Service Life Extension Program (SLEP) .....	1,000,000	1,000,000
VASI Replacement—Replace with Precision Approach Path Indicator .....	4,000,000	4,000,000
GPS Civil Requirements .....	20,700,000	20,700,000
Subtotal Landing and Navigational Aids Programs .....	173,300,000	171,120,000
Other ATC Facilities Programs		
Fuel Storage Tank Replacement and Monitoring .....	6,100,000	6,100,000
Unstaffed Infrastructure Sustainment .....	15,300,000	15,300,000
Air Navigational Aids and ATC Facilities (Local Projects) .....	1,500,000	1,500,000
Aircraft Related Equipment Program .....	7,400,000	7,400,000
Aircraft Related Equipment Simulator Replacement .....	400,000	400,000
Airport Cable Loop Systems—Sustained Support .....	7,000,000	7,000,000
Alaskan NAS Interfacility Communications System (ANICS) .....	5,000,000	5,000,000
Facilities Decommissioning .....	5,000,000	5,000,000
Electrical Power Systems—Sustain/Support .....	51,000,000	50,000,000
Aircraft Fleet Modernization—International Aircraft .....	24,900,000	24,900,000
Aircraft Fleet Modernization .....	3,000,000	3,000,000
Subtotal Other ATC Facilities Programs .....	126,600,000	125,600,000
<b>Total, Activity 2 .....</b>	<b>1,558,605,476</b>	<b>1,561,525,476</b>
<b>Activity 3, Non-Air Traffic Control Facilities and Equipment:</b>		
Support Equipment:		
Hazardous Materials Management .....	18,000,000	18,000,000
Aviation Safety Analysis System (ASAS) .....	18,900,000	18,900,000
Logistics Support Systems and Facilities (LSSF) .....	9,300,000	9,300,000
National Air Space (NAS) Recovery Communications (RCOM) .....	10,000,000	10,000,000
Facility Security Risk Management .....	15,000,000	15,000,000
Information Security .....	12,000,000	12,000,000
System Approach for Safety Oversight (SASO) .....	14,300,000	14,300,000

	FY 2009 estimate	Recommendation
Aviation Safety Knowledge Management Environment (ASKME) .....	7,900,000	7,900,000
Aeronautical Center Infrastructure Modernization .....	13,500,000	13,500,000
National Airspace System (NAS) Training Facilities .....	1,400,000	1,400,000
Distance Learning .....	1,500,000	1,500,000
Subtotal Support Equipment .....	121,800,000	121,800,000
Training, Equipment and Facilities .....		
National Airspace System (NAS) Training—Simulator .....	12,000,000	20,000,000
Subtotal Training, Equipment and Facilities .....	12,000,000	20,000,000
<b>Total, Activity 3 .....</b>	<b>133,800,000</b>	<b>141,800,000</b>
<b>Activity 4, Facilities and Equipment Mission Support:</b>		
System Support and Services:		
System Engineering and Development Support .....	32,000,000	31,000,000
Program Support Leases .....	43,504,524	43,504,524
Logistics Support Services (LSS) .....	7,900,000	7,900,000
Mike Monroney Aeronautical Center Leases .....	15,800,000	15,800,000
Transition Engineering Support .....	10,700,000	10,700,000
Frequency and Spectrum Engineering .....	3,500,000	3,500,000
Technical Support Services Contract (TSSC) .....	22,000,000	22,000,000
Resource Tracking Program (RTP) .....	4,000,000	4,000,000
Center for Advanced Aviation System Development (CAASD) .....	76,000,000	78,000,000
Aeronautical Information Management Program .....	11,600,000	10,000,000
<b>Total, Activity 4 .....</b>	<b>227,004,524</b>	<b>226,404,524</b>
<b>Activity 5, Personnel and Related Expenses:</b>		
Personnel and Related Expenses—ATO .....	460,500,000	460,500,000
<b>Total, Activity 5 .....</b>	<b>460,500,000</b>	<b>460,500,000</b>
<b>Total, All Activities .....</b>	<b>2,723,510,000</b>	<b>2,742,095,000</b>

*Advanced technology development and prototyping.*—Within the funds provided under this heading, \$44,900,000 is included for the advanced technology development and prototyping program. Within the amounts provided, \$12,000,000 is included for the runway incursion reduction program and \$1,425,000 is included for continued development, enhancement, and evaluation of the runway ob-

struction warning system at the Gulfport-Biloxi Airport test bed.

*Automatic dependent surveillance-broadcast (ADS-B).*—The ADS-B program is funded at \$300,000,000 and the FAA is expected to be attentive to the operational and technical concerns raised by the OIG.

*Three nautical mile separation.*—The recommendation includes \$6,765,000 to accel-

erate the development of three nautical mile separation in the en route environment, using ADS-B technology.

*Terminal air traffic control facilities replacement.*—The FAA's terminal air traffic control facilities replacement program is funded at \$136,545,476 and shall be distributed as follows:

Project	FY 2009 Budget Estimate	Recommendation
Baltimore, MD .....	\$2,000,000	\$2,000,000
Columbia, SC .....	2,000,000	2,000,000
Champaign, IL .....	1,100,000	1,100,000
Abilene, TX .....	17,000,000	17,000,000
Traverse City, MI .....	11,174,900	11,174,900
Cleveland, OH .....	50,000,000	50,000,000
Ft. Lauderdale, FL .....	5,049,000	5,049,000
Las Vegas, NV .....	9,907,534	9,907,534
Pensacola, FL .....	1,405,696	1,405,696
Kalamazoo, MI .....	894,000	894,000
Memphis, TN .....	4,580,072	4,580,072
Islip, NY .....	5,093,612	5,093,612
LaGuardia, NY .....	9,476,557	9,476,557
Medford, OR .....	60,000	60,000
Dayton, OH .....	624,105	624,105
Palm Springs, CA .....	---	800,000
San Francisco, CA .....	---	500,000
Nantucket, MA .....	---	700,000
Greenwood, MS .....	---	250,000

*Runway status lights.*—The FAA's runway status lights program is funded at \$26,960,000 and the agency is expected to continue investigating all technologies that hold promise for improving runway safety.

*Instrument landing system establishment.*—The FAA's instrument landing system program is funded at \$9,050,000. Funds shall be distributed as follows:

Instrument landing system, Walnut Ridge Regional Airport, AR .....	\$712,500
Glide slope runway 36L, Napa County Airport, CA .....	380,000
Instrument landing system, Hazard/Perry County Airport, KY .....	142,500
Instrument landing system, Reno-Tahoe Airport, NV .....	237,500

*Wide area augmentation system (WAAS).*—The FAA's WAAS program is funded at \$92,570,000. Within the amounts provided, \$5,000,000 is included for WAAS procedures and \$10,000,000 is included for new surveys as requested in the budget. The FAA should provide a letter report to the House and Senate Committees on Appropriations no later than March 31, 2009 which describes the status of precision approach capability includ-

ing timeline and milestones for landing capability. In addition, the report should also include an update on the integration of the system's two satellites; the rate of equipage of aircraft to use the system; and a listing of all existing and planned airports that have WAAS.

*Approach lighting system improvement (ALSIP).*—The ALSIP program is funded at \$13,614,000. Within the total, funds shall be distributed as follows:

Project	Amount
Airfields in Alaska .....	\$2,375,000
MALSR construction and installation, Arlington Municipal Airport, TX .....	963,300
PAPI and RCO installation, New Bedford Airport, MA .....	95,000

*System-Wide Information Management (SWIM).*—The SWIM program is funded at \$43,042,500. The FAA is directed to use \$7,000,000 to deploy new capabilities that will begin providing benefits to the larger aviation community, including: dynamic use of special use airspace, including control for temporary flight restrictions that accommodate unmanned aerial systems; network enabled distribution of enhanced traffic management; and targeted NEO applications. The FAA is directed to submit a report to the House and Senate Committees on Appro-

priations that provides a thorough discussion on the lessons learned during the deployment of these new capabilities, and how such lessons can be used to accelerate the benefits of the SWIM program. The FAA is directed to submit this report no later than 60 days after completing the deployment of these new capabilities.

*Wind hazard detection equipment.*—The recommendation includes \$807,500 to complete the purchase and installation of wind tracer wind hazard detection equipment at McCarran International Airport in Las Vegas, Nevada.

*National airspace training simulators.*—Simulators have become a critical tool in training new air traffic controllers, the recommendation includes \$20,000,000 for additional simulators to expedite the training process. The FAA is directed to provide a detailed schedule to the House and Senate Committees on Appropriations by March 31, 2009 as to where and when all previously funded simulators will be deployed and cost estimates for any facility changes necessary to accommodate such simulators. In addition, the agency should provide its rationale for each simulator location.

**RESEARCH, ENGINEERING AND DEVELOPMENT**

(AIRPORT AND AIRWAY TRUST FUND)

The bill provides \$171,000,000 for the FAA's research, engineering, and development ac-

tivities, which is \$28,000 below the budget request and \$24,172,000 above the fiscal year 2008 enacted level. The following table compares the fiscal year 2009 budget estimate

with the recommendation by budget activity:

Program	FY 2009 estimate	Recommendation
<b>Improve Aviation Safety:</b>		
Fire research and safety .....	6,650,000	6,650,000
Propulsion and fuel systems .....	3,669,000	3,669,000
Advanced material/structural safety .....	2,920,000	2,920,000
Atmospheric hazards/digital system safety .....	4,838,000	4,838,000
Aging aircraft .....	14,589,000	14,589,000
Aircraft catastrophic failure prevention research .....	436,000	436,000
Flightdeck maintenance/system integration human factors .....	7,465,000	7,465,000
Aviation safety risk analysis .....	12,488,000	12,488,000
Air traffic control airways facility human factors .....	10,469,000	10,469,000
Aeromedical research .....	8,395,000	8,395,000
Weather program .....	16,968,000	16,968,000
Unmanned aircraft system .....	1,876,000	1,876,000
<b>Improve efficiency:</b>		
Joint program and development office .....	14,494,000	14,466,000
Wake Turbulence .....	10,132,000	10,132,000
NextGen—Air Ground Integration .....	2,554,000	2,554,000
NextGen—Self Separation .....	8,025,000	8,025,000
NextGen—Weather Technology .....	8,049,000	8,049,000
<b>Reduce Environment Impacts:</b>		
Environment and Energy .....	15,608,000	15,608,000
NextGen Environmental Research—Aircraft Technologies, Fuels and Metrics .....	16,050,000	16,050,000
<b>Mission Support:</b>		
System Planning and Resource Management .....	1,817,000	1,817,000
Technical Laboratory Facilities .....	3,536,000	3,536,000
<b>Total .....</b>	<b>\$171,028,000</b>	<b>171,000,000</b>

Within the funds provided for FAA's research activities, \$475,000 is provided for the Advanced Material in Transport Aircraft Structures Center in Seattle, Washington; \$712,500 for the Center for Runway Safety Systems at Kansas State University, Manhattan, KS; and \$2,375,000 for the National Institute for Aviation Research at Wichita State University.

*Center of Excellence RITE.*—The FAA is directed to provide a report to the House and Senate Committees on Appropriations no later than 90 days after enactment with recommendations on the potential applications of RITE research across modes of transportation and other Federal and State applications.

