

# Union Calendar No. 58

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2299

[Report No. 107-108]

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2001

Mr. ROGERS of Kentucky, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## A BILL

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That the following sums are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, for the  
5 Department of Transportation and related agencies for

1 the fiscal year ending September 30, 2002, and for other  
2 purposes, namely:

3 TITLE I

4 DEPARTMENT OF TRANSPORTATION

5 OFFICE OF THE SECRETARY

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of the Secretary,  
8 \$67,726,000: *Provided*, That notwithstanding any other  
9 provision of law, there may be credited to this appropria-  
10 tion up to \$2,500,000 in funds received in user fees: *Pro-*  
11 *vided further*, That not to exceed \$60,000 shall be for allo-  
12 cation within the Department for official reception and  
13 representation expenses as the Secretary may determine.

14 OFFICE OF CIVIL RIGHTS

15 For necessary expenses of the Office of Civil Rights,  
16 \$8,500,000.

17 TRANSPORTATION PLANNING, RESEARCH, AND

18 DEVELOPMENT

19 For necessary expenses for conducting transportation  
20 planning, research, systems development, development ac-  
21 tivities, and making grants, to remain available until ex-  
22 pended, \$5,193,000.

23 TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

24 Necessary expenses for operating costs and capital  
25 outlays of the Transportation Administrative Service Cen-

1 ter, not to exceed \$125,323,000, shall be paid from appro-  
2 priations made available to the Department of Transpor-  
3 tation: *Provided*, That such services shall be provided on  
4 a competitive basis to entities within the Department of  
5 Transportation: *Provided further*, That the above limita-  
6 tion on operating expenses shall not apply to non-DOT  
7 entities: *Provided further*, That no funds appropriated in  
8 this Act to an agency of the Department shall be trans-  
9 ferred to the Transportation Administrative Service Cen-  
10 ter without the approval of the agency modal adminis-  
11 trator: *Provided further*, That no assessments may be lev-  
12 ied against any program, budget activity, subactivity or  
13 project funded by this Act unless notice of such assess-  
14 ments and the basis therefor are presented to the House  
15 and Senate Committees on Appropriations and are ap-  
16 proved by such Committees.

17 MINORITY BUSINESS RESOURCE CENTER PROGRAM

18 For the cost of guaranteed loans, \$500,000, as au-  
19 thorized by 49 U.S.C. 332: *Provided*, That such costs, in-  
20 cluding the cost of modifying such loans, shall be as de-  
21 fined in section 502 of the Congressional Budget Act of  
22 1974: *Provided further*, That these funds are available to  
23 subsidize total loan principal, any part of which is to be  
24 guaranteed, not to exceed \$18,367,000. In addition, for

1 administrative expenses to carry out the guaranteed loan  
2 program, \$400,000.

3                                   MINORITY BUSINESS OUTREACH

4       For necessary expenses of Minority Business Re-  
5 source Center outreach activities, \$3,000,000, to remain  
6 available until September 30, 2003: *Provided*, That not-  
7 withstanding 49 U.S.C. 332, these funds may be used for  
8 business opportunities related to any mode of transpor-  
9 tation.

10                                   PAYMENTS TO AIR CARRIERS

11                                   (AIRPORT AND AIRWAY TRUST FUND)

12       In addition to funds made available from any other  
13 source to carry out the essential air service program under  
14 49 U.S.C. 41731 through 41742, to be derived from the  
15 Airport and Airway Trust Fund, \$13,000,000, to remain  
16 available until expended.

17                                   COAST GUARD

18                                   OPERATING EXPENSES

19       For necessary expenses for the operation and mainte-  
20 nance of the Coast Guard, not otherwise provided for; pur-  
21 chase of not to exceed five passenger motor vehicles for  
22 replacement only; payments pursuant to section 156 of  
23 Public Law 97-377, as amended (42 U.S.C. 402 note),  
24 and section 229(b) of the Social Security Act (42 U.S.C.  
25 429(b)); and recreation and welfare, \$3,382,588,000, of

1 which \$340,000,000 shall be available for defense-related  
2 activities; and of which \$24,945,000 shall be derived from  
3 the Oil Spill Liability Trust Fund: *Provided*, That none  
4 of the funds appropriated in this or any other Act shall  
5 be available for pay of administrative expenses in connec-  
6 tion with shipping commissioners in the United States:  
7 *Provided further*, That none of the funds provided in this  
8 Act shall be available for expenses incurred for yacht docu-  
9 mentation under 46 U.S.C. 12109, except to the extent  
10 fees are collected from yacht owners and credited to this  
11 appropriation.

12 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

13 For necessary expenses of acquisition, construction,  
14 renovation, and improvement of aids to navigation, shore  
15 facilities, vessels, and aircraft, including equipment related  
16 thereto, \$600,000,000, of which \$19,956,000 shall be de-  
17 rived from the Oil Spill Liability Trust Fund; of which  
18 \$90,990,000 shall be available to acquire, repair, renovate  
19 or improve vessels, small boats and related equipment, to  
20 remain available until September 30, 2006; \$26,000,000  
21 shall be available to acquire new aircraft and increase  
22 aviation capability, to remain available until September  
23 30, 2004; \$74,173,000 shall be available for other equip-  
24 ment, to remain available until September 30, 2004;  
25 \$44,206,000 shall be available for shore facilities and aids

1 to navigation facilities, to remain available until Sep-  
2 tember 30, 2004; \$64,631,000 shall be available for per-  
3 sonnel compensation and benefits and related costs, to re-  
4 main available until September 30, 2003; and  
5 \$300,000,000 for the integrated deepwater systems pro-  
6 gram, to remain available until September 30, 2004: *Pro-*  
7 *vided*, That the Commandant of the Coast Guard is au-  
8 thorized to dispose of surplus real property, by sale or  
9 lease, and the proceeds shall be credited to this appropria-  
10 tion as offsetting collections and made available only for  
11 the national distress and response system modernization  
12 program, to remain available for obligation until Sep-  
13 tember 30, 2004: *Provided further*, That upon initial sub-  
14 mission to the Congress of the fiscal year 2003 President's  
15 budget, the Secretary of Transportation shall transmit to  
16 the Congress a comprehensive capital investment plan for  
17 the United States Coast Guard which includes funding for  
18 each budget line item for fiscal years 2003 through 2007,  
19 with total funding for each year of the plan constrained  
20 to the funding targets for those years as estimated and  
21 approved by the Office of Management and Budget: *Pro-*  
22 *vided further*, That none of the funds provided under this  
23 heading may be obligated or expended for the Integrated  
24 Deepwater Systems (IDS) system integration contract  
25 until the Secretary of Transportation, or his designee

1 within the Office of the Secretary, and the Director, Office  
2 of Management and Budget jointly certify to the House  
3 and Senate Committees on Appropriations that IDS pro-  
4 gram funding for fiscal years 2003 through 2007 is fully  
5 funded in the Coast Guard Capital Investment Plan and  
6 within the Office of Management and Budget's budgetary  
7 projections for the Coast Guard for those years.

8 ENVIRONMENTAL COMPLIANCE AND RESTORATION

9 For necessary expenses to carry out the Coast  
10 Guard's environmental compliance and restoration func-  
11 tions under chapter 19 of title 14, United States Code,  
12 \$16,927,000, to remain available until expended.

13 ALTERATION OF BRIDGES

14 For necessary expenses for alteration or removal of  
15 obstructive bridges, \$15,466,000, to remain available until  
16 expended.

17 RETIRED PAY

18 For retired pay, including the payment of obligations  
19 therefor otherwise chargeable to lapsed appropriations for  
20 this purpose, and payments under the Retired Service-  
21 man's Family Protection and Survivor Benefits Plans, and  
22 for payments for medical care of retired personnel and  
23 their dependents under the Dependents Medical Care Act  
24 (10 U.S.C. ch. 55), \$876,346,000.

## RESERVE TRAINING

1

(INCLUDING TRANSFER OF FUNDS)

2

3 For all necessary expenses of the Coast Guard Re-  
4 serve, as authorized by law; maintenance and operation  
5 of facilities; and supplies, equipment, and services,  
6 \$83,194,000: *Provided*, That no more than \$25,800,000  
7 of funds made available under this heading may be trans-  
8 ferred to Coast Guard “Operating expenses” or otherwise  
9 made available to reimburse the Coast Guard for financial  
10 support of the Coast Guard Reserve: *Provided further*,  
11 That none of the funds in this Act may be used by the  
12 Coast Guard to assess direct charges on the Coast Guard  
13 Reserves for items or activities which were not so charged  
14 during fiscal year 1997.

## RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

15

16 For necessary expenses, not otherwise provided for,  
17 for applied scientific research, development, test, and eval-  
18 uation; maintenance, rehabilitation, lease and operation of  
19 facilities and equipment, as authorized by law,  
20 \$21,722,000, to remain available until expended, of which  
21 \$3,492,000 shall be derived from the Oil Spill Liability  
22 Trust Fund: *Provided*, That there may be credited to and  
23 used for the purposes of this appropriation funds received  
24 from State and local governments, other public authori-  
25 ties, private sources, and foreign countries, for expenses



1 incurred for research, development, testing, and evalua-  
2 tion.

