

House Major

DIVISION D—FINANCIAL SERVICES AND GENERAL  
GOVERNMENT APPROPRIATIONS ACT, 2009

Following is an explanation of the effects of division D, relating to the Financial Services and General Government Appropriations Act, 2009.

REPROGRAMMING GUIDELINES

The bill includes a provision (section 608) establishing the authority of agencies to reprogram funds and the limitations on that authority. The provision specifically requires the advance approval of the House and Senate Committees on Appropriations of any proposal to reprogram funds that meets specified criteria.

Each agency is required to submit an operating plan to the House and Senate Committees on Appropriations not later than 60 days after the enactment of this Act. This operating plan establishes the baseline for application of reprogramming and transfer authorities provided in this Act. Specifically, each agency should provide a table for each appropriation with columns displaying the budget request; adjustments made by Congress; adjustments for rescissions, if appropriate; and the fiscal year enacted level. The table shall delineate the appropriation both by object class and by program, project, and activity. The report must also identify items of special congressional interest.

Agencies should submit reprogramming requests in a timely manner and provide a thorough explanation of the proposed reallocations, including a detailed justification of increases and reductions and the specific impact the proposed changes will have on the budget request for the following fiscal year. Except in emergency situations, reprogramming requests should be submitted no later than June 30. When an agency submits a reprogramming or transfer request to the Committees on Appropriations and does not receive identical responses from the House and the Senate Committees, it is the responsibility of the agency to reconcile the House and the Senate differences before proceeding, and if reconciliation is not possible, to consider the request to reprogram funds denied.

AGENCY REPORTS

As a measure to reduce costs and conserve paper, agencies funded by this Act that currently provide separate copies of periodic reports (such as Performance and Accountability Reports) to the Chairs of the House and Senate Appropriations Committees and Subcommittees on Financial Services and General Government, and also to the Ranking Members of the Committees and Subcommittees, should send only one copy jointly addressed to the Chairs of the Committee and Subcommittee and one copy jointly addressed to the Ranking Members of the Committee and Subcommittee (separate copies should be sent to the House and the Senate). This will reduce by half (from eight to four) the copies of periodic reports agencies send to the Committees.

Appropriations have sometimes taken months to receive. For example, the FCC took over four months to respond to a 2007 letter from the Chairman of the House Financial Services Appropriations subcommittee regarding the communications access concerns described above. A letter from the Ranking Republican Member of the Senate Financial Services Appropriations subcommittee sent in April 2008 has not been responded to as of mid-January 2009. Another April 2008 letter from House Members on universal service funding for insular areas had also not been responded to as of mid-January 2009. Such delays are unacceptable.

The 9/11 Commission identified the need to increase the assignment of spectrum for first responders in its July 2004 report, and it is disappointing that the Federal Government has yet to address this critical need. The FCC is directed to work expeditiously to conduct a successful auction of the D Block spectrum so that first responders have an interoperable communications network.

Public, educational, and governmental (PEG) programming serves the public interest by providing outlets for free speech, local information and opinions, and emergency communications. The FCC is urged to ensure that PEG channels remain on the basic service tier of programming and that cable service providers do not place impediments in the way of the public's access to PEG programming.

The FCC is directed to issue a report to the House and Senate Committees on Appropriations, the House Committee on Energy and Commerce, and the Senate Committee on Commerce, Science, and Transportation within 180 days of enactment of this Act on commercial proposals for broadcasting radio or television programs for reception onboard specially-equipped school buses operated by, or under contract with, local public educational agencies. The study shall examine the nature of the material proposed to be broadcast and whether it is age appropriate for the passengers; the amount and nature of commercial advertising to be broadcast; and whether such broadcasts for reception by public school buses are in the public interest.

Concerns exist that emergency personnel and first responders along the northern border have had difficulty securing licenses for the appropriate communications frequency from the FCC. The FCC is directed to work with Canadian officials and applicants to devise a strategy for ensuring that licensing along the northern border proceeds without delay. The FCC is also directed to issue a report, in coordination with the Department of Homeland Security, to the House and Senate Committees on Appropriations no later than 270 days after enactment of this Act that: 1) evaluates the Federal guidance provided to states working to establish interoperable first responder communications networks, 2) describes the degree to which the guidance is coordinated with the Canadian Government, and 3) identifies methods to avoid future coordination problems.

The Committees on Appropriations applaud the Commission's work with the broadcasting industry to develop family-friendly programming and direct the Commission to pursue these efforts. As a result of the Commission's efforts, many cable and satellite television operators are developing family-friendly packages for consumers. The Committees direct the