

In the Senate of the United States,

September 12, 2007.

Resolved, That the bill from the House of Representatives (H.R. 3074) entitled “An Act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*
2 *money in the Treasury not otherwise appropriated, for the*
3 *Departments of Transportation and Housing and Urban*
4 *Development, and Related Agencies for the fiscal year end-*
5 *ing September 30, 2008, and for other purposes, namely:*

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TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$95,197,000, of which not to exceed \$2,314,274 shall be available for the immediate Office of the Secretary; not to exceed \$736,833 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$18,719,099 shall be available for the Office of the General Counsel; not to exceed \$11,874,050 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$10,416,963 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,384,312 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$24,007,990 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$1,987,803 shall be available for the Office of Public Affairs; not to exceed \$1,534,557 shall be available for the Office of the Executive Secretariat; not to exceed \$1,334,596 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$8,299,072 for the Office of Intelligence, Security, and Emergency Response; and not to exceed \$11,587,000 shall be available for the Office of the Chief

1 *Information Officer: Provided, That the Secretary of Trans-*
2 *portation is authorized to transfer funds appropriated for*
3 *any office of the Office of the Secretary to any other office*
4 *of the Office of the Secretary: Provided further, That no ap-*
5 *propriation for any office shall be increased or decreased*
6 *by more than 5 percent by all such transfers: Provided fur-*
7 *ther, That notice of any change in funding greater than*
8 *5 percent shall be submitted for approval to the House and*
9 *Senate Committees on Appropriations: Provided further,*
10 *That not to exceed \$60,000 shall be for allocation within*
11 *the Department for official reception and representation ex-*
12 *penses as the Secretary may determine: Provided further,*
13 *That notwithstanding any other provision of law, excluding*
14 *fees authorized in Public Law 107-71, there may be cred-*
15 *ited to this appropriation up to \$2,500,000 in funds re-*
16 *ceived in user fees: Provided further, That none of the funds*
17 *provided in this Act shall be available for the position of*
18 *Assistant Secretary for Public Affairs.*

19 *OFFICE OF CIVIL RIGHTS*

20 *For necessary expenses of the Office of Civil Rights,*
21 *\$9,140,900.*

22 *TRANSPORTATION PLANNING, RESEARCH, AND*

23 *DEVELOPMENT*

24 *For necessary expenses for conducting transportation*
25 *planning, research, systems development, development ac-*

1 *tivities, and making grants, to remain available until ex-*
2 *pendent, \$14,115,000.*

3 *WORKING CAPITAL FUND*

4 *Necessary expenses for operating costs and capital out-*
5 *lays of the Working Capital Fund, not to exceed*
6 *\$128,094,000, shall be paid from appropriations made*
7 *available to the Department of Transportation: Provided,*
8 *That such services shall be provided on a competitive basis*
9 *to entities within the Department of Transportation: Pro-*
10 *vided further, That the above limitation on operating ex-*
11 *penses shall not apply to non-DOT entities: Provided fur-*
12 *ther, That no funds appropriated in this Act to an agency*
13 *of the Department shall be transferred to the Working Cap-*
14 *ital Fund without the approval of the agency modal admin-*
15 *istrator: Provided further, That no assessments may be lev-*
16 *ied against any program, budget activity, subactivity or*
17 *project funded by this Act unless notice of such assessments*
18 *and the basis therefor are presented to the House and Senate*
19 *Committees on Appropriations and are approved by such*
20 *Committees.*

21 *MINORITY BUSINESS RESOURCE CENTER PROGRAM*

22 *For the cost of guaranteed loans, \$370,000, as author-*
23 *ized by 49 U.S.C. 332: Provided, That such costs, including*
24 *the cost of modifying such loans, shall be as defined in sec-*
25 *tion 502 of the Congressional Budget Act of 1974: Provided*
26 *further, That these funds are available to subsidize total*

1 *loan principal, any part of which is to be guaranteed, not*
2 *to exceed \$18,367,000. In addition, for administrative ex-*
3 *penses to carry out the guaranteed loan program, \$521,000.*

4 *MINORITY BUSINESS OUTREACH*

5 *For necessary expenses of Minority Business Resource*
6 *Center outreach activities, \$2,970,000, to remain available*
7 *until September 30, 2009: Provided, That notwithstanding*
8 *49 U.S.C. 332, these funds may be used for business oppor-*
9 *tunities related to any mode of transportation.*

10 *PAYMENTS TO AIR CARRIERS*

11 *(AIRPORT AND AIRWAY TRUST FUND)*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *In addition to funds made available from any other*
14 *source to carry out the essential air service program under*
15 *49 U.S.C. 41731 through 41742, \$60,000,000, to be derived*
16 *from the Airport and Airway Trust Fund, to remain avail-*
17 *able until expended: Provided, That, in determining be-*
18 *tween or among carriers competing to provide service to a*
19 *community, the Secretary may consider the relative subsidy*
20 *requirements of the carriers: Provided further, That, if the*
21 *funds under this heading are insufficient to meet the costs*
22 *of the essential air service program in the current fiscal*
23 *year, the Secretary shall transfer such sums as may be nec-*
24 *essary to carry out the essential air service program from*
25 *any available amounts appropriated to or directly adminis-*
26 *tered by the Office of the Secretary for such fiscal year.*

1 *COMPENSATION FOR AIR CARRIERS*2 *(RESCISSION)*

3 *Of the remaining unobligated balances under section*
4 *101(a)(2) of Public Law 107-42, \$22,000,000 are rescinded.*

5 *ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY*
6 *OF TRANSPORTATION*

7 *SEC. 101. The Secretary of Transportation is author-*
8 *ized to transfer the unexpended balances available for the*
9 *bonding assistance program from “Office of the Secretary,*
10 *Salaries and expenses” to “Minority Business Outreach”.*

11 *SEC. 102. None of the funds made available in this*
12 *Act to the Department of Transportation may be obligated*
13 *for the Office of the Secretary of Transportation to approve*
14 *assessments or reimbursable agreements pertaining to funds*
15 *appropriated to the modal administrations in this Act, ex-*
16 *cept for activities underway on the date of enactment of*
17 *this Act, unless such assessments or agreements have com-*
18 *pleted the normal reprogramming process for Congressional*
19 *notification.*

20 *SEC. 103. None of the funds made available under this*
21 *Act may be obligated or expended to establish or implement*
22 *a program under which essential air service communities*
23 *are required to assume subsidy costs commonly referred to*
24 *as the EAS local participation program.*

1 *FEDERAL AVIATION ADMINISTRATION*2 *OPERATIONS*3 *(AIRPORT AND AIRWAY TRUST FUND)*

4 *For necessary expenses of the Federal Aviation Admin-*
5 *istration, not otherwise provided for, including operations*
6 *and research activities related to commercial space trans-*
7 *portation, administrative expenses for research and develop-*
8 *ment, establishment of air navigation facilities, the oper-*
9 *ation (including leasing) and maintenance of aircraft, sub-*
10 *sidizing the cost of aeronautical charts and maps sold to*
11 *the public, lease or purchase of passenger motor vehicles for*
12 *replacement only, in addition to amounts made available*
13 *by Public Law 108–176, \$8,761,783,000, of which*
14 *\$6,400,580,000 shall be derived from the Airport and Air-*
15 *way Trust Fund, of which not to exceed \$6,964,813,000*
16 *shall be available for air traffic organization activities; not*
17 *to exceed \$1,092,103,000 shall be available for aviation safe-*
18 *ty activities; not to exceed \$12,837,437 shall be available*
19 *for commercial space transportation activities; not to exceed*
20 *\$103,848,661 shall be available for financial services activi-*
21 *ties; not to exceed \$91,214,239 shall be available for human*
22 *resources program activities; not to exceed \$290,872,359*
23 *shall be available for region and center operations and re-*
24 *gional coordination activities; not to exceed \$166,541,633*
25 *shall be available for staff offices; and not to exceed*
26 *\$39,552,285 shall be available for information services: Pro-*

1 vided, That not to exceed 2 percent of any budget activity,
2 except for aviation safety budget activity, may be trans-
3 ferred to any budget activity under this heading: Provided
4 further, That no transfer may increase or decrease any ap-
5 propriation by more than 2 percent: Provided further, That
6 any transfer in excess of 2 percent shall be treated as a
7 reprogramming of funds under section 405 of this Act and
8 shall not be available for obligation or expenditure except
9 in compliance with the procedures set forth in that section:
10 Provided further, That the Secretary utilize not less than
11 \$20,000,000 of the funds provided for aviation safety activi-
12 ties to pay for staff increases in the Office of Aviation Flight
13 Standards and the Office of Aircraft Certification: Provided
14 further, That none of the funds provided for increases to
15 the staffs of the aviation flight standards and aircraft cer-
16 tification offices shall be used for other purposes: Provided
17 further, That not later than March 31 of each fiscal year
18 hereafter, the Administrator of the Federal Aviation Ad-
19 ministration shall transmit to Congress an annual update
20 to the report submitted to Congress in December 2004 pur-
21 suant to section 221 of Public Law 108–176: Provided fur-
22 ther, That the amount herein appropriated shall be reduced
23 by \$100,000 for each day after March 31 that such report
24 has not been submitted to the Congress: Provided further,
25 That not later than March 31 of each fiscal year hereafter,

1 *the Administrator shall transmit to Congress a companion*
2 *report that describes a comprehensive strategy for staffing,*
3 *hiring, and training flight standards and aircraft certifi-*
4 *cation staff in a format similar to the one utilized for the*
5 *controller staffing plan, including stated attrition estimates*
6 *and numerical hiring goals by fiscal year: Provided further,*
7 *That the amount herein appropriated shall be reduced by*
8 *\$100,000 per day for each day after March 31 that such*
9 *report has not been submitted to Congress: Provided further,*
10 *That none of the funds in this Act shall be available for*
11 *the Federal Aviation Administration to finalize or imple-*
12 *ment any regulation that would promulgate new aviation*
13 *user fees not specifically authorized by law after the date*
14 *of the enactment of this Act: Provided further, That there*
15 *may be credited to this appropriation funds received from*
16 *States, counties, municipalities, foreign authorities, other*
17 *public authorities, and private sources, for expenses in-*
18 *curred in the provision of agency services, including re-*
19 *ceipts for the maintenance and operation of air navigation*
20 *facilities, and for issuance, renewal or modification of cer-*
21 *tificates, including airman, aircraft, and repair station cer-*
22 *tificates, or for tests related thereto, or for processing major*
23 *repair or alteration forms: Provided further, That of the*
24 *funds appropriated under this heading, not less than*
25 *\$8,500,000 shall be for the contract tower cost-sharing pro-*

1 *gram: Provided further, That none of the funds in this Act*
2 *shall be available for paying premium pay under 5 U.S.C.*
3 *5546(a) to any Federal Aviation Administration employee*
4 *unless such employee actually performed work during the*
5 *time corresponding to such premium pay: Provided further,*
6 *That none of the funds in this Act for aeronautical charting*
7 *and cartography are available for activities conducted by,*
8 *or coordinated through, the Working Capital Fund: Pro-*
9 *vided further, That none of the funds in this Act may be*
10 *obligated or expended for an employee of the Federal Avia-*
11 *tion Administration to purchase a store gift card or gift*
12 *certificate through use of a Government-issued credit card.*

13 *FACILITIES AND EQUIPMENT*

14 *(AIRPORT AND AIRWAY TRUST FUND)*

15 *For necessary expenses, not otherwise provided for, for*
16 *acquisition, establishment, technical support services, im-*
17 *provement by contract or purchase, and hire of air naviga-*
18 *tion and experimental facilities and equipment, as author-*
19 *ized under part A of subtitle VII of title 49, United States*
20 *Code, including initial acquisition of necessary sites by*
21 *lease or grant; engineering and service testing, including*
22 *construction of test facilities and acquisition of necessary*
23 *sites by lease or grant; construction and furnishing of quar-*
24 *ters and related accommodations for officers and employees*
25 *of the Federal Aviation Administration stationed at remote*
26 *localities where such accommodations are not available; and*

1 *the purchase, lease, or transfer of aircraft from funds avail-*
2 *able under this heading, including aircraft for aviation reg-*
3 *ulation and certification; to be derived from the Airport*
4 *and Airway Trust Fund, \$2,516,920,000, of which*
5 *\$2,056,947,000 shall remain available until September 30,*
6 *2010, and of which \$459,973,000 shall remain available*
7 *until September 30, 2008: Provided, That there may be*
8 *credited to this appropriation funds received from States,*
9 *counties, municipalities, other public authorities, and pri-*
10 *vate sources, for expenses incurred in the establishment and*
11 *modernization of air navigation facilities: Provided further,*
12 *That upon initial submission to the Congress of the fiscal*
13 *year 2009 President's budget, the Secretary of Transpor-*
14 *tation shall transmit to the Congress a comprehensive cap-*
15 *ital investment plan for the Federal Aviation Administra-*
16 *tion which includes funding for each budget line item for*
17 *fiscal years 2009 through 2013, with total funding for each*
18 *year of the plan constrained to the funding targets for those*
19 *years as estimated and approved by the Office of Manage-*
20 *ment and Budget.*

21 *RESEARCH, ENGINEERING, AND DEVELOPMENT*

22 *(AIRPORT AND AIRWAY TRUST FUND)*

23 *For necessary expenses, not otherwise provided for, for*
24 *research, engineering, and development, as authorized*
25 *under part A of subtitle VII of title 49, United States Code,*
26 *including construction of experimental facilities and acqui-*

1 *sition of necessary sites by lease or grant, \$148,800,000, to*
 2 *be derived from the Airport and Airway Trust Fund and*
 3 *to remain available until September 30, 2010: Provided,*
 4 *That there may be credited to this appropriation as offset-*
 5 *ting collections, funds received from States, counties, mu-*
 6 *nicipalities, other public authorities, and private sources,*
 7 *which shall be available for expenses incurred for research,*
 8 *engineering, and development.*

9 GRANTS-IN-AID FOR AIRPORTS
 10 (LIQUIDATION OF CONTRACT AUTHORIZATION)
 11 (LIMITATION ON OBLIGATIONS)
 12 (AIRPORT AND AIRWAY TRUST FUND)

13 *For liquidation of obligations incurred for grants-in-*
 14 *aid for airport planning and development, and noise com-*
 15 *patibility planning and programs as authorized under sub-*
 16 *chapter I of chapter 471 and subchapter I of chapter 475*
 17 *of title 49, United States Code, and under other law author-*
 18 *izing such obligations; for procurement, installation, and*
 19 *commissioning of runway incursion prevention devices and*
 20 *systems at airports of such title; for grants authorized under*
 21 *section 41743 of title 49, United States Code; and for in-*
 22 *spection activities and administration of airport safety pro-*
 23 *grams, including those related to airport operating certifi-*
 24 *cates under section 44706 of title 49, United States Code,*
 25 *\$4,399,000,000 to be derived from the Airport and Airway*
 26 *Trust Fund and to remain available until expended: Pro-*

1 *vided, That none of the funds under this heading shall be*
2 *available for the planning or execution of programs the obli-*
3 *gations for which are in excess of \$3,514,500,000 in fiscal*
4 *year 2008, notwithstanding section 47117(g) of title 49,*
5 *United States Code: Provided further, That none of the*
6 *funds under this heading shall be available for the replace-*
7 *ment of baggage conveyor systems, reconfiguration of ter-*
8 *minal baggage areas, or other airport improvements that*
9 *are necessary to install bulk explosive detection systems:*
10 *Provided further, That notwithstanding any other provision*
11 *of law, of funds limited under this heading, not more than*
12 *\$80,676,000 shall be obligated for administration, not less*
13 *than \$10,000,000 shall be available for the airport coopera-*
14 *tive research program, not less than \$18,712,000 shall be*
15 *for Airport Technology Research and \$10,000,000 shall be*
16 *available and transferred to the account available to admin-*
17 *ister the small community air service development program,*
18 *to remain available until expended.*

19 *(RESCISSION)*

20 *Of the amounts authorized for the fiscal year ending*
21 *September 30, 2007, and prior years under sections 48103*
22 *and 48112 of title 49, United States Code, \$185,500,000*
23 *are rescinded.*

1 *ing in such account at the close of that fiscal year may*
2 *be made available to satisfy section 41742(a)(1) for the sub-*
3 *sequent fiscal year.*

4 *SEC. 113. Amounts collected under section 40113(e) of*
5 *title 49, United States Code, shall be credited to the appro-*
6 *priation current at the time of collection, to be merged with*
7 *and available for the same purposes of such appropriation.*

8 *SEC. 114. (a) Section 44302(f)(1) of title 49, United*
9 *States Code, is amended by striking “2006,” each place it*
10 *appears and inserting “2008,”.*

11 *(b) Section 44303(b) of such title is amended by strik-*
12 *ing “2006,” and inserting “2008,”.*

13 *(c) Section 44310 of such title is amended by striking*
14 *“March 30, 2008” and inserting “December 31, 2008”.*

15 *SEC. 115. MULTICREW COVERED OPERATIONS SERV-*
16 *ICE BY OLDER PILOTS. (a) IN GENERAL.—Chapter 447 of*
17 *title 49, United States Code, is amended by adding at the*
18 *end thereof the following:*

19 **“§ 44729. Age standards for pilots**

20 *“(a) IN GENERAL.—Subject to the limitation in sub-*
21 *section (c), a pilot may serve in multicrew covered oper-*
22 *ations until attaining 65 years of age.*

23 *“(b) COVERED OPERATIONS DEFINED.—In this sec-*
24 *tion, the term ‘covered operations’ means operations under*
25 *part 121 of title 14, Code of Federal Regulations.*

1 “(c) *LIMITATION FOR INTERNATIONAL FLIGHTS.*—

2 “(1) *APPLICABILITY OF ICAO STANDARD.*—A
3 *pilot who has attained 60 years of age may serve as*
4 *pilot-in-command in covered operations between the*
5 *United States and another country only if there is*
6 *another pilot in the flight deck crew who has not yet*
7 *attained 60 years of age.*

8 “(2) *SUNSET OF LIMITATION.*—*Paragraph (1)*
9 *shall cease to be effective on such date as the Conven-*
10 *tion on International Civil Aviation provides that a*
11 *pilot who has attained 60 years of age may serve as*
12 *pilot-in-command in international commercial oper-*
13 *ations without regard to whether there is another*
14 *pilot in the flight deck crew who has not attained age*
15 *60.*

16 “(d) *SUNSET OF AGE-60 RETIREMENT RULE.*—*On and*
17 *after the date of enactment of the Transportation, Housing*
18 *and Urban Development, and Related Agencies Appropria-*
19 *tions Act, 2008, section 121.383(c) of title 14, Code of Fed-*
20 *eral Regulations, shall cease to be effective.*

21 “(e) *APPLICABILITY.*—

22 “(1) *NONRETROACTIVITY.*—*No person who has*
23 *attained 60 years of age before the date of enactment*
24 *of the Transportation, Housing and Urban Develop-*
25 *ment, and Related Agencies Appropriations Act, 2008*

1 *may serve as a pilot for an air carrier engaged in*
2 *covered operations unless—*

3 *“(A) such person is in the employment of*
4 *that air carrier in such operations on such date*
5 *of enactment as a required flight deck crew mem-*
6 *ber; or*

7 *“(B) such person is newly hired by an air*
8 *carrier as a pilot on or after such date of enact-*
9 *ment without credit for prior seniority or prior*
10 *longevity for benefits or other terms related to*
11 *length of service prior to the date of rehire under*
12 *any labor agreement or employment policies of*
13 *the air carrier.*

14 *“(2) PROTECTION FOR COMPLIANCE.—An action*
15 *taken in conformance with this section, taken in con-*
16 *formance with a regulation issued to carry out this*
17 *section, or taken prior to the date of enactment of the*
18 *Transportation, Housing and Urban Development,*
19 *and Related Agencies Appropriations Act, 2008 in*
20 *conformance with section 121.383(c) of title 14, Code*
21 *of Federal Regulations (as in effect before such date*
22 *of enactment), may not serve as a basis for liability*
23 *or relief in a proceeding, brought under any employ-*
24 *ment law or regulation, before any court or agency of*
25 *the United States or of any State or locality.*

1 “(f) *AMENDMENTS TO LABOR AGREEMENTS AND BEN-*
2 *EFIT PLANS.*—*Any amendment to a labor agreement or*
3 *benefit plan of an air carrier that is required to conform*
4 *with the requirements of this section or a regulation issued*
5 *to carry out this section, and is applicable to pilots rep-*
6 *resented for collective bargaining, shall be made by agree-*
7 *ment of the air carrier and the designated bargaining rep-*
8 *resentative of the pilots of the air carrier.*

9 “(g) *MEDICAL STANDARDS AND RECORDS.*—

10 “(1) *MEDICAL EXAMINATIONS AND STAND-*
11 *ARDS.*—*Except as provided by paragraph (2), a per-*
12 *son serving as a pilot for an air carrier engaged in*
13 *covered operations shall not be subject to different*
14 *medical standards, or different, greater, or more fre-*
15 *quent medical examinations, on account of age unless*
16 *the Secretary determines (based on data received or*
17 *studies published after the date of enactment of the*
18 *Transportation, Housing and Urban Development,*
19 *and Related Agencies Appropriations Act, 2008) that*
20 *different medical standards, or different, greater, or*
21 *more frequent medical examinations, are needed to*
22 *ensure an adequate level of safety in flight.*

23 “(2) *DURATION OF FIRST-CLASS MEDICAL CER-*
24 *TIFICATE.*—*No person who has attained 60 years of*
25 *age may serve as a pilot of an air carrier engaged in*

1 *covered operations unless the person has a first-class*
2 *medical certificate. Such a certificate shall expire on*
3 *the last day of the 6-month period following the date*
4 *of examination shown on the certificate.*

5 “(h) *SAFETY.*—

6 “(1) *TRAINING.*—*Each air carrier engaged in*
7 *covered operations shall continue to use pilot training*
8 *and qualification programs approved by the Federal*
9 *Aviation Administration, with specific emphasis on*
10 *initial and recurrent training and qualification of*
11 *pilots who have attained 60 years of age, to ensure*
12 *continued acceptable levels of pilot skill and judg-*
13 *ment.*

14 “(2) *LINE EVALUATIONS.*—*Not later than 6*
15 *months after the date of enactment of the Transpor-*
16 *tation, Housing and Urban Development, and Re-*
17 *lated Agencies Appropriations Act, 2008, and every 6*
18 *months thereafter, an air carrier engaged in covered*
19 *operations shall evaluate the performance of each*
20 *pilot of the air carrier who has attained 60 years of*
21 *age through a line check of such pilot. Notwith-*
22 *standing the preceding sentence, an air carrier shall*
23 *not be required to conduct for a 6-month period a line*
24 *check under this paragraph of a pilot serving as sec-*
25 *ond-in-command if the pilot has undergone a regu-*

1 *larly scheduled simulator evaluation during that pe-*
2 *riod.*

3 “(3) *GAO REPORT.*—Not later than 24 months
4 after the date of enactment of the *Transportation,*
5 *Housing and Urban Development, and Related Agen-*
6 *cies Appropriations Act, 2008, the Comptroller Gen-*
7 *eral shall submit to the Committee on Transportation*
8 *and Infrastructure of the House of Representatives*
9 *and the Committee on Commerce, Science, and Trans-*
10 *portation of the Senate a report concerning the effect,*
11 *if any, on aviation safety of the modification to pilot*
12 *age standards made by subsection (a).”.*

13 (b) *CLERICAL AMENDMENT.*—The chapter analysis for
14 chapter 447 of title 49, *United States Code, is amended by*
15 *adding at the end the following:*

“§ 44729. *Age standards for pilots*”.

16 *SEC. 116. (a) GOVERNMENT ACCOUNTABILITY OFFICE*
17 *STUDY ON FLIGHT DELAYS.*—

18 (1) *IN GENERAL.*—The Comptroller General shall
19 conduct a study on the efficacy of strategies employed
20 by the Administrator of the Federal Aviation Admin-
21 istration and the Secretary of Transportation to ad-
22 dress flight delays at airports in the United States.