*Joint Program and Development Office (JPDO).*—The FAA is directed to provide greater detail on the programming of its RE&D budget request for the JPDO in its fiscal year 2010 budget. The agency is further directed to include a full estimate of how much each new NextGen capability will re-

duce congestion, increase capacity and decrease delays.

**GRANTS-IN-AID FOR AIRPORTS**

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

The bill includes a liquidating cash appropriation of \$3,600,000,000; an obligation limitation of \$3,514,500,000; a limitation on administrative expenses of not more than \$87,454,000; no less than \$15,000,000 for the airport cooperative research program; and no less than \$19,348,000 for airport technology research.

*Small community air service development pilot program.*—The bill includes \$8,000,000 under the obligation limitation to continue the small community air service development pilot (SCASDP) program and directs the FAA to transfer funds to OST salaries and expenses appropriation. The Secretary is prohibited from transferring the administration of the SCASDP program to the FAA.

*High priority projects.*—Of the funds covered by the obligation limitation in this bill, FAA is directed to provide not less than the following funding levels, out of available resources, for the following projects. State apportionment funds may be construed as discretionary funds for the purposes of implementing this provision. To the maximum extent possible, the Administrator should work to ensure that airport sponsors for these projects first use available entitlement funds to finance the projects. However, the FAA should not require sponsors to apply carry-over entitlements to discretionary projects funded in the coming year, but only those entitlements applicable to the fiscal year 2009 obligation limitation. The FAA is further directed that the specific funding allocated below shall not diminish or prejudice the application of a specific airport or geographic region to receive other AIP discretionary grants or multiyear letters of intent.

Project Name	Amount
Akron-Canton Airport, Runway 5/23 Safety Area, OH	\$475,000
Akutan, AK	\$1,187,500
Alliance Airport, Runway Extension, TX	\$1,757,500
Amery Municipal Airport, Repave Taxiway and Ramp, Amery, WI	\$950,000
Atlantic City International Airport, Fire Command Center Relocation, NJ	\$712,500
Atmore Municipal Airport, Various Improvements, AL	\$1,140,000
Battle Creek Unlimited, MI	\$1,900,000
Bemidji Regional Airport Terminal and Fire Facility Improvements, MN	\$950,000
Blue Ridge Airport, Relocation of Access Road and Expansion of Apron, Martinsville, VA	\$475,000
Buffalo Niagara International Airport, Construct Taxiway S, Buffalo, NY	\$475,000
Burlington International, VT	\$1,543,750
Burlington-Alamance County Regional Airport, Runway Improvements, NC	\$855,000
Cecil Field, Northeast Apron and Taxiways, FL	\$722,000
Chattanooga Metropolitan Airport, Relocate and Reconstruct Taxiway, TN	\$1,187,500
Chippewa Valley Regional, WI	\$950,000
City of Montezuma Airport, Land Acquisition and Runway Improvements, GA	\$475,000
Clinton Memorial, MO	\$475,000
Cuyahoga County Airport, Runway Rehabilitation and Various Improvements, OH	\$1,235,000
DeKalb/Taylor Municipal Airport, Various Improvements, IL	\$1,235,000
Denton Municipal Airport, Various Improvements, TX	\$570,000
Denver International Airport, Various Runway and Taxiway Improvements, CO	\$1,187,500
Des Moines International Airport, Runway 13R/31L Land Acquisition, IA	\$475,000
Edward F. Knapp Airport, Runway Improvements, VT	\$950,000
Farmington Airport, Parallel Taxiway, MO	\$855,000
Floyd Bennett Memorial Airport, Extension of Runway 1, Glenn Falls, NY	\$712,500

Project Name	Amount
Fort Wayne International Airport, Runway 5-23 Shoulder Reconstruction, IN	\$817,000
French Valley Airport, Feasibility Study, CA	\$142,500
Garfield County Regional Airport, Runway Improvements, CO	\$475,000
George Bush Intercontinental Airport, Noise Mitigation, TX	\$712,500
Glasgow Municipal Airport, Public Safety Building, KY	\$34,200
Glynn County Airport, Taxiway, Lighting and Drainage Improvements, GA	\$755,250
Golden Triangle Regional, MS	\$1,425,000
Grand Forks International, ND	\$285,000
Gulfport-Biloxi International, Taxiway and Runway Construction and Rehabilitation, MS	\$2,256,250
Holmes County Airport Runway Extension and Various Improvements, OH	\$950,000
Jackson-Evers International Airport, Runway, Taxiway and Various Improvements, MS	\$1,781,250
Kalamazoo/Battle Creek International Airport, Terminal Project, MI	\$1,615,000
L.O. Simenstad Municipal Airport, Runway Improvements, Osceola, WI	\$950,000
Louisville International Airport, Various Capacity and Safety Improvements, KY	\$1,995,000
Madison County Executive Airport Authority, AL	\$1,140,000
Menominee-Marquette Twin County Airport, Deicing Truck, Ground Power Unit, MI	\$142,500
Mobile Regional, AL	\$1,900,000
Monroe Regional Airport, New Terminal, LA	\$1,401,250
Montgomery County Airport, Runway 3-21 Rehabilitation, NC	\$380,000
Montgomery Regional Airport, Rehabilitation of Runway 10/28, AL	\$475,000
Mt. Washington Regional, NH	\$950,000
Nashville International, TN	\$712,500
New River Valley Airport, Pave and Rehabilitate Runway 624, Dublin, VA	\$475,000
Oakland County International Airport, Runway and Taxiway Improvements, MI	\$950,000
Ohio University Airport, Various Improvements, OH	\$688,750

Project Name	Amount
Oneida County Airport, Various Improvements, NY	\$1,662,500
Outagamie County Airport, Terminal Expansion, WI	\$1,045,000
Oxford-Henderson Airport Authority, Runway Expansion and Capital Investment Program, NC	\$475,000
Pangborn Memorial Airport, Terminal Expansion, WA	\$736,250
Paulding County Airport, Various Improvements, GA	\$712,500
Pellston Regional Airport, Snow Removal Equipment, Aircraft Rescue and Firefighting Facility, MI	\$475,000
Peoria Regional, IL	\$950,000
Philadelphia International, PA	\$2,375,000
Phoenix Sky Harbor Airport, High Speed Taxiway Connector "H-5", AZ	\$950,000
Phoenix Sky Harbor Airport, Taxiway "R" Reconstruction, AZ	\$1,900,000
Phoenix-Mesa Gateway Airport, Taxiway B Expansion, AZ	\$950,000
Piedmont Triad International, NC	\$950,000
Rountree Field Airport, Perimeter Wildlife and Security Fencing, Hartselle, AL	\$47,500
Rowan County, NC	\$1,900,000
Rutherford County-Marchman Field, Taxiway and Ramp Improvements, NC	\$926,250
San Antonio International Airport, Various Airfield Improvements, TX	\$1,187,500
San Marcos Airport Improvements, TX	\$2,850,000
Sandusky City Airport, Runway and Taxiway Improvements, MI	\$712,500
Southwest Georgia Regional Airport, Taxiway, Lighting and Signage Improvements, GA	\$546,250
Springfield-Branson National, MO	\$2,612,500
St. Petersburg-Clearwater International Airport, Terminal Improvements, FL	\$831,250
Stanly County Airport, Ramp and Runway Improvements, NC	\$475,000
Tunica Municipal, MS	\$712,500
Union City Everett Stewart Airport, Runway Extension, TN	\$712,500
W.K. Kellogg Airport, New Parallel Runway, MI	\$722,000

Project Name	Amount
Waterbury/Oxford Airport, Implementation of Noise Remediation, (Part 150 Study), CT	\$1,187,500
West Houston Airport, Automatic Weather Observation System, TX	\$142,500
West Virginia Statewide, WV	\$4,275,000
Williston Sloulin Field International Airport, Rehabilitation and Expansion of Runway, ND	\$1,900,000

(RESCISSION)

The bill includes a rescission of \$80,000,000 in unobligated balances of contract authority.

**ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION**

Section 110 allows no more than 600 technical staff-years at the Center for Advanced Aviation Systems Development.

Section 111 prohibits funds for adopting guidelines or regulations requiring airport sponsors to provide FAA “without cost” building construction or space.

Section 112 allows the FAA to be reimbursed for amounts made available for 49 U.S.C. 41742(a)(1) as fees are collected and credited under 49 U.S.C. 45303.

Section 113 allows reimbursement of funds for providing technical assistance to foreign aviation authorities to be credited to the operations account.

Section 114 prohibits funds from being used to change weight restrictions or prior permission rules at Teterboro Airport in New Jersey.

Section 115 prohibits funds from being used to promulgate regulations that allow the Secretary of Transportation to auction air slots, impose congestion pricing at an airport, exact an air slot from a carrier, charge a fee for the right to use a specified portion of airspace, or establish policies that would encourage an airport to undertake such actions.

Section 116 prohibits funds limited in this Act for the Airport Improvement Program to be provided to an airport that refuses a request from the Secretary of Transportation to use public space at the airport for the purpose of conducting outreach on air passenger rights.

Section 117 requires the FAA Administrator to respond to the Committees on Appropriations and Commerce, Science and Transportation in writing within 60 days of the publication of any Government Accountability Office report on airspace redesign over the New York, New Jersey and Philadelphia region on the actions the agency intends to take in order to address any concerns or recommendations contained in the GAO report.

Section 118 allows all airports experiencing the required level of boardings through charter and scheduled air service to be eligible for funds under 49 U.S.C. 47114(c).

**FEDERAL HIGHWAY ADMINISTRATION  
LIMITATION ON ADMINISTRATIVE EXPENSES  
(INCLUDING TRANSFER OF FUNDS)**

The bill limits obligations for administrative expenses of the Federal Highway Administration (FHWA) to \$390,000,000, which is \$4,980,000 less than the budget request and \$12,444,000 more than the fiscal year 2008 enacted level. The bill also includes language to make \$3,524,000 in contract authority above this limitation available to the Office of Inspector General (OIG) to conduct audits and investigations related to the FHWA and \$300,000 in contract authority above this limitation for the OIG’s annual audit of the FHWA’s financial statements. In addition, \$3,124,000 in contract authority above this limitation is made available for the administrative expenses of the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

**FEDERAL AID HIGHWAYS  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)**

The bill limits obligations for the federal-aid highways program to \$40,700,000,000 in fiscal year 2009, which is \$1,301,271,774 more than the budget request and \$483,948,641 more than the fiscal year 2008 enacted level for the regular federal-aid highways program.

The bill also includes language which allows the Secretary to charge and collect fees 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 as authorized under section 605(b) of title 23, United States Code. The fees so collected are not subject to any obligation limitation or the limitation on administrative expenses set for the infrastructure finance program under section 608 of title 23, United States Code.

Bridges. The FHWA is directed to complete its initiatives to use a more risk-based, data-driven approach to its bridge oversight, take steps to address holes in the bridge oversight process, and achieve results from

its efforts. Furthermore, the FHWA is directed to move forward with this process expeditiously and to provide semi-annual updates to the House and Senate Committees on Appropriations on the agency’s progress toward improving its oversight of bridge safety.

Interstate cost estimate.—The FHWA is directed to work with the appropriate State and local parties to expeditiously award funds that still remain available to Milwaukee, Wisconsin, for an Interstate substitution project authorized by section 1045 of Public Law 102-240, as amended, and for which a resolution regarding the disposition of these funds has been proposed allotting forty percent of the funds for Milwaukee County to purchase energy efficient buses and sixty percent for the downtown Milwaukee fixed rail circulator.