3 FEDERAL AVIATION ADMINISTRATION

4 OPERATIONS

5 For necessary expenses of the Federal Aviation Ad-  
6 ministration, not otherwise provided for, including oper-  
7 ations and research activities related to commercial space  
8 transportation, administrative expenses for research and  
9 development, establishment of air navigation facilities, the  
10 operation (including leasing) and maintenance of aircraft,  
11 subsidizing the cost of aeronautical charts and maps sold  
12 to the public, lease or purchase of passenger motor vehi-  
13 cles for replacement only, in addition to amounts made  
14 available by Public Law 104–264, \$6,870,000,000, of  
15 which \$5,773,519,000 shall be derived from the Airport  
16 and Airway Trust Fund, of which not to exceed  
17 \$5,494,883,000 shall be available for air traffic services  
18 program activities; not to exceed \$727,870,000 shall be  
19 available for aviation regulation and certification program  
20 activities; not to exceed \$135,949,000 shall be available  
21 for civil aviation security program activities; not to exceed  
22 \$195,258,000 shall be available for research and acquisi-  
23 tion program activities; not to exceed \$12,254,000 shall  
24 be available for commercial space transportation program  
25 activities; not to exceed \$50,480,000 shall be available for

1 financial services program activities; not to exceed  
2 \$67,635,000 shall be available for human resources pro-  
3 gram activities; not to exceed \$84,613,000 shall be avail-  
4 able for regional coordination program activities; and not  
5 to exceed \$108,776,000 shall be available for staff offices:  
6 *Provided*, That none of the funds in this Act shall be avail-  
7 able for the Federal Aviation Administration to plan, fi-  
8 nalize, or implement any regulation that would promulgate  
9 new aviation user fees not specifically authorized by law  
10 after the date of the enactment of this Act: *Provided fur-*  
11 *ther*, That there may be credited to this appropriation  
12 funds received from States, counties, municipalities, for-  
13 eign authorities, other public authorities, and private  
14 sources, for expenses incurred in the provision of agency  
15 services, including receipts for the maintenance and oper-  
16 ation of air navigation facilities, and for issuance, renewal  
17 or modification of certificates, including airman, aircraft,  
18 and repair station certificates, or for tests related thereto,  
19 or for processing major repair or alteration forms: *Pro-*  
20 *vided further*, That of the funds appropriated under this  
21 heading, not less than \$6,000,000 shall be for the contract  
22 tower cost-sharing program: *Provided further*, That funds  
23 may be used to enter into a grant agreement with a non-  
24 profit standard-setting organization to assist in the devel-  
25 opment of aviation safety standards: *Provided further*,

1 That none of the funds in this Act shall be available for  
2 new applicants for the second career training program:  
3 *Provided further*, That none of the funds in this Act shall  
4 be available for paying premium pay under 5 U.S.C.  
5 5546(a) to any Federal Aviation Administration employee  
6 unless such employee actually performed work during the  
7 time corresponding to such premium pay: *Provided fur-*  
8 *ther*, That none of the funds in this Act may be obligated  
9 or expended to operate a manned auxiliary flight service  
10 station in the contiguous United States: *Provided further*,  
11 That none of the funds in this Act for aeronautical chart-  
12 ing and cartography are available for activities conducted  
13 by, or coordinated through, the Transportation Adminis-  
14 trative Service Center.

#### 15 FACILITIES AND EQUIPMENT

##### 16 (AIRPORT AND AIRWAY TRUST FUND)

17 For necessary expenses, not otherwise provided for,  
18 for acquisition, establishment, and improvement by con-  
19 tract or purchase, and hire of air navigation and experi-  
20 mental facilities and equipment as authorized under part  
21 A of subtitle VII of title 49, United States Code, including  
22 initial acquisition of necessary sites by lease or grant; en-  
23 gineering and service testing, including construction of  
24 test facilities and acquisition of necessary sites by lease  
25 or grant; construction and furnishing of quarters and re-

1 lated accommodations for officers and employees of the  
2 Federal Aviation Administration stationed at remote local-  
3 ities where such accommodations are not available; and  
4 the purchase, lease, or transfer of aircraft from funds  
5 available under this heading; to be derived from the Air-  
6 port and Airway Trust Fund, \$2,914,000,000, of which  
7 not to exceed \$2,536,900,000 shall remain available until  
8 September 30, 2004, and of which not to exceed  
9 \$377,100,000 shall remain available until September 30,  
10 2002: *Provided*, That there may be credited to this appro-  
11 priation funds received from States, counties, municipali-  
12 ties, other public authorities, and private sources, for ex-  
13 penses incurred in the establishment and modernization  
14 of air navigation facilities: *Provided further*, That upon ini-  
15 tial submission to the Congress of the fiscal year 2003  
16 President's budget, the Secretary of Transportation shall  
17 transmit to the Congress a comprehensive capital invest-  
18 ment plan for the Federal Aviation Administration which  
19 includes funding for each budget line item for fiscal years  
20 2003 through 2007, with total funding for each year of  
21 the plan constrained to the funding targets for those years  
22 as estimated and approved by the Office of Management  
23 and Budget.

## 1 RESEARCH, ENGINEERING, AND DEVELOPMENT

2 (AIRPORT AND AIRWAY TRUST FUND)

3 For necessary expenses, not otherwise provided for,  
4 for research, engineering, and development, as authorized  
5 under part A of subtitle VII of title 49, United States  
6 Code, including construction of experimental facilities and  
7 acquisition of necessary sites by lease or grant,  
8 \$191,481,000, to be derived from the Airport and Airway  
9 Trust Fund and to remain available until September 30,  
10 2004: *Provided*, That there may be credited to this appro-  
11 priation funds received from States, counties, municipali-  
12 ties, other public authorities, and private sources, for ex-  
13 penses incurred for research, engineering, and develop-  
14 ment.

## 15 GRANTS-IN-AID FOR AIRPORTS

16 (LIQUIDATION OF CONTRACT AUTHORIZATION)

17 (LIMITATION ON OBLIGATIONS)

18 (AIRPORT AND AIRWAY TRUST FUND)

19 For liquidation of obligations incurred for grants-in-  
20 aid for airport planning and development, and noise com-  
21 patibility planning and programs as authorized under sub-  
22 chapter I of chapter 471 and subchapter I of chapter 475  
23 of title 49, United States Code, and under other law au-  
24 thORIZING such obligations; for administration of such pro-  
25 grams and of programs under section 40117; for procure-  
26 ment, installation, and commissioning of runway incursion

1 prevention devices and systems at airports of such title;  
 2 for implementation of section 203 of Public Law 106–181;  
 3 and for inspection activities and administration of airport  
 4 safety programs, including those related to airport oper-  
 5 ating certificates under section 44706 of title 49, United  
 6 States Code, \$1,800,000,000, to be derived from the Air-  
 7 port and Airway Trust Fund and to remain available until  
 8 expended: *Provided*, That none of the funds under this  
 9 heading shall be available for the planning or execution  
 10 of programs the obligations for which are in excess of  
 11 \$3,300,000,000 in fiscal year 2002, notwithstanding sec-  
 12 tion 47117(h) of title 49, United States Code: *Provided*  
 13 *further*, That of the funds limited under this heading for  
 14 small airports due to returned entitlements, \$10,000,000  
 15 shall be utilized only for the small community air service  
 16 development pilot program authorized in section 203 of  
 17 Public Law 106–181: *Provided further*, That notwith-  
 18 standing any other provision of law, not more than  
 19 \$56,300,000 of funds limited under this heading shall be  
 20 obligated for administration.

21 GRANTS-IN-AID FOR AIRPORTS

22 (AIRPORT AND AIRWAY TRUST FUND)

23 (RESCISSION OF CONTRACT AUTHORIZATION)

24 Of the unobligated balances authorized under 49  
 25 U.S.C. 48103, as amended, \$301,000,000 are rescinded.

## 1 FEDERAL HIGHWAY ADMINISTRATION

## 2 LIMITATION ON ADMINISTRATIVE EXPENSES

3 Necessary expenses for administration and operation  
4 of the Federal Highway Administration not to exceed  
5 \$311,837,000 shall be paid in accordance with law from  
6 appropriations made available by this Act to the Federal  
7 Highway Administration together with advances and reim-  
8 bursements received by the Federal Highway Administra-  
9 tion: *Provided*, That of the funds available under section  
10 104(a)(1)(A) of title 23, United States Code, \$9,911,000  
11 shall be available for Federal Motor Carrier Safety Admin-  
12 istration (FMCSA) motor carrier safety enforcement at  
13 the United States/Mexico border, and \$4,000,000 shall be  
14 available for FMCSA U.S./Mexico border safety audits.