23 (2) *CONTENTS.*—The study required by para-
24 graph (1) shall include an assessment of—

1 (A) *efforts by the Administrator of the Fed-*
2 *eral Aviation Administration to induce vol-*
3 *untary schedule reductions by air carriers at*
4 *Chicago O'Hare International Airport;*

5 (B) *the mandatory flight reduction oper-*
6 *ations instituted by the Administrator of the*
7 *Federal Aviation Administration at LaGuardia*
8 *Airport and Ronald Reagan Washington Na-*
9 *tional Airport;*

10 (C) *the New York/New Jersey/Philadelphia*
11 *Metropolitan Airspace Redesign; and*

12 (D) *any other significant efforts by the Ad-*
13 *ministrator of the Federal Aviation Administra-*
14 *tion or the Secretary of Transportation to reduce*
15 *flight delays at airports in the United States.*

16 (b) *REPORT.*—*Not later than 120 days after the date*
17 *of the enactment of this Act, the Comptroller General shall*
18 *submit to Congress a report including—*

19 (1) *the results of the study required by subsection*
20 *(a); and*

21 (2) *recommendations regarding which of the*
22 *strategies described in subsection (a) reduce airport*
23 *delays most effectively when employed for periods of*
24 *6 months or less.*

1 *FEDERAL HIGHWAY ADMINISTRATION*2 *LIMITATION ON ADMINISTRATIVE EXPENSES*

3 *Not to exceed \$377,556,000, together with advances*
4 *and reimbursements received by the Federal Highway Ad-*
5 *ministration, shall be paid in accordance with law from*
6 *appropriations made available by this Act to the Federal*
7 *Highway Administration for necessary expenses for admin-*
8 *istration and operation.*

9 *FEDERAL-AID HIGHWAYS*10 *(LIMITATION ON OBLIGATIONS)*11 *(HIGHWAY TRUST FUND)*12 *(INCLUDING TRANSFER OF FUNDS)*

13 *None of the funds in this Act shall be available for*
14 *the implementation or execution of programs, the obliga-*
15 *tions for which are in excess of \$40,216,051,359 for Federal-*
16 *aid highways and highway safety construction programs for*
17 *fiscal year 2008: Provided, That within the \$40,216,051,359*
18 *obligation limitation on Federal-aid highways and highway*
19 *safety construction programs, not more than \$429,800,000*
20 *shall be available for the implementation or execution of*
21 *programs for transportation research (chapter 5 of title 23,*
22 *United States Code; sections 111, 5505, and 5506 of title*
23 *49, United States Code; and title 5 of Public Law 109-*
24 *59) for fiscal year 2008: Provided further, That this limita-*
25 *tion on transportation research programs shall not apply*
26 *to any authority previously made available for obligation:*

1 *Provided further, That the Secretary may, as authorized by*
2 *section 605(b) of title 23, United States Code, collect and*
3 *spend fees to cover the costs of services of expert firms, in-*
4 *cluding counsel, in the field of municipal and project fi-*
5 *nance to assist in the underwriting and servicing of Federal*
6 *credit instruments and all or a portion of the costs to the*
7 *Federal government of servicing such credit instruments:*
8 *Provided further, That such fees are available until ex-*
9 *pended to pay for such costs: Provided further, That such*
10 *amounts are in addition to administrative expenses that*
11 *are also available for such purpose, and are not subject to*
12 *any obligation limitation or the limitation on administra-*
13 *tive expenses under section 608 of title 23, United States*
14 *Code.*

15 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

16 *(HIGHWAY TRUST FUND)*

17 *Notwithstanding any other provision of law, for car-*
18 *rying out the provisions of title 23, United States Code,*
19 *that are attributable to Federal-aid highways, not otherwise*
20 *provided, including reimbursement for sums expended pur-*
21 *suant to the provisions of 23 U.S.C. 308, \$40,955,051,359*
22 *or so much thereof as may be available in and derived from*
23 *the Highway Trust Fund (other than the Mass Transit Ac-*
24 *count), to remain available until expended.*

1

(RESCISSION)

2

(HIGHWAY TRUST FUND)

3

Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, \$2,890,000,000 are rescinded: Provided, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109–59; and the first sentence of section 133(d)(3)(A) of such title.

12

I–35W BRIDGE REPAIR AND RECONSTRUCTION

13

For necessary expenses to carry out the project for repair and reconstruction of the Interstate I–35W bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, as authorized under section 1(c) of Public Law 110–56 (121 Stat. 558), up to \$195,000,000, as documented by the Minnesota Department of Transportation to remain available until expended, Provided, That that amount is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress): Provided further, That the Federal share of the costs of any project funded using amounts made available under this section shall be 100 percent in accordance with section 1(b) of Public Law 110–56 (121 Stat. 588).

25

1 (2) not distribute an amount from the obligation
2 limitation for Federal-aid highways that is equal to
3 the unobligated balance of amounts made available
4 from the Highway Trust Fund (other than the Mass
5 Transit Account) for Federal-aid highways and high-
6 way safety programs for previous fiscal years the
7 funds for which are allocated by the Secretary;

8 (3) determine the ratio that—

9 (A) the obligation limitation for Federal-aid
10 highways, less the aggregate of amounts not dis-
11 tributed under paragraphs (1) and (2), bears to

12 (B) the total of the sums authorized to be
13 appropriated for Federal-aid highways and high-
14 way safety construction programs (other than
15 sums authorized to be appropriated for provi-
16 sions of law described in paragraphs (1) through
17 (9) of subsection (b) and sums authorized to be
18 appropriated for section 105 of title 23, United
19 States Code, equal to the amount referred to in
20 subsection (b)(10) for such fiscal year), less the
21 aggregate of the amounts not distributed under
22 paragraphs (1) and (2) of this subsection;

23 (4)(A) distribute the obligation limitation for
24 Federal-aid highways, less the aggregate amounts not
25 distributed under paragraphs (1) and (2), for sections

1 1301, 1302, and 1934 of the *Safe, Accountable, Flexi-*
2 *ble, Efficient Transportation Equity Act: A Legacy*
3 *for Users*; sections 117 (but individually for each
4 project numbered 1 through 3676 listed in the table
5 contained in section 1702 of the *Safe, Accountable,*
6 *Flexible, Efficient Transportation Equity Act: A Leg-*
7 *acy for Users*) and 144(g) of title 23, *United States*
8 *Code*; and section 14501 of title 40, *United States*
9 *Code*, so that the amount of obligation authority
10 available for each of such sections is equal to the
11 amount determined by multiplying the ratio deter-
12 mined under paragraph (3) by the sums authorized
13 to be appropriated for that section for the fiscal year;
14 and

15 (B) distribute \$2,000,000,000 for section 105 of
16 title 23, *United States Code*;

17 (5) distribute the obligation limitation provided
18 for Federal-aid highways, less the aggregate amounts
19 not distributed under paragraphs (1) and (2) and
20 amounts distributed under paragraph (4), for each of
21 the programs that are allocated by the Secretary
22 under the *Safe, Accountable, Flexible, Efficient Trans-*
23 *portation Equity Act: A Legacy for Users* and title
24 23, *United States Code* (other than to programs to
25 which paragraphs (1) and (4) apply), by multiplying

1 *the ratio determined under paragraph (3) by the*
2 *amounts authorized to be appropriated for each such*
3 *program for such fiscal year; and*

4 *(6) distribute the obligation limitation provided*
5 *for Federal-aid highways, less the aggregate amounts*
6 *not distributed under paragraphs (1) and (2) and*
7 *amounts distributed under paragraphs (4) and (5),*
8 *for Federal-aid highways and highway safety con-*
9 *struction programs (other than the amounts appor-*
10 *tioned for the equity bonus program, but only to the*
11 *extent that the amounts apportioned for the equity*
12 *bonus program for the fiscal year are greater than*
13 *\$2,639,000,000, and the Appalachian development*
14 *highway system program) that are apportioned by the*
15 *Secretary under the Safe, Accountable, Flexible, Effi-*
16 *cient Transportation Equity Act: A Legacy for Users*
17 *and title 23, United States Code, in the ratio that—*

18 *(A) amounts authorized to be appropriated*
19 *for such programs that are apportioned to each*
20 *State for such fiscal year, bear to*

21 *(B) the total of the amounts authorized to*
22 *be appropriated for such programs that are ap-*
23 *portioned to all States for such fiscal year.*

24 *(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—*
25 *The obligation limitation for Federal-aid highways shall*

1 *not apply to obligations: (1) under section 125 of title 23,*
2 *United States Code; (2) under section 147 of the Surface*
3 *Transportation Assistance Act of 1978; (3) under section*
4 *9 of the Federal-Aid Highway Act of 1981; (4) under sub-*
5 *sections (b) and (j) of section 131 of the Surface Transpor-*
6 *tation Assistance Act of 1982; (5) under subsections (b) and*
7 *(c) of section 149 of the Surface Transportation and Uni-*
8 *form Relocation Assistance Act of 1987; (6) under sections*
9 *1103 through 1108 of the Intermodal Surface Transpor-*
10 *tation Efficiency Act of 1991; (7) under section 157 of title*
11 *23, United States Code, as in effect on the day before the*
12 *date of the enactment of the Transportation Equity Act for*
13 *the 21st Century; (8) under section 105 of title 23, United*
14 *States Code, as in effect for fiscal years 1998 through 2004,*
15 *but only in an amount equal to \$639,000,000 for each of*
16 *those fiscal years; (9) for Federal-aid highway programs for*
17 *which obligation authority was made available under the*
18 *Transportation Equity Act for the 21st Century or subse-*
19 *quent public laws for multiple years or to remain available*
20 *until used, but only to the extent that the obligation author-*
21 *ity has not lapsed or been used; (10) under section 105 of*
22 *title 23, United States Code, but only in an amount equal*
23 *to \$639,000,000 for each of fiscal years 2005 through 2008;*
24 *and (11) under section 1603 of the Safe, Accountable, Flexi-*
25 *ble, Efficient Transportation Equity Act: A Legacy for*

1 *Users, to the extent that funds obligated in accordance with*
2 *that section were not subject to a limitation on obligations*
3 *at the time at which the funds were initially made available*
4 *for obligation.*

5 (c) *REDISTRIBUTION OF UNUSED OBLIGATION AU-*
6 *THORITY.*—*Notwithstanding subsection (a), the Secretary*
7 *shall, after August 1 of such fiscal year, revise a distribu-*
8 *tion of the obligation limitation made available under sub-*
9 *section (a) if the amount distributed cannot be obligated*
10 *during that fiscal year and redistribute sufficient amounts*
11 *to those States able to obligate amounts in addition to those*
12 *previously distributed during that fiscal year, giving pri-*
13 *ority to those States having large unobligated balances of*
14 *funds apportioned under sections 104 and 144 of title 23,*
15 *United States Code.*

16 (d) *APPLICABILITY OF OBLIGATION LIMITATIONS TO*
17 *TRANSPORTATION RESEARCH PROGRAMS.*—*The obligation*
18 *limitation shall apply to transportation research programs*
19 *carried out under chapter 5 of title 23, United States Code,*
20 *and title V (research title) of the Safe, Accountable, Flexible,*
21 *Efficient Transportation Equity Act: A Legacy for Users,*
22 *except that obligation authority made available for such*
23 *programs under such limitation shall remain available for*
24 *a period of 3 fiscal years and shall be in addition to the*
25 *amount of any limitation imposed on obligations for Fed-*

1 *eral-aid highway and highway safety construction pro-*
2 *grams for future fiscal years.*

3 *(e) REDISTRIBUTION OF CERTAIN AUTHORIZED*
4 *FUNDS.—*

5 *(1) IN GENERAL.—Not later than 30 days after*
6 *the date of the distribution of obligation limitation*
7 *under subsection (a), the Secretary shall distribute to*
8 *the States any funds that—*

9 *(A) are authorized to be appropriated for*
10 *such fiscal year for Federal-aid highways pro-*
11 *grams; and*

12 *(B) the Secretary determines will not be al-*
13 *located to the States, and will not be available*
14 *for obligation, in such fiscal year due to the im-*
15 *position of any obligation limitation for such fis-*
16 *cal year.*

17 *(2) RATIO.—Funds shall be distributed under*
18 *paragraph (1) in the same ratio as the distribution*
19 *of obligation authority under subsection (a)(6).*

20 *(3) AVAILABILITY.—Funds distributed under*
21 *paragraph (1) shall be available for any purposes de-*
22 *scribed in section 133(b) of title 23, United States*
23 *Code.*

24 *(f) SPECIAL LIMITATION CHARACTERISTICS.—Obliga-*
25 *tion limitation distributed for a fiscal year under sub-*

1 section (a)(4) for the provision specified in subsection (a)(4)
2 shall—

3 (1) remain available until used for obligation of
4 funds for that provision; and

5 (2) be in addition to the amount of any limita-
6 tion imposed on obligations for Federal-aid highway
7 and highway safety construction programs for future
8 fiscal years.

9 (g) *HIGH PRIORITY PROJECT FLEXIBILITY.*—

10 (1) *IN GENERAL.*—Subject to paragraph (2), ob-
11 ligation authority distributed for such fiscal year
12 under subsection (a)(4) for each project numbered 1
13 through 3676 listed in the table contained in section
14 1702 of the *Safe, Accountable, Flexible, Efficient*
15 *Transportation Equity Act: A Legacy for Users* may
16 be obligated for any other project in such section in
17 the same State.

18 (2) *RESTORATION.*—Obligation authority used
19 as described in paragraph (1) shall be restored to the
20 original purpose on the date on which obligation au-
21 thority is distributed under this section for the next
22 fiscal year following obligation under paragraph (1).

23 (h) *LIMITATION ON STATUTORY CONSTRUCTION.*—
24 Nothing in this section shall be construed to limit the dis-
25 tribution of obligation authority under subsection (a)(4)(A)

1 *projects and competitive initiatives as listed in the report*
2 *accompanying this Act.*

3 *SEC. 125. Not less than 15 days prior to waiving,*
4 *under her statutory authority, any Buy America require-*
5 *ment for Federal-aid highway projects, the Secretary of*
6 *Transportation shall make an informal public notice and*
7 *comment opportunity on the intent to issue such waiver and*
8 *the reasons therefor. The Secretary shall provide an annual*
9 *report to the Appropriations Committees of the Congress on*
10 *any waivers granted under the Buy America requirements.*

11 *SEC. 126. Notwithstanding section 378 of the Depart-*
12 *ment of Transportation and Related Agencies Appropria-*
13 *tions Act, 2001 (Public Law 106-346; 114 Stat. 1356A-*
14 *38), amounts made available under that section for a*
15 *project for construction of and improvements to North Shore*
16 *Road in Swain County, North Carolina, that remain unob-*
17 *ligated and unexpended after issuance of the record of deci-*
18 *sion for that project may be used to implement the selected*
19 *alternative included in the record of decision.*

20 *FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION*

21 *MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS*

22 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

23 *(LIMITATION ON OBLIGATIONS)*

24 *(HIGHWAY TRUST FUND)*

25 *For payment of obligations incurred for administra-*
26 *tion of motor carrier safety operations and programs pur-*

1 *suant to section 31104(i) of title 49, United States Code,*
 2 *and sections 4127 and 4134 of Public Law 109–59,*
 3 *\$231,469,553, to be derived from the Highway Trust Fund*
 4 *(other than the Mass Transit Account), together with ad-*
 5 *vances and reimbursements received by the Federal Motor*
 6 *Carrier Safety Administration, the sum of which shall re-*
 7 *main available until expended: Provided, That none of the*
 8 *funds derived from the Highway Trust Fund in this Act*
 9 *shall be available for the implementation, execution or ad-*
 10 *ministration of programs, the obligations for which are in*
 11 *excess of \$231,469,553, for “Motor Carrier Safety Oper-*
 12 *ations and Programs”, of which \$7,550,000, to remain*
 13 *available for obligation until September 30, 2010, is for the*
 14 *research and technology program and \$1,000,000 shall be*
 15 *available for commercial motor vehicle operator’s grants to*
 16 *carry out section 4134 of Public Law 109–59: Provided fur-*
 17 *ther, That notwithstanding any other provision of law, none*
 18 *of the funds under this heading for outreach and education*
 19 *shall be available for transfer.*

20 *MOTOR CARRIER SAFETY GRANTS*
 21 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*
 22 *(LIMITATION ON OBLIGATIONS)*
 23 *(HIGHWAY TRUST FUND)*
 24 *(INCLUDING RESCISSION)*

25 *For payment of obligations incurred in carrying out*
 26 *sections 31102, 31104(a), 31106, 31107, 31109, 31309,*

1 31313 of title 49, United States Code, and sections 4126
2 and 4128 of Public Law 109–59, \$300,000,000, to be de-
3 rived from the Highway Trust Fund (other than the Mass
4 Transit Account) and to remain available until expended:
5 Provided, That none of the funds in this Act shall be avail-
6 able for the implementation or execution of programs, the
7 obligations for which are in excess of \$300,000,000, for
8 “Motor Carrier Safety Grants”; of which \$202,000,000 shall
9 be available for the motor carrier safety assistance program
10 to carry out sections 31102 and 31104(a) of title 49, United
11 States Code; \$25,000,000 shall be available for the commer-
12 cial driver’s license improvements program to carry out sec-
13 tion 31313 of title 49, United States Code; \$32,000,000 shall
14 be available for the border enforcement grants program to
15 carry out section 31107 of title 49, United States Code;
16 \$5,000,000 shall be available for the performance and reg-
17 istration information system management program to
18 carry out sections 31106(b) and 31109 of title 49, United
19 States Code; \$25,000,000 shall be available for the commer-
20 cial vehicle information systems and networks deployment
21 program to carry out section 4126 of Public Law 109–59;
22 \$3,000,000 shall be available for the safety data improve-
23 ment program to carry out section 4128 of Public Law 109–
24 59; and \$8,000,000 shall be available for the commercial
25 driver’s license information system modernization program

1 *to carry out section 31309(e) of title 49, United States Code:*
 2 *Provided further, That of the funds made available for the*
 3 *motor carrier safety assistance program, \$29,000,000 shall*
 4 *be available for audits of new entrant motor carriers: Pro-*
 5 *vided further, That \$11,260,214 in unobligated balances are*
 6 *rescinded.*

7 *MOTOR CARRIER SAFETY*

8 *(HIGHWAY TRUST FUND)*

9 *(RESCISSION)*

10 *Of the amounts made available under this heading in*
 11 *prior appropriations Acts, \$32,187,720 in unobligated bal-*
 12 *ances are rescinded.*

13 *NATIONAL MOTOR CARRIER SAFETY PROGRAM*

14 *(HIGHWAY TRUST FUND)*

15 *(RESCISSION)*

16 *Of the amounts made available under this hearing in*
 17 *prior appropriations Act, \$5,212,858 in unobligated bal-*
 18 *ances are rescinded.*

19 *ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER*

20 *SAFETY ADMINISTRATION*

21 *SEC. 130. Funds appropriated or limited in this Act*
 22 *shall be subject to the terms and conditions stipulated in*
 23 *section 350 of Public Law 107–87 and section 6901 of Pub-*
 24 *lic Law 110–28, including that the Secretary submit a re-*
 25 *port to the House and Senate Appropriations Committees*

1 *annually on the safety and security of transportation into*
 2 *the United States by Mexico-domiciled motor carriers.*

3 *NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION*
 4 *OPERATIONS AND RESEARCH*

5 *For expenses necessary to discharge the functions of the*
 6 *Secretary, with respect to traffic and highway safety under*
 7 *chapter 301 of title 49, United States Code, and part C*
 8 *of subtitle VI of title 49, United States Code, \$124,406,000,*
 9 *of which \$26,156,000 shall remain available until Sep-*
 10 *tember 30, 2010: Provided, That none of the funds appro-*
 11 *priated by this Act may be obligated or expended to plan,*
 12 *finalize, or implement any rulemaking to add to section*
 13 *575.104 of title 49 of the Code of Federal Regulations any*
 14 *requirement pertaining to a grading standard that is dif-*
 15 *ferent from the three grading standards (treadwear, trac-*
 16 *tion, and temperature resistance) already in effect.*

17 *OPERATIONS AND RESEARCH*
 18 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*
 19 *(LIMITATION ON OBLIGATIONS)*
 20 *(HIGHWAY TRUST FUND)*

21 *For payment of obligations incurred in carrying out*
 22 *the provisions of 23 U.S.C. 403, \$107,750,000, to be derived*
 23 *from the Highway Trust Fund (other than the Mass Transit*
 24 *Account) and to remain available until expended: Provided,*
 25 *That none of the funds in this Act shall be available for*
 26 *the planning or execution of programs the total obligations*

1 *for which, in fiscal year 2008, are in excess of \$107,750,000*
 2 *for programs authorized under 23 U.S.C. 403.*

3 *NATIONAL DRIVER REGISTER*
 4 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*
 5 *(LIMITATION ON OBLIGATIONS)*
 6 *(HIGHWAY TRUST FUND)*

7 *For payment of obligations incurred in carrying out*
 8 *chapter 303 of title 49, United States Code, \$4,000,000, to*
 9 *be derived from the Highway Trust Fund (other than the*
 10 *Mass Transit Account) and to remain available until Sep-*
 11 *tember 30, 2010: Provided, That none of the funds in this*
 12 *Act shall be available for the implementation or execution*
 13 *of programs the total obligations for which, in fiscal year*
 14 *2008, are in excess of \$4,000,000 for the National Driver*
 15 *Register authorized under such chapter.*

16 *HIGHWAY TRAFFIC SAFETY GRANTS*
 17 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*
 18 *(LIMITATION ON OBLIGATIONS)*
 19 *(HIGHWAY TRUST FUND)*

20 *For payment of obligations incurred in carrying out*
 21 *the provisions of 23 U.S.C. 402, 405, 406, 408, and 410*
 22 *and sections 2001(a)(11), 2009, 2010, and 2011 of Public*
 23 *Law 109–59, to remain available until expended,*
 24 *\$599,250,000 to be derived from the Highway Trust Fund*
 25 *(other than the Mass Transit Account): Provided, That none*
 26 *of the funds in this Act shall be available for the planning*

1 *or execution of programs the total obligations for which, in*
2 *fiscal year 2008, are in excess of \$599,250,000 for programs*
3 *authorized under 23 U.S.C. 402, 405, 406, 408, and 410*
4 *and sections 2001(a)(11), 2009, 2010, and 2011 of Public*
5 *Law 109–59, of which \$225,000,000 shall be for “Highway*
6 *Safety Programs” under 23 U.S.C. 402; \$25,000,000 shall*
7 *be for “Occupant Protection Incentive Grants” under 23*
8 *U.S.C. 405; \$124,500,000 shall be for “Safety Belt Perform-*
9 *ance Grants” under 23 U.S.C. 406; \$34,500,000 shall be*
10 *for “State Traffic Safety Information System Improve-*
11 *ments” under 23 U.S.C. 408; \$131,000,000 shall be for “Al-*
12 *cohol-Impaired Driving Countermeasures Incentive Grant*
13 *Program” under 23 U.S.C. 410; \$18,250,000 shall be for*
14 *“Administrative Expenses” under section 2001(a)(11) of*
15 *Public Law 109–59; \$29,000,000 shall be for “High Visi-*
16 *bility Enforcement Program” under section 2009 of Public*
17 *Law 109–59; \$6,000,000 shall be for “Motorcyclist Safety”*
18 *under section 2010 of Public Law 109–59; and \$6,000,000*
19 *shall be for “Child Safety and Child Booster Seat Safety*
20 *Incentive Grants” under section 2011 of Public Law 109–*
21 *59: Provided further, That none of these funds shall be used*
22 *for construction, rehabilitation, or remodeling costs, or for*
23 *office furnishings and fixtures for State, local or private*
24 *buildings or structures: Provided further, That not to exceed*
25 *\$500,000 of the funds made available for section 410 “Alco-*

1 *hol-Impaired Driving Countermeasures Grants” shall be*
2 *available for technical assistance to the States: Provided*
3 *further, That not to exceed \$750,000 of the funds made*
4 *available for the “High Visibility Enforcement Program”*
5 *shall be available for the evaluation required under section*
6 *2009(f) of Public Law 109–59.*

7 *ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY*

8 *TRAFFIC SAFETY ADMINISTRATION*

9 *(INCLUDING RESCISSIONS)*

10 *SEC. 140. Notwithstanding any other provision of law*
11 *or limitation on the use of funds made available under sec-*
12 *tion 403 of title 23, United States Code, an additional*
13 *\$130,000 shall be made available to the National Highway*
14 *Traffic Safety Administration, out of the amount limited*
15 *for section 402 of title 23, United States Code, to pay for*
16 *travel and related expenses for State management reviews*
17 *and to pay for core competency development training and*
18 *related expenses for highway safety staff.*

19 *SEC. 141. Of the amounts made available under the*
20 *heading “Operations and Research (Liquidation of Con-*
21 *tract Authorization) (Limitation on Obligations) (Highway*
22 *Trust Fund)” in prior appropriations Acts, \$12,197,113.60*
23 *in unobligated balances are rescinded.*

24 *SEC. 142. Of the amounts made available under the*
25 *heading “National Driver Register (Liquidation of Con-*
26 *tract Authorization) (Limitation on Obligations) (Highway*

1 *Trust Fund)*” in prior appropriations Acts, \$119,914.61 in
 2 *unobligated balances are rescinded.*

3 *SEC. 143. Of the amounts made available under the*
 4 *heading “Highway Traffic Safety Grants (Liquidation of*
 5 *Contract Authorization) (Limitation on Obligations)*
 6 *(Highway Trust Fund)” in prior appropriations Acts,*
 7 *\$10,528,958 in unobligated balances are rescinded.*

8 *FEDERAL RAILROAD ADMINISTRATION*

9 *SAFETY AND OPERATIONS*

10 *For necessary expenses of the Federal Railroad Admin-*
 11 *istration, not otherwise provided for, \$151,186,000, of which*
 12 *\$12,268,890 shall remain available until expended.*

13 *RAILROAD RESEARCH AND DEVELOPMENT*

14 *For necessary expenses for railroad research and devel-*
 15 *opment, \$36,250,000, to remain available until expended.*