**LIMITATION ON TRANSPORTATION RESEARCH**

The bill includes a general limitation on transportation research of \$429,800,000, as requested. Within this level, the bill includes funding for the following activities:

Surface transportation research .....	\$196,400,000
Training and education program .....	26,700,000
Bureau of Transportation Statistics .....	27,000,000
University transportation research .....	69,700,000
Intelligent transportation systems research .....	110,000,000
<b>Total .....</b>	<b>\$429,800,000</b>

*Bureau of Transportation Statistics (BTS).*—Under the obligation limitation of the FHWA and within the sublimitation for transportation research, the bill provides \$27,000,000 for BTS. Additional information regarding BTS is included in the Research and Innovative Technology Administration section of this statement.

**FERRY BOATS AND FERRY TERMINAL FACILITIES**

Within the funds available for ferry boats and ferry terminal facilities, funds are to be available for the following projects and activities as listed in the table below:

~~Research, development, and other programs.—~~ PHMSA is provided with an increase of \$2,000,000 for research and development, of which \$1,650,000 is recommended for the development of an electronic shipping papers program.

~~Funding for other research and development programs is to be distributed as outlined below:~~

Hazardous materials information system .....	\$2,060,000
Research and analysis .....	740,000
Inspection and enforcement .....	275,000
Rulemaking support .....	550,000
Training and outreach .....	1,681,000
Multimodal Hazmat Intelligence Portal .....	1,240,000
Emergency preparedness .....	450,000
Hazardous material registration program .....	1,390,000
R&D information systems .....	655,000
R&D research and analysis .....	763,000
R&D regulation compliance .....	596,000
Total .....	10,400,000

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

~~The bill provides a total of \$93,291,000 for the office of pipeline safety. Of this amount, \$19,810,000 shall be derived from the Oil Spill Liability Trust Fund and available until September 30, 2011. The remaining \$74,481,000 shall be derived from the Pipeline Safety Fund, of which \$40,081,000 shall remain available until September 30, 2011. No less than \$1,043,000 of the funds provided shall be used for the state one-call grant program.~~

~~Full-time equivalent staff years (FTE).—~~ The bill includes half year funding to support the requested eight additional inspection and enforcement positions in fiscal year 2009. PHMSA is directed to provide quarterly reports on pipeline inspector and enforcement staffing levels to the Committees on Appropriations.

~~Grants to States.—~~ The bill provides \$24,297,000 for grants to states to be spent as provided in the budget request. These include grants to support states' regulation of pipelines; one-call grants; and, state damage prevention grants.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

~~The bill provides a total of \$28,506,000 for Emergency Preparedness Grants.~~

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

~~The bill provides \$12,900,000 to continue research and development activities in fiscal year 2009. Of the funds provided, \$6,936,000 shall be available until September 30, 2011.~~

Activity	Conference level
Salaries and Administrative Expense .....	\$5,964,000
Hydrogen Fuels Safety Research and Development .....	1,400,000
RD&I Research .....	536,000
Nationwide Differential Global Positioning System (NDGPS) .....	5,000,000

~~Hydrogen Fuels Safety Research and Development.—~~ Of the funds provided above the budget request for Hydrogen Fuels Safety Research and Development, \$400,000 is for development of safety standards and \$500,000 is for coordination and outreach.

~~Hydrogen fuel infrastructure.—~~ The agency is directed to provide a report to the House and Senate Committees on Appropriations within 90 days of the enactment of this Act detailing the challenges of installing hydrogen infrastructure. This report should include a comprehensive plan to increase the number

of hydrogen fueling stations around the country, focusing on the regions with greatest demand and need. The agency is instructed to coordinate with the Department of Energy to complete this report.

~~Nationwide Differential Global Positioning System.—~~ The Secretary shall submit a recapitalization plan for the Nationwide Differential Global Positioning System within 90 days of the enactment of this Act to the House and Senate Committees on Appropriations.

BUREAU OF TRANSPORTATION STATISTICS

(LIMITATION ON OBLIGATIONS)

~~Under the appropriation of the Federal Highway Administration, the bill provides \$27,000,000 for the Bureau of Transportation Statistics (BTS). The Agency shall limit BTS staff to 122 FTE in fiscal year 2009.~~

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

~~The bill includes \$71,400,000 for the Office of Inspector General (OIG).~~

~~In addition to the funds provided, the OIG will receive \$6,024,000 from other agencies in this bill, as noted below:~~

Federal Highway Administration .....	\$3,824,000
Federal Transit Administration .....	2,000,000
Office of the Secretary .....	100,000
National Transportation Safety Board .....	100,000

~~The OIG is directed to withhold from public distribution for a period of 15 days any final audit or investigative report which was requested by the House and Senate Committees on Appropriations. Of the funds provided to the OIG, \$932,000, the amount above the budget request, is for additional staff to oversee aviation safety, airspace management, and Federal Aviation Administration capital programs.~~

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

~~The bill provides \$26,847,000 for salaries and expenses.~~

~~Union Pacific/Southern Pacific merger.—~~ If Union Pacific/Southern Pacific or any of its divisions or subsidiaries materially changes or is unable to achieve the assumptions on which the Board based its final environmental mitigation measures, then the Board should reopen Finance Docket 32760 if requested by interested parties, and prescribe additional mitigation properly reflecting these changes if shown to be appropriate.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

Section 180 allows the Department of Transportation (DOT) to use funds for aircraft, motor vehicles, liability insurance, uniforms, or allowances, as authorized by law.

Section 181 limits appropriations for services authorized by 5 U.S.C. 3109 to the rate for an Executive Level IV.

Section 182 prohibits funds from being used for salaries and expenses of more than 110 political and Presidential appointees in DOT. The provision also requires that none of the personnel covered by this provision may be assigned on temporary detail outside DOT.

Section 183 prohibits funds from being used to implement section 404 of title 23, United States Code.

Section 184 prohibits recipients of funds made available in this Act from releasing certain personal information and photographs from a driver's license or motor vehicle record, without express consent of the person to whom such information pertains; and prohibits the withholding of funds provided in this Act for any grantee if a State is in noncompliance with this provision.

Section 185 permits funds received by specified DOT agencies from States or other pri-

vate or public sources for expenses incurred for training to be credited to certain specified agency accounts.

Section 186 requires funding of certain programs, projects and activities identified in the accompanying report within the accounts of the Federal Highway Administration, Federal Railroad Administration, and the Federal Transit Administration.

Section 187 authorizes the Secretary of Transportation to allow issuers of any preferred stock sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

Section 188 prohibits funds from being used to make a grant unless the Secretary of Transportation notifies the House and the Senate Committees on Appropriations no less than three days in advance of any discretionary grant award, letter of intent, or full funding grant agreement totaling \$500,000 or more, and directs the Secretary to give concurrent notification for any "quick release" of funds from the Federal Highway Administration's emergency relief program.

Section 189 allows funds received from rebates, refunds, and similar sources to be credited to appropriations of the DOT.

Section 190 allows amounts from improper payments to a third party contractor that are lawfully recovered by the DOT to be available to cover expenses incurred in the recovery of such payments.

Section 191 mandates that reprogramming actions are to be approved or denied solely by the Appropriations Committee.

Section 192 includes a provision relating to the Surface Transportation Board authority to regulate solid waste transfer and sorting facilities on railroad properties.

Section 193 caps the amount of fees the Surface Transportation Board can charge and collect for rate complaints filed at the amount authorized for court civil suit filing fees.

Section 194 provides that no more than 10 percent of funds for any program that is allocated at the discretion of the Secretary may be expended for DOT's "National Strategy to Reduce Congestion on America's Transportation Network", or any other new highway congestion initiative.

Section 195 provides that of the funds provided for Ferry Boats and Ferry Terminal Facilities, \$950,000 shall be for Missouri River, Route 240, Saline and Howard Counties to be used for alternative transportation during bridge replacement.

Section 196 allows the State of New Mexico to use congestion mitigation and air quality program funds apportioned to the State to support the operation of commuter rail service between Belen and Bernalillo, New Mexico.

Section 197 requires unobligated or unexpended SAFETEA-LU funds for item 598 shall be available to OATS, Incorporated for buses and bus-related facilities.

Section 198 requires unobligated or unexpended SAFETEA-LU funds for item 1152 shall be available for the maintenance, repair, and reconstruction of the Tucker Bridge in St. Louis, Missouri.

Section 199 provides that section 198 of division K of Public Law 110-161 shall continue in effect for fiscal year 2009.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

~~The Department is directed to follow the instructions included in H. Rept. 110-446 for this account.~~

EXECUTIVE DIRECTION

~~The bill provides \$23,799,456 for Executive Direction, which is \$23,799,456 above the~~

than \$300,000 can be used for performance awards.

NATIONAL TRANSPORTATION SAFETY BOARD  
SALARIES AND EXPENSES

The bill includes \$91,000,000 for the salaries and expenses of the National Transportation Safety Board (NTSB); an increase of \$6,501,000 above fiscal year 2008 and \$3,100,000 above the budget request. Of this amount, no more than \$2,000 may be used for official reception and representation expenses. Bill language is included that requires the NTSB to reimburse the Department of Transportation's Inspector General up to \$100,000 for costs associated with the annual audit of the NTSB's financial statements.

Within the funds provided, \$2,100,000 shall fund 11 additional personnel in the most critical safety areas of highways, pipelines, railroads, research and engineering, and aviation. None of the additional funds provided shall be used for the NTSB Academy. The bill also provides a one-time increase of \$1,000,000 over the budget request for the NTSB to develop and implement a cost accounting system.

The bill also includes language that allows the NTSB to continue to make lease payments for the NTSB Academy in fiscal year 2009 only.

The agency is directed to continue to seek additional opportunities to lease out, or otherwise generate revenue from the NTSB Academy, so that the agency can appropriately focus its resources on the important investigative work that is central to the agency's mission. Furthermore, the agency is directed to submit detailed information on the costs associated with the facility, as well as revenue the agency expects the facility to generate, as part of the fiscal year 2010 budget request.

(RESCISSION)

The bill rescinds \$671,275 from the funds provided under Public Law 106-246 for the investigation of the Alaska Air flight 261 and Egypt Air flight 990 crashes in fiscal year 2000, as proposed in the President's budget. These investigations have been completed and the NTSB does not anticipate any future needs for these resources.

NEIGHBORHOOD REINVESTMENT CORPORATION  
PAYMENT TO THE NEIGHBORHOOD  
REINVESTMENT CORPORATION

The bill provides \$181,000,000 for the Neighborhood Reinvestment Corporation, which is

\$31,000,000 above the budget request and \$119,000,000 below the level enacted in fiscal year 2008.

The bill includes \$50,000,000 to continue the National Foreclosure Mitigation Counseling program.

The NRC is directed to provide a status report on the multifamily housing initiative in its fiscal year 2010 budget justification.

The bill includes funding for an education and outreach campaign to combat rescue seams and directs the NRC to develop messages for target populations and communities most at risk for rescue seams.

UNITED STATES INTERAGENCY COUNCIL ON  
HOMELESSNESS  
OPERATING EXPENSES

The bill provides \$2,333,000, which is \$327,000 below the budget request and \$183,000 more than the level enacted in fiscal year 2008. The bill extends the expiration date for the Council until September 30, 2010.