## 15 LIMITATION ON TRANSPORTATION RESEARCH

16 Necessary expenses for transportation research of the  
17 Federal Highway Administration, not to exceed  
18 \$447,500,000 shall be paid in accordance with law from  
19 appropriations made available by this Act to the Federal  
20 Highway Administration: *Provided*, That this limitation  
21 shall not apply to any authority received under section 110  
22 of title 23, U.S. Code; *Provided further*, That this limita-  
23 tion shall not apply to any authority previously made  
24 available for obligation.

1                   FEDERAL-AID HIGHWAYS  
2                   (LIMITATION ON OBLIGATIONS)  
3                   (HIGHWAY TRUST FUND)

4           None of the funds in this Act shall be available for  
5 the implementation or execution of programs, the obliga-  
6 tions for which are in excess of \$31,716,797,000 for Fed-  
7 eral-aid highways and highway safety construction pro-  
8 grams for fiscal year 2002.

9                   FEDERAL-AID HIGHWAYS  
10                  (LIQUIDATION OF CONTRACT AUTHORIZATION)  
11                  (HIGHWAY TRUST FUND)

12          Notwithstanding any other provision of law, for car-  
13 rying out the provisions of title 23, United States Code,  
14 that are attributable to Federal-aid highways, including  
15 the National Scenic and Recreational Highway as author-  
16 ized by 23 U.S.C. 148, not otherwise provided, including  
17 reimbursement for sums expended pursuant to the provi-  
18 sions of 23 U.S.C. 308, \$30,000,000,000 or so much  
19 thereof as may be available in and derived from the High-  
20 way Trust Fund, to remain available until expended.

21                  STATE INFRASTRUCTURE BANKS  
22                  (RESCISSION)

23          Of the funds made available for State Infrastructure  
24 Banks in Public Law 104–205, \$6,000,000 are rescinded.



## 1 FEDERAL MOTOR CARRIER SAFETY

## 2 ADMINISTRATION

## 3 MOTOR CARRIER SAFETY

## 4 LIMITATION ON ADMINISTRATIVE EXPENSES

5 For necessary expenses for administration of motor  
6 carrier safety programs and motor carrier safety research,  
7 pursuant to section 104(a)(1)(B) of title 23, United States  
8 Code, not to exceed \$92,307,000 shall be paid in accord-  
9 ance with law from appropriations made available by this  
10 Act and from any available take-down balances to the Fed-  
11 eral Motor Carrier Safety Administration, together with  
12 advances and reimbursements received by the Federal  
13 Motor Carrier Safety Administration: *Provided*, That such  
14 amounts shall be available to carry out the functions and  
15 operations of the Federal Motor Carrier Safety Adminis-  
16 tration.

## 17 NATIONAL MOTOR CARRIER SAFETY PROGRAM

## 18 (LIQUIDATION OF CONTRACT AUTHORIZATION)

## 19 (LIMITATION ON OBLIGATIONS)

## 20 (HIGHWAY TRUST FUND)

21 For payment of obligations incurred in carrying out  
22 49 U.S.C. 31102, 31106, and 31309, \$205,896,000, to  
23 be derived from the Highway Trust Fund and to remain  
24 available until expended: *Provided*, That none of the funds  
25 in this Act shall be available for the implementation or  
26 execution of programs the obligations for which are in ex-

1 cess of \$205,896,000 for “Motor Carrier Safety Grants”,  
 2 and “Information Systems”.

3 NATIONAL HIGHWAY TRAFFIC SAFETY

4 ADMINISTRATION

5 OPERATIONS AND RESEARCH

6 For expenses necessary to discharge the functions of  
 7 the Secretary, with respect to traffic and highway safety  
 8 under chapter 301 of title 49, United States Code, and  
 9 part C of subtitle VI of title 49, United States Code,  
 10 \$122,420,000, of which \$90,430,000 shall remain avail-  
 11 able until September 30, 2004: *Provided*, That none of  
 12 the funds appropriated by this Act may be obligated or  
 13 expended to plan, finalize, or implement any rulemaking  
 14 to add to section 575.104 of title 49 of the Code of Fed-  
 15 eral Regulations any requirement pertaining to a grading  
 16 standard that is different from the three grading stand-  
 17 ards (treadwear, traction, and temperature resistance) al-  
 18 ready in effect.

19 OPERATIONS AND RESEARCH

20 (LIQUIDATION OF CONTRACT AUTHORIZATION)

21 (LIMITATION ON OBLIGATIONS)

22 (HIGHWAY TRUST FUND)

23 For payment of obligations incurred in carrying out  
 24 the provisions of 23 U.S.C. 403, to remain available until  
 25 expended, \$72,000,000, to be derived from the Highway  
 26 Trust Fund: *Provided*, That none of the funds in this Act

1 shall be available for the planning or execution of pro-  
2 grams the total obligations for which, in fiscal year 2002,  
3 are in excess of \$72,000,000 for programs authorized  
4 under 23 U.S.C. 403.

5 NATIONAL DRIVER REGISTER

6 (HIGHWAY TRUST FUND)

7 For expenses necessary to discharge the functions of  
8 the Secretary with respect to the National Driver Register  
9 under chapter 303 of title 49, United States Code,  
10 \$2,000,000, to be derived from the Highway Trust Fund,  
11 and to remain available until expended.

12 HIGHWAY TRAFFIC SAFETY GRANTS

13 (LIQUIDATION OF CONTRACT AUTHORIZATION)

14 (LIMITATION ON OBLIGATIONS)

15 (HIGHWAY TRUST FUND)

16 Notwithstanding any other provision of law, for pay-  
17 ment of obligations incurred in carrying out the provisions  
18 of 23 U.S.C. 402, 405, 410, and 411, to remain available  
19 until expended, \$223,000,000, to be derived from the  
20 Highway Trust Fund: *Provided*, That none of the funds  
21 in this Act shall be available for the planning or execution  
22 of programs the total obligations for which, in fiscal year  
23 2002, are in excess of \$223,000,000 for programs author-  
24 ized under 23 U.S.C. 402, 405, 410, and 411, of which  
25 \$160,000,000 shall be for “Highway Safety Programs”  
26 under 23 U.S.C. 402, \$15,000,000 shall be for “Occupant

1 Protection Incentive Grants” under 23 U.S.C. 405,  
2 \$38,000,000 shall be for “Alcohol-Impaired Driving Coun-  
3 termeasures Grants” under 23 U.S.C. 410, and  
4 \$10,000,000 shall be for the “State Highway Safety Data  
5 Grants” under 23 U.S.C. 411: *Provided further*, That  
6 none of these funds shall be used for construction, reha-  
7 bilitation, or remodeling costs, or for office furnishings  
8 and fixtures for State, local, or private buildings or struc-  
9 tures: *Provided further*, That not to exceed \$8,000,000 of  
10 the funds made available for section 402, not to exceed  
11 \$750,000 of the funds made available for section 405, not  
12 to exceed \$1,900,000 of the funds made available for sec-  
13 tion 410, and not to exceed \$500,000 of the funds made  
14 available for section 411 shall be available to NHTSA for  
15 administering highway safety grants under chapter 4 of  
16 title 23, United States Code: *Provided further*, That not  
17 to exceed \$500,000 of the funds made available for section  
18 410 “Alcohol-Impaired Driving Countermeasures Grants”  
19 shall be available for technical assistance to the States.

## 20 FEDERAL RAILROAD ADMINISTRATION

### 21 SAFETY AND OPERATIONS

22 For necessary expenses of the Federal Railroad Ad-  
23 ministration, not otherwise provided for, \$110,461,000, of  
24 which \$6,159,000 shall remain available until expended.



1           CAPITAL GRANTS TO THE NATIONAL RAILROAD  
2                           PASSENGER CORPORATION

3           For necessary expenses of capital improvements of  
4 the National Railroad Passenger Corporation as author-  
5 ized by 49 U.S.C. 24104(a), \$521,476,000, to remain  
6 available until expended.

7           FEDERAL TRANSIT ADMINISTRATION  
8                           ADMINISTRATIVE EXPENSES

9           For necessary administrative expenses of the Federal  
10 Transit Administration's programs authorized by chapter  
11 53 of title 49, United States Code, \$13,400,000: *Provided*,  
12 That no more than \$67,000,000 of budget authority shall  
13 be available for these purposes: *Provided further*, That of  
14 the funds in this Act available for the execution of con-  
15 tracts under section 5327(c) of title 49, United States  
16 Code, \$2,000,000 shall be reimbursed to the Department  
17 of Transportation's Office of Inspector General for costs  
18 associated with audits and investigations of transit-related  
19 issues, including reviews of new fixed guideway systems:  
20 *Provided further*, That not to exceed \$2,600,000 for the  
21 National transit database shall remain available until ex-  
22 pended.