16 *CAPITAL ASSISTANCE TO STATES—INTERCITY PASSENGER*

17 *RAIL SERVICE*

18 *To enable the Federal Railroad Administrator to make*
 19 *grants to States for the capital costs of improving existing*
 20 *intercity passenger rail service and providing new intercity*
 21 *passenger rail, \$100,000,000, to remain available until ex-*
 22 *pended: Provided, That grants shall be provided to a State*
 23 *only on a reimbursable basis: Provided further, That grants*
 24 *cover no more than 50 percent of the total capital cost of*
 25 *a project selected for funding: Provided further, That no*
 26 *later than eight months following enactment of this Act, the*

1 *Secretary shall establish and publish criteria for project se-*
2 *lection, set a deadline for grant applications, and provide*
3 *a schedule for project selection: Provided further, That the*
4 *provisions of section 24312 of title 49, United States Code,*
5 *shall apply to grantees assisted under this paragraph: Pro-*
6 *vided further, That to be eligible for this assistance, States*
7 *must include intercity passenger rail service as an integral*
8 *part of statewide transportation planning as required*
9 *under section 135 of title 23, United States Code: Provided*
10 *further, That the specific project must be on the Statewide*
11 *Transportation Improvement Plan at the time of the appli-*
12 *cation to qualify: Provided further, That the Secretary give*
13 *priority to applications for projects that improve the safety*
14 *and reliability of intercity passenger trains, involve a com-*
15 *mitment by freight railroads to an enforceable on-time per-*
16 *formance of passenger trains of 80 percent or greater, in-*
17 *volve a commitment by freight railroads of financial re-*
18 *sources commensurate with the benefit expected to their op-*
19 *erations, improve or extend service on a route that requires*
20 *little or no Federal assistance for its operations, involve a*
21 *commitment by States or railroads of financial resources*
22 *to improve the safety of highway/rail grade crossings over*
23 *which the passenger service operates.*

24 *RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM*

25 *The Secretary of Transportation is authorized to issue*
26 *to the Secretary of the Treasury notes or other obligations*

1 *pursuant to section 512 of the Railroad Revitalization and*
2 *Regulatory Reform Act of 1976 (Public Law 94–210), as*
3 *amended, in such amounts and at such times as may be*
4 *necessary to pay any amounts required pursuant to the*
5 *guarantee of the principal amount of obligations under sec-*
6 *tions 511 through 513 of such Act, such authority to exist*
7 *as long as any such guaranteed obligation is outstanding:*
8 *Provided, That pursuant to section 502 of such Act, as*
9 *amended, no new direct loans or loan guarantee commit-*
10 *ments shall be made using Federal funds for the credit risk*
11 *premium during fiscal year 2008.*

12 *OPERATING GRANTS TO THE NATIONAL RAILROAD*

13 *PASSENGER CORPORATION*

14 *To enable the Secretary of Transportation to make*
15 *quarterly grants to the National Railroad Passenger Cor-*
16 *poration for operation of intercity passenger rail,*
17 *\$485,000,000 to remain available until expended: Provided,*
18 *That the Secretary of Transportation shall approve funding*
19 *to cover operating losses for the Corporation only after re-*
20 *ceiving and reviewing a grant request for each specific train*
21 *route: Provided further, That each such grant request shall*
22 *be accompanied by a detailed financial analysis, revenue*
23 *projection, and capital expenditure projection justifying the*
24 *Federal support to the Secretary's satisfaction: Provided*
25 *further, That the Corporation is directed to achieve savings*
26 *through operating efficiencies including, but not limited to,*

1 *modifications to food and beverage service and first class*
2 *service: Provided further, That the Inspector General of the*
3 *Department of Transportation shall report to the House*
4 *and Senate Committees on Appropriations beginning three*
5 *months after the date of the enactment of this Act and quar-*
6 *terly thereafter with estimates of the savings accrued as a*
7 *result of all operational reforms instituted by the Corpora-*
8 *tion: Provided further, That not later than 120 days after*
9 *enactment of this Act, the Corporation shall transmit to the*
10 *House and Senate Committees on Appropriations the status*
11 *of its plan to improve the financial performance of food*
12 *and beverage service and its plan to improve the financial*
13 *performance of first class service (including sleeping car*
14 *service): Provided further, That the Corporation shall report*
15 *quarterly to the House and Senate Committees on Appro-*
16 *priations on its progress against the milestones and target*
17 *dates contained in the plan provided in fiscal year 2007*
18 *and quantify savings realized to date on a monthly basis*
19 *compared to those projected in the plan, identify any*
20 *changes in the plan or delays in implementing these plans,*
21 *and identify the causes of delay and proposed corrective*
22 *measures: Provided further, That not later than 90 days*
23 *after enactment of this Act, the Corporation shall transmit,*
24 *in electronic format, to the Secretary, the House and Senate*
25 *Committees on Appropriations, the House Committee on*

1 *Transportation and Infrastructure and the Senate Com-*
2 *mittee on Commerce, Science, and Transportation a com-*
3 *prehensive business plan approved by the Board of Direc-*
4 *tors for fiscal year 2008 under section 24104(a) of title 49,*
5 *United States Code: Provided further, That the business*
6 *plan shall include, as applicable, targets for ridership, reve-*
7 *nues, and capital and operating expenses: Provided further,*
8 *That the plan shall also include a separate accounting of*
9 *such targets for the Northeast Corridor; commuter service;*
10 *long-distance Amtrak service; State-supported service; each*
11 *intercity train route, including Autotrain; and commercial*
12 *activities including contract operations: Provided further,*
13 *That the business plan shall include a description of the*
14 *work to be funded, along with cost estimates and an esti-*
15 *mated timetable for completion of the projects covered by*
16 *this business plan: Provided further, That the Corporation*
17 *shall continue to provide monthly reports in electronic for-*
18 *mat regarding the pending business plan, which shall de-*
19 *scribe the work completed to date, any changes to the busi-*
20 *ness plan, and the reasons for such changes, and shall iden-*
21 *tify all sole source contract awards which shall be accom-*
22 *panied by a justification as to why said contract was*
23 *awarded on a sole source basis: Provided further, That the*
24 *Corporation's business plan and all subsequent supple-*
25 *mental plans shall be displayed on the Corporation's*

1 *website within a reasonable timeframe following their sub-*
2 *mission to the appropriate entities: Provided further, That*
3 *the leases and contracts entered into by the Corporation in*
4 *any year that the Corporation receives a Federal subsidy*
5 *after the date of enactment of the Act, regardless of the place*
6 *the same may be executed, shall be governed by the laws*
7 *of the District of Columbia: Provided further, That none*
8 *of the funds under this heading may be obligated or ex-*
9 *pended until the Corporation agrees to continue abiding by*
10 *the provisions of paragraphs 1, 2, 5, 9, and 11 of the sum-*
11 *mary of conditions for the direct loan agreement of June*
12 *28, 2002, in the same manner as in effect on the date of*
13 *enactment of this Act.*

14 *CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL*
15 *RAILROAD PASSENGER CORPORATION*

16 *To enable the Secretary of Transportation to make*
17 *quarterly grants to the National Railroad Passenger Cor-*
18 *poration for the maintenance and repair of capital infra-*
19 *structure owned by the Corporation, including railroad*
20 *equipment, rolling stock, legal mandates and other services,*
21 *\$885,000,000, to remain available until expended, of which*
22 *not to exceed \$285,000,000 shall be for debt service obliga-*
23 *tions: Provided, That the Secretary may retain up to one-*
24 *quarter of one percent of the funds under this heading to*
25 *fund the oversight by the Federal Railroad Administration*
26 *of the design and implementation of capital projects funded*

1 *by grants made under this heading: Provided further, That*
2 *the Secretary shall approve funding for capital expendi-*
3 *tures, including advance purchase orders of materials, for*
4 *the Corporation only after receiving and reviewing a grant*
5 *request for each specific capital grant justifying the Federal*
6 *support to the Secretary's satisfaction: Provided further,*
7 *That none of the funds under this heading may be used*
8 *to subsidize operating losses of the Corporation: Provided*
9 *further, That none of the funds under this heading may be*
10 *used for capital projects not approved by the Secretary of*
11 *Transportation or on the Corporation's fiscal year 2008*
12 *business plan: Provided further, That \$35,000,000 of*
13 *amounts made available under this heading shall be avail-*
14 *able until expended for capital improvements if the Cor-*
15 *poration demonstrates to the Secretary's satisfaction that*
16 *the Corporation has achieved operational savings and met*
17 *ridership and revenue targets as defined in the Corpora-*
18 *tion's business plan: Provided further, That of the funds*
19 *provided under this section, not less than \$5,000,000 shall*
20 *be expended for the development and implementation of a*
21 *managerial cost accounting system, which includes average*
22 *and marginal unit cost capability: Provided further, That*
23 *within 90 days of enactment, the Department of Transpor-*
24 *tation Inspector General shall review and comment to the*
25 *Secretary of Transportation and the House and Senate*

1 *Committees on Appropriations upon the strengths and*
2 *weaknesses of the system being developed by the Corporation*
3 *and how it best can be implemented to improve decision*
4 *making by the Board of Directors and management of the*
5 *Corporation: Provided further, That not later than 180*
6 *days after the enactment of this Act, the Secretary, in con-*
7 *sultation with the Corporation and the States on the North-*
8 *east Corridor, shall establish a common definition of what*
9 *is determined to be a “state of good repair” on the Northeast*
10 *Corridor and report its findings, including definitional*
11 *areas of disagreement, to the House and Senate Committees*
12 *on Appropriations, the House Committee on Transpor-*
13 *tation and Infrastructure and the Senate Committee on*
14 *Commerce, Science, and Transportation.*

15 *ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD*

16 *ADMINISTRATION*

17 *SEC. 150. Notwithstanding any other provision of this*
18 *Act, funds provided in this Act for the National Railroad*
19 *Passenger Corporation shall immediately cease to be avail-*
20 *able to said Corporation in the event that the Corporation*
21 *contracts to have services provided at or from any location*
22 *outside the United States. For purposes of this section, the*
23 *word “services” shall mean any service that was, as of July*
24 *1, 2006, performed by a full-time or part-time Amtrak em-*
25 *ployee whose base of employment is located within the*
26 *United States.*

1 *SEC. 151. Not later than January 1, 2008, the Federal*
2 *Railroad Administrator shall submit a report, and quar-*
3 *terly reports thereafter, to the House and Senate Commit-*
4 *tees on Appropriations detailing the Administrator's efforts*
5 *at improving the on-time performance of Amtrak intercity*
6 *rail service operating on non-Amtrak owned property. Such*
7 *reports shall compare the most recent actual on-time per-*
8 *formance data to pre-established on-time performance goals*
9 *that the Administrator shall set for each rail service, identi-*
10 *fied by route. Such reports shall also include whatever other*
11 *information and data regarding the on-time performance*
12 *of Amtrak trains the Administrator deems to be appro-*
13 *priate.*

14 *SEC. 152. The Secretary may purchase promotional*
15 *items of nominal value for use in public outreach activities*
16 *to accomplish the purposes of 49 U.S.C. 20134: Provided,*
17 *That the Secretary shall prescribe guidelines for the admin-*
18 *istration of such purchases and use.*

19 *SEC. 153. Hereafter, any lease or contract entered into*
20 *between the National Railroad Passenger Corporation and*
21 *the State of Maryland or any department or agency of the*
22 *State of Maryland, after the date of the enactment of this*
23 *Act, shall be governed by the laws of the District of Colum-*
24 *bia.*

1 *FEDERAL TRANSIT ADMINISTRATION*2 *ADMINISTRATIVE EXPENSES*

3 *For necessary administrative expenses of the Federal*
4 *Transit Administration's programs authorized by chapter*
5 *53 of title 49, United States Code, \$88,795,000: Provided,*
6 *That of the funds available under this heading, not to exceed*
7 *\$910,239 shall be available for the Office of the Adminis-*
8 *trator; not to exceed \$6,353,739 shall be available for the*
9 *Office of Administration; not to exceed \$4,545,039 shall be*
10 *available for the Office of the Chief Counsel; not to exceed*
11 *\$1,480,289 shall be available for the Office of Communica-*
12 *tion and Congressional Affairs; not to exceed \$8,741,339*
13 *shall be available for the Office of Program Management;*
14 *not to exceed \$10,857,698 shall be available for the Office*
15 *of Budget and Policy; not to exceed \$4,943,589 shall be*
16 *available for the Office of Research, Demonstration and In-*
17 *novation; not to exceed \$3,234,489 shall be available for the*
18 *Office of Civil Rights; not to exceed \$4,458,289 shall be*
19 *available for the Office of Planning; not to exceed*
20 *\$22,551,290 shall be available for regional offices; and not*
21 *to exceed \$20,719,000 shall be available for the central ac-*
22 *count: Provided further, That the Administrator is author-*
23 *ized to transfer funds appropriated for an office of the Fed-*
24 *eral Transit Administration: Provided further, That no ap-*
25 *propriation for an office shall be increased or decreased by*

1 *more than a total of 5 percent during the fiscal year by*
2 *all such transfers: Provided further, That any change in*
3 *funding greater than 5 percent shall be submitted for ap-*
4 *proval to the House and Senate Committees on Appropria-*
5 *tions: Provided further, That any funding transferred from*
6 *the central account shall be submitted for approval to the*
7 *House and Senate Committees on Appropriations: Provided*
8 *further, That none of the funds provided or limited in this*
9 *Act may be used to create a permanent office of transit secu-*
10 *rity under this heading: Provided further, That of the funds*
11 *in this Act available for the execution of contracts under*
12 *section 5327(c) of title 49, United States Code, \$2,000,000*
13 *shall be reimbursed to the Department of Transportation's*
14 *Office of Inspector General for costs associated with audits*
15 *and investigations of transit-related issues, including re-*
16 *views of new fixed guideway systems: Provided further,*
17 *That upon submission to the Congress of the fiscal year*
18 *2009 President's budget, the Secretary of Transportation*
19 *shall transmit to Congress the annual report on new starts,*
20 *including proposed allocations of funds for fiscal year 2009.*

1 *FORMULA AND BUS GRANTS*
2 *(LIQUIDATION OF CONTRACT AUTHORITY)*
3 *(LIMITATION ON OBLIGATIONS)*
4 *(HIGHWAY TRUST FUND)*
5 *(INCLUDING RESCISSION)*

6 *For payment of obligations incurred in carrying out*
7 *the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310,*
8 *5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section*
9 *3038 of Public Law 105–178, as amended, \$6,855,000,000,*
10 *to be derived from the Mass Transit Account of the High-*
11 *way Trust Fund and to remain available until expended:*
12 *Provided, That funds available for the implementation or*
13 *execution of programs authorized under 49 U.S.C. 5305,*
14 *5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335,*
15 *5339, and 5340 and section 3038 of Public Law 105–178,*
16 *as amended, shall not exceed total obligations of*
17 *\$7,872,893,000 in fiscal year 2008: Provided further, That*
18 *except as provided in section 3044(b)(1) of Public Law 109–*
19 *59, funds made available to carry out 49 U.S.C. 5308 shall*
20 *instead be available to carry out 49 U.S.C. 5309(b)(3): Pro-*
21 *vided further, That of the funds available to carry out the*
22 *bus program under section 5309 of title 49, United States*
23 *Code, which are not otherwise allocated under this Act or*
24 *under SAFETEA–LU (Public Law 109–59), not more than*
25 *10 percent may be expended to carry out the Urban Part-*

1 *nership Congestion Initiative: Provided further, That*
2 *\$28,660,920 in unobligated balances are rescinded.*

3 *RESEARCH AND UNIVERSITY RESEARCH CENTERS*

4 *For necessary expenses to carry out 49 U.S.C. 5306,*
5 *5312–5315, 5322, and 5506, \$65,500,000, to remain avail-*
6 *able until expended: Provided, That \$9,300,000 is available*
7 *to carry out the transit cooperative research program under*
8 *section 5313 of title 49, United States Code, \$4,300,000 is*
9 *available for the National Transit Institute under section*
10 *5315 of title 49, United States Code, and \$7,000,000 is*
11 *available for university transportation centers program*
12 *under section 5506 of title 49, United States Code: Provided*
13 *further, That \$44,900,000 is available to carry out national*
14 *research programs under sections 5312, 5313, 5314, and*
15 *5322 of title 49, United States Code.*

16 *CAPITAL INVESTMENT GRANTS*

17 *(INCLUDING RESCISSION)*

18 *For necessary expenses to carry out section 5309 of*
19 *title 49, United States Code, \$1,566,000,000, to remain*
20 *available until expended: Provided, That of the funds avail-*
21 *able under this heading, amounts are to be made available*
22 *as follows:*

23 *For section 5309(m)(6)(B) of title 49, United*
24 *States Code, \$15,000,000.*

25 *For section 5309(m)(6)(C) of title 49, United*
26 *States Code, \$5,000,000.*

1 *For the following sections of Public Law 109–59:*

- 2 *Section 3043(b)(9), \$11,200,000;*
3 *Section 3043(d)(35), \$18,965,043;*
4 *Section 3043(d)(10), \$70,000,000;*
5 *Section 3043(b)(18), \$5,000,000;*
6 *Section 3043(b)(1), \$13,000,000;*
7 *Section 3043(b)(15), \$65,000,000;*
8 *Section 3043(b)(21), \$125,000,000;*
9 *Section 3043(b)(23), \$20,000,000;*
10 *Section 3043(b)(22), \$35,000,000;*
11 *Section 3043(c)(231), \$30,000,000;*
12 *Section 3043(a)(19), \$90,000,000;*
13 *Section 3043(a)(9), \$70,000,000;*
14 *Section 3043(a)(7), \$51,560,484;*
15 *Section 3043(a)(5), \$36,500,000;*
16 *Section 3043(a)(31), \$35,000,000;*
17 *Section 3043(a)(16), \$55,192,995;*
18 *Section 3043(b)(20), \$200,000,000;*
19 *Section 3043(b)(27), \$80,000,000;*
20 *Section 3043(a)(20), \$33,516,444;*
21 *Section 3043(b)(5), \$86,250,000;*
22 *Section 3043(b)(30), \$80,000,000;*
23 *Section 3043(a)(30), \$70,000,000;*
24 *Section 3043(c)(134), \$35,000,000;*
25 *Section 3043(b)(23), \$21,200,000;*

1 *Section 3043(d)(39), \$3,000,000;*

2 *Section 3043(b)(14), \$500,000;*

3 *Section 3043(c)(86), \$20,000,000;*

4 *Section 3043(c)(43), \$5,000,000;*

5 *Section 3043(c)(153), \$20,000,000; and*

6 *Section 3043(c)(258), \$5,000,000.*

7 *For the Jacksonville Rapid Transit System*

8 *Phase 1, Florida, \$9,870,000;*

9 *For North Corridor BRT, Houston and South-*
10 *east Corridor BRT, Texas, \$15,000,000;*

11 *For San Francisco Muni Third Street Light*
12 *Rail, California, \$10,000,000;*

13 *For Mid-Jordan Light Rail Extension,*
14 *\$20,000,000; and*

15 *For METRA Connects, Illinois, \$1,300,000:*

16 *Provided further, That of the funds available under this*
17 *heading, amounts are to be made available under section*
18 *5309(e).*

19 *For the following sections of Public Law 109–59:*

20 *Section 3043(c)(201), \$3,000,000;*

21 *Section 3043(c)(177), \$3,000,000;*

22 *Section 3043(d)(3), \$1,500,000;*

23 *Section 3043(c)(182), \$2,500,000;*

24 *Section 3043(c)(79), \$2,000,000;*

25 *Section 3043(c)(197), \$6,000,000;*

1 *SEC. 163. Notwithstanding any other provision of law,*
2 *unobligated funds made available for a new fixed guideway*
3 *systems projects under the heading “Federal Transit Ad-*
4 *ministration, Capital Investment Grants” in any appro-*
5 *priations Act prior to this Act may be used during this*
6 *fiscal year to satisfy expenses incurred for such projects.*

7 *SEC. 164. In regard to the Central Link Initial Seg-*
8 *ment Project, to the extent that funds remain available*
9 *within the current budget for the project, the Secretary shall*
10 *amend the Full Funding Grant Agreement for said project*
11 *to allow remaining funds to be used to support completion*
12 *of the Airport Link extension of said project.*

13 *SEC. 165. Amounts provided for a high capacity fixed*
14 *guideway light rail and mass transit project for the City*
15 *of Albuquerque, New Mexico, in Public Laws 106–69, 106–*
16 *346 and 107–87 shall be available for bus and bus facilities.*

17 *SEC. 166. Any unobligated amounts made available*
18 *for the Commuter Rail, Albuquerque to Santa Fe, New Mex-*
19 *ico under the heading “Capital Investment Grants” under*
20 *the heading “Federal Transit Administration” in title I of*
21 *division A of the Transportation, Treasury, Housing and*
22 *Urban Development, the Judiciary, the District of Colum-*
23 *bia, and Independent Agencies Appropriations Act, 2006*
24 *(Public Law 109–115; 119 Stat. 2418) shall be made avail-*
25 *able for public transportation buses, equipment and facili-*

1 *ties related to such buses, and intermodal terminal in Albu-*
2 *querque and Santa Fe, New Mexico, subject to the require-*
3 *ments under section 5309 of title 49, United States Code.*

4 *SEC. 167. Notwithstanding any other provision of law,*
5 *funds made available for the “Las Vegas Resort Corridor*
6 *Fixed Guideway Project”, the “CATRAIL RTC Rail*
7 *Project”, and the “Las Vegas, Nevada Monorail Project” in*
8 *Nevada in Public Laws 107–87, 108–7, 108–199 and 108–*
9 *447 may be made available to the Regional Transportation*
10 *Commission of Southern Nevada for bus or bus facilities*
11 *projects eligible under section 5307 or section 5309 of title*
12 *49, United States Code, and shall remain available until*
13 *expended.*

14 *SEC. 168. The Administrator of the Federal Transit*
15 *Administration may conduct a study of the public trans-*
16 *portation agencies in the urbanized areas described in sec-*
17 *tion 5337(a) of title 49, United States Code (referred to in*
18 *this section as “agencies”).*

19 *(a) The study conducted under subsection (a) shall—*

20 *(1) analyze the state of repair of the agencies’*
21 *rail infrastructure, including bridges, ties, and rail*
22 *cars;*

23 *(2) calculate the amount of Federal funding re-*
24 *ceived by the agencies during the 9-year period end-*
25 *ing September 30, 2007, pursuant to—*

1 (A) *the Intermodal Surface Transportation*
2 *Efficiency Act of 1991 (Public Law 102–240);*

3 (B) *the Transportation Equity Act for the*
4 *21st Century (Public Law 105–178); and*

5 (C) *the Safe, Accountable, Flexible, Efficient*
6 *Transportation Equity: A Legacy for Users*
7 *(Public Law 109–59);*

8 (3) *estimate the minimum amount of funding*
9 *necessary to bring all of the infrastructure described*
10 *in paragraph (1) into a state of good repair; and*

11 (4) *determine the changes to the rail moderniza-*
12 *tion formula program that would be required to bring*
13 *all of the infrastructure described in paragraph (1)*
14 *into a state of good repair.*

15 (b) *Not later than 1 year after the date of the enact-*
16 *ment of this Act, the Administrator shall submit to the*
17 *Committee on Appropriations of the Senate and the Com-*
18 *mittee on Appropriations of the House of Representatives*
19 *a report that contains the results of the study conducted*
20 *under this section.*

21 SEC. 169. *The second sentence of section 321 of the De-*
22 *partment of Transportation and Related Agencies Appro-*
23 *priations Act, 1986 (99 Stat. 1287) is repealed.*

1 *SEC. 170. None of the funds provided or limited under*
2 *this Act may be used to issue a final regulation under sec-*
3 *tion 5309 of title 49, United States Code.*

4 *SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION*

5 *The Saint Lawrence Seaway Development Corpora-*
6 *tion is hereby authorized to make such expenditures, within*
7 *the limits of funds and borrowing authority available to*
8 *the Corporation, and in accord with law, and to make such*
9 *contracts and commitments without regard to fiscal year*
10 *limitations as provided by section 104 of the Government*
11 *Corporation Control Act, as amended, as may be necessary*
12 *in carrying out the programs set forth in the Corporation's*
13 *budget for the current fiscal year.*

14 *OPERATIONS AND MAINTENANCE*

15 *(HARBOR MAINTENANCE TRUST FUND)*

16 *For necessary expenses for operations and mainte-*
17 *nance of those portions of the Saint Lawrence Seaway oper-*
18 *ated and maintained by the Saint Lawrence Seaway Devel-*
19 *opment Corporation, \$17,392,000, to be derived from the*
20 *Harbor Maintenance Trust Fund, pursuant to Public Law*
21 *99-662.*

22 *MARITIME ADMINISTRATION*

23 *MARITIME SECURITY PROGRAM*

24 *For necessary expenses to maintain and preserve a*
25 *U.S.-flag merchant fleet to serve the national security needs*

1 *of the United States, \$156,000,000, to remain available*
2 *until expended.*

3 *OPERATIONS AND TRAINING*

4 *For necessary expenses of operations and training ac-*
5 *tivities authorized by law, \$122,890,545, of which*
6 *\$24,720,000 shall remain available until September 30,*
7 *2008, for salaries and benefits of employees of the United*
8 *States Merchant Marine Academy; of which \$13,850,000*
9 *shall remain available until expended for capital improve-*
10 *ments at the United States Merchant Marine Academy; and*
11 *of which \$10,500,000 shall remain available until expended*
12 *for maintenance and repair of Schoolships at State Mari-*
13 *time Schools.*

14 *SHIP DISPOSAL*

15 *For necessary expenses related to the disposal of obso-*
16 *lete vessels in the National Defense Reserve Fleet of the Mar-*
17 *itime Administration, \$18,000,000, to remain available*
18 *until expended.*

19 *ASSISTANCE TO SMALL SHIPYARDS*

20 *To make grants for capital improvements and related*
21 *infrastructure improvements at qualified shipyards that*
22 *will facilitate the efficiency, cost-effectiveness, and quality*
23 *of domestic ship construction for commercial and Federal*
24 *Government use as authorized under section 3506 of Public*
25 *Law 109–163, \$20,000,000, to remain available until ex-*
26 *pended: Provided, That to be considered for assistance, a*

1 *qualified shipyard shall submit an application for assist-*
2 *ance no later than 60 days after enactment of this Act: Pro-*
3 *vided further, That from applications submitted under the*
4 *previous proviso, the Secretary of Transportation shall*
5 *make grants no later than 120 days after enactment of this*
6 *Act in such amounts as the Secretary determines: Provided*
7 *further, That not to exceed 2 percent of the funds appro-*
8 *priated under this heading shall be available for necessary*
9 *costs of grant administration.*

10 *MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM*

11 *ACCOUNT*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For the cost of guaranteed loans, as authorized,*
14 *\$13,408,000, of which \$10,000,000 shall remain available*
15 *until expended: Provided, That such costs, including the*
16 *cost of modifying such loans, shall be as defined in section*
17 *502 of the Congressional Budget Act of 1974, as amended:*
18 *Provided further, That the Inspector General shall report*
19 *to the House and Senate Committees on Appropriations by*
20 *March 30, 2007, on whether the Maritime Administration*
21 *is in compliance with the recommendations contained in*
22 *the Inspector General's audit reports on the title XI pro-*
23 *gram: Provided further, That not to exceed \$3,408,000 shall*
24 *be available for administrative expenses to carry out the*
25 *guaranteed loan program, which shall be transferred to and*

1 merged with the appropriation for “Operations and Train-
2 ing”, Maritime Administration.