The Interagency Council on Homelessness must refocus itself on its statutory charge, namely improving the collaboration of Federal agencies in order to prevent and end homelessness. As the Council works toward this goal, it should focus efforts on improving collaboration among its members, including the Departments of Defense, Housing and Urban Development, Labor and Veterans Affairs. Efforts should include a focus on preventing and ending homelessness among our nation's veterans.

TITLE IV—GENERAL PROVISIONS, THIS  
ACT

Section 401 continues the provision requiring pay raises to be funded within appropriated levels in this Act or previous Appropriations Acts.

Section 402 continues the provision prohibiting pay and other expenses for non-Federal parties in regulatory or adjudicatory proceedings funded in this Act.

Section 403 continues the provision prohibiting obligations beyond the current fiscal year and prohibits transfers of funds unless expressly so provided herein.

Section 404 continues the provision limiting consulting service expenditures of public record in procurement contracts.

Section 405 continues the provision specifying reprogramming procedures by subjecting the establishment of new offices and reorganizations to the reprogramming process.

Section 406 continues the provision providing that fifty percent of unobligated balances may remain available for certain purposes.

Section 407 continues the provision requiring agencies and departments funded herein to report on sole source contracts.

Section 408 continues the provision prohibiting Federal training not directly related to the performance of official duties.

Section 409 continues the provision that prohibits funds from being used for any project that seeks to use the power of eminent domain unless eminent domain is employed only for a public use.

Section 410 continues a provision that denies the transfer of funds made available in this Act to any instrumentality of the United States Government except as authorized by this Act or any other Appropriations Act.

Section 411 continues a provision that prohibits funds in this Act from being used to permanently replace an employee intent on returning to his past occupation after completion of military service.

Section 412 continues a provision that prohibits funds in this Act from being used unless the expenditure is in compliance with the Buy American Act.

Section 413 continues a provision that prohibits funds from being appropriated or made available to any person or entity that has been convicted of violating the Buy American Act.

DISCLOSURE OF EARMARKS AND CON-  
GRESSIONALLY DIRECTED SPENDING  
ITEMS

Following is a list 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, respectively) included in the bill or this explanatory statement, along with the name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the Committee of jurisdiction for each item so identified. Reference in the following table to "The President" is a reference to President Bush. Neither the bill nor the explanatory statement contains any limited tax benefits or limited tariff benefits as defined in the applicable House and Senate rules.

DEPARTMENT OF TRANSPORTATION

Account	Project	Amount	Requester(s)
Airport Improvement Program	Akron-Canton Airport, Runway 5/23 Safety Area, OH	\$475,000	Rep. Regula
Airport Improvement Program	Akutan, AK	\$1,187,500	Sen. Murkowski
Airport Improvement Program	Alliance Airport, Runway Extension, TX	\$1,757,500	Rep. Granger; Rep. Burgess
Airport Improvement Program	Amery Municipal Airport, Repave Taxiway and Ramp, Amery, WI	\$950,000	Rep. Obey; Sen. Kohl
Airport Improvement Program	Atlantic City International Airport, Fire Command Center Relocation, NJ	\$712,500	Rep. LoBiondo
Airport Improvement Program	Atmore Municipal Airport, Various Improvements, AL	\$1,140,000	Rep. Bonner
Airport Improvement Program	Battle Creek Unlimited, MI	\$1,900,000	Sen. Stabenow; Sen. Levin
Airport Improvement Program	Bemidji Regional Airport Terminal and Fire Facility Improvements, MN	\$950,000	Rep. Peterson, Collin C.; Sen. Coleman
Airport Improvement Program	Blue Ridge Airport, Relocation of Access Road and Expansion of Apron, Martinsville, VA	\$475,000	Rep. Boucher
Airport Improvement Program	Buffalo Niagara International Airport, Construct Taxiway S, Buffalo, NY	\$475,000	Rep. Higgins; Sen. Schumer
Airport Improvement Program	Burlington International, VT	\$1,543,750	Sen. Leahy
Airport Improvement Program	Burlington-Alamance County Regional Airport, Runway Improvements, NC	\$855,000	Rep. Coble; Sen. Dole
Airport Improvement Program	Cecil Field, Northeast Apron and Taxiways, FL	\$722,000	Rep. Stearns; Rep. Crenshaw
Airport Improvement Program	Chattanooga Metropolitan Airport, Relocate and Reconstruct Taxiway, TN	\$1,187,500	Rep. Wamp
Airport Improvement Program	Chippewa Valley Regional, WI	\$950,000	Sen. Kohl; Rep. Obey
Airport Improvement Program	City of Montezuma Airport, Land Acquisition and Runway Improvements, GA	\$475,000	Rep. Bishop, Jr.; Sanford D.
Airport Improvement Program	Clinton Memorial, MO	\$475,000	Sen. Bond
Airport Improvement Program	Cuyahoga County Airport, Runway Rehabilitation and Various Improvements, OH	\$1,235,000	Rep. Tubbs Jones; Rep. Kucinich; Sen. Voinovich
Airport Improvement Program	DeKalb/Taylor Municipal Airport, Various Improvements, IL	\$1,235,000	Rep. Foster; Sen. Durbin
Airport Improvement Program	Denton Municipal Airport, Various Improvements, TX	\$570,000	Rep. Burgess; Sen. Hutchinson; Sen. Conyn
Airport Improvement Program	Denver International Airport, Various Runway and Taxiway Improvements, CO	\$1,187,500	Rep. DeGette; Rep. Perlmutter; Sen. Allard; Sen. Salazar
Airport Improvement Program	Des Moines International Airport, Runway 13R/31L Land Acquisition, IA	\$475,000	Rep. Boswell; Sen. Harkin
Airport Improvement Program	Edward F. Knapp Airport, Runway Improvements, VT	\$950,000	Rep. Welch; Sen. Leahy
Airport Improvement Program	Farmington Airport, Parallel Taxiway, MO	\$855,000	Rep. Emerson; Sen. Bond
Airport Improvement Program	Floyd Bennett Memorial Airport, Extension of Runway 1, Glenn Falls, NY	\$712,500	Rep. Gillibrand
Airport Improvement Program	Fort Wayne International Airport, Runway 5-23 Shoulder Reconstruction, IN	\$817,000	Rep. Souder; Sen. Lugar
Airport Improvement Program	French Valley Airport, Feasibility Study, CA	\$142,500	Rep. Issa
Airport Improvement Program	Garfield County Regional Airport, Runway Improvements, CO	\$475,000	Rep. Salazar; Sen. Salazar
Airport Improvement Program	George Bush Intercontinental Airport, Noise Mitigation, TX	\$712,500	Rep. Poe
Airport Improvement Program	Glasgow Municipal Airport, Public Safety Building, KY	\$34,200	Rep. Lewis, Ron
Airport Improvement Program	Glynn County Airport, Taxiway, Lighting and Drainage Improvements, GA	\$755,250	Rep. Kingston; Sen. Isakson
Airport Improvement Program	Golden Triangle Regional, MS	\$1,425,000	Sen. Cochran; Sen. Wicker
Airport Improvement Program	Grand Forks International, ND	\$285,000	Sen. Dorgan; Sen. Conrad
Airport Improvement Program	Gulport-Bloxi International, Taxiway and Runway Construction and Rehabilitation, MS	\$2,256,250	Sen. Cochran; Rep. Taylor; Sen. Wicker
Airport Improvement Program	Holmes County Airport Runway Extension and Various Improvements, OH	\$950,000	Rep. Space

Airport Improvement Program	Jackson-Evers International Airport, Runway, Taxiway and Various Improvements, MS	\$1,781,250	Sen. Cochran; Rep. Pickering; Sen. Wicker
Airport Improvement Program	Kalamazoo/Battle Creek International Airport, Terminal Project, MI	\$1,615,000	Sen. Stabenow; Sen. Levin; Rep. Upton
Airport Improvement Program	L.O. Simerstad Municipal Airport, Runway Improvements, Osceola, WI	\$950,000	Rep. Obey; Sen. Kohl
Airport Improvement Program	Louisville International Airport, Various Capacity and Safety Improvements, KY	\$1,995,000	Rep. Yarmuth; Sen. McConnell
Airport Improvement Program	Madison County Executive Airport Authority, AL	\$1,140,000	Rep. Cramer
Airport Improvement Program	Menominee-Marquette Twin County Airport, Deicing Truck, Ground Power Unit, MI	\$142,500	Rep. Stupak
Airport Improvement Program	Mobile Regional, AL	\$1,900,000	Sen. Shelby; Sen. Sessions; Rep. Bonner
Airport Improvement Program	Monroe Regional Airport, New Terminal, LA	\$1,401,250	Rep. Alexander; Sen. Landrieu; Sen. Vitter
Airport Improvement Program	Montgomery County Airport, Runway 3-21 Rehabilitation, NC	\$380,000	Rep. Hayes
Airport Improvement Program	Montgomery Regional Airport, Rehabilitation of Runway 10/28, AL	\$475,000	Rep. Everett; Rep. Rogers; Michael D.
Airport Improvement Program	Mt. Washington Regional, NH	\$950,000	Sen. Sununu
Airport Improvement Program	Nashville International, TN	\$712,500	Sen. Alexander; Sen. Corker
Airport Improvement Program	New River Valley Airport, Pave and Rehabilitate Runway 624, Dublin, VA	\$475,000	Rep. Boucher
Airport Improvement Program	Oakland County International Airport, Runway and Taxiway Improvements, MI	\$950,000	Rep. Knollenberg; Sen. Levin; Sen. Stabenow
Airport Improvement Program	Ohio University Airport, Various Improvements, OH	\$688,750	Rep. Wilson; Charles A.; Rep. Space; Sen. Voinovich
Airport Improvement Program	Oneida County Airport, Various Improvements, NY	\$1,662,500	Rep. Arcuri
Airport Improvement Program	Outagamie County Airport, Terminal Expansion, WI	\$1,045,000	Rep. Kagen; Sen. Kohl
Airport Improvement Program	Oxford-Henderson Airport Authority, Runway Expansion and Capital Investment Program, NC	\$475,000	Rep. Butterfield
Airport Improvement Program	Pangborn Memorial Airport, Terminal Expansion, WA	\$736,250	Rep. Hastings; Doc; Sen. Murray
Airport Improvement Program	Paulding County Airport, Various Improvements, GA	\$712,500	Rep. Gingrey; Sen. Chambliss; Sen. Isakson
Airport Improvement Program	Peliston Regional Airport, Snow Removal Equipment, Aircraft Rescue and Firefighting Facility, MI	\$475,000	Rep. Stupak
Airport Improvement Program	Peoria Regional, IL	\$950,000	Sen. Durbin
Airport Improvement Program	Philadelphia International, PA	\$2,375,000	Sen. Specter; Sen. Casey; Rep. Brady; Robert A.
Airport Improvement Program	Phoenix Sky Harbor Airport, High Speed Taxiway Connector H-5, AZ	\$950,000	Rep. Mitchell; Rep. Pastor
Airport Improvement Program	Phoenix Sky Harbor Airport, Taxiway R Reconstruction, AZ	\$1,900,000	Rep. Pastor
Airport Improvement Program	Phoenix-Mesa Gateway Airport, Taxiway B Expansion, AZ	\$950,000	Rep. Mitchell
Airport Improvement Program	Piedmont Triad International, NC	\$950,000	Sen. Burr
Airport Improvement Program	Rountree Field Airport, Perimeter Wildlife and Security Fencing, Hartselle, AL	\$47,500	Rep. Aderholt
Airport Improvement Program	Rowan County, NC	\$1,900,000	Sen. Dole; Sen. Rogers
Airport Improvement Program	Rutherford County-Marchman Field, Taxiway and Ramp Improvements, NC	\$926,250	Rep. Shuler
Airport Improvement Program	San Antonio International Airport, Various Airfield Improvements, TX	\$1,187,500	Rep. Rodriguez; Rep. Smith; Lamar; Sen. Hutchinson
Airport Improvement Program	San Marcos Airport Improvements, TX	\$2,850,000	Sen. Hutchinson; Sen. Cornyn; Rep. Doggett
Airport Improvement Program	Sandusky City Airport, Runway and Taxiway Improvements, MI	\$712,500	Rep. Miller; Candice S.
Airport Improvement Program	Southwest Georgia Regional Airport, Taxiway, Lighting and Signage Improvements, GA	\$46,250	Rep. Bishop, Jr.; Sanford D.; Sen. Chambliss; Sen. Isakson
Airport Improvement Program	Springfield-Branson National, MO	\$2,612,500	Sen. Bond
Airport Improvement Program	St. Petersburg-Clearwater International Airport, Terminal Improvements, FL	\$831,250	Rep. Young, C. W. Bill
Airport Improvement Program	Stamly County Airport, Ramp and Runway Improvements, NC	\$475,000	Rep. Hayes; Sen. Dole
Airport Improvement Program	Tunica Municipal, MS	\$712,500	Sen. Cochran