## FORMULA GRANTS

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24

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, \$718,400,000, to remain available until expended: *Provided*, That no more than \$3,592,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds provided under this heading, \$5,000,000 shall be available for grants for the costs of planning, delivery, and temporary use of transit vehicles for special transportation needs and construction of temporary transportation facilities for the XIX Winter Olympiad and the VIII Paralympiad for the Disabled, to be held in Salt Lake City, Utah: *Provided further*, That in allocating the funds designated in the preceding proviso, the Secretary shall make grants only to the Utah Department of Transportation, and such grants shall not be subject to any local share requirement or limitation on operating assistance under this Act or the Federal Transit Act, as amended: *Provided further*, That notwithstanding section 3008 of Public Law 105–178, the \$50,000,000 to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the con-

1 struction of bus-related facilities under “Federal Transit  
2 Administration, Capital investment grants”.

3 UNIVERSITY TRANSPORTATION RESEARCH

4 For necessary expenses to carry out 49 U.S.C. 5505,  
5 \$1,200,000, to remain available until expended: *Provided*,  
6 That no more than \$6,000,000 of budget authority shall  
7 be available for these purposes.

8 TRANSIT PLANNING AND RESEARCH

9 For necessary expenses to carry out 49 U.S.C. 5303,  
10 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and  
11 5322, \$23,000,000, to remain available until expended:  
12 *Provided*, That no more than \$116,000,000 of budget au-  
13 thority shall be available for these purposes: *Provided fur-*  
14 *ther*, That \$5,250,000 is available to provide rural trans-  
15 portation assistance (49 U.S.C. 5311(b)(2)), \$4,000,000  
16 is available to carry out programs under the National  
17 Transit Institute (49 U.S.C. 5315), \$8,250,000 is avail-  
18 able to carry out transit cooperative research programs  
19 (49 U.S.C. 5313(a)), \$55,422,400 is available for metro-  
20 politan planning (49 U.S.C. 5303, 5304, and 5305),  
21 \$11,577,600 is available for State planning (49 U.S.C.  
22 5313(b)); and \$31,500,000 is available for the national  
23 planning and research program (49 U.S.C. 5314).



1 TRUST FUND SHARE OF EXPENSES  
2 (LIQUIDATION OF CONTRACT AUTHORIZATION)  
3 (HIGHWAY TRUST FUND)

4 Notwithstanding any other provision of law, for pay-  
5 ment of obligations incurred in carrying out 49 U.S.C.  
6 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334,  
7 5505, and sections 3037 and 3038 of Public Law 105–  
8 178, \$5,397,800,000, to remain available until expended,  
9 and to be derived from the Mass Transit Account of the  
10 Highway Trust Fund: *Provided*, That \$2,873,600,000  
11 shall be paid to the Federal Transit Administration’s for-  
12 mula grants account: *Provided further*, That \$93,000,000  
13 shall be paid to the Federal Transit Administration’s tran-  
14 sit planning and research account: *Provided further*, That  
15 \$53,600,000 shall be paid to the Federal Transit Adminis-  
16 tration’s administrative expenses account: *Provided fur-*  
17 *ther*, That \$4,800,000 shall be paid to the Federal Transit  
18 Administration’s university transportation research ac-  
19 count: *Provided further*, That \$100,000,000 shall be paid  
20 to the Federal Transit Administration’s job access and re-  
21 verse commute grants program: *Provided further*, That  
22 \$2,272,800,000 shall be paid to the Federal Transit Ad-  
23 ministration’s capital investment grants account.

1                   CAPITAL INVESTMENT GRANTS  
2                   (INCLUDING TRANSFER OF FUNDS)

3           For necessary expenses to carry out 49 U.S.C. 5308,  
4 5309, 5318, and 5327, \$568,200,000, to remain available  
5 until expended: *Provided*, That no more than  
6 \$2,841,000,000 of budget authority shall be available for  
7 these purposes: *Provided further*, That none of the funds  
8 provided under this heading shall be available for section  
9 3015(b) of Public Law 105–178; *Provided further*, That  
10 notwithstanding any other provision of law, there shall be  
11 available for fixed guideway modernization,  
12 \$1,136,400,000; there shall be available for the replace-  
13 ment, rehabilitation, and purchase of buses and related  
14 equipment and the construction of bus-related facilities,  
15 \$568,200,000 together with \$50,000,000 transferred from  
16 “Federal Transit Administration, Formula grants”; and  
17 there shall be available for new fixed guideway systems  
18 \$1,136,400,000, together with \$8,128,338 of the funds  
19 made available under “Federal Transit Administration,  
20 Discretionary grants” in Public law 105–66, and  
21 \$22,023,391 of the funds made available under “Federal  
22 Transit Administration, Capital investment grants” in  
23 Public Law 105–277; to be available as follows:

24                   \$10,296,000 for Alaska or Hawaii ferry  
25           projects;

- 1           \$25,000,000 for the Atlanta, Georgia, North  
2 line extension project;
- 3           \$10,867,000 for the Baltimore, Maryland, cen-  
4 tral light rail transit double track project;
- 5           \$11,203,169 for the Boston, Massachusetts,  
6 South Boston Piers transitway project;
- 7           \$5,000,000 for the Charlotte, North Carolina,  
8 south corridor transitway project;
- 9           \$35,000,000 for the Chicago, Illinois, Douglas  
10 branch reconstruction project;
- 11          \$23,000,000 for the Chicago, Illinois, Metra  
12 North central corridor commuter rail project;
- 13          \$19,118,735 for the Chicago, Illinois, Metra  
14 South West corridor commuter rail project;
- 15          \$20,000,000 for the Chicago, Illinois, Metra  
16 Union Pacific West line extension project;
- 17          \$2,000,000 for the Chicago, Illinois,  
18 Ravenswood reconstruction project;
- 19          \$5,000,000 for the Cleveland, Ohio, Euclid cor-  
20 ridor transportation project;
- 21          \$70,000,000 for the Dallas, Texas, North cen-  
22 tral light rail transit extension project;
- 23          \$60,000,000 for the Denver, Colorado, South-  
24 east corridor light rail transit project;

1           \$192,492 for the Denver, Colorado, Southwest  
2 light rail transit project;

3           \$25,000,000 for the Dulles corridor, Virginia,  
4 bus rapid transit project;

5           \$30,000,000 for the Fort Lauderdale, Florida,  
6 Tri-Rail commuter rail upgrades project;

7           \$3,000,000 for the Johnson County, Kansas-  
8 Kansas City, Missouri, I-35 commuter rail project;

9           \$60,000,000 for the Largo, Maryland, metrorail  
10 extension project;

11          \$1,800,000 for the Little Rock, Arkansas, river  
12 rail project;

13          \$10,000,000 for the Long Island Rail Road,  
14 New York, East Side access project;

15          \$49,686,469 for the Los Angeles North Holly-  
16 wood, California, extension project;

17          \$5,500,000 for the Los Angeles, California,  
18 East Side corridor light rail transit project;

19          \$3,000,000 for the Lowell, Massachusetts-  
20 Nashua, New Hampshire commuter rail extension  
21 project;

22          \$12,000,000 for the Maryland (MARC) com-  
23 muter rail improvements project;

24          \$19,170,000 for the Memphis, Tennessee, Med-  
25 ical center rail extension project;

- 1           \$5,000,000 for the Miami, Florida, South  
2 Miami-Dade busway extension project;
- 3           \$10,000,000 for the Minneapolis-Rice, Min-  
4 nesota, Northstar corridor commuter rail project;
- 5           \$50,000,000 for the Minneapolis-St. Paul, Min-  
6 nesota, Hiawatha corridor project;
- 7           \$4,000,000 for the Nashville, Tennessee, East  
8 corridor commuter rail project;
- 9           \$20,000,000 for the Newark-Elizabeth, New  
10 Jersey, rail link project;
- 11          \$4,000,000 for the New Britain-Hartford, Con-  
12 necticut, busway project;
- 13          \$141,000,000 for the New Jersey Hudson Ber-  
14 gen light rail transit project;
- 15          \$13,800,000 for the New Orleans, Louisiana,  
16 Canal Street car line project;
- 17          \$3,100,000 for the New Orleans, Louisiana,  
18 Desire corridor streetcar project;
- 19          \$13,000,000 for the Oceanside-Escondido, Cali-  
20 fornia, light rail extension project;
- 21          \$16,000,000 for the Phoenix, Arizona, Central  
22 Phoenix/East valley corridor project;
- 23          \$6,000,000 for the Pittsburgh, Pennsylvania,  
24 North Shore connector light rail transit project;

1           \$20,000,000 for the Pittsburgh, Pennsylvania,  
2 stage II light rail, transit reconstruction project;  
3           \$70,000,000 for the Portland, Oregon, Inter-  
4 state MAX light rail transit extension project;  
5           \$5,600,000 for the Puget Sound, Washington,  
6 RTA Sounder commuter rail project;  
7           \$14,000,000 for the Raleigh, North Carolina,  
8 Triangle transit project;  
9           \$328,810 for the Sacramento, California, light  
10 rail transit extension project;  
11          \$15,000,000 for the Salt Lake City, Utah,  
12 CBD to University light rail transit project;  
13          \$718,006 for the Salt Lake City, Utah, South  
14 light rail transit project;  
15          \$65,000,000 for the San Diego Mission Valley  
16 East, California, light rail transit extension project;  
17          \$2,000,000 for the San Diego, California, Mid  
18 Coast corridor project;  
19          \$80,605,331 for the San Francisco, California,  
20 BART extension to the airport project;  
21          \$113,336 for the San Jose Tasman West, Cali-  
22 fornia, transit light rail project;  
23          \$40,000,000 for the San Juan, Puerto Rico,  
24 Tren Urbano project;

1           \$31,088,422 for the St. Louis, Missouri,  
2 MetroLink St. Clair extension project;  
3           \$8,000,000 for the Stamford, Connecticut,  
4 urban transitway project; and  
5           \$1,000,000 for the Washington County, Or-  
6 egon, Wilsonville to Beaverton commuter rail  
7 project.