3 SHIP CONSTRUCTION
4 (RESCISSION)

5 Of the unobligated balances available under this head-
6 ing, \$4,614,545 are rescinded.

7 ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

8 SEC. 170. Notwithstanding any other provision of this
9 Act, the Maritime Administration is authorized to furnish
10 utilities and services and make necessary repairs in connec-
11 tion with any lease, contract, or occupancy involving Gov-
12 ernment property under control of the Maritime Adminis-
13 tration, and payments received therefor shall be credited to
14 the appropriation charged with the cost thereof: Provided,
15 That rental payments under any such lease, contract, or
16 occupancy for items other than such utilities, services, or
17 repairs shall be covered into the Treasury as miscellaneous
18 receipts.

19 SEC. 171. No obligations shall be incurred during the
20 current fiscal year from the construction fund established
21 by the Merchant Marine Act, 1936 (46 App. U.S.C. 1101
22 et seq.), or otherwise, in excess of the appropriations and
23 limitations contained in this Act or in any prior appro-
24 priations Act.

1 *PIPELINE AND HAZARDOUS MATERIALS SAFETY*2 *ADMINISTRATION*3 *ADMINISTRATIVE EXPENSES*

4 *For necessary administrative expenses of the Pipeline*
5 *and Hazardous Materials Safety Administration,*
6 *\$18,130,000, of which \$639,000 shall be derived from the*
7 *Pipeline Safety Fund.*

8 *HAZARDOUS MATERIALS SAFETY*

9 *For expenses necessary to discharge the hazardous ma-*
10 *terials safety functions of the Pipeline and Hazardous Ma-*
11 *terials Safety Administration, \$27,003,000, of which*
12 *\$1,761,000 shall remain available until September 30,*
13 *2010: Provided, That up to \$1,200,000 in fees collected*
14 *under 49 U.S.C. 5108(g) shall be deposited in the general*
15 *fund of the Treasury as offsetting receipts: Provided further,*
16 *That there may be credited to this appropriation, to be*
17 *available until expended, funds received from States, coun-*
18 *ties, municipalities, other public authorities, and private*
19 *sources for expenses incurred for training, for reports publi-*
20 *cation and dissemination, and for travel expenses incurred*
21 *in performance of hazardous materials exemptions and ap-*
22 *provals functions.*

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PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$82,404,000, of which \$18,810,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2010; of which \$63,594,000 shall be derived from the Pipeline Safety Fund, of which \$32,967,000 shall remain available until September 30, 2010: Provided, That not less than \$1,043,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), \$188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2009: Provided, That not more than \$28,318,000 shall be made available for obligation in fiscal year 2008 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)–(c): Provided further, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for ob-

1 *ligation by individuals other than the Secretary of Trans-*
2 *portation, or her designee.*

3 *RESEARCH AND INNOVATIVE TECHNOLOGY*

4 *ADMINISTRATION*

5 *RESEARCH AND DEVELOPMENT*

6 *For necessary expenses of the Research and Innovative*
7 *Technology Administration, \$12,000,000, of which*
8 *\$6,036,000 shall remain available until September 30,*
9 *2010: Provided, That there may be credited to this appro-*
10 *priation, to be available until expended, funds received from*
11 *States, counties, municipalities, other public authorities,*
12 *and private sources for expenses incurred for training.*

13 *OFFICE OF INSPECTOR GENERAL*

14 *SALARIES AND EXPENSES*

15 *For necessary expenses of the Office of Inspector Gen-*
16 *eral to carry out the provisions of the Inspector General*
17 *Act of 1978, as amended, \$66,400,000: Provided, That the*
18 *Inspector General shall have all necessary authority, in car-*
19 *rying out the duties specified in the Inspector General Act,*
20 *as amended (5 U.S.C. App. 3), to investigate allegations*
21 *of fraud, including false statements to the government (18*
22 *U.S.C. 1001), by any person or entity that is subject to*
23 *regulation by the Department: Provided further, That the*
24 *funds made available under this heading shall be used to*
25 *investigate, pursuant to section 41712 of title 49, United*

1 *States Code: (1) unfair or deceptive practices and unfair*
2 *methods of competition by domestic and foreign air carriers*
3 *and ticket agents; and (2) the compliance of domestic and*
4 *foreign air carriers with respect to item (1) of this proviso.*

5 *SURFACE TRANSPORTATION BOARD*

6 *SALARIES AND EXPENSES*

7 *For necessary expenses of the Surface Transportation*
8 *Board, including services authorized by 5 U.S.C. 3109,*
9 *\$25,000,000: Provided, That notwithstanding any other*
10 *provision of law, not to exceed \$1,250,000 from fees estab-*
11 *lished by the Chairman of the Surface Transportation*
12 *Board shall be credited to this appropriation as offsetting*
13 *collections and used for necessary and authorized expenses*
14 *under this heading: Provided further, That the sum herein*
15 *appropriated from the general fund shall be reduced on a*
16 *dollar-for-dollar basis as such offsetting collections are re-*
17 *ceived during fiscal year 2008, to result in a final appro-*
18 *priation from the general fund estimated at no more than*
19 *\$23,750,000.*

20 *GENERAL PROVISIONS—DEPARTMENT OF*

21 *TRANSPORTATION*

22 *(INCLUDING TRANSFERS OF FUNDS)*

23 *SEC. 180. During the current fiscal year applicable*
24 *appropriations to the Department of Transportation shall*
25 *be available for maintenance and operation of aircraft; hire*

1 *of passenger motor vehicles and aircraft; purchase of liabil-*
2 *ity insurance for motor vehicles operating in foreign coun-*
3 *tries on official department business; and uniforms or al-*
4 *lowances therefor, as authorized by law (5 U.S.C. 5901–*
5 *5902).*

6 *SEC. 181. Appropriations contained in this Act for the*
7 *Department of Transportation shall be available for services*
8 *as authorized by 5 U.S.C. 3109, but at rates for individuals*
9 *not to exceed the per diem rate equivalent to the rate for*
10 *an Executive Level IV.*

11 *SEC. 182. None of the funds in this Act shall be avail-*
12 *able for salaries and expenses of more than 110 political*
13 *and Presidential appointees in the Department of Trans-*
14 *portation: Provided, That none of the personnel covered by*
15 *this provision may be assigned on temporary detail outside*
16 *the Department of Transportation.*

17 *SEC. 183. None of the funds in this Act shall be used*
18 *to implement section 404 of title 23, United States Code.*

19 *SEC. 184. (a) No recipient of funds made available in*
20 *this Act shall disseminate personal information (as defined*
21 *in 18 U.S.C. 2725(3)) obtained by a State department of*
22 *motor vehicles in connection with a motor vehicle record*
23 *as defined in 18 U.S.C. 2725(1), except as provided in 18*
24 *U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.*

1 **(b)** *Notwithstanding subsection (a), the Secretary shall*
2 *not withhold funds provided in this Act for any grantee*
3 *if a State is in noncompliance with this provision.*

4 **SEC. 185.** *Funds received by the Federal Highway Ad-*
5 *ministration, Federal Transit Administration, and Federal*
6 *Railroad Administration from States, counties, municipali-*
7 *ties, other public authorities, and private sources for ex-*
8 *penses incurred for training may be credited respectively*
9 *to the Federal Highway Administration’s “Federal-Aid*
10 *Highways” account, the Federal Transit Administration’s*
11 *“Research and University Research Centers” account, and*
12 *to the Federal Railroad Administration’s “Safety and Op-*
13 *erations” account, except for State rail safety inspectors*
14 *participating in training pursuant to 49 U.S.C. 20105.*

15 **SEC. 186.** *Notwithstanding any other provisions of*
16 *law, rule or regulation, the Secretary of Transportation is*
17 *authorized to allow the issuer of any preferred stock here-*
18 *tofore sold to the Department to redeem or repurchase such*
19 *stock upon the payment to the Department of an amount*
20 *determined by the Secretary.*

21 **SEC. 187.** *None of the funds in this Act to the Depart-*
22 *ment of Transportation may be used to make a grant unless*
23 *the Secretary of Transportation notifies the House and Sen-*
24 *ate Committees on Appropriations not less than 3 full busi-*
25 *ness days before any discretionary grant award, letter of*

1 *intent, or full funding grant agreement totaling \$1,000,000*
2 *or more is announced by the department or its modal ad-*
3 *ministrations from: (1) any discretionary grant program*
4 *of the Federal Highway Administration including the emer-*
5 *gency relief program; (2) the airport improvement program*
6 *of the Federal Aviation Administration; or (3) any pro-*
7 *gram of the Federal Transit Administration other than the*
8 *formula grants and fixed guideway modernization pro-*
9 *grams: Provided, That no notification shall involve funds*
10 *that are not available for obligation.*

11 *SEC. 188. Rebates, refunds, incentive payments, minor*
12 *fees and other funds received by the Department of Trans-*
13 *portation from travel management centers, charge card pro-*
14 *grams, the subleasing of building space, and miscellaneous*
15 *sources are to be credited to appropriations of the Depart-*
16 *ment of Transportation and allocated to elements of the De-*
17 *partment of Transportation using fair and equitable cri-*
18 *teria and such funds shall be available until expended.*

19 *SEC. 189. Amounts made available in this or any other*
20 *Act that the Secretary determines represent improper pay-*
21 *ments by the Department of Transportation to a third*
22 *party contractor under a financial assistance award, which*
23 *are recovered pursuant to law, shall be available—*

1 (1) *to reimburse the actual expenses incurred by*
2 *the Department of Transportation in recovering im-*
3 *proper payments; and*

4 (2) *to pay contractors for services provided in re-*
5 *covering improper payments or contractor support in*
6 *the implementation of the Improper Payments Infor-*
7 *mation Act of 2002: Provided, That amounts in excess*
8 *of that required for paragraphs (1) and (2)—*

9 (A) *shall be credited to and merged with the*
10 *appropriation from which the improper pay-*
11 *ments were made, and shall be available for the*
12 *purposes and period for which such appropria-*
13 *tions are available; or*

14 (B) *if no such appropriation remains avail-*
15 *able, shall be deposited in the Treasury as mis-*
16 *cellaneous receipts: Provided, That prior to the*
17 *transfer of any such recovery to an appropria-*
18 *tions account, the Secretary shall notify the*
19 *House and Senate Committees on Appropria-*
20 *tions of the amount and reasons for such trans-*
21 *fer: Provided further, That for purposes of this*
22 *section, the term “improper payments”, has the*
23 *same meaning as that provided in section*
24 *2(d)(2) of Public Law 107–300.*

1 *SEC. 190. Notwithstanding any other provision of law,*
2 *if any funds provided in or limited by this Act are subject*
3 *to a reprogramming action that requires notice to be pro-*
4 *vided to the House and Senate Committees on Appropria-*
5 *tions, said reprogramming action shall be approved or de-*
6 *denied solely by the Committees on Appropriations: Provided,*
7 *That the Secretary may provide notice to other congres-*
8 *sional committees of the action of the Committees on Appro-*
9 *priations on such reprogramming but not sooner than 30*
10 *days following the date on which the reprogramming action*
11 *has been approved or denied by the House and Senate Com-*
12 *mittees on Appropriations.*

13 *SEC. 191. Out of funds appropriated or otherwise*
14 *made available under this Act to the Surface Transpor-*
15 *tation Board of the Department of Transportation, when*
16 *considering cases, matters, or declaratory orders before the*
17 *Board involving a railroad, or an entity claiming or seek-*
18 *ing authority to operate as a railroad, and the transpor-*
19 *tation of solid waste (as defined in section 1004 of 42*
20 *U.S.C. 6903), the Board shall consider any activity involv-*
21 *ing the receipt, delivery, sorting, handling or transfer in-*
22 *transit outside of a sealed container, storage other than in-*
23 *side a sealed container, or other processing of solid waste*
24 *to be an activity over which the Board does not have juris-*
25 *diction.*

1 *SEC. 192. None of the funds appropriated or otherwise*
2 *made available under this Act may be used by the Surface*
3 *Transportation Board of the Department of Transportation*
4 *to charge or collect any filing fee for rate complaints filed*
5 *with the Board in an amount in excess of the amount au-*
6 *thorized for district court civil suit filing fees under section*
7 *1914 of title 28, United States Code.*

8 *SEC. 193. Not later than 90 days after the date of the*
9 *enactment of this Act, the Inspector General of the Depart-*
10 *ment of Transportation shall—*

11 *(1) conduct an investigation of rail service dis-*
12 *ruptions since 2004 and incidents since 2004 in*
13 *which rail carriers failed to timely deliver various*
14 *commodities, such as coal, wheat, ethanol, potatoes,*
15 *specialty crops, and lumber; and*

16 *(2) submit a report containing legislative and*
17 *regulatory recommendations designed to reduce such*
18 *disruptions and incidents and to improve railroad*
19 *service to—*

20 *(A) the Committee on Appropriations of the*
21 *Senate;*

22 *(B) the Committee on Appropriations of the*
23 *House of Representatives;*

24 *(C) the Committee on Commerce, Science,*
25 *and Transportation of the Senate; and*

1 (D) *the Committee on Transportation and*
2 *Infrastructure of the House of Representatives.*

3 SEC. 194. *None of the funds made available under this*
4 *Act may be used to establish a cross-border motor carrier*
5 *demonstration program to allow Mexico-domiciled motor*
6 *carriers to operate beyond the commercial zones along the*
7 *international border between the United States and Mexico.*

8 SEC. 195. *Not later than 30 days after the date of en-*
9 *actment of this Act, the Secretary of Transportation shall*
10 *establish and maintain on the homepage of the Internet*
11 *website of the Department of Transportation—*

12 (1) *a direct link to the Internet website of the Of-*
13 *fice of Inspector General of the Department of Trans-*
14 *portation; and*

15 (2) *a mechanism by which individuals may*
16 *anonymously report cases of waste, fraud, or abuse*
17 *with respect to the Department of Transportation.*

18 SEC. 196. *PROHIBITION ON IMPOSITION AND COLLEC-*
19 *TION OF TOLLS ON CERTAIN HIGHWAYS CONSTRUCTED*
20 *USING FEDERAL FUNDS. (a) DEFINITIONS.—In this sec-*
21 *tion:*

22 (1) *FEDERAL HIGHWAY FACILITY.—*

23 (A) *IN GENERAL.—The term “Federal high-*
24 *way facility” means—*

1 (i) any highway, bridge, or tunnel on
2 the Interstate System that is constructed
3 using Federal funds; or

4 (ii) any United States highway.

5 (B) *EXCLUSION.*—The term “Federal high-
6 way facility” does not include any right-of-way
7 for any highway, bridge, or tunnel described in
8 subparagraph (A).

9 (2) *TOLLING PROVISION.*—The term “tolling pro-
10 vision” means section 1216(b) of the Transportation
11 Equity Act for the 21st Century (23 U.S.C. 129 note;
12 112 Stat. 212);

13 (b) *PROHIBITION.*—

14 (1) *IN GENERAL.*—None of the funds made avail-
15 able by this Act shall be used to consider or approve
16 an application to permit the imposition or collection
17 of any toll on any portion of a Federal highway facil-
18 ity in the State of Texas—

19 (A)(i) that is in existence on the date of en-
20 actment of this Act; and

21 (ii) on which no toll is imposed or collected
22 under a tolling provision on that date of enact-
23 ment; or

24 (B) that would result in the Federal high-
25 way facility having fewer non-toll lanes than be-

1 *fore the date on which the toll was first imposed*
2 *or collected.*

3 (2) *EXEMPTION.*—*Paragraph (1) shall not apply*
4 *to the imposition or collection of a toll on a Federal*
5 *highway facility—*

6 (A) *on which a toll is imposed or collected*
7 *under a tolling provision on the date of enact-*
8 *ment of this Act; or*

9 (B) *that is constructed, under construction,*
10 *or the subject of an application for construction*
11 *submitted to the Secretary, after the date of en-*
12 *actment of this Act.*

13 (c) *STATE BUY-BACK.*—*None of the funds made avail-*
14 *able by this Act shall be used to impose or collect a toll*
15 *on a Federal highway facility in the State of Texas that*
16 *is purchased by the State of Texas on or after the date of*
17 *enactment of this Act.*

18 *SEC. 197. The Secretary of Transportation may con-*
19 *duct a study of the use of non-hazardous recycled aggregates*
20 *and other materials, including reused concrete and asphalt,*
21 *in highway projects, to the maximum extent practicable*
22 *and whenever economically feasible and consistent with*
23 *public health and environmental laws.*

24 *This title may be cited as the “Department of Trans-*
25 *portation Appropriations Act, 2008”.*

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TITLE II

DEPARTMENT OF HOUSING AND URBAN

DEVELOPMENT

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary salaries and expenses of the Office of the Secretary of Housing and Urban Development, \$3,930,000: Provided, That not to exceed \$25,000 of this amount shall be available for official reception and representation expenses.

EXECUTIVE OPERATIONS

OFFICE OF HEARINGS AND APPEALS

For the necessary salaries and expenses of the Office of Hearings and Appeals, \$1,490,000.

OFFICE OF SMALL AND DISADVANTAGED BUSINESS

UTILIZATION

For the necessary salaries and expenses of the Office of Small and Disadvantaged Business Utilization, \$510,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For the necessary salaries and expenses of the Office of the Chief Financial Officer, \$43,750,000.

OFFICE OF THE GENERAL COUNSEL

For the necessary salaries and expenses of the Office of the General Counsel, \$86,820,000.

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ADMINISTRATIVE ACTIVITIES

*OFFICE OF THE ASSISTANT SECRETARY FOR
ADMINISTRATION*

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, \$1,480,000.

ADMINISTRATION SALARIES AND EXPENSES

For necessary salaries and expenses of the Office of Administration, \$251,630,000: Provided, That, funds provided under the heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109.

*OFFICE OF DEPARTMENTAL OPERATIONS AND
COORDINATION*

For the necessary salaries and expenses of the Office of Departmental Operations and Coordination, \$12,520,000.

OFFICE OF FIELD POLICY AND MANAGEMENT

For the necessary salaries and expenses of the Office of Field Policy and Management, \$47,730,000.

1 *PUBLIC AND INDIAN HOUSING*
2 *OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC AND*
3 *INDIAN HOUSING*

4 *For necessary salaries and expenses of the Office of the*
5 *Assistant Secretary for Public and Indian Housing,*
6 *\$1,620,000.*

7 *PUBLIC AND INDIAN HOUSING SALARIES AND EXPENSES*

8 *For necessary salaries and expenses of the Office of*
9 *Public and Indian Housing, \$188,340,000.*

10 *TENANT-BASED RENTAL ASSISTANCE*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For activities and assistance for the provision of ten-*
13 *ant-based rental assistance authorized under the United*
14 *States Housing Act of 1937, as amended (42 U.S.C. 1437*
15 *et seq.) (“the Act” herein), not otherwise provided for,*
16 *\$16,598,694,000, to remain available until expended, of*
17 *which \$12,398,694,000 shall be available on October 1,*
18 *2007, and \$4,200,000,000 shall be available on October 1,*
19 *2008: Provided, That the amounts made available under*
20 *this heading are provided as follows:*

21 (1) *\$14,936,200,000 for renewals of expiring sec-*
22 *tion 8 tenant-based annual contributions contracts*
23 *(including renewals of enhanced vouchers under any*
24 *provision of law authorizing such assistance under*
25 *section 8(t) of the Act): Provided, That notwith-*
26 *standing any other provision of law, from amounts*

1 *provided under this paragraph, the Secretary for the*
2 *calendar year 2008 funding cycle shall provide re-*
3 *newal funding for each public housing agency based*
4 *on voucher management system (VMS) leasing and*
5 *cost data for the most recently completed period of 12*
6 *consecutive months for which the Secretary determines*
7 *the data is verifiable and complete and by applying*
8 *the 2008 Annual Adjustment Factor as established by*
9 *the Secretary, and by making any necessary adjust-*
10 *ments for the costs associated with the first-time re-*
11 *newal of tenant protection or HOPE VI vouchers or*
12 *vouchers that were not in use during the 12-month*
13 *period in order to be available to meet a commitment*
14 *pursuant to section 8(o)(13) of the Act: Provided fur-*
15 *ther, That notwithstanding the first proviso, except*
16 *for applying the 2008 Annual Adjustment Factor and*
17 *making any other specified adjustments, public hous-*
18 *ing agencies specified in category 1 below shall receive*
19 *funding for calendar year 2008 based on the higher*
20 *of the amounts the agencies would receive under the*
21 *first proviso or the amounts the agencies received in*
22 *calendar year 2007, and public housing agencies spec-*
23 *ified in categories 2 and 3 below shall receive funding*
24 *for calendar year 2008 equal to the amounts the agen-*
25 *cies received in calendar year 2007, except that public*

1 *housing agencies specified in categories 1 and 2 below*
2 *shall receive funding under this proviso only if, and*
3 *to the extent that, any such public housing agency*
4 *submits a plan, approved by the Secretary, that dem-*
5 *onstrates that the agency can effectively use within 12*
6 *months the funding that the agency would receive*
7 *under this proviso that is in addition to the funding*
8 *that the agency would receive under the first proviso:*
9 *(1) public housing agencies that are eligible for assist-*
10 *ance under section 901 in Public Law 109–148 (119*
11 *Stat. 2781) or are located in the same counties as*
12 *those eligible under section 901 and operate voucher*
13 *programs under section 8(o) of the United States*
14 *Housing Act of 1937 but do not operate public hous-*
15 *ing under section 9 of such Act, and any public hous-*
16 *ing agency that otherwise qualifies under this cat-*
17 *egory must demonstrate that they have experienced a*
18 *loss of rental housing stock as a result of the 2005*
19 *hurricanes; (2) public housing agencies that would re-*
20 *ceive less funding under the first proviso than they*
21 *would receive under this proviso and that have been*
22 *placed in receivership within the 24 months preceding*
23 *the date of enactment of this Act; and (3) public hous-*
24 *ing agencies that spent more in calendar year 2007*
25 *than the total of the amounts of any such public hous-*

1 *ing agency's allocation amount for calendar year*
2 *2007 and the amount of any such public housing*
3 *agency's available housing assistance payments un-*
4 *designated funds balance from calendar year 2006*
5 *and the amount of any such public housing agency's*
6 *available administrative fees undesignated funds bal-*
7 *ance through calendar year 2007: Provided further,*
8 *That up to \$100,000,000 shall be available only: (1)*
9 *to adjust the allocations for public housing agencies,*
10 *after application for an adjustment by a public hous-*
11 *ing agency that experienced a significant increase, as*
12 *determined by the Secretary, in renewal costs result-*
13 *ing from unforeseen circumstances or from portability*
14 *under section 8(r) of the Act of tenant-based rental*
15 *assistance; and (2) for adjustments for public housing*
16 *agencies that could experience a significant decrease*
17 *in voucher funding that could result in the risk of loss*
18 *of voucher units due to the use of VMS data based on*
19 *a 12-month period: Provided further, That none of the*
20 *funds provided under the first proviso in this section*
21 *may be used to support a total number of unit*
22 *months under lease which exceeds a public housing*
23 *agency's authorized level of units under contract: Pro-*
24 *vided further, That the Secretary shall, to the extent*
25 *necessary to stay within the amount provided under*