DEPARTMENT OF TRANSPORTATION—Continued

Account	Project	Amount	Requester(s)
Airport Improvement Program	Union City Everett Stewart Airport, Runway Extension, TN	\$712,500	Rep. Tanner
Airport Improvement Program	W.K. Kellogg Airport, New Parallel Runway, MI	\$722,000	Rep. Walberg; Sen. Levin; Sen. Stabenow
Airport Improvement Program	Waterbury/Oxford Airport, Implementation of Noise Remediation, (Part 150 Study), CT	\$1,187,500	Rep. Murphy, Christopher S.
Airport Improvement Program	West Houston Airport, Automatic Weather Observation System, TX	\$142,500	Rep. Culberson
Airport Improvement Program	West Virginia Statewide, WV	\$4,275,000	Sen. Byrd
Airport Improvement Program	Williston Sloulin Field International Airport, Rehabilitation and Expansion of Runway, ND	\$1,900,000	Sen. Dorgan.; Sen. Conrad; Rep. Pomeroy
Alternatives Analysis	Aberdeen MARC Rail Storage Yard, MD	\$475,000	Sen. Cardin; Rep. Ruppersberger
Alternatives Analysis	Alternative Analysis Study for the J-Route Bus Rapid Transit (BTR) Project, IL	\$237,500	Rep. Roskam
Alternatives Analysis	Atlanta BeltLine, Atlanta, GA	\$475,000	Rep. Lewis, John; Rep. Johnson, Henry C.; Sen. Chambliss; Sen. Isakson
Alternatives Analysis	Central Mesa Corridor Alternatives Analysis, Mesa, AZ	\$237,500	Rep. Mitchell
Alternatives Analysis	City of Detroit Transit Options for Growth Study, MI	\$475,000	Rep. Kipatrick; Rep. Conyers; Sen. Stabenow; Sen. Levin
Alternatives Analysis	Coast Transit Alternatives Analysis, MS	\$1,140,000	Sen. Cochran
Alternatives Analysis	Conceptual Alignment and Phasing Alternatives Study, Charlotte, NC	\$237,500	Rep. Watt; Rep. Hayes
Alternatives Analysis	CITA Red Line Extension, IL	\$285,000	Rep. Jackson; Sen. Durbin
Alternatives Analysis	Downtown Transit Circulator, FL	\$475,000	Rep. Wasserman Schultz
Alternatives Analysis	Final Environmental Impact Statement for Monmouth-Ocean-Middlesex Cnty Passenger Rail Line, NJ	\$534,375	Rep. Saxton; Rep. Smith, Christopher H.
Alternatives Analysis	GYT Alternatives Analysis, IN	\$237,500	Rep. Visclosky
Alternatives Analysis	Hudson-Bergen Light Rail Extension Route 440, North Bergen, NJ	\$237,500	Rep. Sires; Sen. Lautenberg; Sen. Menendez
Alternatives Analysis	I-10 West Corridor Alternative Analysis, AZ	\$475,000	Rep. Pastor
Alternatives Analysis	Lowell-Nashua-Manchester Rail Corridor, NH	\$1,900,000	Rep. Hodes; Rep. Shea-Porter
Alternatives Analysis	MARTA I-20 East Transit Corridor, GA	\$950,000	Sen. Chambliss; Rep. Johnson, Henry C.; Rep. Lewis, John
Alternatives Analysis	MBTA/MART Belmont Station Consolidation and Development Study, MA	\$142,500	Rep. Markey
Alternatives Analysis	Northwest New Jersey—Northeast Pennsylvania Passenger Rail Project, PA	\$950,000	Sen. Specter
Alternatives Analysis	Overland Park/Metcalf Transit Study, KS	\$665,000	Sen. Brownback; Rep. Moore, Dennis
Alternatives Analysis	Sarasota County Bus Rapid Transit Project, Sarasota County, FL	\$1,009,375	Rep. Buchanan
Alternatives Analysis	SMART Preliminary Engineering, CA	\$427,500	Rep. Woodsey; Rep. Thompson, Mike
Alternatives Analysis	Southwest Transitway Project, MN	\$534,375	Rep. Ramstad; Rep. Ellison
Alternatives Analysis	Telegraph Avenue/International Boulevard/E.14th Street Bus Rapid Transit Corridor in Alameda County, CA	\$237,500	Rep. Lee
Alternatives Analysis	Tempe South Corridor Alternatives Analysis, Tempe, AZ	\$237,500	Rep. Mitchell
Alternatives Analysis	West Eugene EmX Extension Environmental Analysis, OR	\$475,000	Rep. Defazio; Sen. Wyden; Sen. Smith
Alternatives Analysis	West of Hudson Regional Transit Access Project, NY	\$1,900,000	Sen. Schumer
Alternatives Analysis	Yellow Line Extension, IL	\$237,500	Rep. Schakowsky; Sen. Durbin
Appalachian Highway Development System	Corridor H, WV	\$9,500,000	Sen. Byrd
Buses and Bus Facilities	69th Street Terminal Parking Facility, Upper Darby, PA	\$380,000	Rep. Sestak; Sen. Specter
Buses and Bus Facilities	Addison County Transit Resources Facilities, Buses, and Equipment, VT	\$2,850,000	Sen. Leahy

Capital Investment Grants	Troost Corridor BRT, Kansas City, MO	\$125,200	Sen. Bond; The President
Capital Investment Grants	Tucson Modern Streetcar/Light Rail Transit System, Tucson, AZ	\$2,000,000	Rep. Grijalva; Rep. Pastor; Rep. Giffords
Capital Investment Grants	University Link LRT Extension, WA	\$100,000,000	Sen. Murray; The President
Capital Investment Grants	Van Ness BRT Project, San Francisco, CA	\$400,000	Rep. Pelosi
Capital Investment Grants	VRE Rolling Stock, VA	\$5,000,000	Sen. Webb
Capital Investment Grants	Weber County to Salt Lake City Commuter Rail, UT	\$81,600,000	Sen. Bennett; Sen. Hatch; Rep. Bishop; Rob; The President
Capital Investment Grants	West Corridor LRT, CO	\$60,000,000	Sen. Allard; Sen. Salazar; Rep. DeGette; Rep. Perlmutter; Rep. Tancredo; The President
Capital Investment Grants	Wilshire Blvd Bus-Only Lane, Los Angeles, CA	\$9,857,097	Sen. Feinstein; Sen. Boxer; Rep. Roybal-Allard; The President
Delta Regional Transportation Development Program	Byram-Clinton/Norrell Corridor, MS	\$1,425,000	Sen. Cochran; Sen. Wicker
Delta Regional Transportation Development Program	Downtown Greenwood Connector Route, MS	\$1,425,000	Sen. Cochran
Delta Regional Transportation Development Program	Natchez Riverfront Trails, MS	\$427,500	Sen. Cochran; Sen. Wicker
Delta Regional Transportation Development Program	Poplar Bluff Bypass, MO	\$1,900,000	Sen. Bond
Delta Regional Transportation Development Program	Route 60, MO	\$950,000	Sen. Bond
Delta Regional Transportation Development Program	Route 61, MO	\$607,573	Sen. Bond
Delta Regional Transportation Development Program	Route 84-Interstate 55, MO	\$950,000	Sen. Bond
Delta Regional Transportation Development Program	Statesman Boulevard and Trail, MS	\$950,000	Sen. Cochran
Delta Regional Transportation Development Program	Stoddard County Road Improvements, MO	\$342,418	Sen. Bond
Denali Commission	Denali Commission	\$5,700,000	Sen. Murkowski
Facilities and Equipment (FAA)	Airfields in Alaska, Approach Lighting System Improvement Program (ALSIP)	\$2,375,000	Sen. Murkowski
Facilities and Equipment (FAA)	Arlington Municipal Airport, Medium Approach Lighting System (MALS), Arlington, TX	\$963,300	Rep. Barton
Facilities and Equipment (FAA)	Glide Slope Runway 36L, Napa County Airport, CA	\$380,000	Rep. Thompson, Mike
Facilities and Equipment (FAA)	Gulfport-Biloxi Airport, ROWS, MS	\$1,425,000	Sen. Cochran
Facilities and Equipment (FAA)	Hazard/Perry County Airport Instrument Landing System, Hazard, KY	\$142,500	Rep. Rogers, Harold
Facilities and Equipment (FAA)	ILS for Reno Tahoe Airport	\$237,500	Sen. Reid; Sen. Ensign
Facilities and Equipment (FAA)	Instrument Landing System, Runway 4, Walnut Ridge Regional Airport, AR	\$712,500	Rep. Berry; Sen. Lincoln; Sen. Pryor
Facilities and Equipment (FAA)	PAPI and RCO Installation, New Bedford Airport, MA	\$95,000	Rep. Frank
Facilities and Equipment (FAA)	Wind Hazard Detection Equipment, McCarran International Airport, NV	\$807,500	Sen. Reid; Sen. Ensign; Rep. Berkley; Rep. Porter
Federal Lands (Public Lands Highways)	17-Mile Road Reconstruction, Wind River Indian Reservation, WY	\$475,000	Sen. Enzi
Federal Lands (Public Lands Highways)	Alaska Trails Initiative, AK	\$1,900,000	Sen. Murkowski
Federal Lands (Public Lands Highways)	Arizona Forest Highway 39, General Hitchcock Highway (Catalina Highway), Pima County, AZ	\$1,662,500	Rep. Giffords
Federal Lands (Public Lands Highways)	Bald Hill Slide Mitigation, Hoopa Reservation, CA	\$712,500	Rep. Thompson, Mike
Federal Lands (Public Lands Highways)	Bear River Access Road Forest Street Improvements, Brigham City, UT	\$285,000	Rep. Bishop, Rob
Federal Lands (Public Lands Highways)	BIA Route 1281, Snake Road Improvement Project, Seminole Big Cypress Reservation, FL	\$475,000	Rep. Hastings, Alcee L.