8           JOB ACCESS AND REVERSE COMMUTE GRANTS

9           Notwithstanding section 3037(1)(3) of Public Law  
10 105–178, as amended, for necessary expenses to carry out  
11 section 3037 of the Federal Transit Act of 1998,  
12 \$25,000,000, to remain available until expended: *Pro-*  
13 *vided*, That no more than \$125,000,000 of budget author-  
14 ity shall be available for these purposes: *Provided further*,  
15 That up to \$250,000 of the funds provided under this  
16 heading may be used by the Federal Transit Administra-  
17 tion for technical assistance and support and performance  
18 reviews of the job access and reverse commute grants pro-  
19 gram.

20           SAINT LAWRENCE SEAWAY DEVELOPMENT

21                           CORPORATION

22           SAINT LAWRENCE SEAWAY DEVELOPMENT

23                           CORPORATION

24           The Saint Lawrence Seaway Development Corpora-  
25 tion is hereby authorized to make such expenditures, with-

1 in the limits of funds and borrowing authority available  
2 to the Corporation, and in accord with law, and to make  
3 such contracts and commitments without regard to fiscal  
4 year limitations as provided by section 104 of the Govern-  
5 ment Corporation Control Act, as amended, as may be  
6 necessary in carrying out the programs set forth in the  
7 Corporation's budget for the current fiscal year.

8                   OPERATIONS AND MAINTENANCE

9                   (HARBOR MAINTENANCE TRUST FUND)

10       For necessary expenses for operations and mainte-  
11 nance of those portions of the Saint Lawrence Seaway op-  
12 erated and maintained by the Saint Lawrence Seaway De-  
13 velopment Corporation, \$13,426,000, to be derived from  
14 the Harbor Maintenance Trust Fund, pursuant to Public  
15 Law 99-662.

16                   RESEARCH AND SPECIAL PROGRAMS

17                   ADMINISTRATION

18                   RESEARCH AND SPECIAL PROGRAMS

19       For expenses necessary to discharge the functions of  
20 the Research and Special Programs Administration,  
21 \$36,487,000, of which \$645,000 shall be derived from the  
22 Pipeline Safety Fund, and of which \$2,170,000 shall re-  
23 main available until September 30, 2004: *Provided*, That  
24 up to \$1,200,000 in fees collected under 49 U.S.C.  
25 5108(g) shall be deposited in the general fund of the



1 Treasury as offsetting receipts: *Provided further*, That  
2 there may be credited to this appropriation, to be available  
3 until expended, funds received from States, counties, mu-  
4 nicipalities, other public authorities, and private sources  
5 for expenses incurred for training, for reports publication  
6 and dissemination, and for travel expenses incurred in per-  
7 formance of hazardous materials exemptions and approv-  
8 als functions.

9 PIPELINE SAFETY

10 (PIPELINE SAFETY FUND)

11 (OIL SPILL LIABILITY TRUST FUND)

12 For expenses necessary to conduct the functions of  
13 the pipeline safety program, for grants-in-aid to carry out  
14 a pipeline safety program, as authorized by 49 U.S.C.  
15 60107, and to discharge the pipeline program responsibil-  
16 ities of the Oil Pollution Act of 1990, \$48,475,000, of  
17 which \$7,472,000 shall be derived from the Oil Spill Li-  
18 ability Trust Fund and shall remain available until Sep-  
19 tember 30, 2004; and of which \$41,003,000 shall be de-  
20 rived from the Pipeline Safety Fund, of which  
21 \$20,707,000 shall remain available until September 30,  
22 2004.

23 EMERGENCY PREPAREDNESS GRANTS

24 (EMERGENCY PREPAREDNESS FUND)

25 For necessary expenses to carry out 49 U.S.C.  
26 5127(c), \$200,000, to be derived from the Emergency

1 Preparedness Fund, to remain available until September  
2 30, 2004: *Provided*, That not more than \$14,300,000 shall  
3 be made available for obligation in fiscal year 2002 from  
4 amounts made available by 49 U.S.C. 5116(i), 5127(c),  
5 and 5127(d): *Provided further*, That none of the funds  
6 made available by 49 U.S.C. 5116(i), 5127(c), and  
7 5127(d) shall be made available for obligation by individ-  
8 uals other than the Secretary of Transportation or his des-  
9 ignee.

## 10 OFFICE OF INSPECTOR GENERAL

### 11 SALARIES AND EXPENSES

12 For necessary expenses of the Office of Inspector  
13 General to carry out the provisions of the Inspector Gen-  
14 eral Act of 1978, as amended, \$50,614,000: *Provided*,  
15 That the Inspector General shall have all necessary au-  
16 thority, in carrying out the duties specified in the Inspec-  
17 tor General Act, as amended (5 U.S.C. App. 3) to inves-  
18 tigate allegations of fraud, including false statements to  
19 the government (18 U.S.C. 1001), by any person or entity  
20 that is subject to regulation by the Department: *Provided*  
21 *further*, That the funds made available under this heading  
22 shall be used to investigate, pursuant to section 41712 of  
23 title 49, United States Code: (1) unfair or deceptive prac-  
24 tices and unfair methods of competition by domestic and  
25 foreign air carriers and ticket agents; and (2) the compli-

1 ance of domestic and foreign air carriers with respect to  
2 item (1) of this proviso.

### 3 SURFACE TRANSPORTATION BOARD

#### 4 SALARIES AND EXPENSES

5 For necessary expenses of the Surface Transpor-  
6 tation Board, including services authorized by 5 U.S.C.  
7 3109, \$18,563,000: *Provided*, That notwithstanding any  
8 other provision of law, not to exceed \$950,000 from fees  
9 established by the Chairman of the Surface Transpor-  
10 tation Board shall be credited to this appropriation as off-  
11 setting collections and used for necessary and authorized  
12 expenses under this heading: *Provided further*, That the  
13 sum herein appropriated from the general fund shall be  
14 reduced on a dollar-for-dollar basis as such offsetting col-  
15 lections are received during fiscal year 2002, to result in  
16 a final appropriation from the general fund estimated at  
17 no more than \$17,613,000.

## 18 TITLE II

### 19 RELATED AGENCIES

#### 20 ARCHITECTURAL AND TRANSPORTATION

#### 21 BARRIERS COMPLIANCE BOARD

#### 22 SALARIES AND EXPENSES

23 For expenses necessary for the Architectural and  
24 Transportation Barriers Compliance Board, as authorized  
25 by section 502 of the Rehabilitation Act of 1973, as

1 amended, \$5,046,000: *Provided*, That, notwithstanding  
2 any other provision of law, there may be credited to this  
3 appropriation funds received for publications and training  
4 expenses.

5 NATIONAL TRANSPORTATION SAFETY BOARD  
6 SALARIES AND EXPENSES

7 For necessary expenses of the National Transpor-  
8 tation Safety Board, including hire of passenger motor ve-  
9 hicles and aircraft; services as authorized by 5 U.S.C.  
10 3109, but at rates for individuals not to exceed the per  
11 diem rate equivalent to the rate for a GS-15; uniforms,  
12 or allowances therefor, as authorized by law (5 U.S.C.  
13 5901-5902) \$66,400,000, of which not to exceed \$2,000  
14 may be used for official reception and representation ex-  
15 penses.

16 TITLE III  
17 GENERAL PROVISIONS  
18 (INCLUDING TRANSFERS OF FUNDS)

19 SEC. 301. During the current fiscal year applicable  
20 appropriations to the Department of Transportation shall  
21 be available for maintenance and operation of aircraft;  
22 hire of passenger motor vehicles and aircraft; purchase of  
23 liability insurance for motor vehicles operating in foreign  
24 countries on official department business; and uniforms,

1 or allowances therefor, as authorized by law (5 U.S.C.  
2 5901–5902).

3 SEC. 302. Such sums as may be necessary for fiscal  
4 year 2002 pay raises for programs funded in this Act shall  
5 be absorbed within the levels appropriated in this Act or  
6 previous appropriations Acts.

7 SEC. 303. Appropriations contained in this Act for  
8 the Department of Transportation shall be available for  
9 services as authorized by 5 U.S.C. 3109, but at rates for  
10 individuals not to exceed the per diem rate equivalent to  
11 the rate for an Executive Level IV.