1 *this paragraph, pro rate each public housing agency's*
2 *allocation otherwise established pursuant to this para-*
3 *graph: Provided further, That except as provided in*
4 *the following proviso, the entire amount provided*
5 *under this paragraph shall be obligated to the public*
6 *housing agencies based on the allocation and pro rata*
7 *method described above and the Secretary shall notify*
8 *public housing agencies of their annual budget not*
9 *later than 90 days after enactment of this Act: Pro-*
10 *vided further, That public housing agencies partici-*
11 *pating in the Moving to Work demonstration shall be*
12 *funded pursuant to their Moving to Work agreements*
13 *and shall be subject to the same pro rata adjustments*
14 *under the previous proviso;*

15 *(2) \$150,000,000 for section 8 rental assistance*
16 *for relocation and replacement of housing units that*
17 *are demolished or disposed of pursuant to the Omni-*
18 *bus Consolidated Rescissions and Appropriations Act*
19 *of 1996 (Public Law 104–134), conversion of section*
20 *23 projects to assistance under section 8, the family*
21 *unification program under section 8(x) of the Act, re-*
22 *location of witnesses in connection with efforts to*
23 *combat crime in public and assisted housing pursu-*
24 *ant to a request from a law enforcement or prosecu-*
25 *tion agency, enhanced vouchers under any provision*

1 of law authorizing such assistance under section 8(t)
2 of the Act, HOPE VI vouchers, mandatory and vol-
3 untary conversions, and tenant protection assistance
4 including replacement and relocation assistance: Pro-
5 vided, That the Secretary shall provide replacement
6 vouchers for all units that cease to be available as as-
7 sisted housing due to demolition, disposition, or con-
8 version, subject only to the availability of funds;

9 (3) \$50,000,000 for family self-sufficiency coordi-
10 nators under section 23 of the Act;

11 (4) up to \$6,494,000 may be transferred to the
12 Working Capital Fund;

13 (5) \$1,351,000,000 for administrative and other
14 expenses of public housing agencies in administering
15 the section 8 tenant-based rental assistance program,
16 of which up to \$5,000,000 shall be available as an in-
17 centive bonus as determined by the Secretary for ad-
18 ministrative expenses for PHAs that voluntarily con-
19 solidate, and which up to \$35,000,000 shall be avail-
20 able to the Secretary to allocate to public housing
21 agencies that need additional funds to administer
22 their section 8 programs, with up to \$30,000,000 to
23 be for fees associated with section 8 tenant protection
24 rental assistance: Provided, That no less than
25 \$1,311,000,000 of the amount provided in this para-

1 *graph shall be allocated for the calendar year 2008*
2 *funding cycle on a basis to public housing agencies as*
3 *provided in section 8(q) of the Act as in effect imme-*
4 *diately before the enactment of the Quality Housing*
5 *and Work Responsibility Act of 1998 (Public Law*
6 *105–276): Provided further, That if the amounts*
7 *made available under this paragraph are insufficient*
8 *to pay the amounts required by this paragraph, the*
9 *Secretary may decrease the amounts allocated to*
10 *agencies by a uniform prorated percentage applicable*
11 *to all agencies receiving funding under this para-*
12 *graph or may, to the extent necessary to provide full*
13 *payment of amounts required under this paragraph,*
14 *utilize unobligated balances, including recaptures and*
15 *carryovers, remaining from funds appropriated to the*
16 *Department of Housing and Urban Development*
17 *under this heading, the heading “Annual Contribu-*
18 *tions for Assisted Housing”, the heading “Housing*
19 *Certificate Fund”, and the heading “Project-based*
20 *rental assistance”, for fiscal year 2007 and prior*
21 *years, notwithstanding the purposes for which such*
22 *amounts were appropriated: Provided further, That*
23 *all amounts provided under this paragraph shall be*
24 *only for activities related to the provision of tenant-*

1 *based rental assistance authorized under section 8, in-*
2 *cluding related development activities;*

3 *(6) \$30,000,000 for incremental voucher assist-*
4 *ance through the Family Unification Program; and*

5 *(7) \$75,000,000 for incremental rental voucher*
6 *assistance for use through a supported housing pro-*
7 *gram administered in conjunction with the Depart-*
8 *ment of Veterans Affairs as authorized under section*
9 *8(o)(19) of the United States Housing Act of 1937:*
10 *Provided, That the Secretary of Housing and Urban*
11 *Development shall make such funding available, not-*
12 *withstanding section 305 (competition provision) of*
13 *this title, to public housing agencies that partner with*
14 *eligible VA Medical Centers or other entities as des-*
15 *ignated by the Secretary of the Department of Vet-*
16 *erans Affairs, based on geographical need for such as-*
17 *sistance as identified by the Secretary of the Depart-*
18 *ment of Veterans Affairs, public housing agency ad-*
19 *ministrative performance, and other factors as speci-*
20 *fied by the Secretary of Housing and Urban Develop-*
21 *ment in consultation with the Secretary of the De-*
22 *partment of Veterans Affairs: Provided further, That*
23 *the Secretary of Housing and Urban Development*
24 *may waive, or specify alternative requirements for (in*
25 *consultation with the Secretary of the Department of*

1 *Secretary shall notify the Committees on Appropriations 30*
2 *days in advance of the rescission of any funds derived from*
3 *the headings specified above: Provided further, That any*
4 *such balances governed by reallocation provisions under the*
5 *statute authorizing the program for which the funds were*
6 *originally appropriated shall be available for the rescission:*
7 *Provided further, That any obligated balances of contract*
8 *authority from fiscal year 1974 and prior that have been*
9 *terminated shall be cancelled.*

10 *PROJECT-BASED RENTAL ASSISTANCE*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For activities and assistance for the provision of*
13 *project-based subsidy contracts under the United States*
14 *Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.)*
15 *(“the Act” herein), not otherwise provided for,*
16 *\$5,813,000,000, to remain available until expended: Pro-*
17 *vided, That the amounts made available under this heading*
18 *are provided as follows:*

19 *(1) up to \$5,522,810,000 for expiring or termi-*
20 *nating section 8 project-based subsidy contracts (in-*
21 *cluding section 8 moderate rehabilitation contracts),*
22 *for amendments to section 8 project-based subsidy*
23 *contracts (including section 8 moderate rehabilitation*
24 *contracts), for contracts entered into pursuant to sec-*
25 *tion 441 of the McKinney-Vento Homeless Assistance*
26 *Act, for renewal of section 8 contracts for units in*

1 *projects that are subject to approved plans of action*
2 *under the Emergency Low Income Housing Preserva-*
3 *tion Act of 1987 or the Low-Income Housing Preser-*
4 *vation and Resident Homeownership Act of 1990, and*
5 *for administrative and other expenses associated with*
6 *project-based activities and assistance funded under*
7 *this paragraph.*

8 *(2) not to exceed \$286,230,000 for performance-*
9 *based contract administrators for section 8 project-*
10 *based assistance: Provided, That the Secretary may*
11 *also use such amounts for performance-based contract*
12 *administrators for: interest reduction payments pur-*
13 *suant to section 236(a) of the National Housing Act*
14 *(12 U.S.C. 1715z-1(a)); rent supplement payments*
15 *pursuant to section 101 of the Housing and Urban*
16 *Development Act of 1965 (12 U.S.C. 1701s); section*
17 *236(f)(2) rental assistance payments (12 U.S.C.*
18 *1715z-1(f)(2)); project rental assistance contracts for*
19 *the elderly under section 202(c)(2) of the Housing Act*
20 *of 1959, as amended (12 U.S.C. 1701q, 1701q-1);*
21 *project rental assistance contracts for supportive*
22 *housing for persons with disabilities under section*
23 *811(d)(2) of the Cranston-Gonzalez National Afford-*
24 *able Housing Act; project assistance contracts pursu-*
25 *ant to section 202(h) of the Housing Act of 1959*

1 *(Public Law 86–372; 73 Stat. 667); and loans under*
2 *section 202 of the Housing Act of 1959 (Public Law*
3 *86–372; 73 Stat. 667).*

4 *(3) not to exceed \$3,960,000 may be transferred*
5 *to the Working Capital Fund; and*

6 *(4) amounts recaptured under this heading, the*
7 *heading “Annual Contributions for Assisted Hous-*
8 *ing”, or the heading “Housing Certificate Fund” may*
9 *be used for renewals of or amendments to section 8*
10 *project-based contracts or for performance-based con-*
11 *tract administrators, notwithstanding the purposes*
12 *for which such amounts were appropriated.*

13 *PUBLIC HOUSING CAPITAL FUND*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For the Public Housing Capital Fund Program to*
16 *carry out capital and management activities for public*
17 *housing agencies, as authorized under section 9 of the*
18 *United States Housing Act of 1937, as amended (42 U.S.C.*
19 *1437g) (the “Act”) \$2,500,000,000, to remain available*
20 *until September 30, 2011: Provided, That notwithstanding*
21 *any other provision of law or regulation, during fiscal year*
22 *2008, the Secretary may not delegate to any Department*
23 *official other than the Deputy Secretary and the Assistant*
24 *Secretary for Public and Indian Housing any authority*
25 *under paragraph (2) of section 9(j) regarding the extension*
26 *of the time periods under such section: Provided further,*

1 *That for purposes of such section 9(j), the term “obligate”*
2 *means, with respect to amounts, that the amounts are sub-*
3 *ject to a binding agreement that will result in outlays, im-*
4 *mediately or in the future: Provided further, That of the*
5 *total amount provided under this heading, up to*
6 *\$14,890,000 shall be for carrying out activities under sec-*
7 *tion 9(h) of such Act; not to exceed \$16,847,000 may be*
8 *transferred to the Working Capital Fund; and up to*
9 *\$15,345,000 shall be to support the ongoing Public Housing*
10 *Financial and Physical Assessment activities of the Real*
11 *Estate Assessment Center (REAC): Provided further, That*
12 *no funds may be used under this heading for the purposes*
13 *specified in section 9(k) of the United States Housing Act*
14 *of 1937, as amended: Provided further, That of the total*
15 *amount provided under this heading, not to exceed*
16 *\$20,000,000 may be available for the Secretary of Housing*
17 *and Urban Development to make grants, notwithstanding*
18 *section 305 of this Act, to public housing agencies for emer-*
19 *gency capital needs resulting from unforeseen or unprevent-*
20 *able emergencies and natural disasters occurring in fiscal*
21 *year 2008: Provided further, That of the total amount pro-*
22 *vided under this heading, \$40,000,000 shall be for sup-*
23 *portive services, service coordinators and congregate services*
24 *as authorized by section 34 of the Act and the Native Amer-*
25 *ican Housing Assistance and Self-Determination Act of*

1 1996: *Provided further, That of the total amount provided*
2 *under this heading up to \$8,820,000 is to support the costs*
3 *of administrative and judicial receiverships: Provided fur-*
4 *ther, That, notwithstanding any other provision of law or*
5 *regulation, or any independent decision of the Secretary,*
6 *during fiscal year 2008, the Secretary shall, in accordance*
7 *with part 905.10(j) of title 24, Code of Federal Regulations*
8 *and from amounts made available under this heading,*
9 *award performance bonuses to public housing agencies that*
10 *are designated high performers under the Public Housing*
11 *Assessment System for the 2007 fiscal year.*

12 *PUBLIC HOUSING OPERATING FUND*

13 *For 2008 payments to public housing agencies for the*
14 *operation and management of public housing, as authorized*
15 *by section 9(e) of the United States Housing Act of 1937,*
16 *as amended (42 U.S.C. 1437g(e)), \$4,200,000,000; of which*
17 *\$5,940,000 shall be for technical assistance related to the*
18 *transition and implementation of asset-based management*
19 *in public housing: Provided, That, in fiscal year 2008 and*
20 *all fiscal years hereafter, no amounts under this heading*
21 *in any appropriations Act may be used for payments to*
22 *public housing agencies for the costs of operation and man-*
23 *agement of public housing for any year prior to the current*
24 *year of such Act: Provided further, That no funds may be*
25 *used under this heading for the purposes specified in section*
26 *9(k) of the United States Housing Act of 1937, as amended.*

1 *REVITALIZATION OF SEVERELY DISTRESSED PUBLIC*2 *HOUSING (HOPE VI)*

3 *For grants to public housing agencies for demolition,*
4 *site revitalization, replacement housing, and tenant-based*
5 *assistance grants to projects as authorized by section 24 of*
6 *the United States Housing Act of 1937, as amended,*
7 *\$100,000,000, to remain available until September 30,*
8 *2008, of which not to exceed \$1,980,000 may be used for*
9 *technical assistance and contract expertise, to be provided*
10 *directly or indirectly by grants, contracts or cooperative*
11 *agreements, including training and cost of necessary travel*
12 *for participants in such training, by or to officials and em-*
13 *ployees of the department and of public housing agencies*
14 *and to residents: Provided, That none of such funds shall*
15 *be used directly or indirectly by granting competitive ad-*
16 *vantage in awards to settle litigation or pay judgments, un-*
17 *less expressly permitted herein.*

18 *NATIVE AMERICAN HOUSING BLOCK GRANTS*19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For the Native American Housing Block Grants pro-*
21 *gram, as authorized under title I of the Native American*
22 *Housing Assistance and Self-Determination Act of 1996*
23 *(NAHASDA) (25 U.S.C. 4111 et seq.), \$630,000,000, to re-*
24 *main available until expended: Provided, That, notwith-*
25 *standing the Native American Housing Assistance and Self-*
26 *Determination Act of 1996, to determine the amount of the*

1 allocation under title I of such Act for each Indian tribe,
2 the Secretary shall apply the formula under section 302 of
3 such Act with the need component based on single-race Cen-
4 sus data and with the need component based on multi-race
5 Census data, and the amount of the allocation for each In-
6 dian tribe shall be the greater of the two resulting allocation
7 amounts: Provided further, That of the amounts made
8 available under this heading, \$2,000,000 shall be contracted
9 through the Secretary as technical assistance and capacity
10 building to be used by the National American Indian Hous-
11 ing Council in support of the implementation of
12 NAHASDA; and \$4,250,000 shall be to support the inspec-
13 tion of Indian housing units, contract expertise, training,
14 and technical assistance in the training, oversight, and
15 management of such Indian housing and tenant-based as-
16 sistance, including up to \$300,000 for related travel: Pro-
17 vided further, That of the amount provided under this head-
18 ing, \$1,980,000 shall be made available for the cost of guar-
19 anteed notes and other obligations, as authorized by title
20 VI of NAHASDA: Provided further, That such costs, includ-
21 ing the costs of modifying such notes and other obligations,
22 shall be as defined in section 502 of the Congressional Budg-
23 et Act of 1974, as amended: Provided further, That these
24 funds are available to subsidize the total principal amount

1 of any notes and other obligations, any part of which is
2 to be guaranteed, not to exceed \$17,000,000.

3 NATIVE HAWAIIAN HOUSING BLOCK GRANT

4 For the Native Hawaiian Housing Block Grant pro-
5 gram, as authorized under title VIII of the Native American
6 Housing Assistance and Self-Determination Act of 1996 (25
7 U.S.C. 4111 et seq.), \$9,000,000, to remain available until
8 expended, of which \$300,000 shall be for training and tech-
9 nical assistance activities.

10 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

11 ACCOUNT

12 (INCLUDING TRANSFER OF FUNDS)

13 For the cost of guaranteed loans, as authorized by sec-
14 tion 184 of the Housing and Community Development Act
15 of 1992 (12 U.S.C. 1715z-13a), \$7,450,000, to remain
16 available until expended: Provided, That such costs, includ-
17 ing the costs of modifying such loans, shall be as defined
18 in section 502 of the Congressional Budget Act of 1974, as
19 amended: Provided further, That these funds are available
20 to subsidize total loan principal, any part of which is to
21 be guaranteed, up to \$367,000,000.

22 NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND

23 PROGRAM ACCOUNT

24 (INCLUDING TRANSFER OF FUNDS)

25 For the cost of guaranteed loans, as authorized by sec-
26 tion 184A of the Housing and Community Development Act

1 of 1992 (12 U.S.C. 1715z-13b), \$1,044,000, to remain
 2 available until expended: Provided, That such costs, includ-
 3 ing the costs of modifying such loans, shall be as defined
 4 in section 502 of the Congressional Budget Act of 1974, as
 5 amended: Provided further, That these funds are available
 6 to subsidize total loan principal, any part of which is to
 7 be guaranteed, not to exceed \$41,504,255.

8 *COMMUNITY PLANNING AND DEVELOPMENT*

9 *OFFICE OF THE ASSISTANT SECRETARY FOR COMMUNITY*

10 *PLANNING AND DEVELOPMENT*

11 *SALARIES AND EXPENSES*

12 *For necessary salaries and expenses of the Office of the*
 13 *Assistant Secretary for Community Planning and Develop-*
 14 *ment, \$1,520,000.*

15 *COMMUNITY PLANNING AND DEVELOPMENT SALARIES AND*

16 *EXPENSES*

17 *For necessary salaries and expenses of the Office of*
 18 *Community Planning and Development mission area,*
 19 *\$93,770,000.*

20 *HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For carrying out the Housing Opportunities for Per-*
 23 *sons with AIDS program, as authorized by the AIDS Hous-*
 24 *ing Opportunity Act (42 U.S.C. 12901 et seq.),*
 25 *\$300,100,000, to remain available until September 30,*
 26 *2009, except that amounts allocated pursuant to section*

1 854(c)(3) of such Act shall remain available until Sep-
2 tember 30, 2010: Provided, That the Secretary shall renew
3 all expiring contracts for permanent supportive housing
4 that were funded under section 854(c)(3) of such Act that
5 meet all program requirements before awarding funds for
6 new contracts and activities authorized under this section:
7 Provided further, That the Secretary may use not to exceed
8 \$1,485,000 of the funds under this heading for training,
9 oversight, and technical assistance activities; and not to ex-
10 ceed \$1,485,000 may be transferred to the Working Capital
11 Fund.

12 *RURAL HOUSING AND ECONOMIC DEVELOPMENT*

13 *For the Office of Rural Housing and Economic Devel-*
14 *opment in the Department of Housing and Urban Develop-*
15 *ment, \$17,000,000, to remain available until expended,*
16 *which amount shall be competitively awarded by September*
17 *1, 2008, to Indian tribes, State housing finance agencies,*
18 *State community and/or economic development agencies,*
19 *local rural nonprofits and community development cor-*
20 *porations to support innovative housing and economic de-*
21 *velopment activities in rural areas.*

22 *COMMUNITY DEVELOPMENT FUND*

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *For assistance to units of State and local government,*
25 *and to other entities, for economic and community develop-*
26 *ment activities, and for other purposes, \$4,060,000,000, to*

1 *remain available until September 30, 2010, unless otherwise*
2 *specified: Provided, That of the amount provided,*
3 *\$3,705,430,000 is for carrying out the community develop-*
4 *ment block grant program under title I of the Housing and*
5 *Community Development Act of 1974, as amended (the*
6 *“Act” herein) (42 U.S.C. 5301 et seq.): Provided further,*
7 *That unless explicitly provided for under this heading (ex-*
8 *cept for planning grants provided in the second paragraph*
9 *and amounts made available under the third paragraph),*
10 *not to exceed 20 percent of any grant made with funds ap-*
11 *propriated under this heading shall be expended for plan-*
12 *ning and management development and administration:*
13 *Provided further, That not to exceed \$1,570,000 may be*
14 *transferred to the Working Capital Fund: Provided further,*
15 *That \$3,000,000 is for technical assistance as authorized*
16 *by section 107(b)(4) of such Act: Provided further, That*
17 *\$62,000,000 shall be for grants to Indian tribes notwith-*
18 *standing section 106(a)(1) of such Act, of which, notwith-*
19 *standing any other provision of law (including section 305*
20 *of this Act), up to \$3,960,000 may be used for emergencies*
21 *that constitute imminent threats to health and safety.*

22 *Of the amount made available under this heading,*
23 *\$248,000,000 shall be available for grants for the Economic*
24 *Development Initiative (EDI) to finance a variety of tar-*
25 *geted economic investments: Provided, That none of the*

1 *funds provided under this paragraph may be used for pro-*
2 *gram operations: Provided further, That, for fiscal years*
3 *2006, 2007, and 2008, no unobligated funds for EDI grants*
4 *may be used for any purpose except acquisition, planning,*
5 *design, purchase of equipment, revitalization, redevelop-*
6 *ment or construction.*

7 *Of the amount made available under this heading,*
8 *\$40,000,000 shall be available for neighborhood initiatives*
9 *that are utilized to improve the conditions of distressed and*
10 *blighted areas and neighborhoods, to stimulate investment,*
11 *economic diversification, and community revitalization in*
12 *areas with population outmigration or a stagnating or de-*
13 *clining economic base, or to determine whether housing ben-*
14 *efits can be integrated more effectively with welfare reform*
15 *initiatives.*

16 *COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM*

17 *ACCOUNT*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For the cost of guaranteed loans, \$6,000,000, to remain*
20 *available until September 30, 2009, as authorized by section*
21 *108 of the Housing and Community Development Act of*
22 *1974, as amended: Provided, That such costs, including the*
23 *cost of modifying such loans, shall be as defined in section*
24 *502 of the Congressional Budget Act of 1974, as amended:*
25 *Provided further, That these funds are available to subsidize*
26 *total loan principal, any part of which is to be guaranteed,*

1 *not to exceed \$275,000,000, notwithstanding any aggregate*
2 *limitation on outstanding obligations guaranteed in section*
3 *108(k) of the Housing and Community Development Act*
4 *of 1974, as amended.*

5 *BROWNFIELDS REDEVELOPMENT*

6 *For competitive economic development grants, as au-*
7 *thorized by section 108(q) of the Housing and Community*
8 *Development Act of 1974, as amended, for Brownfields rede-*
9 *velopment projects, \$10,000,000, to remain available until*
10 *September 30, 2009.*

11 *HOME INVESTMENT PARTNERSHIPS PROGRAM*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For the HOME investment partnerships program, as*
14 *authorized under title II of the Cranston-Gonzalez National*
15 *Affordable Housing Act, as amended, \$1,970,000,000, to re-*
16 *main available until September 30, 2010, of which not to*
17 *exceed \$3,465,000 may be transferred to the Working Cap-*
18 *ital Fund: Provided, That up to \$15,000,000 shall be avail-*
19 *able for technical assistance: Provided further, That of the*
20 *total amount provided in this paragraph, up to*
21 *\$150,000,000 shall be available for housing counseling*
22 *under section 106 of the Housing and Urban Development*
23 *Act of 1968: Provided further, That, from amounts appro-*
24 *priated or otherwise made available under this heading,*
25 *\$25,000,000 may be made available to promote broader*
26 *participation in homeownership through the American*

1 *Dream Downpayment Initiative, as such initiative is set*
2 *forth under section 271 of the Cranston-Gonzalez National*
3 *Affordable Housing Act (42 U.S.C. 12821).*

4 *Of the overall funds made available for this account,*
5 *up to \$100,000,000 may be made available for mortgage*
6 *foreclosure mitigation activities, under the following terms*
7 *and conditions:*

8 *(1) The Secretary of Housing and Urban Devel-*
9 *opment (“Secretary, “the Department”) is authorized*
10 *to provide, or contract with public, private or non-*
11 *profit entities (including the Neighborhood Reinvest-*
12 *ment Corporation and Housing Finance Agencies) to*
13 *make awards (with up to a 25 percent match by an*
14 *entity of the amount made available to such entity)*
15 *(except for the match, some or all of the award may*
16 *be repayable by the contractor to the Secretary, upon*
17 *terms determined by the Secretary) to provide mitiga-*
18 *tion assistance to eliminate the default and fore-*
19 *closure of mortgages of owner-occupied single-family*
20 *homes that are at risk of such foreclosure, including*
21 *mortgages known as subprime mortgages;*

22 *(2) These loss mitigation activities shall only be*
23 *made available to homebuyers with mortgages in de-*
24 *fault or in danger of default where such activities are*
25 *likely to ensure the long-term affordability of any*

1 *mortgage retained pursuant to such activity; No Fed-*
2 *eral funds made available under this paragraph may*
3 *be provided directly to lenders or homeowners for fore-*
4 *closure mitigation assistance. An entity may use its*
5 *own funds (including its match contribution) for fore-*
6 *closure mitigation assistance subject to repayment re-*
7 *quirements and the regulations issued by the Sec-*
8 *retary;*

9 *(3) Loss mitigation activities shall involve a rea-*
10 *sonable analysis of the borrower's financial situation,*
11 *an evaluation of the current value of the property*
12 *that is subject to the mortgage, the possible purchase*
13 *of the mortgage, refinancing opportunities or the ap-*
14 *proval of a work-out strategy by all interested parties,*
15 *and an assessment of the feasibility of the following*
16 *measures, including:*

17 *(I) waiver of any late payment charge or,*
18 *as applicable, penalty interest;*

19 *(II) forbearance pursuant to the written*
20 *agreement between the borrower and servicer pro-*
21 *viding for a temporary reduction in monthly*
22 *payments followed by a reamortization and new*
23 *payment schedule that includes any arrearage;*