Interstate Maintenance Discretionary	Redesign and Reconstruction of I-235 and Kellogg Interchange, Wichita, KS	\$950,000	Sen. Roberts; Sen. Brownback; Rep. Tiahrt
Interstate Maintenance Discretionary	Rehabilitation of I-471 between I-275 and the Ohio River, Campbell County, KY	\$380,000	Rep. Davis, Geoff
Interstate Maintenance Discretionary	Resurfacing and Reconstruction of I-80 Between Rock Springs and Rawlins, Sweetwater County, WY	\$380,000	Rep. Cuthin; Sen. Enzi
Interstate Maintenance Discretionary	San Diego Freeway (I-405) Widening and Improvement, CA	\$380,000	Rep. Rohrabacher
Interstate Maintenance Discretionary	San Diego Freeway (I-5) Widening and Improvement, CA	\$237,500	Rep. Calvert
Interstate Maintenance Discretionary	South Carolina Department of Transportation's I-95/S-301 Interchange, SC	\$3,562,500	Rep. Clyburn; Sen. Graham
Interstate Maintenance Discretionary	SR-56 Connectors and I-5 Widening, CA	\$475,000	Rep. Bilbray
Interstate Maintenance Discretionary	SR-91 Congestion Relief Project, Orange County, CA	\$237,500	Rep. Miller, Gary G.
Interstate Maintenance Discretionary	State of Delaware Turnpike Improvements Project	\$855,000	Rep. Castle; Sen. Biden; Sen. Carper
Interstate Maintenance Discretionary	Statewide Interstate Rehabilitation Program, SC	\$475,000	Rep. Inglis
Interstate Maintenance Discretionary	The Eola Road and I-88 Interchange Project, IL	\$950,000	Rep. Foster
Interstate Maintenance Discretionary	Third Army Road/Interstate 75 Interchange Construction, GA	\$712,500	Sen. Chambliss; Sen. Isakson
Interstate Maintenance Discretionary	Turnpike Improvement Project: SR1 and I-95, DE	\$1,900,000	Sen. Biden; Sen. Carper
Interstate Maintenance Discretionary	U.S. 59/Alabama Grade Separation Project, St. Joseph, MO	\$950,000	Rep. Graves
Interstate Maintenance Discretionary	US 17 in Onslow County, NC	\$950,000	Sen. Dole
Interstate Maintenance Discretionary	Wilmington Avenue Interchange Modification at the I-405 Freeway, CA	\$712,500	Rep. Richardson
Maritime Administration	Manview	\$1,900,000	Sen. Cochran
Operations (FAA)	Medallion Program, AK	\$2,375,000	Sen. Murkowski
Operations (FAA)	Professional Aerial Application Support System (PAASS), AR	\$47,500	Rep. Berry
Operations and Research (NHTSA)	Plastic and Composite Vehicles Research	\$475,000	Sen. Murray
Rail Line Relocation and Improvement Program	COLT Overpass over US 63, Boone County, MO	\$950,000	Sen. Bond
Rail Line Relocation and Improvement Program	Downeast Rail Rehabilitation, ME	\$190,000	Rep. Michaud; Sen. Collins; Sen. Snowe
Rail Line Relocation and Improvement Program	East Belt Railroad Grade Crossing Safety Improvements, Houston, TX	\$475,000	Rep. Green, Gene
Rail Line Relocation and Improvement Program	Elevated Railroad Track Project, Claremore, OK	\$332,500	Rep. Boren
Rail Line Relocation and Improvement Program	Grand Rapids Antrak Railroad Relocation, MI	\$3,800,000	Rep. Ehlers
Rail Line Relocation and Improvement Program	High Speed Passenger Railroad Service, Duluth, MN	\$475,000	Rep. Oberstar
Rail Line Relocation and Improvement Program	Intermodal Terminal Facility and Track Railroad Relocation, Sacramento, CA	\$950,000	Rep. Matsui; Rep. Thompson, Mike; Sen. Feinstein; Sen. Boxer
Rail Line Relocation and Improvement Program	Lackawaxen Interchange Rehabilitation, Pike County, PA	\$47,500	Rep. Carney
Rail Line Relocation and Improvement Program	Passenger Rail Corridor CREATE Projects, Chicago, IL	\$1,900,000	Sen. Durbin
Rail Line Relocation and Improvement Program	Pecos Street Grade Separation, Adams County, CO	\$190,000	Rep. Perlmutter
Rail Line Relocation and Improvement Program	Phase 3 Rail Rehabilitation in Redwood Falls, MN	\$950,000	Sen. Klobuchar
Rail Line Relocation and Improvement Program	Quad Cities Track Improvement, IL	\$475,000	Rep. Hare

DEPARTMENT OF TRANSPORTATION—Continued

Account	Project	Amount	Requester(s)
Rail Line Relocation and Improvement Program	Railroad Bridge Rehabilitation, El Dorado, AR	\$332,500	Rep. Ross
Rail Line Relocation and Improvement Program	Railroad Bridge Rehabilitation, Perry County, IN	\$380,000	Rep. Hill
Rail Line Relocation and Improvement Program	Railroad Grade Crossing Safety Improvement, Huntington, NY	\$95,000	Rep. Israel
Rail Line Relocation and Improvement Program	Railroad Relocation Planning, Terre Haute, IN	\$475,000	Rep. Elsworth
Rail Line Relocation and Improvement Program	Short Line Rehabilitating, Salem, NJ	\$950,000	Sen. Menendez; Sen. Lautenberg
Rail Line Relocation and Improvement Program	Southeast 44th Avenue Railroad Crossing Improvements, Des Moines, IA	\$237,500	Rep. Boswell
Rail Line Relocation and Improvement Program	Stourbridge Line Maintenance and Repair, Honesdale, PA	\$95,000	Rep. Carney
Rail Line Relocation and Improvement Program	Track Repair and Replacement, Coos County, NH	\$475,000	Rep. Hodes
Rail Line Relocation and Improvement Program	Transbay Transit Center, San Francisco, CA	\$1,900,000	Sen. Boxer; Rep. Pelosi
Rail Line Relocation and Improvement Program	West Freight Access Project, Port of Vancouver, WA	\$950,000	Sen. Murray; Sen. Cantwell
Rail Line Relocation and Improvement Program	Zanesville-Muskingum County Port Authority, OH	\$475,000	Rep. Space
Research (FTA)	BUSolutions Advance Transit Research, MI	\$1,662,500	Rep. Knollenberg; Sen. Levin
Research (FTA)	Capital Area Regional Transportation Plan, LA	\$285,000	Rep. Cazayoux
Research (FTA)	Community Transportation Association of America Nationwide JOBLINKS	\$1,520,000	Rep. Oliver
Research (FTA)	Greater Hartford Integrated Mass Transit Planning Study, Hartford, CT	\$475,000	Rep. Larson
Research (FTA)	Missouri Transportation Institute	\$950,000	Sen. Bond
Research (FTA)	Project TRANSIT, Philadelphia, PA	\$570,000	Rep. Fatah
Research (FTA)	WV Exhaust Emissions Testing Initiative, WV	\$475,000	Sen. Byrd
Research and Development (FRA)	Constructed Facilities Center at West Virginia University, WV	\$237,500	Sen. Byrd
Research and Development (FRA)	Ohio Hub Cleveland—Columbus Rail Corridor, OH	\$475,000	Sen. Brown; Rep. Sutton; Rep. Turner
Research and Development (FRA)	PEERS Rail Grade Crossing Safety, IL	\$475,000	Sen. Durbin
Research and Development (FRA)	Track Stability Technology, Marshall University, WV	\$475,000	Sen. Byrd; Rep. Rahall
Research (FAA) and Development	Advanced Materials in Transport Aircraft Structures	\$475,000	Sen. Murray
Research (FAA) and Development	Advanced Materials Performance Research, National Institute for Aviation Research, Wichita State University, Wichita, KS	\$2,375,000	Sen. Brownback; Sen. Roberts; Rep. Tiahrt
Research (FAA) and Development	Center for Runway Safety Systems, Kansas State University, Manhattan, KS	\$712,500	Sen. Brownback
Surface Transportation Priorities	146th Street Corridor Extension from the Hamilton County Line to I-65, Boone County, IN	\$855,000	Sen. Lugar; Rep. Buyer
Surface Transportation Priorities	I-59th and US 69 Interchange Improvements, Overland Park, KS	\$950,000	Sen. Roberts; Sen. Brownback
Surface Transportation Priorities	21st Street North Railroad Overpass (Broadway to I-135), Wichita, KS	\$380,000	Rep. Tiahrt

DEPARTMENT OF TRANSPORTATION—Continued

Account	Project	Amount	Requester(s)
Surface Transportation Priorities	Vermont Route 15 Improvements in Johnson and Essex Junction, VT	\$2,850,000	Sen. Leahy
Surface Transportation Priorities	Village of Franklin Park Street Rehabilitation, IL	\$950,000	Rep. Emanuel
Surface Transportation Priorities	Walkway over the Hudson, Poughkeepsie, NY	\$475,000	Rep. Hinchey
Surface Transportation Priorities	Wapsi Great Western Line Trail, Mitchell County, IA	\$570,000	Rep. Latham
Surface Transportation Priorities	West Point Defense Facility Access Improvements, MS	\$950,000	Sen. Cochran
Surface Transportation Priorities	West Veterans Boulevard Auburn, AL	\$237,500	Rep. Rogers, Michael J.
Surface Transportation Priorities	Western Beltway Transportation Infrastructure Plan, MS	\$475,000	Sen. Cochran
Surface Transportation Priorities	Widening of County Road 222, Cullman, AL	\$285,000	Rep. Aderholt
Terminal Air Traffic Facilities	Abilene, TX	\$17,000,000	The President
Terminal Air Traffic Facilities	Baltimore, MD	\$2,000,000	The President
Terminal Air Traffic Facilities	Champaign, IL	\$1,100,000	The President
Terminal Air Traffic Facilities	Cleveland, OH	\$50,000,000	The President
Terminal Air Traffic Facilities	Columbia, SC	\$2,000,000	Sen. Graham; The President
Terminal Air Traffic Facilities	Dayton, OH	\$624,105	The President
Terminal Air Traffic Facilities	Fl. Lauderdale, FL	\$5,049,000	Sen. Martinez; The President
Terminal Air Traffic Facilities	Greenwood Airport Tower Construction, MS	\$250,000	Sen. Cochran
Terminal Air Traffic Facilities	Islip, NY	\$5,093,612	The President
Terminal Air Traffic Facilities	Kalamazoo, MI	\$894,000	The President
Terminal Air Traffic Facilities	LaGuardia, NY	\$9,476,557	The President
Terminal Air Traffic Facilities	Las Vegas, NV	\$9,907,534	Rep. Berkley; Rep. Porter; The President
Terminal Air Traffic Facilities	Medford, OR	\$60,000	The President
Terminal Air Traffic Facilities	Memphis, TN	\$4,580,072	The President
Terminal Air Traffic Facilities	Pensacola, FL	\$1,405,696	Sen. Martinez; The President
Terminal Air Traffic Facilities	Replace Nantucket Airport Control Tower, MA	\$500,000	Rep. Delahunt
Terminal Air Traffic Facilities	San Francisco, CA	\$500,000	Rep. Pelosi; Rep. Tauscher; The President
Terminal Air Traffic Facilities	Traverse City, MI	\$11,174,900	The President
Transportation, Community, and System Preservation	11th Street Revitalization Project, Canton, OH	\$380,000	Rep. Regula; Sen. Voinovich
Transportation, Community, and System Preservation	19th Avenue North Extension Project, Clinton, IA	\$475,000	Rep. Braley
Transportation, Community, and System Preservation	19th Street Extension—Redmond to Deschutes Junction (between Redmond and Bend), OR	\$570,000	Rep. Walden
Transportation, Community, and System Preservation	24th St/23rd Ave Corridor Improvement, Council Bluffs, IA	\$237,500	Rep. King, Steve
Transportation, Community, and System Preservation	4-Laning of Baldwin Road to the I-75 Interchange, Oakland County, MI	\$237,500	Rep. Rogers, Michael J.
Transportation, Community, and System Preservation	4-Laning of Texas SH 24 (from I-30 to the Oklahoma State Line), Paris, TX	\$95,000	Rep. Hall, Ralph M.