12 SEC. 304. None of the funds in this Act shall be avail-  
13 able for salaries and expenses of more than 105 political  
14 and Presidential appointees in the Department of Trans-  
15 portation: *Provided*, That none of the personnel covered  
16 by this provision or political and Presidential appointees  
17 in an independent agency funded in this Act may be as-  
18 signed on temporary detail outside the Department of  
19 Transportation or such independent agency.

20 SEC. 305. None of the funds in this Act shall be used  
21 for the planning or execution of any program to pay the  
22 expenses of, or otherwise compensate, non-Federal parties  
23 intervening in regulatory or adjudicatory proceedings  
24 funded in this Act.

1       SEC. 306. None of the funds appropriated in this Act  
2 shall remain available for obligation beyond the current  
3 fiscal year, nor may any be transferred to other appropria-  
4 tions, unless expressly so provided herein.

5       SEC. 307. The Secretary of Transportation is hereby  
6 authorized to make such expenditures and investments,  
7 within the limits of funds available pursuant to 49 U.S.C.  
8 44307, and in accordance with section 104 of the Govern-  
9 ment Corporation Control Act, as amended (31 U.S.C.  
10 9104), as may be necessary in carrying out the program  
11 for aviation insurance activities under chapter 443 of title  
12 49, United States Code.

13       SEC. 308. The expenditure of any appropriation  
14 under this Act for any consulting service through procure-  
15 ment contract pursuant to section 3109 of title 5, United  
16 States Code, shall be limited to those contracts where such  
17 expenditures are a matter of public record and available  
18 for public inspection, except where otherwise provided  
19 under existing law, or under existing Executive order  
20 issued pursuant to existing law.

21       SEC. 309. None of the funds in this Act shall be used  
22 to implement section 404 of title 23, United States Code.

23       SEC. 310. (a) For fiscal year 2002, the Secretary of  
24 Transportation shall—

1           (1) not distribute from the obligation limitation  
2           for Federal-aid Highways amounts authorized for  
3           administrative expenses and programs funded from  
4           the administrative takedown authorized by section  
5           104(a)(1)(A) of title 23, United States Code, for the  
6           highway use tax evasion program for amounts pro-  
7           vided under section 110 of title 23, United States  
8           Code, and for the Bureau of Transportation Statis-  
9           tics;

10           (2) not distribute an amount from the obliga-  
11           tion limitation for Federal-aid Highways that is  
12           equal to the unobligated balance of amounts made  
13           available from the Highway Trust Fund (other than  
14           the Mass Transit Account) for Federal-aid highways  
15           and highway safety programs for the previous fiscal  
16           year the funds for which are allocated by the Sec-  
17           retary;

18           (3) determine the ratio that—

19                   (A) the obligation limitation for Federal-  
20                   aid Highways less the aggregate of amounts not  
21                   distributed under paragraphs (1) and (2), bears  
22                   to

23                   (B) the total of the sums authorized to be  
24                   appropriated for Federal-aid highways and  
25                   highway safety construction programs (other

1 than sums authorized to be appropriated for  
2 sections set forth in paragraphs (1) through (7)  
3 of subsection (b) and sums authorized to be ap-  
4 propriated for section 105 of title 23, United  
5 States Code, equal to the amount referred to in  
6 subsection (b)(8)) for such fiscal year less the  
7 aggregate of the amounts not distributed under  
8 paragraph (1) of this subsection;

9 (4) distribute the obligation limitation for Fed-  
10 eral-aid Highways less the aggregate amounts not  
11 distributed under paragraphs (1) and (2) of section  
12 117 of title 23, United States Code (relating to high  
13 priority projects program), section 201 of the Appa-  
14 lachian Regional Development Act of 1965, the  
15 Woodrow Wilson Memorial Bridge Authority Act of  
16 1995, and \$2,000,000,000 for such fiscal year under  
17 section 105 of title 23, United States Code (relating  
18 to minimum guarantee) so that the amount of obli-  
19 gation authority available for each of such sections  
20 is equal to the amount determined by multiplying  
21 the ratio determined under paragraph (3) by the  
22 sums authorized to be appropriated for such section  
23 (except in the case of section 105, \$2,000,000,000)  
24 for such fiscal year;



1           (5) distribute the obligation limitation provided  
2           for Federal-aid Highways less the aggregate  
3           amounts not distributed under paragraphs (1) and  
4           (2) and amounts distributed under paragraph (4)  
5           for each of the programs that are allocated by the  
6           Secretary under title 23, United States Code (other  
7           than activities to which paragraph (1) applies and  
8           programs to which paragraph (4) applies) by multi-  
9           plying the ratio determined under paragraph (3) by  
10          the sums authorized to be appropriated for such pro-  
11          gram for such fiscal year; and

12          (6) distribute the obligation limitation provided  
13          for Federal-aid Highways less the aggregate  
14          amounts not distributed under paragraphs (1) and  
15          (2) and amounts distributed under paragraphs (4)  
16          and (5) for Federal-aid highways and highway safety  
17          construction programs (other than the minimum  
18          guarantee program, but only to the extent that  
19          amounts apportioned for the minimum guarantee  
20          program for such fiscal year exceed \$2,639,000,000,  
21          and the Appalachian development highway system  
22          program) that are apportioned by the Secretary  
23          under title 23, United States Code, in the ratio  
24          that—

1 (A) sums authorized to be appropriated for  
2 such programs that are apportioned to each  
3 State for such fiscal year, bear to

4 (B) the total of the sums authorized to be  
5 appropriated for such programs that are appor-  
6 tioned to all States for such fiscal year.

7 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—  
8 The obligation limitation for Federal-aid Highways shall  
9 not apply to obligations: (1) under section 125 of title 23,  
10 United States Code; (2) under section 147 of the Surface  
11 Transportation Assistance Act of 1978; (3) under section  
12 9 of the Federal-Aid Highway Act of 1981; (4) under sec-  
13 tions 131(b) and 131(j) of the Surface Transportation As-  
14 sistance Act of 1982; (5) under sections 149(b) and  
15 149(c) of the Surface Transportation and Uniform Relo-  
16 cation Assistance Act of 1987; (6) under sections 1103  
17 through 1108 of the Intermodal Surface Transportation  
18 Efficiency Act of 1991; (7) under section 157 of title 23,  
19 United States Code, as in effect on the day before the date  
20 of the enactment of the Transportation Equity Act for the  
21 21st Century; and (8) under section 105 of title 23,  
22 United States Code (but only in an amount equal to  
23 \$639,000,000 for such fiscal year).

24 (c) REDISTRIBUTION OF UNUSED OBLIGATION AU-  
25 THORITY.—Notwithstanding subsection (a), the Secretary

1 shall after August 1 for such fiscal year revise a distribu-  
2 tion of the obligation limitation made available under sub-  
3 section (a) if a State will not obligate the amount distrib-  
4 uted during that fiscal year and redistribute sufficient  
5 amounts to those States able to obligate amounts in addi-  
6 tion to those previously distributed during that fiscal year  
7 giving priority to those States having large unobligated  
8 balances of funds apportioned under sections 104 and 144  
9 of title 23, United States Code, section 160 (as in effect  
10 on the day before the enactment of the Transportation Eq-  
11 uity Act for the 21st Century) of title 23, United States  
12 Code, and under section 1015 of the Intermodal Surface  
13 Transportation Efficiency Act of 1991 (105 Stat. 1943–  
14 1945).

15 (d) **APPLICABILITY OF OBLIGATION LIMITATIONS TO**  
16 **TRANSPORTATION RESEARCH PROGRAMS.**—The obliga-  
17 tion limitation shall apply to transportation research pro-  
18 grams carried out under chapter 5 of title 23, United  
19 States Code, except that obligation authority made avail-  
20 able for such programs under such limitation shall remain  
21 available for a period of 3 fiscal years.

22 (e) **REDISTRIBUTION OF CERTAIN AUTHORIZED**  
23 **FUNDS.**—Not later than 30 days after the date of the dis-  
24 tribution of obligation limitation under subsection (a), the  
25 Secretary shall distribute to the States any funds: (1) that

1 are authorized to be appropriated for such fiscal year for  
2 Federal-aid highways programs (other than the program  
3 under section 160 of title 23, United States Code) and  
4 for carrying out subchapter I of chapter 311 of title 49,  
5 United States Code, and highway-related programs under  
6 chapter 4 of title 23, United States Code; and (2) that  
7 the Secretary determines will not be allocated to the  
8 States, and will not be available for obligation, in such  
9 fiscal year due to the imposition of any obligation limita-  
10 tion for such fiscal year. Such distribution to the States  
11 shall be made in the same ratio as the distribution of obli-  
12 gation authority under subsection (a)(6). The funds so  
13 distributed shall be available for any purposes described  
14 in section 133(b) of title 23, United States Code.

15 (f) SPECIAL RULE.—Obligation limitation distributed  
16 for a fiscal year under subsection (a)(4) of this section  
17 for a section set forth in subsection (a)(4) shall remain  
18 available until used and shall be in addition to the amount  
19 of any limitation imposed on obligations for Federal-aid  
20 highways and highway safety construction programs for  
21 future fiscal years.