24 *(III) waiver, modification, or variation of*
25 *any term of a mortgage, including modifications*

1 *that changes the mortgage rate, including the*
2 *possible elimination of the adjustable rate mort-*
3 *gage requirements, forgiving the payment of*
4 *principal and interest, extending the final matu-*
5 *rity rate of such mortgage, or beginning to in-*
6 *clude an escrow for taxes and insurance;*

7 *(IV) acceptance of payment from the home-*
8 *buyer of an amount less than the stated prin-*
9 *cipal balance in financial satisfaction of such*
10 *mortgage;*

11 *(V) assumption;*

12 *(VI) pre-foreclosure sale;*

13 *(VII) deed in lieu of foreclosure; and*

14 *(VIII) such other measures, or combination*
15 *of measures, to make the mortgage both feasible*
16 *and reasonable to ensure the long-term afford-*
17 *ability of any mortgage retained pursuant to*
18 *such activity.*

19 *(4) Activities described in subclasses (V)(VI)(VII)*
20 *shall be only pursued after a reasonable evaluation of*
21 *the feasibility of the activities described in subclasses*
22 *(I), (II), (III), (IV) and (VIII), based on the home-*
23 *owner's circumstances.*

24 *(5) The Secretary shall develop a listing of mort-*
25 *gage foreclosure mitigation entities with which it has*

1 *agreements as well as a listing of counseling centers*
2 *approved by the Secretary, with the understanding*
3 *that an eligible mortgage foreclosure mitigation entity*
4 *may also operate as a counseling center.*

5 *(6) Any mitigation funds recovered by the De-*
6 *partment of Housing and Urban Development shall*
7 *be revolved back into the overall mitigation fund or*
8 *for other counseling activities, maintained by the De-*
9 *partment and revolved back into mitigation and*
10 *counseling activities.*

11 *(7) The Department shall report annually to the*
12 *Congress on its efforts to mitigate mortgage default.*
13 *Such report shall identify all methods of success and*
14 *housing preserved and shall include all recommended*
15 *efforts that will or likely can assist in the success of*
16 *this program.*

17 *SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY*
18 *PROGRAM*

19 *For the Self-Help and Assisted Homeownership Op-*
20 *portunity Program, as authorized under section 11 of the*
21 *Housing Opportunity Program Extension Act of 1996, as*
22 *amended, \$70,000,000, to remain available until September*
23 *30, 2010: Provided, That of the total amount provided*
24 *under this heading, \$26,500,000 shall be made available to*
25 *the Self-Help and Assisted Homeownership Opportunity*
26 *Program as authorized under section 11 of the Housing Op-*

1 *portunity Program Extension Act of 1996, as amended:*
 2 *Provided further, That \$33,500,000 shall be made available*
 3 *for the first four capacity building activities authorized*
 4 *under section 4(b)(3) of the HUD Demonstration Act of*
 5 *1993 (42 U.S.C. 9816 note), as in effect immediately before*
 6 *June 12, 1997 and of which up to \$5,000,000 may be made*
 7 *available for rural capacity building activities: Provided*
 8 *further, That of the total amount made available under this*
 9 *heading; \$3,000,000 shall be made available to the Housing*
 10 *Assistance Council; \$2,000,000 shall be made available to*
 11 *the National American Indian Housing Council;*
 12 *\$3,000,000 shall be made available as a grant to the Raza*
 13 *Development Fund of La Raza for the HOPE Fund, of*
 14 *which \$500,000 is for technical assistance and fund man-*
 15 *agement, and \$2,500,000 is for investments in the HOPE*
 16 *Fund and financing to affiliated organizations; and*
 17 *\$2,000,000 shall be made available as a grant to the Hous-*
 18 *ing Partnership Network for operating expenses and a pro-*
 19 *gram of affordable housing acquisition and rehabilitation.*

20 *HOMELESS ASSISTANCE GRANTS*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For the emergency shelter grants program as author-*
 23 *ized under subtitle B of title IV of the McKinney-Vento*
 24 *Homeless Assistance Act, as amended; the supportive hous-*
 25 *ing program as authorized under subtitle C of title IV of*
 26 *such Act; the section 8 moderate rehabilitation single room*

1 *occupancy program as authorized under the United States*
2 *Housing Act of 1937, as amended, to assist homeless indi-*
3 *viduals pursuant to section 441 of the McKinney-Vento*
4 *Homeless Assistance Act; and the shelter plus care program*
5 *as authorized under subtitle F of title IV of such Act,*
6 *\$1,585,990,000, of which \$1,580,990,000 shall remain*
7 *available until September 30, 2010, and of which*
8 *\$5,000,000 shall remain available until expended for reha-*
9 *bilitation projects with ten-year grant terms: Provided,*
10 *That of the amounts provided, \$25,000,000 shall be set aside*
11 *to conduct a demonstration program for the rapid re-hous-*
12 *ing of homeless families: Provided further, That of amounts*
13 *made available in the preceding proviso, not to exceed*
14 *\$3,000,000 may be used to conduct an evaluation of this*
15 *demonstration program: Provided further, That funding*
16 *made available for this demonstration program shall be*
17 *used by the Secretary, expressly for the purposes of pro-*
18 *viding housing and services to homeless families in order*
19 *to evaluate the effectiveness of the rapid re-housing ap-*
20 *proach in addressing the needs of homeless families: Pro-*
21 *vided further, That not less than 30 percent of funds made*
22 *available, excluding amounts provided for renewals under*
23 *the shelter plus care program, shall be used for permanent*
24 *housing for individuals and families: Provided further,*
25 *That all funds awarded for services shall be matched by 25*

1 percent in funding by each grantee: Provided further, That
2 the Secretary shall renew on an annual basis expiring con-
3 tracts or amendments to contracts funded under the shelter
4 plus care program if the program is determined to be need-
5 ed under the applicable continuum of care and meets appro-
6 priate program requirements and financial standards, as
7 determined by the Secretary: Provided further, That all
8 awards of assistance under this heading shall be required
9 to coordinate and integrate homeless programs with other
10 mainstream health, social services, and employment pro-
11 grams for which homeless populations may be eligible, in-
12 cluding Medicaid, State Children's Health Insurance Pro-
13 gram, Temporary Assistance for Needy Families, Food
14 Stamps, and services funding through the Mental Health
15 and Substance Abuse Block Grant, Workforce Investment
16 Act, and the Welfare-to-Work grant program: Provided fur-
17 ther, That up to \$8,000,000 of the funds appropriated under
18 this heading shall be available for the national homeless
19 data analysis project and technical assistance: Provided
20 further, That not to exceed \$2,475,000 of the funds appro-
21 priated under this heading may be transferred to the Work-
22 ing Capital Fund: Provided further, That all balances for
23 Shelter Plus Care renewals previously funded from the Shel-
24 ter Plus Care Renewal account and transferred to this ac-

1 *count shall be available, if recaptured, for Shelter Plus Care*
2 *renewals in fiscal year 2008.*

3 *HOUSING PROGRAMS*
4 *OFFICE OF THE ASSISTANT SECRETARY FOR HOUSING,*
5 *FEDERAL HOUSING COMMISSIONER*
6 *SALARIES AND EXPENSES*

7 *For necessary salaries and expenses of the Office of the*
8 *Assistant Secretary for Housing, Federal Housing Commis-*
9 *sioner, \$3,420,000.*

10 *HOUSING SALARIES AND EXPENSES*

11 *For necessary salaries and expenses of the Office of*
12 *Housing, \$351,560,000: Provided, That notwithstanding*
13 *any other provision of law, funds appropriated under this*
14 *heading may be used for advertising and promotional ac-*
15 *tivities that support the housing mission area.*

16 *HOUSING FOR THE ELDERLY*
17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For capital advances, including amendments to cap-*
19 *ital advance contracts, for housing for the elderly, as au-*
20 *thorized by section 202 of the Housing Act of 1959, as*
21 *amended, and for project rental assistance for the elderly*
22 *under section 202(c)(2) of such Act, including amendments*
23 *to contracts for such assistance and renewal of expiring con-*
24 *tracts for such assistance for up to a 1-year term, and for*
25 *supportive services associated with the housing,*
26 *\$735,000,000, to remain available until September 30,*

1 2011, of which up to \$603,900,000 shall be for capital ad-
2 vance and project-based rental assistance awards: Provided,
3 That, of the amount provided under this heading, up to
4 \$60,000,000 shall be for service coordinators and the con-
5 tinuation of existing congregate service grants for residents
6 of assisted housing projects, and of which up to \$24,750,000
7 shall be for grants under section 202b of the Housing Act
8 of 1959 (12 U.S.C. 1701q-2) for conversion of eligible
9 projects under such section to assisted living or related use
10 and for emergency capital repairs as determined by the Sec-
11 retary: Provided further, That of the amount made avail-
12 able under this heading, \$20,000,000 shall be available to
13 the Secretary of Housing and Urban Development only for
14 making competitive grants to private nonprofit organiza-
15 tions and consumer cooperatives for covering costs of archi-
16 tectural and engineering work, site control, and other plan-
17 ning relating to the development of supportive housing for
18 the elderly that is eligible for assistance under section 202
19 of the Housing Act of 1959 (12 U.S.C. 1701q): Provided
20 further, That amounts under this heading shall be available
21 for Real Estate Assessment Center inspections and inspec-
22 tion-related activities associated with section 202 capital
23 advance projects: Provided further, That not to exceed
24 \$1,400,000 of the total amount made available under this
25 heading may be transferred to the Working Capital Fund:

1 *Provided further, That the Secretary may waive the provi-*
2 *sions of section 202 governing the terms and conditions of*
3 *project rental assistance, except that the initial contract*
4 *term for such assistance shall not exceed 5 years in dura-*
5 *tion.*

6 *HOUSING FOR PERSONS WITH DISABILITIES*

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *For capital advance contracts, including amendments*
9 *to capital advance contracts, for supportive housing for per-*
10 *sons with disabilities, as authorized by section 811 of the*
11 *Cranston-Gonzalez National Affordable Housing Act (42*
12 *U.S.C. 8013), for project rental assistance for supportive*
13 *housing for persons with disabilities under section*
14 *811(d)(2) of such Act, including amendments to contracts*
15 *for such assistance and renewal of expiring contracts for*
16 *such assistance for up to a 1-year term, and for supportive*
17 *services associated with the housing for persons with dis-*
18 *abilities as authorized by section 811(b)(1) of such Act, and*
19 *for tenant-based rental assistance contracts entered into*
20 *pursuant to section 811 of such Act, \$237,000,000, to re-*
21 *main available until September 30, 2011: Provided, That*
22 *not to exceed \$600,000 may be transferred to the Working*
23 *Capital Fund: Provided further, That, of the amount pro-*
24 *vided under this heading \$74,745,000 shall be for amend-*
25 *ments or renewal of tenant-based assistance contracts en-*
26 *tered into prior to fiscal year 2005 (only one amendment*

1 *authorized for any such contract): Provided further, That*
2 *all tenant-based assistance made available under this head-*
3 *ing shall continue to remain available only to persons with*
4 *disabilities: Provided further, That the Secretary may*
5 *waive the provisions of section 811 governing the terms and*
6 *conditions of project rental assistance and tenant-based as-*
7 *sistance, except that the initial contract term for such as-*
8 *sistance shall not exceed 5 years in duration: Provided fur-*
9 *ther, That amounts made available under this heading shall*
10 *be available for Real Estate Assessment Center Inspections*
11 *and inspection-related activities associated with section 811*
12 *Capital Advance Projects.*

13 *OTHER ASSISTED HOUSING PROGRAMS*

14 *RENTAL HOUSING ASSISTANCE*

15 *For amendments to contracts under section 101 of the*
16 *Housing and Urban Development Act of 1965 (12 U.S.C.*
17 *1701s) and section 236(f)(2) of the National Housing Act*
18 *(12 U.S.C. 1715z-1) in State-aided, non-insured rental*
19 *housing projects, \$27,600,000, to remain available until ex-*
20 *pended.*

21 *(RESCISSION)*

22 *Of the amounts made available under the heading*
23 *“Rent Supplement” in Public Law 98-63 for amendments*
24 *to contracts under section 101 of the Housing and Urban*
25 *Development Act of 1965 (12 U.S.C. 1701s) and section*
26 *236(f)(2) of the National Housing Act (12 U.S.C. 1715z-*

1) *in State-aided, non-insured rental housing projects,*
2) *\$27,600,000 are rescinded.*

3 *FLEXIBLE SUBSIDY FUND*

4 *(TRANSFER OF FUNDS)*

5 *From the Rental Housing Assistance Fund, all uncom-*
6 *mited balances of excess rental charges as of September 30,*
7 *2007, and any collections made during fiscal year 2008 and*
8 *all subsequent fiscal years, shall be transferred to the Flexi-*
9 *ble Subsidy Fund, as authorized by section 236(g) of the*
10 *National Housing Act, as amended.*

11 *MANUFACTURED HOUSING FEES TRUST FUND*

12 *For necessary expenses as authorized by the National*
13 *Manufactured Housing Construction and Safety Standards*
14 *Act of 1974, as amended (42 U.S.C. 5401 et seq.), up to*
15 *\$16,000,000, to remain available until expended, to be de-*
16 *rived from the Manufactured Housing Fees Trust Fund:*
17 *Provided, That not to exceed the total amount appropriated*
18 *under this heading shall be available from the general fund*
19 *of the Treasury to the extent necessary to incur obligations*
20 *and make expenditures pending the receipt of collections to*
21 *the Fund pursuant to section 620 of such Act: Provided fur-*
22 *ther, That the amount made available under this heading*
23 *from the general fund shall be reduced as such collections*
24 *are received during fiscal year 2008 so as to result in a*
25 *final fiscal year 2008 appropriation from the general fund*
26 *estimated at not more than \$0 and fees pursuant to such*

1 *section 620 shall be modified as necessary to ensure such*
2 *a final fiscal year 2008 appropriation: Provided further,*
3 *That for the dispute resolution and installation programs,*
4 *the Secretary of Housing and Urban Development may as-*
5 *sess and collect fees from any program participant: Pro-*
6 *vided further, That such collections shall be deposited into*
7 *the Fund, and the Secretary, as provided herein, may use*
8 *such collections, as well as fees collected under section 620,*
9 *for necessary expenses of such Act: Provided further, That*
10 *notwithstanding the requirements of section 620 of such Act,*
11 *the Secretary may carry out responsibilities of the Sec-*
12 *retary under such Act through the use of approved service*
13 *providers that are paid directly by the recipients of their*
14 *services.*

15 *FEDERAL HOUSING ADMINISTRATION*

16 *MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT*

17 *(INCLUDING TRANSFERS OF FUNDS)*

18 *During fiscal year 2008, commitments to guarantee*
19 *loans to carry out the purposes of section 203(b) of the Na-*
20 *tional Housing Act, as amended, shall not exceed a loan*
21 *principal of \$185,000,000,000.*

22 *During fiscal year 2008, obligations to make direct*
23 *loans to carry out the purposes of section 204(g) of the Na-*
24 *tional Housing Act, as amended, shall not exceed*
25 *\$50,000,000: Provided, That the foregoing amount shall be*
26 *for loans to nonprofit and governmental entities in connec-*

1 *tion with sales of single family real properties owned by*
2 *the Secretary and formerly insured under the Mutual Mort-*
3 *gage Insurance Fund.*

4 *For administrative contract expenses, \$77,400,000, of*
5 *which not to exceed \$25,550,000 may be transferred to the*
6 *Working Capital Fund, and of which up to \$5,000,000 shall*
7 *be for education and outreach of FHA single family loan*
8 *products: Provided, That to the extent guaranteed loan com-*
9 *mitments exceed \$65,500,000,000 on or before April 1, 2008,*
10 *an additional \$1,400 for administrative contract expenses*
11 *shall be available for each \$1,000,000 in additional guaran-*
12 *teed loan commitments (including a pro rata amount for*
13 *any amount below \$1,000,000), but in no case shall funds*
14 *made available by this proviso exceed \$30,000,000.*

15 *GENERAL AND SPECIAL RISK PROGRAM ACCOUNT*

16 *(INCLUDING TRANSFERS OF FUNDS)*

17 *For the cost of guaranteed loans, as authorized by sec-*
18 *tions 238 and 519 of the National Housing Act (12 U.S.C.*
19 *1715z-3 and 1735c), including the cost of loan guarantee*
20 *modifications, as that term is defined in section 502 of the*
21 *Congressional Budget Act of 1974, as amended, \$8,600,000,*
22 *to remain available until expended: Provided, That com-*
23 *mitments to guarantee loans shall not exceed*
24 *\$45,000,000,000 in total loan principal, any part of which*
25 *is to be guaranteed.*

1 *Gross obligations for the principal amount of direct*
2 *loans, as authorized by sections 204(g), 207(l), 238, and*
3 *519(a) of the National Housing Act, shall not exceed*
4 *\$50,000,000, of which not to exceed \$30,000,000 shall be for*
5 *bridge financing in connection with the sale of multifamily*
6 *real properties owned by the Secretary and formerly in-*
7 *sured under such Act; and of which not to exceed*
8 *\$20,000,000 shall be for loans to nonprofit and govern-*
9 *mental entities in connection with the sale of single-family*
10 *real properties owned by the Secretary and formerly in-*
11 *sured under such Act.*

12 *For administrative contract expenses necessary to*
13 *carry out the guaranteed and direct loan programs,*
14 *\$78,111,000, of which not to exceed \$15,692,000 may be*
15 *transferred to the Working Capital Fund: Provided, That*
16 *to the extent guaranteed loan commitments exceed*
17 *\$8,426,000,000 on or before April 1, 2008, an additional*
18 *\$1,980 for administrative contract expenses shall be avail-*
19 *able for each \$1,000,000 in additional guaranteed loan*
20 *commitments over \$8,426,000,000 (including a pro rata*
21 *amount for any increment below \$1,000,000), but in no case*
22 *shall funds made available by this proviso exceed*
23 *\$14,400,000.*

24 *For discount sales of multifamily real property under*
25 *sections 207(1) or 246 of the National Housing Act (12*

1 *U.S.C. 1713(l), 1715z–11), section 203 of the Housing and*
2 *Community Development Amendments of 1978 (12 U.S.C.*
3 *1701z–11), or section 204 of the Departments of Veterans*
4 *Affairs and Housing and Urban Development, and Inde-*
5 *pendent Agencies Appropriations Act, 1997 (12 U.S.C.*
6 *1715z–11a), and for discount loan sales under section*
7 *207(k) of the National Housing Act (12 U.S.C. 1713(k)),*
8 *section 203(k) of the Housing and Community Development*
9 *Amendments of 1978 (12 U.S.C. 1701z–11(k)), or section*
10 *204(a) of the Departments of Veterans Affairs and Housing*
11 *and Urban Development, and Independent Agencies Act,*
12 *1997 (12 U.S.C. 1715z–11a(a)), \$5,000,000, to remain*
13 *available until September 30, 2009.*

14 *GOVERNMENT NATIONAL MORTGAGE ASSOCIATION*
15 *OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE*
16 *ASSOCIATION*
17 *SALARIES AND EXPENSES*

18 *For the necessary salaries and expenses of the Office*
19 *of the Government National Mortgage Association,*
20 *\$9,530,000.*

21 *GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN*
22 *GUARANTEE PROGRAM ACCOUNT*
23 *(INCLUDING TRANSFER OF FUNDS)*

24 *New commitments to issue guarantees to carry out the*
25 *purposes of section 306 of the National Housing Act, as*
26 *amended (12 U.S.C. 1721(g)), shall not exceed*

1 \$200,000,000,000, to remain available until September 30,
2 2009.

3 *POLICY DEVELOPMENT AND RESEARCH*

4 *OFFICE OF THE ASSISTANT SECRETARY FOR POLICY*

5 *DEVELOPMENT AND RESEARCH*

6 *SALARIES AND EXPENSES*

7 *For necessary salaries and expenses of the Office of the*
8 *Assistant Secretary for Policy Development and Research,*
9 *\$1,570,000.*

10 *POLICY DEVELOPMENT AND RESEARCH SALARIES AND*

11 *EXPENSES*

12 *For necessary salaries and expenses of the Office of*
13 *Policy Development and Research, \$19,310,000.*

14 *RESEARCH AND TECHNOLOGY*

15 *For contracts, grants, and necessary expenses of pro-*
16 *grams of research and studies relating to housing and*
17 *urban problems, not otherwise provided for, as authorized*
18 *by title V of the Housing and Urban Development Act of*
19 *1970, as amended (12 U.S.C. 1701z-1 et seq.), including*
20 *carrying out the functions of the Secretary under section*
21 *1(a)(1)(i) of Reorganization Plan No. 2 of 1968,*
22 *\$61,440,000, to remain available until September 30, 2009:*
23 *Provided, That of the total amount provided under this*
24 *heading, \$5,000,000 shall be for the Partnership for Ad-*
25 *vancing Technology in Housing (PATH) Initiative: Pro-*
26 *vided further, That of the funds made available under this*

1 heading, \$20,600,000 is for grants pursuant to section 107
 2 of the Housing and Community Development Act of 1974,
 3 as amended, as follows: \$3,000,000 to support Alaska Na-
 4 tive serving institutions and Native Hawaiian serving in-
 5 stitutions as defined under the Higher Education Act, as
 6 amended; \$5,000,000 for tribal colleges and universities to
 7 build, expand, renovate, and equip their facilities and to
 8 expand the role of the colleges into the community through
 9 the provision of needed services such as health programs,
 10 job training and economic development activities;
 11 \$9,000,000 for the Historically Black Colleges and Univer-
 12 sities program, of which up to \$2,000,000 may be used for
 13 technical assistance; and \$6,000,000 for the Hispanic Serv-
 14 ing Institutions Program.