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009  
(Amounts in thousands)

	FY 2008 Enacted	FY 2009 Request	This Bill	This Bill vs. Enacted	This Bill vs. Request
<b>TITLE I - DEPARTMENT OF TRANSPORTATION</b>					
<b>Office of the Secretary</b>					
Salaries and expenses.....	91,782	101,782	98,248	+6,466	-3,534
Immediate Office of the Secretary.....	(2,310)	---	(2,400)	(+90)	(+2,400)
Immediate Office of the Deputy Secretary.....	(730)	---	(759)	(+29)	(+759)
Office of the General Counsel.....	(18,720)	---	(19,838)	(+1,118)	(+19,838)
Office of the Under Secretary of Transportation for Policy.....	(9,874)	---	(10,107)	(+233)	(+10,107)
Office of the Assistant Secretary for Budget and Programs.....	(9,417)	---	(10,200)	(+783)	(+10,200)
Office of the Assistant Secretary for Governmental Affairs.....	(2,383)	---	(2,400)	(+17)	(+2,400)
Office of the Assistant Secretary for Administration.....	(23,750)	---	(26,000)	(+2,250)	(+26,000)
Office of Public Affairs.....	(1,986)	---	(2,020)	(+34)	(+2,020)
Office of the Executive Secretariat.....	(1,516)	---	(1,595)	(+79)	(+1,595)
Office of Small and Disadvantaged Business Utilization.....	(1,335)	---	(1,369)	(+34)	(+1,369)
Office of Intelligence, Security, and Emergency Response.....	(7,874)	---	(8,675)	(+801)	(+8,675)
Office of the Chief Information Officer.....	(11,887)	---	(12,885)	(+998)	(+12,885)
Subtotal.....	91,782	101,782	98,248	+6,466	-3,534
Financial management capital.....	---	6,000	5,000	+5,000	-1,000
Office of Civil Rights.....	9,141	9,384	9,384	+243	---
Rescission of excess compensation for air carriers....	-22,000	-1,000	-848	+21,152	+152
Transportation planning, research, and development....	13,884	10,105	18,300	+4,416	+8,195
Working capital fund.....	(128,094)	---	(128,094)	---	(+128,094)
Minority business resource center program.....	893	912	912	+19	---
(Limitation on guaranteed loans).....	(18,367)	(18,367)	(18,367)	---	---
Minority business outreach.....	2,970	3,056	3,056	+86	---
Payments to air carriers (Airport & Airway Trust Fund)	60,000	---	73,013	+13,013	+73,013
Total, Office of the Secretary.....	156,670	130,239	207,065	+50,395	+76,826
<b>Federal Aviation Administration</b>					
Operations.....	8,740,000	---	9,042,467	+302,467	+9,042,467
Air traffic organization.....	(6,969,638)	---	(7,099,019)	(+129,381)	(+7,099,019)
Aviation safety.....	(1,082,602)	---	(1,164,597)	(+81,995)	(+1,164,597)
Commercial space transportation.....	(12,549)	---	(14,094)	(+1,545)	(+14,094)
Financial services.....	(100,593)	---	(111,004)	(+10,411)	(+111,004)
Human resource management.....	(91,214)	---	(96,091)	(+4,877)	(+96,091)
Region and center operations.....	(286,848)	---	(331,000)	(+44,152)	(+331,000)
Staff offices.....	(162,351)	---	(180,859)	(+18,508)	(+180,859)
Information services.....	(38,650)	---	(46,500)	(+7,850)	(+46,500)
Safety and operations (Airport and Airway Trust Fund).....	---	2,052,094	---	---	-2,052,094
Air traffic organization(Airport & Airway Trust Fund).....	---	9,669,878	---	---	-9,669,878
Facilities & equipment (Airport & Airway Trust Fund).....	2,513,611	---	2,742,095	+228,484	+2,742,095
Research, engineering, and development:					
Airport and Airway Trust Fund.....	146,828	156,003	171,000	+24,172	+14,997
General Fund.....	---	15,025	---	---	-15,025
Subtotal.....	146,828	171,028	171,000	+24,172	-28
Grants-in-aid for airports (Airport and Airway Trust Fund)(Liquidation of contract authorization).....	(4,399,000)	(3,600,000)	(3,600,000)	(-799,000)	---
(Limitation on obligations).....	(3,514,500)	(2,750,000)	(3,514,500)	---	(+764,500)
Small community air service development program....	(10,000)	---	(8,000)	(-2,000)	(+8,000)
Administration.....	(80,676)	(87,454)	(87,454)	(+6,778)	---
Airport Cooperative Research Program.....	(10,000)	(15,000)	(15,000)	(+5,000)	---
Airport technology research.....	(18,712)	(19,348)	(19,348)	(+636)	---
Rescission of contract authority (BY AIP).....	-270,500	---	-80,000	+190,500	-80,000
Subtotal.....	(3,244,000)	(2,750,000)	(3,434,500)	(+190,500)	(+684,500)
War risk insurance program extension.....	-120,000	---	---	+120,000	---
Total, Federal Aviation Administration.....	11,009,939	11,893,000	11,875,562	+865,623	-17,438
Appropriations.....	(11,280,439)	(11,893,000)	(11,955,562)	(+675,123)	(+62,562)
Rescissions of contract authority.....	(-270,500)	---	(-80,000)	(+190,500)	(-80,000)
(Limitations on obligations).....	(3,514,500)	(2,750,000)	(3,514,500)	---	(+764,500)
Total budgetary resources.....	(14,524,439)	(14,643,000)	(15,390,062)	(+865,623)	(+747,062)

## UNITED STATES POSTAL SERVICE

## PAYMENT TO THE POSTAL SERVICE FUND

The bill includes \$111,831,000 for payment to the Postal Service Fund, including \$29,000,000 for repayment of revenue forgone and \$82,831,000 for an advance appropriation for fiscal year 2010 to continue free mail for the blind and overseas voters.

The Postal Accountability and Enhancement Act of 2006 required the Postal Regulatory Commission (PRC) to submit a report to Congress in December of 2008 on universal postal service and the postal monopoly in the United States. The report will also include any recommended changes to universal service and the postal monopoly, and analyses of the costs and benefits of providing such services under current law. The U.S. Postal Service should keep Congress apprised of any actions the Postal Service plans to take on the PRC recommendations, including actions, if applicable, relating to five-day delivery service and its impact on fuel consumption.

The Postal Service should continue its efforts to upgrade postal operations and improve customer service in Chicago, and to assess service needs, reestablish postal facilities, improve mail delivery, and enhance product and service offerings to customers in New Orleans and other Louisiana communities.

The Postal Service should make every effort to maintain the U.S. Post Office in Danville, Virginia, and provide full postal services to the citizens of Danville.

The bill requires the Postal Service to keep the Appropriations Committees promptly and regularly informed on its mail treatment processes and to consult with the Committees on its future plans for securing mail irradiation services, including costs.

## OFFICE OF INSPECTOR GENERAL

## SALARIES AND EXPENSES

## (INCLUDING TRANSFER OF FUNDS)

The bill includes \$239,356,000 for salaries and expenses of the Office of Inspector General.

## UNITED STATES TAX COURT

## SALARIES AND EXPENSES

The bill includes \$48,463,000 for salaries and expenses of the United States Tax Court.

## GENERAL PROVISIONS

The following sections describe general provisions for agencies covered by this Act, agencies government wide, and the District of Columbia. The Financial Services and General Government Appropriations Act, 2008, included several general provisions that were made permanent by inclusion of language indicating futurity. As noted by the United States Government Accountability Office:

"A provision contained in an annual appropriation act is not to be construed to be permanent legislation unless the language used therein or the nature of the provision makes it clear that Congress intended it to be permanent. The presumption can be overcome if the provision uses language indicating futurity or if the provision is of a general character bearing no relation to the object of the appropriation.

In analyzing a particular provision, the starting point in ascertaining Congress's intent is, as it must be, the language of the statute. The question to ask is whether the provision uses "words of futurity." The most common word of futurity is "hereafter" and provisions using this term have often been construed as permanent." (Principles of Federal Appropriations Law, Third Edition, Volume I, page 2-34)

Several provisions in the 2008 Act included the word "hereafter" as an indication of per-

manence. These provisions include sections 701 (concerning funds to pay travel for immediate families of employees serving abroad in cases of death or life-threatening illness), 709 (concerning nominees disapproved by the Senate), 716 (concerning workplace discrimination and sexual harassment), and 737(b) and (c) (concerning E-Government). This statement reiterates that these provisions were made permanent.

## TITLE VI

## GENERAL PROVISIONS—THIS ACT

Section 601 prohibits pay and other expenses for non-Federal parties in regulatory or adjudicatory proceedings funded in this Act.

Section 602 prohibits obligations beyond the current fiscal year and prohibits transfers of funds unless expressly so provided herein.

Section 603 limits consulting service expenditures to contracts where such expenditures are a matter of public record, with exceptions.

Section 604 prohibits funds from being transferred to any department, agency, or instrumentality of the United States without expressed authority.

Section 605 prohibits the use of funds to engage in activities that would prohibit the enforcement of section 307 of the 1930 Tariff Act.

Section 606 prohibits funds from being expended unless the recipient agrees to comply with the Buy American Act.

Section 607 prohibits funding to a person or entity convicted of violating the Buy American Act.

Section 608 specifies reprogramming procedures for all departments, agencies, and offices funded under this Act unless otherwise specified elsewhere in this Act. Reprogramming requirements apply to transfers in excess of \$5,000,000 or 10 percent, whichever is less. Agencies are expected to follow the reprogramming procedures even if a reprogramming falls below the \$5,000,000 or 10 percent threshold if such reprogramming would significantly change an agency's funding requirements in future years, or if programs or projects specifically cited in this explanatory statement are affected.

Section 609 provides that not to exceed 50 percent of unobligated balances from salaries and expenses may remain available for certain purposes.

Section 610 provides that no funds may be used by the Executive Office of the President to request any official background investigation from the Federal Bureau of Investigation unless the person has given consent or there are national security circumstances.

Section 611 requires that cost accounting standards not apply to a contract under the Federal Employees Health Benefits Program.