22 (g) Notwithstanding Public Law 105–178, as amend-  
23 ed, of the funds authorized under section 110 of title 23,  
24 United States Code, (other than the funds authorized for  
25 the motor carrier safety grant program) for fiscal year

1 2002, \$56,300,000 shall be to carry out a program for  
2 state and Federal border infrastructure construction.

3 SEC. 311. The limitations on obligations for the pro-  
4 grams of the Federal Transit Administration shall not  
5 apply to any authority under 49 U.S.C. 5338, previously  
6 made available for obligation, or to any other authority  
7 previously made available for obligation.

8 SEC. 312. None of the funds in this Act shall be avail-  
9 able to plan, finalize, or implement regulations that would  
10 establish a vessel traffic safety fairway less than five miles  
11 wide between the Santa Barbara Traffic Separation  
12 Scheme and the San Francisco Traffic Separation  
13 Scheme.

14 SEC. 313. Notwithstanding any other provision of  
15 law, airports may transfer, without consideration, to the  
16 Federal Aviation Administration (FAA) instrument land-  
17 ing systems (along with associated approach lighting  
18 equipment and runway visual range equipment) which  
19 conform to FAA design and performance specifications,  
20 the purchase of which was assisted by a Federal airport-  
21 aid program, airport development aid program or airport  
22 improvement program grant: *Provided*, That, the Federal  
23 Aviation Administration shall accept such equipment,  
24 which shall thereafter be operated and maintained by FAA  
25 in accordance with agency criteria.

1        SEC. 314. Notwithstanding any other provision of  
2 law, and except for fixed guideway modernization projects,  
3 funds made available by this Act under “Federal Transit  
4 Administration, Capital investment grants” for projects  
5 specified in this Act or identified in reports accompanying  
6 this Act not obligated by September 30, 2004, and other  
7 recoveries, shall be made available for other projects under  
8 49 U.S.C. 5309.

9        SEC. 315. Notwithstanding any other provision of  
10 law, any funds appropriated before October 1, 2001, under  
11 any section of chapter 53 of title 49, United States Code,  
12 that remain available for expenditure may be transferred  
13 to and administered under the most recent appropriation  
14 heading for any such section.

15        SEC. 316. None of the funds in this Act may be used  
16 to compensate in excess of 335 technical staff-years under  
17 the federally funded research and development center con-  
18 tract between the Federal Aviation Administration and the  
19 Center for Advanced Aviation Systems Development dur-  
20 ing fiscal year 2002.

21        SEC. 317. Funds received by the Federal Highway  
22 Administration, Federal Transit Administration, and Fed-  
23 eral Railroad Administration from States, counties, mu-  
24 nicipalities, other public authorities, and private sources  
25 for expenses incurred for training may be credited respec-

1 tively to the Federal Highway Administration’s “Federal-  
2 Aid Highways” account, the Federal Transit Administra-  
3 tion’s “Transit Planning and Research” account, and to  
4 the Federal Railroad Administration’s “Safety and Oper-  
5 ations” account, except for State rail safety inspectors  
6 participating in training pursuant to 49 U.S.C. 20105.

7       SEC. 318. Funds made available for Alaska or Hawaii  
8 ferry boats or ferry terminal facilities pursuant to 49  
9 U.S.C. 5309(m)(2)(B) may be used to construct new ves-  
10 sels and facilities, or to improve existing vessels and facili-  
11 ties, including both the passenger and vehicle-related ele-  
12 ments of such vessels and facilities, and for repair facili-  
13 ties.

14       SEC. 319. Notwithstanding 31 U.S.C. 3302, funds re-  
15 ceived by the Bureau of Transportation Statistics from the  
16 sale of data products, for necessary expenses incurred pur-  
17 suant to 49 U.S.C. 111 may be credited to the Federal-  
18 aid highways account for the purpose of reimbursing the  
19 Bureau for such expenses: *Provided*, That such funds shall  
20 be subject to the obligation limitation for Federal-aid  
21 highways and highway safety construction.

22       SEC. 320. None of the funds in this Act may be obli-  
23 gated or expended for employee training which: (a) does  
24 not meet identified needs for knowledge, skills and abilities  
25 bearing directly upon the performance of official duties;

1 (b) contains elements likely to induce high levels of emo-  
2 tional response or psychological stress in some partici-  
3 pants; (c) does not require prior employee notification of  
4 the content and methods to be used in the training and  
5 written end of course evaluations; (d) contains any meth-  
6 ods or content associated with religious or quasi-religious  
7 belief systems or “new age” belief systems as defined in  
8 Equal Employment Opportunity Commission Notice N-  
9 915.022, dated September 2, 1988; (e) is offensive to, or  
10 designed to change, participants’ personal values or life-  
11 style outside the workplace; or (f) includes content related  
12 to human immunodeficiency virus/acquired immune defi-  
13 ciency syndrome (HIV/AIDS) other than that necessary  
14 to make employees more aware of the medical ramifica-  
15 tions of HIV/AIDS and the workplace rights of HIV-posi-  
16 tive employees.

17       SEC. 321. None of the funds in this Act shall, in the  
18 absence of express authorization by Congress, be used di-  
19 rectly or indirectly to pay for any personal service, adver-  
20 tisement, telegraph, telephone, letter, printed or written  
21 material, radio, television, video presentation, electronic  
22 communications, or other device, intended or designed to  
23 influence in any manner a Member of Congress or of a  
24 State legislature to favor or oppose by vote or otherwise,  
25 any legislation or appropriation by Congress or a State



1 legislature after the introduction of any bill or resolution  
2 in Congress proposing such legislation or appropriation,  
3 or after the introduction of any bill or resolution in a State  
4 legislature proposing such legislation or appropriation:  
5 *Provided*, That this shall not prevent officers or employees  
6 of the Department of Transportation or related agencies  
7 funded in this Act from communicating to Members of  
8 Congress or to Congress, on the request of any Member,  
9 or to members of a State legislature, or to a State legisla-  
10 ture, through the proper official channels, requests for leg-  
11 islation or appropriations which they deem necessary for  
12 the efficient conduct of business.

13       SEC. 322. (a) IN GENERAL.—None of the funds  
14 made available in this Act may be expended by an entity  
15 unless the entity agrees that in expending the funds the  
16 entity will comply with the Buy American Act (41 U.S.C.  
17 10a–10c).

18       (b) SENSE OF THE CONGRESS; REQUIREMENT RE-  
19 GARDING NOTICE.—

20               (1) PURCHASE OF AMERICAN-MADE EQUIPMENT  
21       AND PRODUCTS.—In the case of any equipment or  
22       product that may be authorized to be purchased  
23       with financial assistance provided using funds made  
24       available in this Act, it is the sense of the Congress  
25       that entities receiving the assistance should, in ex-

1 pending the assistance, purchase only American-  
2 made equipment and products to the greatest extent  
3 practicable.

4 (2) NOTICE TO RECIPIENTS OF ASSISTANCE.—

5 In providing financial assistance using funds made  
6 available in this Act, the head of each Federal agen-  
7 cy shall provide to each recipient of the assistance  
8 a notice describing the statement made in paragraph  
9 (1) by the Congress.

10 (c) PROHIBITION OF CONTRACTS WITH PERSONS  
11 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—

12 If it has been finally determined by a court or Federal  
13 agency that any person intentionally affixed a label bear-  
14 ing a “Made in America” inscription, or any inscription  
15 with the same meaning, to any product sold in or shipped  
16 to the United States that is not made in the United  
17 States, the person shall be ineligible to receive any con-  
18 tract or subcontract made with funds made available in  
19 this Act, pursuant to the debarment, suspension, and ineli-  
20 gibility procedures described in sections 9.400 through  
21 9.409 of title 48, Code of Federal Regulations.

22 SEC. 323. Notwithstanding any other provision of  
23 law, of the \$23,896,000 provided under 23 U.S.C. 110  
24 for the motor carrier safety grants program, the Secretary  
25 of Transportation may reserve up to \$18,000,000 for

1 grants to the States of Arizona, California, New Mexico,  
2 and Texas, to hire State motor carrier safety inspectors  
3 at the United States/Mexico border: *Provided*, That, such  
4 funding is only available to the extent the States submit  
5 requests for such funding to the Secretary and the Sec-  
6 retary evaluates such requests based on established cri-  
7 teria: *Provided further*, That, on March 31, 2002, the Sec-  
8 retary shall distribute to the States any undistributed  
9 amounts in excess of  $\frac{1}{2}$  of the amount originally reserved,  
10 consistent with section 110 of title 23, U.S.C., for the  
11 motor carrier safety grants program: *Provided further*,  
12 That on July 1, 2002, the Secretary shall distribute to  
13 the States any remaining undistributed amounts con-  
14 sistent with section 110 of title 23, U.S.C., for the motor  
15 carrier safety grants program.