15 *FAIR HOUSING AND EQUAL OPPORTUNITY*

16 *OFFICE OF THE ASSISTANT SECRETARY FOR FAIR HOUSING*

17 *AND EQUAL OPPORTUNITY*

18 *SALARIES AND EXPENSES*

19 *For necessary salaries and expenses of the Office of the*
 20 *Assistant Secretary for Fair Housing and Equal Oppor-*
 21 *tunity, \$1,490,000.*

22 *FAIR HOUSING AND EQUAL OPPORTUNITY SALARIES AND*

23 *EXPENSES*

24 *For the necessary salaries and expenses of the Office*
 25 *of Fair Housing and Equal Opportunity, \$69,390,000.*

1 *OFFICE OF LEAD HAZARD CONTROL*
2 *OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL*
3 *SALARIES AND EXPENSES*

4 *For the necessary salaries and expenses of the Office*
5 *of Healthy Homes and Lead Hazard Control, \$6,140,000.*

6 *LEAD HAZARD REDUCTION*

7 *For the Lead Hazard Reduction Program, as author-*
8 *ized by section 1011 of the Residential Lead-Based Paint*
9 *Hazard Reduction Act of 1992, \$151,000,000, to remain*
10 *available until September 30, 2009, of which \$8,800,000*
11 *shall be for the Healthy Homes Initiative, pursuant to sec-*
12 *tions 501 and 502 of the Housing and Urban Development*
13 *Act of 1970 that shall include research, studies, testing, and*
14 *demonstration efforts, including education and outreach*
15 *concerning lead-based paint poisoning and other housing-*
16 *related diseases and hazards: Provided, That for purposes*
17 *of environmental review, pursuant to the National Environ-*
18 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and*
19 *other provisions of law that further the purposes of such*
20 *Act, a grant under the Healthy Homes Initiative, Oper-*
21 *ation Lead Elimination Action Plan (LEAP), or the Lead*
22 *Technical Studies program under this heading or under*
23 *prior appropriations Acts for such purposes under this*
24 *heading, shall be considered to be funds for a special project*
25 *for purposes of section 305(c) of the Multifamily Housing*
26 *Property Disposition Reform Act of 1994: Provided further,*

1 *That of the total amount made available under this head-*
2 *ing, \$48,000,000 shall be made available on a competitive*
3 *basis for areas with the highest lead paint abatement needs:*
4 *Provided further, That each applicant shall submit a de-*
5 *tailed plan and strategy that demonstrates adequate capac-*
6 *ity that is acceptable to the Secretary to carry out the pro-*
7 *posed use of funds pursuant to a Notice of Funding Avail-*
8 *ability: Provided further, That of the total amount made*
9 *available under this heading, \$2,000,000 shall be available*
10 *for the Big Buy Program to be managed by the Office of*
11 *Healthy Homes and Lead Hazard Control.*

12 **WORKING CAPITAL FUND**

13 *For additional capital for the Working Capital Fund*
14 *(42 U.S.C. 3535) for the development of, modifications to,*
15 *and infrastructure for Department-wide information tech-*
16 *nology systems, for the continuing operation and mainte-*
17 *nance of both Department-wide and program-specific infor-*
18 *mation systems, and for program-related development ac-*
19 *tivities, \$172,600,000, to remain available until September*
20 *30, 2009: Provided, That any amounts transferred to this*
21 *Fund under this Act shall remain available until expended:*
22 *Provided further, That any amounts transferred to this*
23 *Fund from amounts appropriated by previously enacted*
24 *appropriations Acts or from within this Act may be used*
25 *only for the purposes specified under this Fund, in addition*
26 *to the purposes for which such amounts were appropriated.*

1 *OFFICE OF INSPECTOR GENERAL*
2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For necessary salaries and expenses of the Office of In-*
4 *pector General in carrying out the Inspector General Act*
5 *of 1978, as amended, \$112,000,000: Provided, That the In-*
6 *pector General shall have independent authority over all*
7 *personnel issues within this office.*

8 *OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT*
9 *SALARIES AND EXPENSES*
10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For carrying out the Federal Housing Enterprises Fi-*
12 *nancial Safety and Soundness Act of 1992, including not*
13 *to exceed \$500 for official reception and representation ex-*
14 *penses, \$66,000,000, to remain available until expended, to*
15 *be derived from the Federal Housing Enterprises Oversight*
16 *Fund: Provided, That the Director shall submit a spending*
17 *plan for the amounts provided under this heading no later*
18 *than January 15, 2008: Provided further, That not less*
19 *than 80 percent of the total amount made available under*
20 *this heading shall be used only for examination, super-*
21 *vision, and capital oversight of the enterprises (as such term*
22 *is defined in section 1303 of the Federal Housing Enter-*
23 *prises Financial Safety and Soundness Act of 1992 (12*
24 *U.S.C. 4502)) to ensure that the enterprises are operating*
25 *in a financially safe and sound manner and complying*
26 *with the capital requirements under Subtitle B of such Act:*

1 *Provided further, That not to exceed the amount provided*
2 *herein shall be available from the general fund of the Treas-*
3 *ury to the extent necessary to incur obligations and make*
4 *expenditures pending the receipt of collections to the Fund:*
5 *Provided further, That the general fund amount shall be*
6 *reduced as collections are received during the fiscal year*
7 *so as to result in a final appropriation from the general*
8 *fund estimated at not more than \$0.*

9 *GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND*
10 *URBAN DEVELOPMENT*

11 *SEC. 201. Fifty percent of the amounts of budget au-*
12 *thority, or in lieu thereof 50 percent of the cash amounts*
13 *associated with such budget authority, that are recaptured*
14 *from projects described in section 1012(a) of the Stewart*
15 *B. McKinney Homeless Assistance Amendments Act of 1988*
16 *(42 U.S.C. 1437 note) shall be rescinded or in the case of*
17 *cash, shall be remitted to the Treasury, and such amounts*
18 *of budget authority or cash recaptured and not rescinded*
19 *or remitted to the Treasury shall be used by State housing*
20 *finance agencies or local governments or local housing agen-*
21 *cies with projects approved by the Secretary of Housing and*
22 *Urban Development for which settlement occurred after*
23 *January 1, 1992, in accordance with such section. Notwith-*
24 *standing the previous sentence, the Secretary may award*
25 *up to 15 percent of the budget authority or cash recaptured*

1 *and not rescinded or remitted to the Treasury to provide*
2 *project owners with incentives to refinance their project at*
3 *a lower interest rate.*

4 *SEC. 202. None of the amounts made available under*
5 *this Act may be used during fiscal year 2008 to investigate*
6 *or prosecute under the Fair Housing Act any otherwise law-*
7 *ful activity engaged in by one or more persons, including*
8 *the filing or maintaining of a non-frivolous legal action,*
9 *that is engaged in solely for the purpose of achieving or*
10 *preventing action by a Government official or entity, or a*
11 *court of competent jurisdiction.*

12 *SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of*
13 *the AIDS Housing Opportunity Act (42 U.S.C.*
14 *12903(c)(1)(A)), from any amounts made available under*
15 *this title for fiscal year 2008 that are allocated under such*
16 *section, the Secretary of Housing and Urban Development*
17 *shall allocate and make a grant, in the amount determined*
18 *under subsection (b), for any State that—*

19 *(1) received an allocation in a prior fiscal year*
20 *under clause (i) of such section; and*

21 *(2) is not otherwise eligible for an allocation for*
22 *fiscal year 2008 under such clause (i) because the*
23 *areas in the State outside of the metropolitan statis-*
24 *tical areas that qualify under clause (i) in fiscal year*
25 *2008 do not have the number of cases of acquired im-*

1 *munodeficiency syndrome (AIDS) required under*
2 *such clause.*

3 *(b) The amount of the allocation and grant for any*
4 *State described in subsection (a) shall be an amount based*
5 *on the cumulative number of AIDS cases in the areas of*
6 *that State that are outside of metropolitan statistical areas*
7 *that qualify under clause (i) of such section 854(c)(1)(A)*
8 *in fiscal year 2008, in proportion to AIDS cases among*
9 *cities and States that qualify under clauses (i) and (ii) of*
10 *such section and States deemed eligible under subsection*
11 *(a).*

12 *(c) Notwithstanding any other provision of law, the*
13 *amount allocated for fiscal year 2008 under section 854(c)*
14 *of the AIDS Housing Opportunity Act (42 U.S.C.*
15 *12903(c)), to the City of New York, New York, on behalf*
16 *of the New York-Wayne-White Plains, New York-New Jersey*
17 *Metropolitan Division (hereafter “metropolitan division”)*
18 *of the New York-Newark-Edison, NY–NJ–PA Metropolitan*
19 *Statistical Area, shall be adjusted by the Secretary of Hous-*
20 *ing and Urban Development by: (1) allocating to the City*
21 *of Jersey City, New Jersey, the proportion of the metropoli-*
22 *tan area’s or division’s amount that is based on the number*
23 *of cases of AIDS reported in the portion of the metropolitan*
24 *area or division that is located in Hudson County, New*
25 *Jersey, and adjusting for the proportion of the metropolitan*

1 *division's high incidence bonus if this area in New Jersey*
2 *also has a higher than average per capita incidence of*
3 *AIDS; and (2) allocating to the City of Paterson, New Jer-*
4 *sey, the proportion of the metropolitan area's or division's*
5 *amount that is based on the number of cases of AIDS re-*
6 *ported in the portion of the metropolitan area or division*
7 *that is located in Bergen County and Passaic County, New*
8 *Jersey, and adjusting for the proportion of the metropolitan*
9 *division's high incidence bonus if this area in New Jersey*
10 *also has a higher than average per capita incidence of*
11 *AIDS. The recipient cities shall use amounts allocated*
12 *under this subsection to carry out eligible activities under*
13 *section 855 of the AIDS Housing Opportunity Act (42*
14 *U.S.C. 12904) in their respective portions of the metropoli-*
15 *tan division that is located in New Jersey.*

16 *(d) Notwithstanding any other provision of law, the*
17 *amount allocated for fiscal year 2008 under section 854(c)*
18 *of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c))*
19 *to areas with a higher than average per capita incidence*
20 *of AIDS, shall be adjusted by the Secretary on the basis*
21 *of area incidence reported over a three year period.*

22 *SEC. 204. Except as explicitly provided in law, any*
23 *grant, cooperative agreement or other assistance made pur-*
24 *suant to title II of this Act shall be made on a competitive*

1 *basis and in accordance with section 102 of the Department*
2 *of Housing and Urban Development Reform Act of 1989.*

3 *SEC. 205. Funds of the Department of Housing and*
4 *Urban Development subject to the Government Corporation*
5 *Control Act or section 402 of the Housing Act of 1950 shall*
6 *be available, without regard to the limitations on adminis-*
7 *trative expenses, for legal services on a contract or fee basis,*
8 *and for utilizing and making payment for services and fa-*
9 *cilities of the Federal National Mortgage Association, Gov-*
10 *ernment National Mortgage Association, Federal Home*
11 *Loan Mortgage Corporation, Federal Financing Bank, Fed-*
12 *eral Reserve banks or any member thereof, Federal Home*
13 *Loan banks, and any insured bank within the meaning of*
14 *the Federal Deposit Insurance Corporation Act, as amended*
15 *(12 U.S.C. 1811–1831).*

16 *SEC. 206. Unless otherwise provided for in this Act*
17 *or through a reprogramming of funds, no part of any ap-*
18 *propriation for the Department of Housing and Urban De-*
19 *velopment shall be available for any program, project or*
20 *activity in excess of amounts set forth in the budget esti-*
21 *mates submitted to Congress.*

22 *SEC. 207. Corporations and agencies of the Depart-*
23 *ment of Housing and Urban Development which are subject*
24 *to the Government Corporation Control Act, as amended,*
25 *are hereby authorized to make such expenditures, within the*

1 *limits of funds and borrowing authority available to each*
2 *such corporation or agency and in accordance with law,*
3 *and to make such contracts and commitments without re-*
4 *gard to fiscal year limitations as provided by section 104*
5 *of such Act as may be necessary in carrying out the pro-*
6 *grams set forth in the budget for 2008 for such corporation*
7 *or agency except as hereinafter provided: Provided, That*
8 *collections of these corporations and agencies may be used*
9 *for new loan or mortgage purchase commitments only to*
10 *the extent expressly provided for in this Act (unless such*
11 *loans are in support of other forms of assistance provided*
12 *for in this or prior appropriations Acts), except that this*
13 *proviso shall not apply to the mortgage insurance or guar-*
14 *anty operations of these corporations, or where loans or*
15 *mortgage purchases are necessary to protect the financial*
16 *interest of the United States Government.*

17 *SEC. 208. None of the funds provided in this title for*
18 *technical assistance, training, or management improve-*
19 *ments may be obligated or expended unless HUD provides*
20 *to the Committees on Appropriations a description of each*
21 *proposed activity and a detailed budget estimate of the costs*
22 *associated with each program, project or activity as part*
23 *of the Budget Justifications. For fiscal year 2008, HUD*
24 *shall transmit this information to the Committees by March*
25 *15, 2008 for 30 days of review.*

1 *SEC. 209. The Secretary of Housing and Urban Devel-*
2 *opment shall provide quarterly reports to the House and*
3 *Senate Committees on Appropriations regarding all uncom-*
4 *mitted, unobligated, recaptured and excess funds in each*
5 *program and activity within the jurisdiction of the Depart-*
6 *ment and shall submit additional, updated budget informa-*
7 *tion to these Committees upon request.*

8 *SEC. 210. (a) Notwithstanding any other provision of*
9 *law, the amount allocated for fiscal year 2008 under section*
10 *854(c) of the AIDS Housing Opportunity Act (42 U.S.C.*
11 *12903(c)), to the City of Wilmington, Delaware, on behalf*
12 *of the Wilmington, Delaware-Maryland-New Jersey Metro-*
13 *politan Division (hereafter “metropolitan division”), shall*
14 *be adjusted by the Secretary of Housing and Urban Devel-*
15 *opment by allocating to the State of New Jersey the propor-*
16 *tion of the metropolitan division’s amount that is based on*
17 *the number of cases of AIDS reported in the portion of the*
18 *metropolitan division that is located in New Jersey, and*
19 *adjusting for the proportion of the metropolitan division’s*
20 *high incidence bonus if this area in New Jersey also has*
21 *a higher than average per capita incidence of AIDS. The*
22 *State of New Jersey shall use amounts allocated to the State*
23 *under this subsection to carry out eligible activities under*
24 *section 855 of the AIDS Housing Opportunity Act (42*

1 *U.S.C. 12904) in the portion of the metropolitan division*
2 *that is located in New Jersey.*

3 **(b)** *Notwithstanding any other provision of law, the*
4 *Secretary of Housing and Urban Development shall allocate*
5 *to Wake County, North Carolina, the amounts that other-*
6 *wise would be allocated for fiscal year 2008 under section*
7 *854(c) of the AIDS Housing Opportunity Act (42 U.S.C.*
8 *12903(c)) to the City of Raleigh, North Carolina, on behalf*
9 *of the Raleigh-Cary, North Carolina Metropolitan Statis-*
10 *tical Area. Any amounts allocated to Wake County shall*
11 *be used to carry out eligible activities under section 855*
12 *of such Act (42 U.S.C. 12904) within such metropolitan sta-*
13 *tistical area.*

14 **(c)** *Notwithstanding section 854(c) of the AIDS Hous-*
15 *ing Opportunity Act (42 U.S.C. 12903(c)), the Secretary*
16 *of Housing and Urban Development may adjust the alloca-*
17 *tion of the amounts that otherwise would be allocated for*
18 *fiscal year 2008 under section 854(c) of such Act, upon the*
19 *written request of an applicant, in conjunction with the*
20 *State(s), for a formula allocation on behalf of a metropoli-*
21 *tan statistical area, to designate the State or States in*
22 *which the metropolitan statistical area is located as the eli-*
23 *gible grantee(s) of the allocation. In the case that a metro-*
24 *politan statistical area involves more than one State, such*
25 *amounts allocated to each State shall be in proportion to*

1 *the number of cases of AIDS reported in the portion of the*
2 *metropolitan statistical area located in that State. Any*
3 *amounts allocated to a State under this section shall be used*
4 *to carry out eligible activities within the portion of the met-*
5 *ropolitan statistical area located in that State.*

6 *SEC. 211. The Secretary of Housing and Urban Devel-*
7 *opment shall submit an annual report no later than August*
8 *30, 2008 and annually thereafter to the House and Senate*
9 *Committees on Appropriations regarding the number of*
10 *Federally assisted units under lease and the per unit cost*
11 *of these units to the Department of Housing and Urban*
12 *Development.*

13 *SEC. 212. The Department of Housing and Urban De-*
14 *velopment shall submit the Department's fiscal year 2009*
15 *congressional budget justifications to the Committees on Ap-*
16 *propriations of the House of Representatives and the Senate*
17 *using the identical structure provided under this Act and*
18 *only in accordance with the direction specified in the report*
19 *accompanying this Act.*

20 *SEC. 213. Incremental vouchers previously made avail-*
21 *able under the heading "Housing Certificate Fund" or re-*
22 *newed under the heading, "Tenant-Based Rental Assist-*
23 *ance," for non-elderly disabled families shall, to the extent*
24 *practicable, continue to be provided to non-elderly disabled*
25 *families upon turnover.*

1 *SEC. 214. A public housing agency or such other entity*
2 *that administers Federal housing assistance for the Housing*
3 *Authority of the county of Los Angeles, California, the*
4 *States of Alaska, Iowa, and Mississippi shall not be re-*
5 *quired to include a resident of public housing or a recipient*
6 *of assistance provided under section 8 of the United States*
7 *Housing Act of 1937 on the board of directors or a similar*
8 *governing board of such agency or entity as required under*
9 *section (2)(b) of such Act. Each public housing agency or*
10 *other entity that administers Federal housing assistance*
11 *under section 8 for the Housing Authority of the county*
12 *of Los Angeles, California and the States of Alaska, Iowa*
13 *and Mississippi shall establish an advisory board of not less*
14 *than 6 residents of public housing or recipients of section*
15 *8 assistance to provide advice and comment to the public*
16 *housing agency or other administering entity on issues re-*
17 *lated to public housing and section 8. Such advisory board*
18 *shall meet not less than quarterly.*

19 *SEC. 215. (a) Notwithstanding any other provision of*
20 *law, subject to the conditions listed in subsection (b), for*
21 *fiscal years 2008 and 2009, the Secretary may authorize*
22 *the transfer of some or all project-based assistance, debt and*
23 *statutorily required low-income and very low-income use re-*
24 *strictions, associated with one or more multifamily housing*
25 *project to another multifamily housing project or projects.*

1 **(b)** *The transfer authorized in subsection (a) is subject*
2 *to the following conditions:*

3 **(1)** *the number of low-income and very low-in-*
4 *come units and the net dollar amount of Federal as-*
5 *sistance provided by the transferring project shall re-*
6 *main the same in the receiving project or projects;*

7 **(2)** *the transferring project shall, as determined*
8 *by the Secretary, be either physically obsolete or eco-*
9 *nomically non-viable;*

10 **(3)** *the receiving project or projects shall meet or*
11 *exceed applicable physical standards established by*
12 *the Secretary;*

13 **(4)** *the owner or mortgagor of the transferring*
14 *project shall notify and consult with the tenants re-*
15 *siding in the transferring project and provide a cer-*
16 *tification of approval by all appropriate local govern-*
17 *mental officials;*

18 **(5)** *the tenants of the transferring project who re-*
19 *main eligible for assistance to be provided by the re-*
20 *ceiving project or projects shall not be required to va-*
21 *cate their units in the transferring project or projects*
22 *until new units in the receiving project are available*
23 *for occupancy;*

24 **(6)** *the Secretary determines that this transfer is*
25 *in the best interest of the tenants;*

1 (7) if either the transferring project or the receiv-
2 ing project or projects meets the condition specified in
3 subsection (c)(2)(A), any lien on the receiving project
4 resulting from additional financing obtained by the
5 owner shall be subordinate to any FHA-insured mort-
6 gage lien transferred to, or placed on, such project by
7 the Secretary;

8 (8) if the transferring project meets the require-
9 ments of subsection (c)(2)(E), the owner or mortgagor
10 of the receiving project or projects shall execute and
11 record either a continuation of the existing use agree-
12 ment or a new use agreement for the project where,
13 in either case, any use restrictions in such agreement
14 are of no lesser duration than the existing use restric-
15 tions;

16 (9) any financial risk to the FHA General and
17 Special Risk Insurance Fund, as determined by the
18 Secretary, would be reduced as a result of a transfer
19 completed under this section; and

20 (10) the Secretary determines that Federal liabil-
21 ity with regard to this project will not be increased.

22 (c) For purposes of this section—

23 (1) the terms “low-income” and “very low-in-
24 come” shall have the meanings provided by the statute

1 *and/or regulations governing the program under*
2 *which the project is insured or assisted;*

3 (2) *the term “multifamily housing project”*
4 *means housing that meets one of the following*
5 *conditions—*

6 (A) *housing that is subject to a mortgage*
7 *insured under the National Housing Act;*

8 (B) *housing that has project-based assist-*
9 *ance attached to the structure including projects*
10 *undergoing mark to market debt restructuring*
11 *under the Multifamily Assisted Housing Reform*
12 *and Affordability Housing Act;*

13 (C) *housing that is assisted under section*
14 *202 of the Housing Act of 1959 as amended by*
15 *section 801 of the Cranston-Gonzales National*
16 *Affordable Housing Act;*

17 (D) *housing that is assisted under section*
18 *202 of the Housing Act of 1959, as such section*
19 *existed before the enactment of the Cranston-*
20 *Gonzales National Affordable Housing Act; or*

21 (E) *housing or vacant land that is subject*
22 *to a use agreement;*

23 (3) *the term “project-based assistance” means—*

24 (A) *assistance provided under section 8(b)*
25 *of the United States Housing Act of 1937;*

1 (B) assistance for housing constructed or
2 substantially rehabilitated pursuant to assistance
3 provided under section 8(b)(2) of such Act (as
4 such section existed immediately before October
5 1, 1983);

6 (C) rent supplement payments under sec-
7 tion 101 of the Housing and Urban Development
8 Act of 1965;

9 (D) interest reduction payments under sec-
10 tion 236 and/or additional assistance payments
11 under section 236(f)(2) of the National Housing
12 Act; and,

13 (E) assistance payments made under sec-
14 tion 202(c)(2) of the Housing Act of 1959;

15 (4) the term “receiving project or projects”
16 means the multifamily housing project or projects to
17 which the project-based assistance, debt, and statu-
18 torily required use low-income and very low-income
19 restrictions are to be transferred;

20 (5) the term “transferring project” means the
21 multifamily housing project which is transferring the
22 project-based assistance, debt and the statutorily re-
23 quired low-income and very low-income use restric-
24 tions to the receiving project; and,

1 (6) *the term “Secretary” means the Secretary of*
2 *Housing and Urban Development.*

3 *SEC. 216. The funds made available for Native Alas-*
4 *kans under the heading “Native American Housing Block*
5 *Grants” in title III of this Act shall be allocated to the same*
6 *Native Alaskan housing block grant recipients that received*
7 *funds in fiscal year 2005.*

8 *SEC. 217. Incremental vouchers made available under*
9 *this Act and previously made available under the heading,*
10 *“Housing Certificate Fund” or renewed under the heading,*
11 *“Tenant-Based Rental Assistance”, for family unification*
12 *shall, to the extent practicable, continue to be provided for*
13 *family unification.*

14 *SEC. 218. The Secretary of Transportation may re-*
15 *ceive and expend cash, or receive and utilize spare parts*
16 *and similar items, from non-United States Government*
17 *sources to repair damages to or replace United States Gov-*
18 *ernment owned automated track inspection cars and equip-*
19 *ment as a result of third party liability for such damages,*
20 *and any amounts collected under this subsection shall be*
21 *credited directly to the Safety and Operations account of*
22 *the Federal Railroad Administration, and shall remain*
23 *available until expended for the repair, operation and*
24 *maintenance of automated track inspection cars and equip-*

1 *ment in connection with the automated track inspection*
2 *program.*

3 *(ADDITIONAL OBLIGATION LIMITATION)*

4 *(HIGHWAY TRUST FUND)*

5 *For an additional amount of obligation limitation to*
6 *be distributed for the purpose of section 144(e) of title 23,*
7 *United States Code, \$1,000,000,000: Provided, That such*
8 *obligation limitation shall be used only for a purpose eligi-*
9 *ble for obligation with funds apportioned under such section*
10 *and shall be distributed in accordance with the formula in*
11 *such section: Provided further, That in distributing obliga-*
12 *tion authority under this paragraph, the Secretary shall en-*
13 *sure that such obligation limitation shall supplement and*
14 *not supplant each State's planned obligations for such pur-*
15 *poses.*

16 *SEC. 219. (a) No assistance shall be provided under*
17 *section 8 of the United States Housing Act of 1937 (42*
18 *U.S.C. 1437f) to any individual who—*

19 *(1) is enrolled as a student at an institution of*
20 *higher education (as defined under section 102 of the*
21 *Higher Education Act of 1965 (20 U.S.C. 1002));*

22 *(2) is under 24 years of age;*

23 *(3) is not a veteran;*

24 *(4) is unmarried;*

25 *(5) does not have a dependent child;*

1 (6) *is not a person with disabilities, as such*
2 *term is defined in section 3(b)(3)(E) of the United*
3 *States Housing Act of 1937 (42 U.S.C.*
4 *1437a(b)(3)(E)) and was not receiving assistance*
5 *under such section 8 as of November 30, 2005; and*

6 (7) *is not otherwise individually eligible, or has*
7 *parents who, individually or jointly, are not eligible,*
8 *to receive assistance under section 8 of the United*
9 *States Housing Act of 1937 (42 U.S.C. 1437f).*

10 (b) *For purposes of determining the eligibility of a per-*
11 *son to receive assistance under section 8 of the United States*
12 *Housing Act of 1937 (42 U.S.C. 1437f), any financial as-*
13 *stance (in excess of amounts received for tuition) that an*
14 *individual receives under the Higher Education Act of 1965*
15 *(20 U.S.C. 1001 et seq.), from private sources, or an institu-*
16 *tion of higher education (as defined under the Higher Edu-*
17 *cation Act of 1965 (20 U.S.C. 1002)), shall be considered*
18 *income to that individual, except for a person over the age*
19 *of 23 with dependent children.*

20 (c) *Not later than 30 days after the date of enactment*
21 *of this Act, the Secretary of Housing and Urban Develop-*
22 *ment shall issue final regulations to carry out the provi-*
23 *sions of this section.*

24 SEC. 220. *Notwithstanding any other provision of law,*
25 *in fiscal year 2008, in managing and disposing of any mul-*

1 *multifamily property that is owned or has a mortgage held by*
2 *the Secretary of Housing and Urban Development, the Sec-*
3 *retary shall maintain any rental assistance payments*
4 *under section 8 of the United States Housing Act of 1937*
5 *and other programs that are attached to any dwelling units*
6 *in the property. To the extent the Secretary determines, in*
7 *consultation with the tenants and the local government, that*
8 *such a multifamily property owned or held by the Secretary*
9 *is not feasible for continued rental assistance payments*
10 *under such section 8 or other programs, based on consider-*
11 *ation of (1) the costs of rehabilitating and operating the*
12 *property and all available Federal, State, and local re-*
13 *sources, including rent adjustments under section 524 of the*
14 *Multifamily Assisted Housing Reform and Affordability*
15 *Act of 1997 (“MAHRAA”) and (2) environmental condi-*
16 *tions that cannot be remedied in a cost-effective fashion, the*
17 *Secretary may, in consultation with the tenants of that*
18 *property, contract for project-based rental assistance pay-*
19 *ments with an owner or owners of other existing housing*
20 *properties, or provide other rental assistance. The Secretary*
21 *shall also take appropriate steps to ensure that project-based*
22 *contracts remain in effect prior to foreclosure, subject to the*
23 *exercise of contractual abatement remedies to assist reloca-*
24 *tion of tenants for imminent major threats to health and*
25 *safety. After disposition of any multifamily property de-*

1 *scribed under this section, the contract and allowable rent*
 2 *levels on such properties shall be subject to the requirements*
 3 *under section 524 of MAHRAA.*

4 *SEC. 221. The National Housing Act is amended—*

5 *(1) in sections 207(c)(3), 213(b)(2)(B)(i),*
 6 *221(d)(3)(ii)(II), 221(d)(4)(ii)(II), 231(c)(2)(B), and*
 7 *234(e)(3)(B) (12 U.S.C. 1713(c)(3), 1715e(b)(2)(B)(i),*
 8 *1715l(d)(3)(ii)(II), 1715l(d)(4)(ii)(II),*
 9 *1715v(c)(2)(B), and 1715y(e)(3)(B))—*

10 *(A) by striking “140 percent” each place*
 11 *such term appears and inserting “170 percent”;*
 12 *and*

13 *(B) by striking “170 percent in high cost*
 14 *areas” each place such term appears and insert-*
 15 *ing “215 percent in high cost areas”; and*

16 *(2) in section 220(d)(3)(B)(iii)(III) (12 U.S.C.*
 17 *1715k(d)(3)(B)(iii)(III)) by striking “206A” and all*
 18 *that follows through “project-by-project basis” and in-*
 19 *serting the following: “206A of this Act) by not to ex-*
 20 *ceed 170 percent in any geographical area where the*
 21 *Secretary finds that cost levels so require and by not*
 22 *to exceed 170 percent, or 215 percent in high cost*
 23 *areas, where the Secretary determines it necessary on*
 24 *a project-by-project basis”.*

1 *SEC. 222. Section 24 of the United States Housing Act*
2 *of 1937 (42 U.S.C. 1437v) is amended—*

3 *(1) in subsection (m)(1), by striking “2003” and*
4 *inserting “2008”; and*

5 *(2) in subsection (o), by striking “September 30,*
6 *2007” and inserting “September 30, 2008”.*

7 *SEC. 223. Public housing agencies that own and oper-*
8 *ate 500 or fewer public housing units may elect to be exempt*
9 *from any asset management requirement imposed by the*
10 *Secretary of Housing and Urban Development in connec-*
11 *tion with the operating fund rule: Provided, That an agency*
12 *seeking a discontinuance of a reduction of subsidy under*
13 *the operating fund formula shall not be exempt from asset*
14 *management requirements.*

15 *SEC. 224. With respect to the use of amounts provided*
16 *in this Act and in future Acts for the operation, capital*
17 *improvement and management of public housing as author-*
18 *ized by sections 9(d) and 9(e) of the United States Housing*
19 *Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary*
20 *shall not impose any requirement or guideline relating to*
21 *asset management that restricts or limits in any way the*
22 *use of capital funds for central office costs pursuant to sec-*
23 *tion 9(g)(1) or 9(g)(2) of the United States Housing Act*
24 *of 1937 (42 U.S.C. 1437g(g)(1),(2)).*

1 *SEC. 225. The Secretary of Housing and Urban Devel-*
2 *opment shall report quarterly to the House of Representa-*
3 *tives and Senate Committees on Appropriations on the sta-*
4 *tus of all section 8 project-based housing, including the*
5 *number of all project-based units by region as well as an*
6 *analysis of all federally subsidized housing being refinanced*
7 *under the Mark-to-Market program. The Secretary shall in*
8 *the report identify all existing units maintained by region*
9 *as section 8 project-based units and all project-based units*
10 *that have opted out of section 8 or have otherwise been*
11 *eliminated as section 8 project-based units. The Secretary*
12 *shall identify in detail and by project all the efforts made*
13 *by the Department to preserve all section 8 project-based*
14 *housing units and all the reasons for any units which opted*
15 *out or otherwise were lost as section 8 project-based units.*
16 *Such analysis shall include a review of the impact of the*
17 *loss any subsidized units in that housing marketplace, such*
18 *as the impact of cost and the loss of available subsidized,*
19 *low-income housing in areas with scarce housing resources*
20 *for low-income families.*

21 *SEC. 226. The Secretary of Housing and Urban Devel-*
22 *opment shall report quarterly to the House of Representa-*
23 *tives and Senate Committees on Appropriations on HUD's*
24 *use of all sole source contracts, including terms of the con-*

1 *tracts, cost and a substantive rationale for using a sole*
2 *source contract.*

3 *SEC. 227. Section 9(e)(2)(C) of the United States*
4 *Housing Act of 1937 (42 U.S.C. 1437g(e)(2)(C)) is amended*
5 *by adding at the end of the following:*

6 “(iv) *EXISTING CONTRACTS.*—*The term*
7 *of a contract described in clause (i) that, as*
8 *of the date of enactment of this clause, is in*
9 *repayment and has a term of not more than*
10 *12 years, may be extended to a term of not*
11 *more than 20 years to permit additional*
12 *energy conservation improvements without*
13 *requiring the procurement of energy per-*
14 *formance contractors.”.*

15 *SEC. 228. The Secretary of Housing and Urban Devel-*
16 *opment shall increase, pursuant to this section, the number*
17 *of Moving-to-Work agencies authorized under section 204,*
18 *title II, of the Departments of Veterans Affairs and Housing*
19 *and Urban Development and Independent Agencies Appro-*
20 *priations Act, 1996 (Public Law 104–134; 110 Stat. 1321–*
21 *281) by making the Alaska Public Housing Agency a Mov-*
22 *ing-to-Work Agency under such section 204.*

23 *SEC. 229. (a) The referenced statement of managers*
24 *under the heading “Community Development Fund” in*
25 *title II of Public Law 108–447 is deemed to be amended*

1 *with respect to item number 203 by striking “equipment”*
2 *and inserting “renovation and construction”.*

3 **(b)** *The referenced statement of managers under the*
4 *heading “Community Development Fund” in title III of di-*
5 *vision A of Public Law 109–115 is deemed to be amended*
6 *with respect to item number 696 by striking “a Small Busi-*
7 *ness Development Center” and inserting “for revitalization*
8 *costs at the College of Agriculture Biotechnology and Nat-*
9 *ural Resources”.*

10 **(c)** *The referenced statement of managers under the*
11 *heading “Community Development Fund” in title III of di-*
12 *vision A of Public Law 109–115 is deemed to be amended*
13 *with respect to item number 460 by striking “Maine-*
14 *Mawoshen One Country, Two Worlds Project” and insert-*
15 *ing “Sharing Maine’s Maritime Heritage Project—Con-*
16 *struction and access to exhibits”.*

17 **(d)** *The referenced statement of managers under the*
18 *heading “Community Development Fund” in title III of di-*
19 *vision A of Public Law 109–115 is deemed to be amended*
20 *with respect to item number 914 by striking “the Pastime*
21 *Theatre in Bristol, Rhode Island for building improve-*
22 *ments” and inserting “the Institute for the Study and Prac-*
23 *tice of Nonviolence in Providence, Rhode Island for building*
24 *renovations”.*

1 (e) *The referenced statement of managers under the*
2 *heading “Community Development Fund” in title III of di-*
3 *vision A of Public Law 109–115 is deemed to be amended*
4 *with respect to item number 918 by striking “South*
5 *Kingstown” and inserting “Washington County”.*

6 (f) *The referenced statement of managers under the*
7 *heading “Community Development Fund” in title III of di-*
8 *vision A of Public Law 109–115 is deemed to be amended*
9 *with respect to item number 624 by striking “for the con-*
10 *struction of a new technology building” and inserting “for*
11 *renovations to the Wheeling Community Center”.*

12 *SEC. 230. Notwithstanding the limitation in the first*
13 *sentence of section 255(g) of the National Housing Act (12*
14 *U.S.C. 1715z–20(g)), the Secretary of Housing and Urban*
15 *Development may, until September 30, 2008, insure and*
16 *enter into commitments to insure mortgages under section*
17 *255 of the National Housing Act (12 U.S.C. 1715z–20).*

18 *SEC. 231. Notwithstanding any other provision of law,*
19 *the Secretary of Housing and Urban Development may not*
20 *rescind or take any adverse action with respect to the Mov-*
21 *ing-to-Work program designation for the Housing Author-*
22 *ity of Baltimore City based on any alleged administrative*
23 *or procedural errors in making such designation.*

24 *SEC. 232. Paragraph (4) of section 102(a) of the Hous-*
25 *ing and Community Development Act of 1974 (42 U.S.C.*

1 5302) is amended by adding at the end the following new
2 sentence: “Notwithstanding any other provision of this
3 paragraph, with respect to any fiscal year beginning after
4 the date of the enactment of this sentence, the cities of Alton
5 and Granite City, Illinois, may be considered metropolitan
6 cities for purposes of this title.”.

7 SEC. 233. (a) The amounts provided under the sub-
8 heading “Program Account” under the heading “Commu-
9 nity Development Loan Guarantees” may be used to guar-
10 antee, or make commitments to guarantee, notes or other
11 obligations issued by any State on behalf of non-entitlement
12 communities in the State in accordance with the require-
13 ments of section 108 of the Housing and Community Devel-
14 opment Act of 1974: Provided, That, any State receiving
15 such a guarantee or commitment shall distribute all funds
16 subject to such guarantee to the units of general local gov-
17 ernment in non-entitlement areas that received the commit-
18 ment.

19 (b) Not later than 60 days after the date of enactment
20 of this Act, the Secretary of Housing and Urban Develop-
21 ment shall promulgate regulations governing the adminis-
22 tration of the funds described under subsection (a).

23 SEC. 234. Not later than 30 days after the date of en-
24 actment of this Act, the Secretary of Housing and Urban
25 Development shall establish and maintain on the homepage

1 *of the Internet website of the Department of Housing and*
2 *Urban Development—*

3 (1) *a direct link to the Internet website of the Of-*
4 *fice of Inspector General of the Department of Hous-*
5 *ing and Urban Development; and*

6 (2) *a mechanism by which individuals may*
7 *anonymously report cases of waste, fraud, or abuse*
8 *with respect to the Department of Housing and*
9 *Urban Development.*

10 *SEC. 235. Not later than 90 days after the date of en-*
11 *actment of this Act, the Secretary of Housing and Urban*
12 *Development may—*

13 (1) *develop a formal, structured, and written*
14 *plan that the Department of Housing and Urban De-*
15 *velopment shall use when monitoring for compliance*
16 *with the specific relocation restrictions in—*

17 (A) *the Community Development Block*
18 *Grant entitlement program; and*

19 (B) *the Community Development Block*
20 *Grant State program that receives economic de-*
21 *velopment funds from the Department of Hous-*
22 *ing and Urban Development; and*

23 (2) *submit such plan to the Committee on Ap-*
24 *propriations of both the Senate and the House of Rep-*
25 *resentatives.*

1 *SEC. 236. (a) REQUIRED SUBMISSIONS FOR FISCAL*
2 *YEARS 2007 AND 2008.—*

3 *(1) IN GENERAL.—Not later than 60 days after*
4 *the date of enactment of this Act, the Secretary of*
5 *Housing and Urban Development may submit to the*
6 *relevant authorizing committees and to the Commit-*
7 *tees on Appropriations of the Senate and the House*
8 *of Representatives for fiscal year 2007 and 2008—*

9 *(A) a complete and accurate accounting of*
10 *the actual project-based renewal costs for project-*
11 *based assistance under section 8 of the United*
12 *States Housing Act of 1937 (42 U.S.C. 1437f);*

13 *(B) revised estimates of the funding needed*
14 *to fully fund all 12 months of all project-based*
15 *contracts under such section 8, including project-*
16 *based contracts that expire in fiscal year 2007*
17 *and fiscal year 2008; and*

18 *(C) all sources of funding that will be used*
19 *to fully fund all 12 months of the project-based*
20 *contracts for fiscal years 2007 and 2008.*

21 *(2) UPDATED INFORMATION.—At any time after*
22 *the expiration of the 60-day period described in para-*
23 *graph (1), the Secretary may submit corrections or*
24 *updates to the information required under paragraph*
25 *(1), if upon completion of an audit of the project-*

1 *based assistance program under section 8 of the*
2 *United States Housing Act of 1937 (42 U.S.C. 1437f),*
3 *such audit reveals additional information that may*
4 *provide Congress a more complete understanding of*
5 *the Secretary's implementation of the project-based*
6 *assistance program under such section 8.*

7 **(b) REQUIRED SUBMISSIONS FOR FISCAL YEAR**
8 *2009.—As part of the Department of Housing and Urban*
9 *Development's budget request for fiscal year 2009, the Sec-*
10 *retary of Housing and Urban Development shall submit to*
11 *the relevant authorizing committees and to the Committees*
12 *on Appropriations of the Senate and the House of Rep-*
13 *resentatives complete and detailed information, including*
14 *a project-by-project analysis, that verifies that such budget*
15 *request will fully fund all project-based contracts under sec-*
16 *tion 8 of the United States Housing Act of 1937 (42 U.S.C.*
17 *1437f) in fiscal year 2009, including expiring project-based*
18 *contracts.*

19 *This title may be cited as the "Department of Housing*
20 *and Urban Development Appropriations Act, 2008".*

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TITLE III

INDEPENDENT AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS

COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$6,150,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, \$22,322,000: Provided, That not to exceed \$2,000 shall be available for official reception and representation expenses.

1 *NATIONAL TRANSPORTATION SAFETY BOARD*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the National Transportation*
4 *Safety Board, including hire of passenger motor vehicles*
5 *and aircraft; services as authorized by 5 U.S.C. 3109, but*
6 *at rates for individuals not to exceed the per diem rate*
7 *equivalent to the rate for a GS-15; uniforms, or allowances*
8 *therefor, as authorized by law (5 U.S.C. 5901-5902)*
9 *\$84,500,000, of which not to exceed \$2,000 may be used for*
10 *official reception and representation expenses. The amounts*
11 *made available to the National Transportation Safety*
12 *Board in this Act include amounts necessary to make lease*
13 *payments due in fiscal year 2008 only, on an obligation*
14 *incurred in fiscal year 2001 for a capital lease.*

15 *NEIGHBORHOOD REINVESTMENT CORPORATION*16 *PAYMENT TO THE NEIGHBORHOOD REINVESTMENT*17 *CORPORATION*

18 *For payment to the Neighborhood Reinvestment Cor-*
19 *poration for use in neighborhood reinvestment activities, as*
20 *authorized by the Neighborhood Reinvestment Corporation*
21 *Act (42 U.S.C. 8101-8107), \$119,800,000, of which*
22 *\$5,000,000 shall be for a multi-family rental housing pro-*
23 *gram.*

1 *UNITED STATES INTERAGENCY COUNCIL ON*
2 *HOMELESSNESS*
3 *OPERATING EXPENSES*

4 *For necessary expenses (including payment of salaries,*
5 *authorized travel, hire of passenger motor vehicles, the rent-*
6 *al of conference rooms, and the employment of experts and*
7 *consultants under section 3109 of title 5, United States*
8 *Code) of the United States Interagency Council on Home-*
9 *lessness in carrying out the functions pursuant to title II*
10 *of the McKinney-Vento Homeless Assistance Act, as amend-*
11 *ed, \$2,300,000.*

12 *Title II of the McKinney-Vento Homeless Assistance*
13 *Act, as amended, is amended in section 209 by striking*
14 *“2007” and inserting “2008”.*

15 *TITLE IV*
16 *GENERAL PROVISIONS THIS ACT*
17 *(INCLUDING TRANSFERS OF FUNDS)*

18 *SEC. 401. Such sums as may be necessary for fiscal*
19 *year 2008 pay raises for programs funded in this Act shall*
20 *be absorbed within the levels appropriated in this Act or*
21 *previous appropriations Acts.*

22 *SEC. 402. None of the funds in this Act shall be used*
23 *for the planning or execution of any program to pay the*
24 *expenses of, or otherwise compensate, non-Federal parties*

1 *intervening in regulatory or adjudicatory proceedings fund-*
2 *ed in this Act.*

3 *SEC. 403. None of the funds appropriated in this Act*
4 *shall remain available for obligation beyond the current fis-*
5 *cal year, nor may any be transferred to other appropria-*
6 *tions, unless expressly so provided herein.*

7 *SEC. 404. The expenditure of any appropriation under*
8 *this Act for any consulting service through procurement*
9 *contract pursuant to section 3109 of title 5, United States*
10 *Code, shall be limited to those contracts where such expendi-*
11 *tures are a matter of public record and available for public*
12 *inspection, except where otherwise provided under existing*
13 *law, or under existing Executive order issued pursuant to*
14 *existing law.*

15 *SEC. 405. Except as otherwise provided in this Act,*
16 *none of the funds provided in this Act, provided by previous*
17 *appropriations Acts to the agencies or entities funded in*
18 *this Act that remain available for obligation or expenditure*
19 *in fiscal year 2008, or provided from any accounts in the*
20 *Treasury derived by the collection of fees and available to*
21 *the agencies funded by this Act, shall be available for obliga-*
22 *tion or expenditure through a reprogramming of funds that:*
23 *(1) creates a new program; (2) eliminates a program,*
24 *project, or activity; (3) increases funds or personnel for any*
25 *program, project, or activity for which funds have been de-*

1 *nied or restricted by the Congress; (4) proposes to use funds*
2 *directed for a specific activity by either the House or Senate*
3 *Committees on Appropriations for a different purpose; (5)*
4 *augments existing programs, projects, or activities in excess*
5 *of \$5,000,000 or 10 percent, whichever is less; (6) reduces*
6 *existing programs, projects, or activities by \$5,000,000 or*
7 *10 percent, whichever is less; or (7) creates, reorganizes, or*
8 *restructures a branch, division, office, bureau, board, com-*
9 *mission, agency, administration, or department different*
10 *from the budget justifications submitted to the Committees*
11 *on Appropriations or the table accompanying the statement*
12 *of the managers accompanying this Act, whichever is more*
13 *detailed, unless prior approval is received from the House*
14 *and Senate Committees on Appropriations: Provided, That*
15 *not later than 60 days after the date of enactment of this*
16 *Act, each agency funded by this Act shall submit a report*
17 *to the Committees on Appropriations of the Senate and of*
18 *the House of Representatives to establish the baseline for*
19 *application of reprogramming and transfer authorities for*
20 *the current fiscal year: Provided further, That the report*
21 *shall include: (1) a table for each appropriation with a sep-*
22 *arate column to display the President's budget request, ad-*
23 *justments made by Congress, adjustments due to enacted re-*
24 *scissions, if appropriate, and the fiscal year enacted level;*
25 *(2) a delineation in the table for each appropriation both*

1 *by object class and program, project, and activity as de-*
2 *tailed in the budget appendix for the respective appropria-*
3 *tion; and (3) an identification of items of special congres-*
4 *sional interest: Provided further, That the amount appro-*
5 *priated or limited for salaries and expenses for an agency*
6 *shall be reduced by \$100,000 per day for each day after*
7 *the required date that the report has not been submitted*
8 *to the Congress.*

9 *SEC. 406. Except as otherwise specifically provided by*
10 *law, not to exceed 50 percent of unobligated balances re-*
11 *maining available at the end of fiscal year 2008 from ap-*
12 *propriations made available for salaries and expenses for*
13 *fiscal year 2008 in this Act, shall remain available through*
14 *September 30, 2009, for each such account for the purposes*
15 *authorized: Provided, That a request shall be submitted to*
16 *the Committees on Appropriations for approval prior to the*
17 *expenditure of such funds: Provided further, That these re-*
18 *quests shall be made in compliance with reprogramming*
19 *guidelines.*

20 *SEC. 407. All Federal agencies and departments that*
21 *are funded under this Act shall issue a report to the House*
22 *and Senate Committees on Appropriations on all sole*
23 *source contracts by no later than July 31, 2008. Such report*
24 *shall include the contractor, the amount of the contract and*
25 *the rationale for using a sole source contract.*

1 *SEC. 408. (a) None of the funds made available in this*
2 *Act may be obligated or expended for any employee training*
3 *that—*

4 *(1) does not meet identified needs for knowledge,*
5 *skills, and abilities bearing directly upon the perform-*
6 *ance of official duties;*

7 *(2) contains elements likely to induce high levels*
8 *of emotional response or psychological stress in some*
9 *participants;*

10 *(3) does not require prior employee notification*
11 *of the content and methods to be used in the training*
12 *and written end of course evaluation;*

13 *(4) contains any methods or content associated*
14 *with religious or quasi-religious belief systems or*
15 *“new age” belief systems as defined in Equal Employ-*
16 *ment Opportunity Commission Notice N-915.022,*
17 *dated September 2, 1988; or*

18 *(5) is offensive to, or designed to change, partici-*
19 *pants’ personal values or lifestyle outside the work-*
20 *place.*

21 *(b) Nothing in this section shall prohibit, restrict, or*
22 *otherwise preclude an agency from conducting training*
23 *bearing directly upon the performance of official duties.*

24 *SEC. 409. No funds in this Act may be used to support*
25 *any Federal, State, or local projects that seek to use the*

1 *power of eminent domain, unless eminent domain is em-*
2 *ployed only for a public use: Provided, That for purposes*
3 *of this section, public use shall not be construed to include*
4 *economic development that primarily benefits private enti-*
5 *ties: Provided further, That any use of funds for mass tran-*
6 *sit, railroad, airport, seaport or highway projects as well*
7 *as utility projects which benefit or serve the general public*
8 *(including energy-related, communication-related, water-re-*
9 *lated and wastewater-related infrastructure), other struc-*
10 *tures designated for use by the general public or which have*
11 *other common-carrier or public-utility functions that serve*
12 *the general public and are subject to regulation and over-*
13 *sight by the government, and projects for the removal of an*
14 *immediate threat to public health and safety or brownsfield*
15 *as defined in the Small Business Liability Relief and*
16 *Brownsfield Revitalization Act (Public Law 107–118) shall*
17 *be considered a public use for purposes of eminent domain:*
18 *Provided further, That the Government Accountability Of-*
19 *fice, in consultation with the National Academy of Public*
20 *Administration, organizations representing State and local*
21 *governments, and property rights organizations, shall con-*
22 *duct a study to be submitted to the Congress within 12*
23 *months of the enactment of this Act on the nationwide use*
24 *of eminent domain, including the procedures used and the*
25 *results accomplished on a State-by-State basis as well as*

1 *the impact on individual property owners and on the af-*
2 *ected communities.*

3 *SEC. 410. None of the funds made available in this*
4 *Act may be transferred to any department, agency, or in-*
5 *strumentality of the United States Government, except pur-*
6 *suant to a transfer made by, or transfer authority provided*
7 *in, this Act or any other appropriations Act.*

8 *SEC. 411. No part of any appropriation contained in*
9 *this Act shall be available to pay the salary for any person*
10 *filling a position, other than a temporary position, formerly*
11 *held by an employee who has left to enter the Armed Forces*
12 *of the United States and has satisfactorily completed his*
13 *period of active military or naval service, and has within*
14 *90 days after his release from such service or from hos-*
15 *pitalization continuing after discharge for a period of not*
16 *more than 1 year, made application for restoration to his*
17 *former position and has been certified by the Office of Per-*
18 *sonnel Management as still qualified to perform the duties*
19 *of his former position and has not been restored thereto.*

20 *SEC. 412. No funds appropriated pursuant to this Act*
21 *may be expended by an entity unless the entity agrees that*
22 *in expending the assistance the entity will comply with sec-*
23 *tions 2 through 4 of the Act of March 3, 1933 (41 U.S.C.*
24 *10a–10c, popularly known as the “Buy American Act”).*

1 *SEC. 413. No funds appropriated or otherwise made*
2 *available under this Act shall be made available to any per-*
3 *son or entity that has been convicted of violating the Buy*
4 *American Act (41 U.S.C. 10a–10c).*

5 *SEC. 414. None of the funds appropriated or otherwise*
6 *made available by this Act may be used to enter into a*
7 *contract in an amount greater than \$5,000,000 or to award*
8 *a grant in excess of such amount unless the prospective con-*
9 *tractor or grantee certifies in writing to the agency award-*
10 *ing the contract or grant that the contractor or grantee has*
11 *filed all Federal tax returns required during the three years*
12 *preceding the certification, has not been convicted of a*
13 *criminal offense under the Internal Revenue Code of 1986,*
14 *and has not been notified of any unpaid Federal tax assess-*
15 *ment for which the liability remains unsatisfied unless the*
16 *assessment is the subject of an installment agreement or*
17 *offer in compromise that has been approved by the Internal*
18 *Revenue Service and is not in default or the assessment is*
19 *the subject of a non-frivolous administrative or judicial ap-*
20 *peal.*

21 *SEC. 415. Not later than 120 days after the date of*
22 *the enactment of this Act, the Secretary of Transportation*
23 *shall submit to the Committee on Appropriations of the*
24 *Senate, the Committee on Appropriations of the House of*
25 *Representatives, the Committee on Commerce, Science, and*

1 *Transportation of the Senate, and the Committee on Trans-*
2 *portation and Infrastructure of the House of Representa-*
3 *tives, a report detailing how the Federal Aviation Adminis-*
4 *tration plans to alleviate air congestion and flight delays*
5 *in the New York/New Jersey/Philadelphia Airspace by Au-*
6 *gust 31, 2008.*

7 *SEC. 416. None of the funds appropriated or otherwise*
8 *made available by this Act may be obligated or expended*
9 *by the Administrator of the Federal Aviation Administra-*
10 *tion to transfer the design and development functions of the*
11 *FAA Academy in their entirety or to implement the Air*
12 *Traffic Control Optimum Training Solution proposed by*
13 *the Administrator in its entirety prior to September 30,*
14 *2008.*

15 *This Act may be cited as the “Transportation, Hous-*
16 *ing and Urban Development, and Related Agencies Appro-*
17 *priations Act, 2008”.*

Attest:

Secretary.

110TH CONGRESS
1ST SESSION

H. R. 3074

AMENDMENT