Section 612 permits the Office of Personnel Management to accept funds regarding the nonforeign area cost of living allowances.

Section 613 prohibits the expenditure of funds for abortions under the Federal Employees Health Benefits Program.

Section 614 provides an exemption from section 613 if the life of the mother is in danger or the pregnancy is a result of an act of rape or incest.

Section 615 waives restrictions on the purchase of non-domestic articles, materials, and supplies in the case of acquisition by the Federal Government of information technology.

Section 616 makes technical corrections to section 5112 of title 31, relating to the design of the quarter dollar.

Section 617 prohibits the acceptance by any regulatory agency or commission funded by this Act, or by their officers or employees, of payment or reimbursement for travel,

subsistence, or related expenses from any person or entity (or their representative) that engages in activities regulated by such agency or commission.

Section 618 amends section 7472 of title 26, United States Code, relating to life insurance premiums for United States Tax Court judges.

Section 619 provides authority for the Public Company Accounting Oversight Board (PCAOB) to obligate funds for a scholarship program. PCAOB is urged to give consideration to supporting scholarships opportunities to students from populations, such as ethnic minorities and women, that have been historically underrepresented in the accounting profession.

Section 620 directs the Secretary of the Treasury to promulgate regulations allowing, by general license, travel to, from, or within Cuba related to the marketing and sale of agricultural and medical goods.

Section 621 prohibits funds from being used to administer, implement, or enforce the amendments made to the Code of Federal Regulations, published in the Federal Register on June 16, 2004, relating to travel to visit relatives in Cuba.

Section 622 prohibits funds from being used to enforce the regulations, published in the Federal Register on February 26, 2005, regarding the sales of food and medicine to Cuba.

Section 623 provides authorization for appropriations to the Christopher Columbus Fellowship Foundation.

Section 624 prohibits in fiscal year 2009 and each fiscal year thereafter the use of funds for a proposed rule relating to the determination that real estate brokerage is a financial activity.

Section 625 amends Section 102(a)(3)(B) of the Help America Vote Act of 2002 by changing a date relating to state expenditure of funds.

Section 626 directs the Federal Trade Commission to conduct a rulemaking under the Administrative Procedures Act with respect to mortgage loans.

## TITLE VII

## GENERAL PROVISIONS—GOVERNMENT-WIDE

## DEPARTMENTS, AGENCIES, AND CORPORATIONS

Section 701 requires all agencies have a written policy for ensuring a drug free workplace.

Section 702 sets specific limits on the cost of passenger vehicles with exceptions for police, heavy duty, electric hybrid and clean fuels vehicles.

Section 703 makes appropriations available for quarters/cost of living allowances.

Section 704 prohibits the government from employing non-US citizens (with exceptions) whose posts are in the continental United States.

Section 705 ensures that appropriations made available to any department or agency for space, services and rental charges shall also be available for payment to the GSA.

Section 706 allows the use of receipts from the sale of materials for acquisition, waste reduction and prevention, environmental management programs and other Federal employee programs as appropriate.

Section 707 allows funds for administrative expenses to also be available for rent in the District of Columbia, services under 5 U.S.C. 3109, and the objects specified under this head.

Section 708 prohibits funds for interagency financing boards (with exception), commissions, counsels, committees or similar groups without prior approval to receive multi-agency funding.

Section 709 precludes funds for regulations which have been disapproved by joint resolution.

Section 710 sets ceilings on pay rates for certain Federal employees for fiscal year 2009.

Section 711 limits the amount of funds that can be used for redecoration of offices under certain circumstances to \$5,000, unless advance notice is transmitted to the Committees on Appropriations.

Section 712 allows for interagency funding of national security and emergency preparedness telecommunications initiatives.

Section 713 requires agencies to certify that a Schedule C appointment was not created solely or primarily to detail the employee to the White House.

Section 714 prohibits the payment of any employee who prohibits, threatens, prevents or otherwise penalizes another employee from communicating with Congress.

Section 715 prohibits Federal employee training not directly related to the performance of official duties.

Section 716 prevents funds from being used to implement or enforce non-disclosure agreement policies unless certain provisions are included.

Section 717 prohibits executive branch agencies from using funds for propaganda or publicity purposes in support or defeat of legislative initiatives.

Section 718 prohibits any Federal agency from disclosing an employee's home address to any labor organization, absent employee authorization or court order.

Section 719 prohibits funds to be used to provide non-public information such as mailing or telephone lists to any person or organization outside the government without the approval of the Committees on Appropriations.

Section 720 prohibits the use of funds for propaganda and publicity purposes not authorized by Congress.

Section 721 directs agency employees to use official time in an honest effort to perform official duties.

Section 722 authorizes the use of funds to finance an appropriate share of the Federal Accounting Standards Advisory Board administrative costs.

Section 723 authorizes the transfer of funds to GSA to finance various government-wide boards and commissions.

Section 724 permits breastfeeding in a Federal building or on Federal property if the woman and child are authorized to be there.

Section 725 permits interagency funding of the National Science and Technology Council and requires OMB to provide a report on the budget and resources of the National Science and Technology Council.

Section 726 requires that the Federal forms that are used in distributing Federal funds must indicate the agency providing the funds, the domestic catalogue information, and the amount provided.

Section 727 prohibits the use of funds to monitor personal information relating to the use of Federal Internet sites to collect, review, or create any aggregate list that includes personally identifiable information relating to access to or use of any Federal Internet site of such agency.

Section 728 requires health plans participating in the Federal Employees Health Benefits Program to provide contraceptive coverage and provides exemptions to certain religious plans.

Section 729 recognizes the U.S. Anti-Doping Agency as the official anti-doping agency for Olympic, Pan American and Paralympic sport in the United States.

Section 730 allows funds for official travel to be used by departments and agencies, if consistent with OMB and Budget Circular A-126, to participate in the fractional aircraft ownership pilot program.

Section 731 prohibits funds for implementation of OFM regulations limiting detailees

to the Legislative Branch or implementing limitations on the Coast Guard Congressional Fellowship Program.

Section 732 restricts the use of funds for Federal law enforcement training facilities with an exception for the Federal Law Enforcement Training Center.

Section 733 prohibits funds for E-Government initiatives sponsored by OMB prior to 15 days following submission of a report to the Committees on Appropriations and receipt of Committee approval to transfer funds. The section also prohibits funds for new E-Government initiatives without the explicit approval of the Committees.

**Section 734** provides authority to transfer funds between agencies to ensure the uninterrupted, continuous operation of the Midway Atoll Airfield.

Section 735 amends section 739(a)(1) of the Financial Services and General Government Appropriations Act, 2008, relating to public-private competitions.

**Section 736** amends section 739 of the Financial Services and General Government Appropriations Act, 2008, relating to guidelines on insourcing new and contracted out functions.

Section 737 prohibits funds to begin or announce a study or public-private competition regarding conversion to contractor performance pursuant to OMB Circular A-76.

Section 738 extends the adjustment in the rates of basic pay set by Public Law 110-329 to civilian employees in the Department of Defense who are represented by a labor organization.

Section 739 prohibits executive branch agencies from creating prepackaged news stories that are broadcast or distributed in the United States unless the story includes a clear notification within the text or audio of that news story that the prepackaged news story was prepared or funded by that executive branch agency.

Section 740 prohibits funds from being used on contravention of the Privacy Act or associated regulations.

Section 741 requires agencies to evaluate the creditworthiness of an individual before issuing a government travel charge card and prohibits agencies from issuing a government travel charge card to individuals who have an unsatisfactory credit history.

Section 742 requires OMB to submit a crosscut budget report on Great Lakes restoration activities not later than 45 days after the submission of the budget of the President to Congress.

Section 743 prohibits funds in this or any other Act to be used for Federal contracts with expatriated entities.

Section 744 requires each agency to establish, on the homepage of its website, a link to the website of its Inspector General, and requires each Office of Inspector General to post public reports and audits within one day of release, allows an individual to request automatic receipt of information relating to any public report or audit, and establishes and maintains a link for individuals to anonymously report waste, fraud and abuse.

Section 745 prohibits agencies from using funds to implement regulations changing the competitive areas under reductions-in-force for Federal employees.

Section 746 prohibits funds from being used to implement the Regulatory Policy Officer provisions contained in Executive Order 13422.

Section 747 requires OMB to submit a status report on the pilot program to develop and implement an inventory to track the cost and size of service contracts.

Section 748 makes permanent Executive Order 13423 relating to Federal environmental, energy, and transportation management. After consulting with the Committees

on Appropriations, the Steering Committee on Strengthening Federal Environmental, Energy, and Transportation Management and the Office of the Federal Environmental Executive are to report on protocols to measure, and successes in avoiding and reducing, annual greenhouse gas net emissions, to the Committees on Appropriations by June 1, 2009 and every year thereafter.

Section 749 permanently prohibits funds to pay the salary of an individual for a position in an acting capacity after the second submission of a nomination for that individual to that position has been withdrawn or returned to the President.

Section 750 clarifies references to "this Act".

Section 751 provides for nonreduction in pay for Federal employees while serving in the uniformed services or National Guard.

Section 752 requires each agency to submit a report to OMB stating the total size of its workforce, differentiated by number of civilian, military, and contract workers, and requires OMB to submit to the Committees on Appropriations a comprehensive statement delineating the workforce data.

#### TITLE VIII

#### GENERAL PROVISIONS—DISTRICT OF COLUMBIA

~~Section 801 specifies that appropriations are made for particular purposes and shall be considered the maximum for those purposes.~~

~~Section 802 authorizes that appropriations are available for travel and dues of organizations.~~

~~Section 803 allows for the use of local funds for making refunds or paying judgments against the District of Columbia government.~~

~~Section 804 prohibits Federal funds from being used for propaganda designed to support or defeat legislation before the Congress, but allows the District of Columbia to use local funds to lobby on any matter.~~

~~Section 805 provides reprogramming and transfer authorities.~~

~~Section 806 provides that appropriations under the Act shall be applied to objects for which the appropriation was made.~~

~~Section 807 prohibits the use of Federal funds to implement the District of Columbia's Health Care Benefits Act of 1992.~~

~~Section 808 makes permanent a provision which allows the Mayor to accept, obligate and expend Federal, private and other grants received by the District of Columbia not reflected in the amounts appropriated in this Act.~~

~~Section 809 prohibits Federal funds in the Act to be used for the expenses of the Shadow Senator or U.S. Representative.~~

~~Section 810 provides the parameters for which certain District of Columbia employees may use a vehicle meant for official duties to travel to and from work.~~

~~Section 811 prohibits the use of Federal funds for a petition or civil action which seeks to require voting rights for the District of Columbia in Congress.~~

~~Section 812 prohibits Federal funds to be used for needle distribution, allowing the District of Columbia to utilize local funds for this purpose.~~

~~Section 813 concerns a "conscience clause" on legislation that pertains to contraceptive coverage by health insurance plans.~~

~~Section 814 lifts the cap on funds that can be used to pay the fees of an attorney in a suit brought against the District of Columbia under the Individuals with Disabilities Act.~~

~~Section 815 requires an annual report on crime, access to substance abuse treatment, management of parolees, education, rat abatement and indicators of child well being.~~

~~Section 816 makes permanent the provision which allows local appropriations to be increased by no more than \$100,000,000 from unexpended general funds for certain purposes.~~