16 SEC. 324. Rebates, refunds, incentive payments,  
17 minor fees and other funds received by the Department  
18 from travel management centers, charge card programs,  
19 the subleasing of building space, and miscellaneous  
20 sources are to be credited to appropriations of the Depart-  
21 ment and allocated to elements of the Department using  
22 fair and equitable criteria and such funds shall be avail-  
23 able until December 31, 2002.

24 SEC. 325. Notwithstanding any other provision of  
25 law, rule or regulation, the Secretary of Transportation

1 is authorized to allow the issuer of any preferred stock  
2 heretofore sold to the Department to redeem or repur-  
3 chase such stock upon the payment to the Department of  
4 an amount determined by the Secretary.

5       SEC. 326. For necessary expenses of the Amtrak Re-  
6 form Council authorized under section 203 of Public Law  
7 105–134, \$785,000, to remain available until September  
8 30, 2003: *Provided*, That the duties of the Amtrak Reform  
9 Council described in section 203(g)(1) of Public Law 105–  
10 134 shall include the identification of Amtrak routes  
11 which are candidates for closure or realignment, based on  
12 performance rankings developed by Amtrak which incor-  
13 porate information on each route’s fully allocated costs  
14 and ridership on core intercity passenger service, and  
15 which assume, for purposes of closure or realignment can-  
16 didate identification, that Federal subsidies for Amtrak  
17 will decline over the 4-year period from fiscal year 1999  
18 to fiscal year 2002: *Provided further*, That these closure  
19 or realignment recommendations shall be included in the  
20 Amtrak Reform Council’s annual report to the Congress  
21 required by section 203(h) of Public Law 105–134.

22       SEC. 327. None of the funds in this Act may be used  
23 to make a grant unless the Secretary of Transportation  
24 notifies the House and Senate Committees on Appropria-  
25 tions not less than three full business days before any dis-

1 cretionary grant award, letter of intent, or full funding  
2 grant agreement totaling \$1,000,000 or more is an-  
3 nounced by the department or its modal administrations  
4 from: (1) any discretionary grant program of the Federal  
5 Highway Administration other than the emergency relief  
6 program; (2) the airport improvement program of the  
7 Federal Aviation Administration; or (3) any program of  
8 the Federal Transit Administration other than the for-  
9 mula grants and fixed guideway modernization programs:  
10 *Provided*, That no notification shall involve funds that are  
11 not available for obligation.

12 SEC. 328. Section 232 of H.R. 3425 of the 106th  
13 Congress, as enacted by section 1000(a)(5) of the Consoli-  
14 dated Appropriations Act, 2000 is repealed.

15 SEC. 329. None of the funds in this Act shall be avail-  
16 able for planning, design, or construction of a light rail  
17 system in Houston, Texas.

18 SEC. 330. None of the funds made available in this  
19 Act may be used for engineering work related to an addi-  
20 tional runway at New Orleans International Airport.

21 SEC. 331. None of the funds appropriated by this Act  
22 shall be used to propose or issue rules, regulations, de-  
23 crees, or orders for the purpose of implementation, or in  
24 preparation for implementation, of the Kyoto Protocol  
25 which was adopted on December 11, 1997, in Kyoto,

1 Japan at the Third Conference of the Parties to the  
2 United Nations Framework Convention on Climate  
3 Change, which has not been submitted to the Senate for  
4 advice and consent to ratification pursuant to article II,  
5 section 2, clause 2, of the United States Constitution, and  
6 which has not entered into force pursuant to article 25  
7 of the Protocol.

8       SEC. 332. None of the funds in this Act shall be used  
9 to pursue or adopt guidelines or regulations requiring air-  
10 port sponsors to provide to the Federal Aviation Adminis-  
11 tration without cost building construction, maintenance,  
12 utilities and expenses, or space in airport sponsor-owned  
13 buildings for services relating to air traffic control, air  
14 navigation or weather reporting: *Provided*, That the prohi-  
15 bition of funds in this section does not apply to negotia-  
16 tions between the agency and airport sponsors to achieve  
17 agreement on “below-market” rates for these items or to  
18 grant assurances that require airport sponsors to provide  
19 land without cost to the FAA for air traffic control facili-  
20 ties.

21       SEC. 333. Notwithstanding any other provision of  
22 law, States may use funds provided in this Act under sec-  
23 tion 402 of title 23, United States Code, to produce and  
24 place highway safety public service messages in television,  
25 radio, cinema, and print media, and on the Internet in

1 accordance with guidance issued by the Secretary of  
2 Transportation: *Provided*, That any State that uses funds  
3 for such public service messages shall submit to the Sec-  
4 retary a report describing and assessing the effectiveness  
5 of the messages.

6       SEC. 334. Notwithstanding section 402 of the De-  
7 partment of Transportation and Related Agencies Appro-  
8 priations Act, 1982 (49 U.S.C. 10903 nt), Mohall Rail-  
9 road, Inc. may abandon track from milepost 5.25 near  
10 Granville, North Dakota, to milepost 35.0 at Lansford,  
11 North Dakota, and the track so abandoned shall not be  
12 counted against the 350-mile limitation contained in that  
13 section.

14       SEC. 335. Beginning in fiscal year 2002 and there-  
15 after, the Secretary of Transportation may use up to 1  
16 percent of the amounts made available to carry out 49  
17 U.S.C. 5309 for oversight activities under 49 U.S.C. 5327.

18       SEC. 336. Amtrak is authorized to obtain services  
19 from the Administrator of General Services, and the Ad-  
20 ministrator is authorized to provide services to Amtrak,  
21 under sections 201(b) and 211(b) of the Federal Property  
22 and Administrative Services Act of 1949 (40 U.S.C.  
23 481(b) and 491(b)) for fiscal year 2002 and each fiscal  
24 year thereafter until the fiscal year that Amtrak operates  
25 without Federal operating grant funds appropriated for its

1 benefit, as required by sections 24101(d) and 24104(a)  
2 of title 49, United States Code.

3 SEC. 337. Item number 1348 in the table contained  
4 in section 1602 of the Transportation Equity Act for the  
5 21st Century (112 Stat. 269) is amended by striking “Ex-  
6 tend West Douglas Road” and inserting “Construct Gasti-  
7 neu Channel Second Crossing to Douglas Island”.

8 SEC. 338. None of the funds in this Act may be obli-  
9 gated for the Office of the Secretary of Transportation  
10 to approve assessments or reimbursable agreements per-  
11 taining to funds appropriated to the modal administra-  
12 tions in this Act, except for activities underway on the  
13 date of enactment of this Act, unless such assessments  
14 or agreements have completed the normal reprogramming  
15 process for Congressional notification.

16 SEC. 339. For an airport project that the Adminis-  
17 trator of the Federal Aviation Administration (FAA) de-  
18 termines will add critical airport capacity to the national  
19 air transportation system, the Administrator is authorized  
20 to accept funds from an airport sponsor, including entitle-  
21 ment funds provided under the “Grants-in-Aid for Air-  
22 ports” program, for the FAA to hire additional staff or  
23 obtain the services of consultants: *Provided*, That the Ad-  
24 ministrator is authorized to accept and utilize such funds  
25 only for the purpose of facilitating the timely processing,



1 review, and completion of environmental activities associ-  
2 ated with such project.

3       SEC. 340. Item 642 in the table contained in section  
4 1602 of the Transportation Equity Act for the 21st Cen-  
5 tury (112 Stat. 298), relating to Washington, is amended  
6 by striking “construct passenger ferry facility to serve  
7 Southworth, Seattle” and inserting “passenger only ferry  
8 to serve Kitsap County-Seattle”.

9       SEC. 341. Item 1793 in section 1602 of the Trans-  
10 portation Equity Act for the 21st Century (112 Stat.  
11 298), relating to Washington, is amended by striking  
12 “Southworth Seattle ferry” and inserting “passenger only  
13 ferry to serve Kitsap County-Seattle”.

14       SEC. 342. Item 576 in the table contained in section  
15 1602 of the Transportation Equity Act for the 21st Cen-  
16 tury (112 Stat. 278) is amended by striking “Bull Shoals  
17 Lake Ferry in Taney County” and inserting “Construct  
18 the Missouri Center for Advanced Highway Safety  
19 (MOCAHS)”.

20       SEC. 343. The transit station operated by the Wash-  
21 ington Metropolitan Area Transit Authority located at  
22 Ronald Reagan Washington National Airport, and known  
23 as the National Airport Station, shall be known and des-  
24 ignated as the “Ronald Reagan Washington National Air-  
25 port Station”. The Washington Metropolitan Area Transit

1 Authority shall modify the signs at the transit station, and  
2 all maps, directories, documents, and other records pub-  
3 lished by the Authority, to reflect the redesignation.

4 This Act may be cited as the “Department of Trans-  
5 portation and Related Agencies Appropriations Act,  
6 2002”.



**Union Calendar No. 58**

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 2299**

**[Report No. 107-108]**

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**A BILL**

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

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JUNE 22, 2001

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed