

Calendar No. 272

110TH CONGRESS
1ST SESSION**S. 1789****[Report No. 110–131]**

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.

IN THE SENATE OF THE UNITED STATES

JULY 16, 2007

Mrs. MURRAY, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Transportation and Housing and Urban
6 Development, and Related Agencies for the fiscal year

1 ending September 30, 2008, and for other purposes,
2 namely:

3 TITLE I

4 DEPARTMENT OF TRANSPORTATION

5 OFFICE OF THE SECRETARY

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of the Secretary,
8 \$95,197,000, of which not to exceed \$2,314,274 shall be
9 available for the immediate Office of the Secretary; not
10 to exceed \$736,833 shall be available for the immediate
11 Office of the Deputy Secretary; not to exceed \$18,719,099
12 shall be available for the Office of the General Counsel;
13 not to exceed \$11,874,050 shall be available for the Office
14 of the Under Secretary of Transportation for Policy; not
15 to exceed \$10,416,963 shall be available for the Office of
16 the Assistant Secretary for Budget and Programs; not to
17 exceed \$2,384,312 shall be available for the Office of the
18 Assistant Secretary for Governmental Affairs; not to ex-
19 ceed \$24,007,990 shall be available for the Office of the
20 Assistant Secretary for Administration; not to exceed
21 \$1,987,803 shall be available for the Office of Public Af-
22 fairs; not to exceed \$1,534,557 shall be available for the
23 Office of the Executive Secretariat; not to exceed
24 \$1,334,596 shall be available for the Office of Small and
25 Disadvantaged Business Utilization; not to exceed

1 \$8,299,072 for the Office of Intelligence, Security, and
 2 Emergency Response; and not to exceed \$11,587,000 shall
 3 be available for the Office of the Chief Information Offi-
 4 cer: *Provided*, That the Secretary of Transportation is au-
 5 thorized to transfer funds appropriated for any office of
 6 the Office of the Secretary to any other office of the Office
 7 of the Secretary: *Provided further*, That no appropriation
 8 for any office shall be increased or decreased by more than
 9 5 percent by all such transfers: *Provided further*, That no-
 10 tice of any change in funding greater than 5 percent shall
 11 be submitted for approval to the House and Senate Com-
 12 mittees on Appropriations: *Provided further*, That not to
 13 exceed \$60,000 shall be for allocation within the Depart-
 14 ment for official reception and representation expenses as
 15 the Secretary may determine: *Provided further*, That not-
 16 withstanding any other provision of law, excluding fees au-
 17 thorized in Public Law 107–71, there may be credited to
 18 this appropriation up to \$2,500,000 in funds received in
 19 user fees: *Provided further*, That none of the funds pro-
 20 vided in this Act shall be available for the position of As-
 21 sistant Secretary for Public Affairs.

22 OFFICE OF CIVIL RIGHTS

23 For necessary expenses of the Office of Civil Rights,
 24 \$9,140,900.

7 WORKING CAPITAL FUND

S 1789 PCS

1 MINORITY BUSINESS RESOURCE CENTER PROGRAM

2 For the cost of guaranteed loans, \$370,000, as au-
 3 thorized by 49 U.S.C. 332: *Provided*, That such costs, in-
 4 cluding the cost of modifying such loans, shall be as de-
 5 fined in section 502 of the Congressional Budget Act of
 6 1974: *Provided further*, That these funds are available to
 7 subsidize total loan principal, any part of which is to be
 8 guaranteed, not to exceed \$18,367,000. In addition, for
 9 administrative expenses to carry out the guaranteed loan
 10 program, \$521,000.

11 MINORITY BUSINESS OUTREACH

12 For necessary expenses of Minority Business Re-
 13 source Center outreach activities, \$2,970,000, to remain
 14 available until September 30, 2009: *Provided*, That not-
 15 withstanding 49 U.S.C. 332, these funds may be used for
 16 business opportunities related to any mode of transpor-
 17 tation.

18 PAYMENTS TO AIR CARRIERS

19 (AIRPORT AND AIRWAY TRUST FUND)

20 (INCLUDING TRANSFER OF FUNDS)

21 In addition to funds made available from any other
 22 source to carry out the essential air service program under
 23 49 U.S.C. 41731 through 41742, \$60,000,000, to be de-
 24 rived from the Airport and Airway Trust Fund, to remain
 25 available until expended: *Provided*, That, in determining
 26 between or among carriers competing to provide service

1 to a community, the Secretary may consider the relative
 2 subsidy requirements of the carriers: *Provided further*,
 3 That, if the funds under this heading are insufficient to
 4 meet the costs of the essential air service program in the
 5 current fiscal year, the Secretary shall transfer such sums
 6 as may be necessary to carry out the essential air service
 7 program from any available amounts appropriated to or
 8 directly administered by the Office of the Secretary for
 9 such fiscal year.

10 COMPENSATION FOR AIR CARRIERS

11 (RESCISSION)

12 Of the remaining unobligated balances under section
 13 101(a)(2) of Public Law 107–42, \$22,000,000 are re-
 14 scinded.

15 ADMINISTRATIVE PROVISIONS—OFFICE OF THE

16 SECRETARY OF TRANSPORTATION

17 SEC. 101. The Secretary of Transportation is author-
 18 ized to transfer the unexpended balances available for the
 19 bonding assistance program from “Office of the Secretary,
 20 Salaries and expenses” to “Minority Business Outreach”.

21 SEC. 102. None of the funds made available in this
 22 Act to the Department of Transportation may be obligated
 23 for the Office of the Secretary of Transportation to ap-
 24 prove assessments or reimbursable agreements pertaining
 25 to funds appropriated to the modal administrations in this
 26 Act, except for activities underway on the date of enact-

1 ment of this Act, unless such assessments or agreements
2 have completed the normal reprogramming process for
3 Congressional notification.

4 SEC. 103. None of the funds made available under
5 this Act may be obligated or expended to establish or im-
6 plement a program under which essential air service com-
7 munities are required to assume subsidy costs commonly
8 referred to as the EAS local participation program.

9 FEDERAL AVIATION ADMINISTRATION

10 OPERATIONS

11 (AIRPORT AND AIRWAY TRUST FUND)

12 For necessary expenses of the Federal Aviation Ad-
13 ministration, not otherwise provided for, including oper-
14 ations and research activities related to commercial space
15 transportation, administrative expenses for research and
16 development, establishment of air navigation facilities, the
17 operation (including leasing) and maintenance of aircraft,
18 subsidizing the cost of aeronautical charts and maps sold
19 to the public, lease or purchase of passenger motor vehi-
20 cles for replacement only, in addition to amounts made
21 available by Public Law 108–176, \$8,761,783,000, of
22 which \$6,400,580,000 shall be derived from the Airport
23 and Airway Trust Fund, of which not to exceed
24 \$6,964,813,000 shall be available for air traffic organiza-
25 tion activities; not to exceed \$1,092,103,000 shall be avail-
26 able for aviation safety activities; not to exceed

1 \$12,837,437 shall be available for commercial space trans-
2 portation activities; not to exceed \$103,848,661 shall be
3 available for financial services activities; not to exceed
4 \$91,214,239 shall be available for human resources pro-
5 gram activities; not to exceed \$290,872,359 shall be avail-
6 able for region and center operations and regional coordi-
7 nation activities; not to exceed \$166,541,633 shall be
8 available for staff offices; and not to exceed \$39,552,285
9 shall be available for information services: *Provided*, That
10 not to exceed 2 percent of any budget activity, except for
11 aviation safety budget activity, may be transferred to any
12 budget activity under this heading: *Provided further*, That
13 no transfer may increase or decrease any appropriation
14 by more than 2 percent: *Provided further*, That any trans-
15 fer in excess of 2 percent shall be treated as a reprogram-
16 ming of funds under section 405 of this Act and shall not
17 be available for obligation or expenditure except in compli-
18 ance with the procedures set forth in that section: *Pro-*
19 *vided further*, That the Secretary utilize not less than
20 \$20,000,000 of the funds provided for aviation safety ac-
21 tivities to pay for staff increases in the Office of Aviation
22 Flight Standards and the Office of Aircraft Certification:
23 *Provided further*, That none of the funds provided for in-
24 creases to the staffs of the aviation flight standards and
25 aircraft certification offices shall be used for other pur-

1 poses: *Provided further*, That not later than March 31 of
2 each fiscal year hereafter, the Administrator of the Fed-
3 eral Aviation Administration shall transmit to Congress
4 an annual update to the report submitted to Congress in
5 December 2004 pursuant to section 221 of Public Law
6 108–176: *Provided further*, That the amount herein appro-
7 priated shall be reduced by \$100,000 for each day after
8 March 31 that such report has not been submitted to the
9 Congress: *Provided further*, That not later than March 31
10 of each fiscal year hereafter, the Administrator shall
11 transmit to Congress a companion report that describes
12 a comprehensive strategy for staffing, hiring, and training
13 flight standards and aircraft certification staff in a format
14 similar to the one utilized for the controller staffing plan,
15 including stated attrition estimates and numerical hiring
16 goals by fiscal year: *Provided further*, That the amount
17 herein appropriated shall be reduced by \$100,000 per day
18 for each day after March 31 that such report has not been
19 submitted to Congress: *Provided further*, That none of the
20 funds in this Act shall be available for the Federal Avia-
21 tion Administration to finalize or implement any regula-
22 tion that would promulgate new aviation user fees not spe-
23 cifically authorized by law after the date of the enactment
24 of this Act: *Provided further*, That there may be credited
25 to this appropriation funds received from States, counties,

1 municipalities, foreign authorities, other public authori-
2 ties, and private sources, for expenses incurred in the pro-
3 vision of agency services, including receipts for the mainte-
4 nance and operation of air navigation facilities, and for
5 issuance, renewal or modification of certificates, including
6 airman, aircraft, and repair station certificates, or for
7 tests related thereto, or for processing major repair or al-
8 teration forms: *Provided further*, That of the funds appro-
9 priated under this heading, not less than \$8,500,000 shall
10 be for the contract tower cost-sharing program: *Provided*
11 *further*, That none of the funds in this Act shall be avail-
12 able for paying premium pay under 5 U.S.C. 5546(a) to
13 any Federal Aviation Administration employee unless such
14 employee actually performed work during the time cor-
15 responding to such premium pay: *Provided further*, That
16 none of the funds in this Act for aeronautical charting
17 and cartography are available for activities conducted by,
18 or coordinated through, the Working Capital Fund: *Pro-*
19 *vided further*, That none of the funds in this Act may be
20 obligated or expended for an employee of the Federal
21 Aviation Administration to purchase a store gift card or
22 gift certificate through use of a Government-issued credit
23 card.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, \$2,516,920,000, of which \$2,056,947,000 shall remain available until September 30, 2010, and of which \$459,973,000 shall remain available until September 30, 2008: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon ini-

1 tial submission to the Congress of the fiscal year 2009
2 President's budget, the Secretary of Transportation shall
3 transmit to the Congress a comprehensive capital invest-
4 ment plan for the Federal Aviation Administration which
5 includes funding for each budget line item for fiscal years
6 2009 through 2013, with total funding for each year of
7 the plan constrained to the funding targets for those years
8 as estimated and approved by the Office of Management
9 and Budget.

10 RESEARCH, ENGINEERING, AND DEVELOPMENT

11 (AIRPORT AND AIRWAY TRUST FUND)

12 For necessary expenses, not otherwise provided for,
13 for research, engineering, and development, as authorized
14 under part A of subtitle VII of title 49, United States
15 Code, including construction of experimental facilities and
16 acquisition of necessary sites by lease or grant,
17 \$148,800,000, to be derived from the Airport and Airway
18 Trust Fund and to remain available until September 30,
19 2010: *Provided*, That there may be credited to this appro-
20 priation as offsetting collections, funds received from
21 States, counties, municipalities, other public authorities,
22 and private sources, which shall be available for expenses
23 incurred for research, engineering, and development.

1 GRANTS-IN-AID FOR AIRPORTS
 2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
 3 (LIMITATION ON OBLIGATIONS)
 4 (AIRPORT AND AIRWAY TRUST FUND)

5 For liquidation of obligations incurred for grants-in-
 6 aid for airport planning and development, and noise com-
 7 patibility planning and programs as authorized under sub-
 8 chapter I of chapter 471 and subchapter I of chapter 475
 9 of title 49, United States Code, and under other law au-
 10 thorizing such obligations; for procurement, installation,
 11 and commissioning of runway incursion prevention devices
 12 and systems at airports of such title; for grants authorized
 13 under section 41743 of title 49, United States Code; and
 14 for inspection activities and administration of airport safe-
 15 ty programs, including those related to airport operating
 16 certificates under section 44706 of title 49, United States
 17 Code, \$4,399,000,000 to be derived from the Airport and
 18 Airway Trust Fund and to remain available until ex-
 19 pended: *Provided*, That none of the funds under this head-
 20 ing shall be available for the planning or execution of pro-
 21 grams the obligations for which are in excess of
 22 \$3,514,500,000 in fiscal year 2008, notwithstanding sec-
 23 tion 47117(g) of title 49, United States Code: *Provided*
 24 *further*, That none of the funds under this heading shall
 25 be available for the replacement of baggage conveyor sys-
 26 tems, reconfiguration of terminal baggage areas, or other

1 airport improvements that are necessary to install bulk ex-
 2 plosive detection systems: *Provided further*, That notwith-
 3 standing any other provision of law, of funds limited under
 4 this heading, not more than \$80,676,000 shall be obli-
 5 gated for administration, not less than \$10,000,000 shall
 6 be available for the airport cooperative research program,
 7 not less than \$18,712,000 shall be for Airport Technology
 8 Research and \$10,000,000 shall be available and trans-
 9 ferred to the account available to administer the small
 10 community air service development program, to remain
 11 available until expended.

12 (RESCISSION)

13 Of the amounts authorized for the fiscal year ending
 14 September 30, 2007, and prior years under sections
 15 48103 and 48112 of title 49, United States Code,
 16 \$185,500,000 are rescinded.

17 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

18 ADMINISTRATION

19 SEC. 110. None of the funds in this Act may be used
 20 to compensate in excess of 375 technical staff-years under
 21 the federally funded research and development center con-
 22 tract between the Federal Aviation Administration and the
 23 Center for Advanced Aviation Systems Development dur-
 24 ing fiscal year 2008.

25 SEC. 111. None of the funds in this Act shall be used
 26 to pursue or adopt guidelines or regulations requiring air-

1 port sponsors to provide to the Federal Aviation Adminis-
2 tration without cost building construction, maintenance,
3 utilities and expenses, or space in airport sponsor-owned
4 buildings for services relating to air traffic control, air
5 navigation, or weather reporting: *Provided*, That the pro-
6 hibition of funds in this section does not apply to negotia-
7 tions between the agency and airport sponsors to achieve
8 agreement on “below-market” rates for these items or to
9 grant assurances that require airport sponsors to provide
10 land without cost to the FAA for air traffic control facili-
11 ties.

12 SEC. 112. The Administrator of the Federal Aviation
13 Administration may reimburse amounts made available to
14 satisfy 49 U.S.C. 41742(a)(1) from fees credited under
15 49 U.S.C. 45303: *Provided*, That during fiscal year 2008,
16 49 U.S.C. 41742(b) shall not apply, and any amount re-
17 maining in such account at the close of that fiscal year
18 may be made available to satisfy section 41742(a)(1) for
19 the subsequent fiscal year.

20 SEC. 113. Amounts collected under section 40113(e)
21 of title 49, United States Code, shall be credited to the
22 appropriation current at the time of collection, to be
23 merged with and available for the same purposes of such
24 appropriation.

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

4 (b) Section 44303(b) of such title is amended by
5 striking “2006,” and inserting “2008,”.

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

8 SEC. 115. (a) IN GENERAL.—A pilot who has at-
9 tained 60 years of age may serve as a pilot of an aircraft
10 operated by an air carrier engaged in operations under
11 part 121 of title 14, Code of Federal Regulations, until
12 attaining 65 years of age only if the pilot serves—

13 (1) as a required pilot in multi-crew aircraft op-
14 erations; and

15 (2) with another pilot serving as a required
16 pilot in such multi-crew aircraft operations who has
17 not yet attained 60 years of age.

18 (b) SUNSET OF AGE-60 RULE.—

19 (1) IN GENERAL.—Section 121.383(c) of title
20 14, Code of Federal Regulations shall have no fur-
21 ther force or effect.

22 (2) REGULATIONS.—Not later than 30 days
23 after paragraph (1) takes effect, the Secretary of
24 Transportation shall take such action as may be nec-
25 essary to implement paragraph (1) and to modify

1 the regulations relating to pilot privileges by reason
2 of age.

3 (c) APPLICABILITY.—The provisions of subsection (a)
4 shall not provide a basis for a claim of seniority under
5 any labor agreement in effect between a recognized bar-
6 gaining unit for pilots and an air carrier engaged in oper-
7 ations under part 121 of title 14, Code of Federal Regula-
8 tions, that is made by a person who was a pilot and who
9 attained 60 years of age before this section takes effect
10 and is seeking a position as a pilot with such air carrier
11 following that person's termination or cessation of employ-
12 ment or promotion or transfer to another position with
13 such air carrier pursuant to section 121.383(c) of title 14,
14 Code of Federal Regulations, as in effect on the day before
15 the effective date of this section.

16 (d) GAO REPORT AFTER MODIFICATION OF AGE-60
17 STANDARD.—Not later than 24 months after the effective
18 date described in subsection (e), the Comptroller General
19 of the United States shall report to the Senate Committee
20 on Commerce, Science, and Transportation and the House
21 of Representatives Committee on Transportation and In-
22 frastructure concerning the effect on aviation safety, if
23 any, of the modification of the age standard contained in
24 subsection (a).

1 (e) EFFECTIVE DATE.—This section shall take effect
 2 30 days after the date of the enactment of this Act.

3 FEDERAL HIGHWAY ADMINISTRATION

4 LIMITATION ON ADMINISTRATIVE EXPENSES

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

11 FEDERAL-AID HIGHWAYS

12 (LIMITATION ON OBLIGATIONS)

13 (HIGHWAY TRUST FUND)

14 (INCLUDING TRANSFER OF FUNDS)

15 None of the funds in this Act shall be available for
 16 the implementation or execution of programs, the obliga-
 17 tions for which are in excess of \$40,216,051,359 for Fed-
 18 eral-aid highways and highway safety construction pro-
 19 grams for fiscal year 2008: *Provided*, That within the
 20 \$40,216,051,359 obligation limitation on Federal-aid
 21 highways and highway safety construction programs, not
 22 more than \$429,800,000 shall be available for the imple-
 23 mentation or execution of programs for transportation re-
 24 search (chapter 5 of title 23, United States Code; sections
 25 111, 5505, and 5506 of title 49, United States Code; and
 26 title 5 of Public Law 109–59) for fiscal year 2008: *Pro-*

1 *vided further*, That this limitation on transportation re-
 2 search programs shall not apply to any authority pre-
 3 viously made available for obligation: *Provided further*,
 4 That the Secretary may, as authorized by section 605(b)
 5 of title 23, United States Code, collect and spend fees to
 6 cover the costs of services of expert firms, including coun-
 7 sel, in the field of municipal and project finance to assist
 8 in the underwriting and servicing of Federal credit instru-
 9 ments and all or a portion of the costs to the Federal gov-
 10 ernment of servicing such credit instruments: *Provided*
 11 *further*, That such fees are available until expended to pay
 12 for such costs: *Provided further*, That such amounts are
 13 in addition to administrative expenses that are also avail-
 14 able for such purpose, and are not subject to any obliga-
 15 tion limitation or the limitation on administrative expenses
 16 under section 608 of title 23, United States Code.

17 (LIQUIDATION OF CONTRACT AUTHORIZATION)

18 (HIGHWAY TRUST FUND)

19 Notwithstanding any other provision of law, for car-
 20 rying out the provisions of title 23, United States Code,
 21 that are attributable to Federal-aid highways, not other-
 22 wise provided, including reimbursement for sums ex-
 23 pended pursuant to the provisions of 23 U.S.C. 308,
 24 \$40,955,051,359 or so much thereof as may be available
 25 in and derived from the Highway Trust Fund (other than

1 the Mass Transit Account), to remain available until ex-
 2 pended.

3 (RESCISSION)

4 (HIGHWAY TRUST FUND)

5 Of the unobligated balances of funds apportioned to
 6 each State under chapter 1 of title 23, United States
 7 Code, \$2,890,000,000 are rescinded: *Provided*, That such
 8 rescission shall not apply to the funds distributed in ac-
 9 cordance with sections 130(f) and 104(b)(5) of title 23,
 10 United States Code; sections 133(d)(1) and 163 of such
 11 title, as in effect on the day before the date of enactment
 12 of Public Law 109–59; and the first sentence of section
 13 133(d)(3)(A) of such title.

14 APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

15 For necessary expenses for West Virginia corridor H
 16 of the Appalachian Development Highway System as au-
 17 thorized under section 1069(y) of Public Law 102–240,
 18 as amended, \$20,000,000, to remain available until ex-
 19 pended.

20 DELTA REGIONAL TRANSPORTATION DEVELOPMENT

21 PROGRAM

22 For necessary expenses for the Delta Regional Trans-
 23 portation Development Program as authorized under sec-
 24 tion 1308 of Public Law 109–59, \$20,000,000, to remain
 25 available until expended.

1 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

2 ADMINISTRATION

3 SEC. 120. (a) For fiscal year 2008, the Secretary of
4 Transportation shall—

5 (1) not distribute from the obligation limitation
6 for Federal-aid highways amounts authorized for ad-
7 ministrative expenses and programs by section
8 104(a) of title 23, United States Code; programs
9 funded from the administrative takedown authorized
10 by section 104(a)(1) of title 23, United States Code
11 (as in effect on the date before the date of enact-
12 ment of the Safe, Accountable, Flexible, Efficient
13 Transportation Equity Act: A Legacy for Users); the
14 highway use tax evasion program; amounts des-
15 ignated under section 124; and the Bureau of
16 Transportation Statistics;

17 (2) not distribute an amount from the obliga-
18 tion limitation for Federal-aid highways that is equal
19 to the unobligated balance of amounts made avail-
20 able from the Highway Trust Fund (other than the
21 Mass Transit Account) for Federal-aid highways and
22 highway safety programs for previous fiscal years
23 the funds for which are allocated by the Secretary;

24 (3) determine the ratio that—

1 (A) the obligation limitation for Federal-
2 aid highways, less the aggregate of amounts not
3 distributed under paragraphs (1) and (2), bears
4 to

5 (B) the total of the sums authorized to be
6 appropriated for Federal-aid highways and
7 highway safety construction programs (other
8 than sums authorized to be appropriated for
9 provisions of law described in paragraphs (1)
10 through (9) of subsection (b) and sums author-
11 ized to be appropriated for section 105 of title
12 23, United States Code, equal to the amount
13 referred to in subsection (b)(10) for such fiscal
14 year), less the aggregate of the amounts not
15 distributed under paragraphs (1) and (2) of
16 this subsection;

17 (4)(A) distribute the obligation limitation for
18 Federal-aid highways, less the aggregate amounts
19 not distributed under paragraphs (1) and (2), for
20 sections 1301, 1302, and 1934 of the Safe, Account-
21 able, Flexible, Efficient Transportation Equity Act:
22 A Legacy for Users; sections 117 (but individually
23 for each project numbered 1 through 3676 listed in
24 the table contained in section 1702 of the Safe, Ac-
25 countable, Flexible, Efficient Transportation Equity

1 Act: A Legacy for Users) and 144(g) of title 23,
2 United States Code; and section 14501 of title 40,
3 United States Code, so that the amount of obliga-
4 tion authority available for each of such sections is
5 equal to the amount determined by multiplying the
6 ratio determined under paragraph (3) by the sums
7 authorized to be appropriated for that section for
8 the fiscal year; and

9 (B) distribute \$2,000,000,000 for section 105
10 of title 23, United States Code;

11 (5) distribute the obligation limitation provided
12 for Federal-aid highways, less the aggregate
13 amounts not distributed under paragraphs (1) and
14 (2) and amounts distributed under paragraph (4),
15 for each of the programs that are allocated by the
16 Secretary under the Safe, Accountable, Flexible, Ef-
17 ficient Transportation Equity Act: A Legacy for
18 Users and title 23, United States Code (other than
19 to programs to which paragraphs (1) and (4) apply),
20 by multiplying the ratio determined under paragraph
21 (3) by the amounts authorized to be appropriated
22 for each such program for such fiscal year; and

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

1 (2) and amounts distributed under paragraphs (4)
 2 and (5), for Federal-aid highways and highway safe-
 3 ty construction programs (other than the amounts
 4 apportioned for the equity bonus program, but only
 5 to the extent that the amounts apportioned for the
 6 equity bonus program for the fiscal year are greater
 7 than \$2,639,000,000, and the Appalachian develop-
 8 ment highway system program) that are apportioned
 9 by the Secretary under the Safe, Accountable, Flexi-
 10 ble, Efficient Transportation Equity Act: A Legacy
 11 for Users and title 23, United States Code, in the
 12 ratio that—

13 (A) amounts authorized to be appropriated
 14 for such programs that are apportioned to each
 15 State for such fiscal year, bear to

16 (B) the total of the amounts authorized to
 17 be appropriated for such programs that are ap-
 18 portioned to all States for such fiscal year.

19 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—
 20 The obligation limitation for Federal-aid highways shall
 21 not apply to obligations: (1) under section 125 of title 23,
 22 United States Code; (2) under section 147 of the Surface
 23 Transportation Assistance Act of 1978; (3) under section
 24 9 of the Federal-Aid Highway Act of 1981; (4) under sub-
 25 sections (b) and (j) of section 131 of the Surface Trans-

1 portation Assistance Act of 1982; (5) under subsections
2 (b) and (c) of section 149 of the Surface Transportation
3 and Uniform Relocation Assistance Act of 1987; (6) under
4 sections 1103 through 1108 of the Intermodal Surface
5 Transportation Efficiency Act of 1991; (7) under section
6 157 of title 23, United States Code, as in effect on the
7 day before the date of the enactment of the Transpor-
8 tation Equity Act for the 21st Century; (8) under section
9 105 of title 23, United States Code, as in effect for fiscal
10 years 1998 through 2004, but only in an amount equal
11 to \$639,000,000 for each of those fiscal years; (9) for
12 Federal-aid highway programs for which obligation au-
13 thority was made available under the Transportation Eq-
14 uity Act for the 21st Century or subsequent public laws
15 for multiple years or to remain available until used, but
16 only to the extent that the obligation authority has not
17 lapsed or been used; (10) under section 105 of title 23,
18 United States Code, but only in an amount equal to
19 \$639,000,000 for each of fiscal years 2005 through 2008;
20 and (11) under section 1603 of the Safe, Accountable,
21 Flexible, Efficient Transportation Equity Act: A Legacy
22 for Users, to the extent that funds obligated in accordance
23 with that section were not subject to a limitation on obli-
24 gations at the time at which the funds were initially made
25 available for obligation.

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

12 (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO
13 TRANSPORTATION RESEARCH PROGRAMS.—The obliga-
14 tion limitation shall apply to transportation research pro-
15 grams carried out under chapter 5 of title 23, United
16 States Code, and title V (research title) of the Safe, Ac-
17 countable, Flexible, Efficient Transportation Equity Act:
18 A Legacy for Users, except that obligation authority made
19 available for such programs under such limitation shall re-
20 main available for a period of 3 fiscal years and shall be
21 in addition to the amount of any limitation imposed on
22 obligations for Federal-aid highway and highway safety
23 construction programs for future fiscal years.

24 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED
25 FUNDS.—

1 (1) IN GENERAL.—Not later than 30 days after
2 the date of the distribution of obligation limitation
3 under subsection (a), the Secretary shall distribute
4 to the States any funds that—

5 (A) are authorized to be appropriated for
6 such fiscal year for Federal-aid highways pro-
7 grams; and

8 (B) the Secretary determines will not be
9 allocated to the States, and will not be available
10 for obligation, in such fiscal year due to the im-
11 position of any obligation limitation for such
12 fiscal year.

13 (2) RATIO.—Funds shall be distributed under
14 paragraph (1) in the same ratio as the distribution
15 of obligation authority under subsection (a)(6).

16 (3) AVAILABILITY.—Funds distributed under
17 paragraph (1) shall be available for any purposes de-
18 scribed in section 133(b) of title 23, United States
19 Code.

20 (f) SPECIAL LIMITATION CHARACTERISTICS.—Obli-
21 gation limitation distributed for a fiscal year under sub-
22 section (a)(4) for the provision specified in subsection
23 (a)(4) shall—

24 (1) remain available until used for obligation of
25 funds for that provision; and

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

5 (g) HIGH PRIORITY PROJECT FLEXIBILITY.—

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

14 (2) RESTORATION.—Obligation authority used
15 as described in paragraph (1) shall be restored to
16 the original purpose on the date on which obligation
17 authority is distributed under this section for the
18 next fiscal year following obligation under paragraph
19 (1).

20 (h) LIMITATION ON STATUTORY CONSTRUCTION.—

21 Nothing in this section shall be construed to limit the dis-
22 tribution of obligation authority under subsection
23 (a)(4)(A) for each of the individual projects numbered
24 greater than 3676 listed in the table contained in section

1 1702 of the Safe, Accountable, Flexible, Efficient Trans-
2 portation Equity Act: A Legacy for Users.

3 SEC. 121. Notwithstanding 31 U.S.C. 3302, funds re-
4 ceived by the Bureau of Transportation Statistics from the
5 sale of data products, for necessary expenses incurred pur-
6 suant to 49 U.S.C. 111 may be credited to the Federal-
7 aid highways account for the purpose of reimbursing the
8 Bureau for such expenses: *Provided*, That such funds shall
9 be subject to the obligation limitation for Federal-aid
10 highways and highway safety construction.

11 (RESCISSION)

12 SEC. 122. Of the amounts made available under sec-
13 tion 104(a) of title 23, United States Code, \$43,358,601
14 are rescinded.

15 (RESCISSION)

16 SEC. 123. Of the unobligated balances made available
17 under section 188(a)(1) of title 23, United States Code,
18 as in effect on the day before the date of enactment of
19 Public Law 109–59, and under section 608(a)(1) of such
20 title, \$187,146,000 are rescinded.

21 SEC. 124. Notwithstanding any other provision of
22 law, funds authorized under section 110 of title 23, United
23 States Code, for fiscal year 2008 shall be designated for
24 projects and competitive initiatives as listed in the report
25 accompanying this Act.

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

10 SEC. 126. Notwithstanding section 378 of the De-
 11 partment of Transportation and Related Agencies Appro-
 12 priations Act, 2001 (Public Law 106–346; 114 Stat.
 13 1356A–38), amounts made available under that section
 14 for a project for construction of and improvements to
 15 North Shore Road in Swain County, North Carolina, that
 16 remain unobligated and unexpended after issuance of the
 17 record of decision for that project may be used to imple-
 18 ment the selected alternative included in the record of de-
 19 cision.

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
4 Fund (other than the Mass Transit Account), together
5 with advances and reimbursements received by the Fed-
6 eral Motor Carrier Safety Administration, the sum of
7 which shall remain available until expended: *Provided*,
8 That none of the funds derived from the Highway Trust
9 Fund in this Act shall be available for the implementation,
10 execution or administration of programs, the obligations
11 for which are in excess of \$231,469,553, for “Motor Car-
12 rier Safety Operations and Programs”, of which
13 \$7,550,000, to remain available for obligation until Sep-
14 tember 30, 2010, is for the research and technology pro-
15 gram and \$1,000,000 shall be available for commercial
16 motor vehicle operator’s grants to carry out section 4134
17 of Public Law 109–59: *Provided further*, That notwith-
18 standing any other provision of law, none of the funds
19 under this heading for outreach and education shall be
20 available for transfer.

1 MOTOR CARRIER SAFETY GRANTS
2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
3 (LIMITATION ON OBLIGATIONS)
4 (HIGHWAY TRUST FUND)
5 (INCLUDING RESCISSION)

6 For payment of obligations incurred in carrying out
7 sections 31102, 31104(a), 31106, 31107, 31109, 31309,
8 31313 of title 49, United States Code, and sections 4126
9 and 4128 of Public Law 109–59, \$300,000,000, to be de-
10 rived from the Highway Trust Fund (other than the Mass
11 Transit Account) and to remain available until expended:
12 *Provided*, That none of the funds in this Act shall be avail-
13 able for the implementation or execution of programs, the
14 obligations for which are in excess of \$300,000,000, for
15 “Motor Carrier Safety Grants”; of which \$202,000,000
16 shall be available for the motor carrier safety assistance
17 program to carry out sections 31102 and 31104(a) of title
18 49, United States Code; \$25,000,000 shall be available for
19 the commercial driver’s license improvements program to
20 carry out section 31313 of title 49, United States Code;
21 \$32,000,000 shall be available for the border enforcement
22 grants program to carry out section 31107 of title 49,
23 United States Code; \$5,000,000 shall be available for the
24 performance and registration information system manage-
25 ment program to carry out sections 31106(b) and 31109
26 of title 49, United States Code; \$25,000,000 shall be

1 available for the commercial vehicle information systems
 2 and networks deployment program to carry out section
 3 4126 of Public Law 109–59; \$3,000,000 shall be available
 4 for the safety data improvement program to carry out sec-
 5 tion 4128 of Public Law 109–59; and \$8,000,000 shall
 6 be available for the commercial driver’s license information
 7 system modernization program to carry out section
 8 31309(e) of title 49, United States Code: *Provided further*,
 9 That of the funds made available for the motor carrier
 10 safety assistance program, \$29,000,000 shall be available
 11 for audits of new entrant motor carriers: *Provided further*,
 12 That \$11,260,214 in unobligated balances are rescinded.

13 MOTOR CARRIER SAFETY

14 (HIGHWAY TRUST FUND)

15 (RESCISSION)

16 Of the amounts made available under this heading
 17 in prior appropriations Acts, \$32,187,720 in unobligated
 18 balances are rescinded.

19 NATIONAL MOTOR CARRIER SAFETY PROGRAM

20 (HIGHWAY TRUST FUND)

21 (RESCISSION)

22 Of the amounts made available under this hearing in
 23 prior appropriations Act, \$5,212,858 in unobligated bal-
 24 ances are rescinded.

1 ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER
2 SAFETY ADMINISTRATION

3 SEC. 130. Funds appropriated or limited in this Act
4 shall be subject to the terms and conditions stipulated in
5 section 350 of Public Law 107–87 and section 6901 of
6 Public Law 110–28, including that the Secretary submit
7 a report to the House and Senate Appropriations Commit-
8 tees annually on the safety and security of transportation
9 into the United States by Mexico-domiciled motor carriers.

10 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
11 OPERATIONS AND RESEARCH

12 For expenses necessary to discharge the functions of
13 the Secretary, with respect to traffic and highway safety
14 under chapter 301 of title 49, United States Code, and
15 part C of subtitle VI of title 49, United States Code,
16 \$124,406,000, of which \$26,156,000 shall remain avail-
17 able until September 30, 2010: *Provided*, That none of the
18 funds appropriated by this Act may be obligated or ex-
19 pended to plan, finalize, or implement any rulemaking to
20 add to section 575.104 of title 49 of the Code of Federal
21 Regulations any requirement pertaining to a grading
22 standard that is different from the three grading stand-
23 ards (treadwear, traction, and temperature resistance) al-
24 ready in effect.

1 OPERATIONS AND RESEARCH
 2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
 3 (LIMITATION ON OBLIGATIONS)
 4 (HIGHWAY TRUST FUND)

5 For payment of obligations incurred in carrying out
 6 the provisions of 23 U.S.C. 403, \$107,750,000, to be de-
 7 rived from the Highway Trust Fund (other than the Mass
 8 Transit Account) and to remain available until expended:
 9 *Provided*, That none of the funds in this Act shall be avail-
 10 able for the planning or execution of programs the total
 11 obligations for which, in fiscal year 2008, are in excess
 12 of \$107,750,000 for programs authorized under 23 U.S.C.
 13 403.

14 NATIONAL DRIVER REGISTER
 15 (LIQUIDATION OF CONTRACT AUTHORIZATION)
 16 (LIMITATION ON OBLIGATIONS)
 17 (HIGHWAY TRUST FUND)

18 For payment of obligations incurred in carrying out
 19 chapter 303 of title 49, United States Code, \$4,000,000,
 20 to be derived from the Highway Trust Fund (other than
 21 the Mass Transit Account) and to remain available until
 22 September 30, 2010: *Provided*, That none of the funds
 23 in this Act shall be available for the implementation or
 24 execution of programs the total obligations for which, in
 25 fiscal year 2008, are in excess of \$4,000,000 for the Na-
 26 tional Driver Register authorized under such chapter.

1 HIGHWAY TRAFFIC SAFETY GRANTS
 2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
 3 (LIMITATION ON OBLIGATIONS)
 4 (HIGHWAY TRUST FUND)

5 For payment of obligations incurred in carrying out
 6 the provisions of 23 U.S.C. 402, 405, 406, 408, and 410
 7 and sections 2001(a)(11), 2009, 2010, and 2011 of Public
 8 Law 109–59, to remain available until expended,
 9 \$599,250,000 to be derived from the Highway Trust Fund
 10 (other than the Mass Transit Account): *Provided*, That
 11 none of the funds in this Act shall be available for the
 12 planning or execution of programs the total obligations for
 13 which, in fiscal year 2008, are in excess of \$599,250,000
 14 for programs authorized under 23 U.S.C. 402, 405, 406,
 15 408, and 410 and sections 2001(a)(11), 2009, 2010, and
 16 2011 of Public Law 109–59, of which \$225,000,000 shall
 17 be for “Highway Safety Programs” under 23 U.S.C. 402;
 18 \$25,000,000 shall be for “Occupant Protection Incentive
 19 Grants” under 23 U.S.C. 405; \$124,500,000 shall be for
 20 “Safety Belt Performance Grants” under 23 U.S.C. 406;
 21 \$34,500,000 shall be for “State Traffic Safety Informa-
 22 tion System Improvements” under 23 U.S.C. 408;
 23 \$131,000,000 shall be for “Alcohol-Impaired Driving
 24 Countermeasures Incentive Grant Program” under 23
 25 U.S.C. 410; \$18,250,000 shall be for “Administrative Ex-
 26 penses” under section 2001(a)(11) of Public Law 109–

1 59; \$29,000,000 shall be for “High Visibility Enforcement
 2 Program” under section 2009 of Public Law 109–59;
 3 \$6,000,000 shall be for “Motorcyclist Safety” under sec-
 4 tion 2010 of Public Law 109–59; and \$6,000,000 shall
 5 be for “Child Safety and Child Booster Seat Safety Incen-
 6 tive Grants” under section 2011 of Public Law 109–59:
 7 *Provided further*, That none of these funds shall be used
 8 for construction, rehabilitation, or remodeling costs, or for
 9 office furnishings and fixtures for State, local or private
 10 buildings or structures: *Provided further*, That not to ex-
 11 ceed \$500,000 of the funds made available for section 410
 12 “Alcohol-Impaired Driving Countermeasures Grants”
 13 shall be available for technical assistance to the States:
 14 *Provided further*, That not to exceed \$750,000 of the
 15 funds made available for the “High Visibility Enforcement
 16 Program” shall be available for the evaluation required
 17 under section 2009(f) of Public Law 109–59.

18 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

19 TRAFFIC SAFETY ADMINISTRATION

20 (INCLUDING RESCISSIONS)

21 SEC. 140. Notwithstanding any other provision of law
 22 or limitation on the use of funds made available under
 23 section 403 of title 23, United States Code, an additional
 24 \$130,000 shall be made available to the National Highway
 25 Traffic Safety Administration, out of the amount limited
 26 for section 402 of title 23, United States Code, to pay

1 for travel and related expenses for State management re-
 2 views and to pay for core competency development train-
 3 ing and related expenses for highway safety staff.

4 SEC. 141. Of the amounts made available under the
 5 heading “Operations and Research (Liquidation of Con-
 6 tract Authorization) (Limitation on Obligations) (High-
 7 way Trust Fund)” in prior appropriations Acts,
 8 \$12,197,113.60 in unobligated balances are rescinded.

9 SEC. 142. Of the amounts made available under the
 10 heading “National Driver Register (Liquidation of Con-
 11 tract Authorization) (Limitation on Obligations) (High-
 12 way Trust Fund)” in prior appropriations Acts,
 13 \$119,914.61 in unobligated balances are rescinded.

14 SEC. 143. Of the amounts made available under the
 15 heading “Highway Traffic Safety Grants (Liquidation of
 16 Contract Authorization) (Limitation on Obligations)
 17 (Highway Trust Fund)” in prior appropriations Acts,
 18 \$10,528,958 in unobligated balances are rescinded.

19 FEDERAL RAILROAD ADMINISTRATION

20 SAFETY AND OPERATIONS

21 For necessary expenses of the Federal Railroad Ad-
 22 ministration, not otherwise provided for, \$151,186,000, of
 23 which \$12,268,890 shall remain available until expended.

1 RAILROAD RESEARCH AND DEVELOPMENT

2 For necessary expenses for railroad research and de-
3 velopment, \$36,250,000, to remain available until ex-
4 pended.

5 CAPITAL ASSISTANCE TO STATES—INTERCITY

6 PASSENGER RAIL SERVICE

7 To enable the Federal Railroad Administrator to
8 make grants to States for the capital costs of improving
9 existing intercity passenger rail service and providing new
10 intercity passenger rail, \$100,000,000, to remain available
11 until expended: *Provided*, That grants shall be provided
12 to a State only on a reimbursable basis: *Provided further*,
13 That grants cover no more than 50 percent of the total
14 capital cost of a project selected for funding: *Provided fur-*
15 *ther*, That no later than eight months following enactment
16 of this Act, the Secretary shall establish and publish cri-
17 teria for project selection, set a deadline for grant applica-
18 tions, and provide a schedule for project selection: *Pro-*
19 *vided further*, That the provisions of section 24312 of title
20 49, United States Code, shall apply to grantees assisted
21 under this paragraph: *Provided further*, That to be eligible
22 for this assistance, States must include intercity passenger
23 rail service as an integral part of statewide transportation
24 planning as required under section 135 of title 23, United
25 States Code: *Provided further*, That the specific project
26 must be on the Statewide Transportation Improvement

1 Plan at the time of the application to qualify: *Provided*
2 *further*, That the Secretary give priority to applications for
3 projects that improve the safety and reliability of intercity
4 passenger trains, involve a commitment by freight rail-
5 roads to an enforceable on-time performance of passenger
6 trains of 80 percent or greater, involve a commitment by
7 freight railroads of financial resources commensurate with
8 the benefit expected to their operations, improve or extend
9 service on a route that requires little or no Federal assist-
10 ance for its operations, involve a commitment by States
11 or railroads of financial resources to improve the safety
12 of highway/rail grade crossings over which the passenger
13 service operates.

14 RAILROAD REHABILITATION AND IMPROVEMENT
15 PROGRAM

16 The Secretary of Transportation is authorized to
17 issue to the Secretary of the Treasury notes or other obli-
18 gations pursuant to section 512 of the Railroad Revitaliza-
19 tion and Regulatory Reform Act of 1976 (Public Law 94-
20 210), as amended, in such amounts and at such times as
21 may be necessary to pay any amounts required pursuant
22 to the guarantee of the principal amount of obligations
23 under sections 511 through 513 of such Act, such author-
24 ity to exist as long as any such guaranteed obligation is
25 outstanding: *Provided*, That pursuant to section 502 of
26 such Act, as amended, no new direct loans or loan guar-

1 antee commitments shall be made using Federal funds for
2 the credit risk premium during fiscal year 2008.

3 OPERATING GRANTS TO THE NATIONAL RAILROAD

4 PASSENGER CORPORATION

5 To enable the Secretary of Transportation to make
6 quarterly grants to the National Railroad Passenger Cor-
7 poration for operation of intercity passenger rail,
8 \$485,000,000 to remain available until expended: *Pro-*
9 *vided*, That the Secretary of Transportation shall approve
10 funding to cover operating losses for the Corporation only
11 after receiving and reviewing a grant request for each spe-
12 cific train route: *Provided further*, That each such grant
13 request shall be accompanied by a detailed financial anal-
14 ysis, revenue projection, and capital expenditure projection
15 justifying the Federal support to the Secretary's satisfac-
16 tion: *Provided further*, That the Corporation is directed to
17 achieve savings through operating efficiencies including,
18 but not limited to, modifications to food and beverage
19 service and first class service: *Provided further*, That the
20 Inspector General of the Department of Transportation
21 shall report to the House and Senate Committees on Ap-
22 propriations beginning three months after the date of the
23 enactment of this Act and quarterly thereafter with esti-
24 mates of the savings accrued as a result of all operational
25 reforms instituted by the Corporation: *Provided further*,
26 That not later than 120 days after enactment of this Act,

1 the Corporation shall transmit to the House and Senate
2 Committees on Appropriations the status of its plan to
3 improve the financial performance of food and beverage
4 service and its plan to improve the financial performance
5 of first class service (including sleeping car service): *Pro-*
6 *vided further*, That the Corporation shall report quarterly
7 to the House and Senate Committees on Appropriations
8 on its progress against the milestones and target dates
9 contained in the plan provided in fiscal year 2007 and
10 quantify savings realized to date on a monthly basis com-
11 pared to those projected in the plan, identify any changes
12 in the plan or delays in implementing these plans, and
13 identify the causes of delay and proposed corrective meas-
14 ures: *Provided further*, That not later than 90 days after
15 enactment of this Act, the Corporation shall transmit, in
16 electronic format, to the Secretary, the House and Senate
17 Committees on Appropriations, the House Committee on
18 Transportation and Infrastructure and the Senate Com-
19 mittee on Commerce, Science, and Transportation a com-
20 prehensive business plan approved by the Board of Direc-
21 tors for fiscal year 2008 under section 24104(a) of title
22 49, United States Code: *Provided further*, That the busi-
23 ness plan shall include, as applicable, targets for ridership,
24 revenues, and capital and operating expenses: *Provided*
25 *further*, That the plan shall also include a separate ac-

1 counting of such targets for the Northeast Corridor; com-
2 muter service; long-distance Amtrak service; State-sup-
3 ported service; each intercity train route, including Auto-
4 train; and commercial activities including contract oper-
5 ations: *Provided further*, That the business plan shall in-
6 clude a description of the work to be funded, along with
7 cost estimates and an estimated timetable for completion
8 of the projects covered by this business plan: *Provided fur-*
9 *ther*, That the Corporation shall continue to provide
10 monthly reports in electronic format regarding the pend-
11 ing business plan, which shall describe the work completed
12 to date, any changes to the business plan, and the reasons
13 for such changes, and shall identify all sole source contract
14 awards which shall be accompanied by a justification as
15 to why said contract was awarded on a sole source basis:
16 *Provided further*, That the Corporation's business plan
17 and all subsequent supplemental plans shall be displayed
18 on the Corporation's website within a reasonable time-
19 frame following their submission to the appropriate enti-
20 ties: *Provided further*, That the leases and contracts en-
21 tered into by the Corporation in any year that the Cor-
22 poration receives a Federal subsidy after the date of enact-
23 ment of the Act, regardless of the place the same may
24 be executed, shall be governed by the laws of the District
25 of Columbia: *Provided further*, That none of the funds

1 under this heading may be obligated or expended until the
2 Corporation agrees to continue abiding by the provisions
3 of paragraphs 1, 2, 5, 9, and 11 of the summary of condi-
4 tions for the direct loan agreement of June 28, 2002, in
5 the same manner as in effect on the date of enactment
6 of this Act: *Provided further*, That none of the funds pro-
7 vided in this Act may be used after March 1, 2006, to
8 support any route on which Amtrak offers a discounted
9 fare of more than 50 percent off the normal, peak fare:
10 *Provided further*, That the preceding proviso does not
11 apply to routes where the operating loss as a result of the
12 discount is covered by a State and the State participates
13 in the setting of fares.

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 serv-
21 ices, \$885,000,000, to remain available until expended, of
22 which not to exceed \$285,000,000 shall be for debt service
23 obligations: *Provided*, That the Secretary may retain up
24 to one-quarter of one percent of the funds under this head-
25 ing to fund the oversight by the Federal Railroad Adminis-
26 tration of the design and implementation of capital

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

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

17 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

18 ADMINISTRATION

19 SEC. 150. Notwithstanding any other provision of
20 this Act, funds provided in this Act for the National Rail-
21 road Passenger Corporation shall immediately cease to be
22 available to said Corporation in the event that the Cor-
23 poration contracts to have services provided at or from
24 any location outside the United States. For purposes of
25 this section, the word “services” shall mean any service
26 that was, as of July 1, 2006, performed by a full-time

1 or part-time Amtrak employee whose base of employment
2 is located within the United States.

3 SEC. 151. Not later than January 1, 2008, the Fed-
4 eral Railroad Administrator shall submit a report, and
5 quarterly reports thereafter, to the House and Senate
6 Committees on Appropriations detailing the Administra-
7 tor's efforts at improving the on-time performance of Am-
8 trak intercity rail service operating on non-Amtrak owned
9 property. Such reports shall compare the most recent ac-
10 tual on-time performance data to pre-established on-time
11 performance goals that the Administrator shall set for
12 each rail service, identified by route. Such reports shall
13 also include whatever other information and data regard-
14 ing the on-time performance of Amtrak trains the Admin-
15 istrator deems to be appropriate.

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

21 SEC. 153. Hereafter, any lease or contract entered
22 into between the National Railroad Passenger Corporation
23 and the State of Maryland or any department or agency
24 of the State of Maryland, after the date of the enactment

1 of this Act, shall be governed by the laws of the District
 2 of Columbia.

3 FEDERAL TRANSIT ADMINISTRATION

4 ADMINISTRATIVE EXPENSES

5 For necessary administrative expenses of the Federal
 6 Transit Administration's programs authorized by chapter
 7 53 of title 49, United States Code, \$88,795,000: *Provided*,
 8 That of the funds available under this heading, not to ex-
 9 ceed \$910,239 shall be available for the Office of the Ad-
 10 ministrator; not to exceed \$6,353,739 shall be available
 11 for the Office of Administration; not to exceed \$4,545,039
 12 shall be available for the Office of the Chief Counsel; not
 13 to exceed \$1,480,289 shall be available for the Office of
 14 Communication and Congressional Affairs; not to exceed
 15 \$8,741,339 shall be available for the Office of Program
 16 Management; not to exceed \$10,857,698 shall be available
 17 for the Office of Budget and Policy; not to exceed
 18 \$4,943,589 shall be available for the Office of Research,
 19 Demonstration and Innovation; not to exceed \$3,234,489
 20 shall be available for the Office of Civil Rights; not to ex-
 21 ceed \$4,458,289 shall be available for the Office of Plan-
 22 ning; not to exceed \$22,551,290 shall be available for re-
 23 gional offices; and not to exceed \$20,719,000 shall be
 24 available for the central account: *Provided further*, That
 25 the Administrator is authorized to transfer funds appro-

1 priated for an office of the Federal Transit Administra-
2 tion: *Provided further*, That no appropriation for an office
3 shall be increased or decreased by more than a total of
4 5 percent during the fiscal year by all such transfers: *Pro-*
5 *vided further*, That any change in funding greater than
6 5 percent shall be submitted for approval to the House
7 and Senate Committees on Appropriations: *Provided fur-*
8 *ther*, That any funding transferred from the central ac-
9 count shall be submitted for approval to the House and
10 Senate Committees on Appropriations: *Provided further*,
11 That none of the funds provided or limited in this Act
12 may be used to create a permanent office of transit secu-
13 rity under this heading: *Provided further*, That of the
14 funds in this Act available for the execution of contracts
15 under section 5327(c) of title 49, United States Code,
16 \$2,000,000 shall be reimbursed to the Department of
17 Transportation's Office of Inspector General for costs as-
18 sociated with audits and investigations of transit-related
19 issues, including reviews of new fixed guideway systems:
20 *Provided further*, That upon submission to the Congress
21 of the fiscal year 2009 President's budget, the Secretary
22 of Transportation shall transmit to Congress the annual
23 report on new starts, including proposed allocations of
24 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,
 8 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and
 9 section 3038 of Public Law 105–178, as amended,
 10 \$6,855,000,000, to be derived from the Mass Transit Ac-
 11 count of the Highway Trust Fund and to remain available
 12 until expended: *Provided*, That funds available for the im-
 13 plementation or execution of programs authorized under
 14 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316,
 15 5317, 5320, 5335, 5339, and 5340 and section 3038 of
 16 Public Law 105–178, as amended, shall not exceed total
 17 obligations of \$7,872,893,000 in fiscal year 2008: *Pro-*
 18 *vided further*, That except as provided in section
 19 3044(b)(1) of Public Law 109–59, funds made available
 20 to carry out 49 U.S.C. 5308 shall instead be available to
 21 carry out 49 U.S.C. 5309(b)(3): *Provided further*, That
 22 \$28,660,920 in unobligated balances are rescinded.

23 RESEARCH AND UNIVERSITY RESEARCH CENTERS

24 For necessary expenses to carry out 49 U.S.C. 5306,
 25 5312–5315, 5322, and 5506, \$65,500,000, to remain
 26 available until expended: *Provided*, That \$9,300,000 is

1 available to carry out the transit cooperative research pro-
 2 gram under section 5313 of title 49, United States Code,
 3 \$4,300,000 is available for the National Transit Institute
 4 under section 5315 of title 49, United States Code, and
 5 \$7,000,000 is available for university transportation cen-
 6 ters program under section 5506 of title 49, United States
 7 Code: *Provided further*, That \$44,900,000 is available to
 8 carry out national research programs under sections 5312,
 9 5313, 5314, and 5322 of title 49, United States Code.

10 CAPITAL INVESTMENT GRANTS

11 (INCLUDING RESCISSION)

12 For necessary expenses to carry out section 5309 of
 13 title 49, United States Code, \$1,566,000,000, to remain
 14 available until expended: *Provided*, That of the funds
 15 available under this heading, amounts are to be made
 16 available as follows:

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

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

21 For the following sections of Public Law 109–
 22 59:

23 Section 3043(b)(9), \$11,200,000;

24 Section 3043(d)(35), \$18,965,043;

25 Section 3043(d)(10), \$70,000,000;

26 Section 3043(b)(18), \$5,000,000;

1 Section 3043(b)(1), \$13,000,000;
2 Section 3043(b)(15), \$65,000,000;
3 Section 3043(b)(21), \$125,000,000;
4 Section 3043(b)(23), \$20,000,000;
5 Section 3043(b)(22), \$35,000,000;
6 Section 3043(c)(231), \$30,000,000;
7 Section 3043(a)(19), \$90,000,000;
8 Section 3043(a)(9), \$70,000,000;
9 Section 3043(a)(7), \$51,560,484;
10 Section 3043(a)(5), \$36,500,000;
11 Section 3043(a)(31), \$35,000,000;
12 Section 3043(a)(16), \$55,192,995;
13 Section 3043(b)(20), \$200,000,000;
14 Section 3043(b)(27), \$80,000,000;
15 Section 3043(a)(20), \$33,516,444;
16 Section 3043(b)(5), \$86,250,000;
17 Section 3043(b)(30), \$80,000,000;
18 Section 3043(a)(30), \$70,000,000;
19 Section 3043(c)(134), \$35,000,000;
20 Section 3043(b)(23), \$21,200,000;
21 Section 3043(d)(39), \$3,000,000;
22 Section 3043(b)(14), \$500,000;
23 Section 3043(c)(86), \$20,000,000;
24 Section 3043(c)(43), \$5,000,000;
25 Section 3043(c)(153), \$20,000,000; and

1 Section 3043(c)(258), \$5,000,000.
 2 For the Jacksonville Rapid Transit System
 3 Phase 1, Florida, \$9,870,000;
 4 For North Corridor BRT, Houston and South-
 5 east Corridor BRT, Texas, \$15,000,000;
 6 For San Francisco Muni Third Street Light
 7 Rail, California, \$10,000,000;
 8 For Mid-Jordan Light Rail Extension,
 9 \$20,000,000; and
 10 For METRA Connects, Illinois, \$1,300,000:
 11 *Provided further*, That of the funds available under this
 12 heading, amounts are to be made available under section
 13 5309(e).
 14 For the following sections of Public Law 109–59:
 15 section 3043(c)(201), \$3,000,000;
 16 section 3043(c)(177), \$3,000,000;
 17 section 3043(d)(3), \$1,500,000;
 18 section 3043(c)(182), \$2,500,000;
 19 section 3043(c)(79), \$2,000,000;
 20 section 3043(c)(197), \$6,000,000;
 21 section 3043(c)(173), \$1,000,000; and
 22 section 3043(c)(95), \$14,250,000.
 23 For State Avenue Corridor BRT, Wyandotte County,
 24 Kansas, \$1,500,000; and
 25 For Troost Corridor BRT, Missouri, \$6,260,000.

1 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

2 ADMINISTRATION

3 SEC. 160. The limitations on obligations for the pro-
4 grams of the Federal Transit Administration shall not
5 apply to any authority under 49 U.S.C. 5338, previously
6 made available for obligation, or to any other authority
7 previously made available for obligation.

8 SEC. 161. Notwithstanding any other provision of
9 law, funds made available by this Act under “Federal
10 Transit Administration, Capital investment grants” and
11 bus and bus facilities under “Federal Transit Administra-
12 tion, Formula and bus grants” for projects specified in
13 this Act or identified in reports accompanying this Act not
14 obligated by September 30, 2010, and other recoveries,
15 shall be made available for other projects under 49 U.S.C.
16 5309.

17 SEC. 162. Notwithstanding any other provision of
18 law, any funds appropriated before October 1, 2007, under
19 any section of chapter 53 of title 49, United States Code,
20 that remain available for expenditure, may be transferred
21 to and administered under the most recent appropriation
22 heading for any such section.

23 SEC. 163. Notwithstanding any other provision of
24 law, unobligated funds made available for a new fixed
25 guideway systems projects under the heading “Federal

1 Transit Administration, Capital Investment Grants” in
2 any appropriations Act prior to this Act may be used dur-
3 ing this fiscal year to satisfy expenses incurred for such
4 projects.

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

11 SEC. 165. Amounts provided for a high capacity fixed
12 guideway light rail and mass transit project for the City
13 of Albuquerque, New Mexico, in Public Laws 106–49,
14 106–346 and 107–87 shall be available for bus and bus
15 facilities.

16 SEC. 166. Any unobligated amounts made available
17 for the Commuter Rail, Albuquerque to Santa Fe, New
18 Mexico under the heading “Capital Investment Grants”
19 under the heading “Federal Transit Administration” in
20 title I of division A of the Transportation, Treasury,
21 Housing and Urban Development, the Judiciary, the Dis-
22 trict of Columbia, and Independent Agencies Appropria-
23 tions Act, 2006 (Public Law 109–115; 119 Stat. 2418)
24 shall be made available for public transportation buses,
25 equipment and facilities related to such buses, and inter-

1 modal terminal in Albuquerque and Santa Fe, New Mex-
 2 ico, subject to the requirements under section 5309 of title
 3 49, United States Code.

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

14 SEC. 168. The second sentence of section 321 of the
 15 Department of Transportation and Related Agencies Ap-
 16 propriations Act, 1986 (99 Stat. 1287) is repealed.

17 SAINT LAWRENCE SEAWAY DEVELOPMENT
 18 CORPORATION

19 The Saint Lawrence Seaway Development Corpora-
 20 tion is hereby authorized to make such expenditures, with-
 21 in the limits of funds and borrowing authority available
 22 to the Corporation, and in accord with law, and to make
 23 such contracts and commitments without regard to fiscal
 24 year limitations as provided by section 104 of the Govern-
 25 ment Corporation Control Act, as amended, as may be

1 necessary in carrying out the programs set forth in the
2 Corporation's budget for the current fiscal year.

3 OPERATIONS AND MAINTENANCE

4 (HARBOR MAINTENANCE TRUST FUND)

5 For necessary expenses for operations and mainte-
6 nance of those portions of the Saint Lawrence Seaway op-
7 erated and maintained by the Saint Lawrence Seaway De-
8 velopment Corporation, \$17,392,000, to be derived from
9 the Harbor Maintenance Trust Fund, pursuant to Public
10 Law 99-662.

11 MARITIME ADMINISTRATION

12 MARITIME SECURITY PROGRAM

13 For necessary expenses to maintain and preserve a
14 U.S.-flag merchant fleet to serve the national security
15 needs of the United States, \$156,000,000, to remain avail-
16 able until expended.

17 OPERATIONS AND TRAINING

18 For necessary expenses of operations and training ac-
19 tivities authorized by law, \$122,890,545, of which
20 \$24,720,000 shall remain available until September 30,
21 2008, for salaries and benefits of employees of the United
22 States Merchant Marine Academy; of which \$13,850,000
23 shall remain available until expended for capital improve-
24 ments at the United States Merchant Marine Academy;
25 and of which \$10,500,000 shall remain available until ex-

1 pending for maintenance and repair of Schoolships at State
2 Maritime Schools.

3 SHIP DISPOSAL

4 For necessary expenses related to the disposal of ob-
5 solete vessels in the National Defense Reserve Fleet of the
6 Maritime Administration, \$18,000,000, to remain avail-
7 able until expended.

8 ASSISTANCE TO SMALL SHIPYARDS

9 To make grants for capital improvements and related
10 infrastructure improvements at qualified shipyards that
11 will facilitate the efficiency, cost-effectiveness, and quality
12 of domestic ship construction for commercial and Federal
13 Government use as authorized under section 3506 of Pub-
14 lic Law 109–163, \$20,000,000, to remain available until
15 expended: *Provided*, That to be considered for assistance,
16 a qualified shipyard shall submit an application for assist-
17 ance no later than 60 days after enactment of this Act:
18 *Provided further*, That from applications submitted under
19 the previous proviso, the Secretary of Transportation shall
20 make grants no later than 120 days after enactment of
21 this Act in such amounts as the Secretary determines:
22 *Provided further*, That not to exceed 2 percent of the funds
23 appropriated under this heading shall be available for nec-
24 essary costs of grant administration.

1 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM
2 ACCOUNT
3 (INCLUDING TRANSFER OF FUNDS)

4 For the cost of guaranteed loans, as authorized,
5 \$13,408,000, of which \$10,000,000 shall remain available
6 until expended: *Provided*, That such costs, including the
7 cost of modifying such loans, shall be as defined in section
8 502 of the Congressional Budget Act of 1974, as amend-
9 ed: *Provided further*, That the Inspector General shall re-
10 port to the House and Senate Committees on Appropria-
11 tions by March 30, 2007, on whether the Maritime Admin-
12 istration is in compliance with the recommendations con-
13 tained in the Inspector General's audit reports on the title
14 XI program: *Provided further*, That not to exceed
15 \$3,408,000 shall be available for administrative expenses
16 to carry out the guaranteed loan program, which shall be
17 transferred to and merged with the appropriation for "Op-
18 erations and Training", Maritime Administration.

19 SHIP CONSTRUCTION
20 (RESCISSION)

21 Of the unobligated balances available under this
22 heading, \$4,614,545 are rescinded.

23 ADMINISTRATIVE PROVISIONS—MARITIME
24 ADMINISTRATION

25 SEC. 170. Notwithstanding any other provision of
26 this Act, the Maritime Administration is authorized to fur-

1 nish utilities and services and make necessary repairs in
 2 connection with any lease, contract, or occupancy involving
 3 Government property under control of the Maritime Ad-
 4 ministration, and payments received therefor shall be cred-
 5 ited to the appropriation charged with the cost thereof:
 6 *Provided*, That rental payments under any such lease, con-
 7 tract, or occupancy for items other than such utilities,
 8 services, or repairs shall be covered into the Treasury as
 9 miscellaneous receipts.

10 SEC. 171. No obligations shall be incurred during the
 11 current fiscal year from the construction fund established
 12 by the Merchant Marine Act, 1936 (46 App. U.S.C. 1101
 13 et seq.), or otherwise, in excess of the appropriations and
 14 limitations contained in this Act or in any prior appropria-
 15 tions Act.

16 PIPELINE AND HAZARDOUS MATERIALS SAFETY

17 ADMINISTRATION

18 ADMINISTRATIVE EXPENSES

19 For necessary administrative expenses of the Pipeline
 20 and Hazardous Materials Safety Administration,
 21 \$18,130,000, of which \$639,000 shall be derived from the
 22 Pipeline Safety Fund.

23 HAZARDOUS MATERIALS SAFETY

24 For expenses necessary to discharge the hazardous
 25 materials safety functions of the Pipeline and Hazardous
 26 Materials Safety Administration, \$27,003,000, of which

1 \$1,761,000 shall remain available until September 30,
 2 2010: *Provided*, That up to \$1,200,000 in fees collected
 3 under 49 U.S.C. 5108(g) shall be deposited in the general
 4 fund of the Treasury as offsetting receipts: *Provided fur-*
 5 *ther*, That there may be credited to this appropriation, to
 6 be available until expended, funds received from States,
 7 counties, municipalities, other public authorities, and pri-
 8 vate sources for expenses incurred for training, for reports
 9 publication and dissemination, and for travel expenses in-
 10 curred in performance of hazardous materials exemptions
 11 and approvals functions.

12 PIPELINE SAFETY

13 (PIPELINE SAFETY FUND)

14 (OIL SPILL LIABILITY TRUST FUND)

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

1 EMERGENCY PREPAREDNESS GRANTS

2 (EMERGENCY PREPAREDNESS FUND)

3 For necessary expenses to carry out 49 U.S.C.
4 5128(b), \$188,000, to be derived from the Emergency
5 Preparedness Fund, to remain available until September
6 30, 2009: *Provided*, That not more than \$28,318,000 shall
7 be made available for obligation in fiscal year 2008 from
8 amounts made available by 49 U.S.C. 5116(i) and
9 5128(b)–(c): *Provided further*, That none of the funds
10 made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c)
11 shall be made available for obligation by individuals other
12 than the Secretary of Transportation, or her designee.

13 RESEARCH AND INNOVATIVE TECHNOLOGY

14 ADMINISTRATION

15 RESEARCH AND DEVELOPMENT

16 For necessary expenses of the Research and Innova-
17 tive Technology Administration, \$12,000,000, of which
18 \$6,036,000 shall remain available until September 30,
19 2010: *Provided*, That there may be credited to this appro-
20 priation, to be available until expended, funds received
21 from States, counties, municipalities, other public authori-
22 ties, and private sources for expenses incurred for train-
23 ing.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$66,400,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$25,000,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees established by the Chairman of the Surface Transpor-

1 tation Board shall be credited to this appropriation as off-
2 setting collections and used for necessary and authorized
3 expenses under this heading: *Provided further*, That the
4 sum herein appropriated from the general fund shall be
5 reduced on a dollar-for-dollar basis as such offsetting col-
6 lections are received during fiscal year 2008, to result in
7 a final appropriation from the general fund estimated at
8 no more than \$23,750,000.

9 GENERAL PROVISIONS—DEPARTMENT OF
10 TRANSPORTATION
11 (INCLUDING TRANSFERS OF FUNDS)

12 SEC. 180. During the current fiscal year applicable
13 appropriations to the Department of Transportation shall
14 be available for maintenance and operation of aircraft;
15 hire of passenger motor vehicles and aircraft; purchase of
16 liability insurance for motor vehicles operating in foreign
17 countries on official department business; and uniforms or
18 allowances therefor, as authorized by law (5 U.S.C. 5901–
19 5902).

20 SEC. 181. Appropriations contained in this Act for
21 the Department of Transportation shall be available for
22 services as authorized by 5 U.S.C. 3109, but at rates for
23 individuals not to exceed the per diem rate equivalent to
24 the rate for an Executive Level IV.

1 SEC. 182. None of the funds in this Act shall be avail-
2 able for salaries and expenses of more than 110 political
3 and Presidential appointees in the Department of Trans-
4 portation: *Provided*, That none of the personnel covered
5 by this provision may be assigned on temporary detail out-
6 side the Department of Transportation.

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

9 SEC. 184. (a) No recipient of funds made available
10 in this Act shall disseminate personal information (as de-
11 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
12 ment of motor vehicles in connection with a motor vehicle
13 record as defined in 18 U.S.C. 2725(1), except as provided
14 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.
15 2721.

16 (b) Notwithstanding subsection (a), the Secretary
17 shall not withhold funds provided in this Act for any
18 grantee if a State is in noncompliance with this provision.

19 SEC. 185. Funds received by the Federal Highway
20 Administration, Federal Transit Administration, and Fed-
21 eral Railroad Administration from States, counties, mu-
22 nicipalities, other public authorities, and private sources
23 for expenses incurred for training may be credited respec-
24 tively to the Federal Highway Administration's "Federal-
25 Aid Highways" account, the Federal Transit Administra-

1 tion’s “Research and University Research Centers” ac-
2 count, and to the Federal Railroad Administration’s
3 “Safety and Operations” account, except for State rail
4 safety inspectors participating in training pursuant to 49
5 U.S.C. 20105.

6 SEC. 186. Notwithstanding any other provisions of
7 law, rule or regulation, the Secretary of Transportation
8 is authorized to allow the issuer of any preferred stock
9 heretofore sold to the Department to redeem or repur-
10 chase such stock upon the payment to the Department of
11 an amount determined by the Secretary.

12 SEC. 187. None of the funds in this Act to the De-
13 partment of Transportation may be used to make a grant
14 unless the Secretary of Transportation notifies the House
15 and Senate Committees on Appropriations not less than
16 3 full business days before any discretionary grant award,
17 letter of intent, or full funding grant agreement totaling
18 \$1,000,000 or more is announced by the department or
19 its modal administrations from: (1) any discretionary
20 grant program of the Federal Highway Administration in-
21 cluding the emergency relief program; (2) the airport im-
22 provement program of the Federal Aviation Administra-
23 tion; or (3) any program of the Federal Transit Adminis-
24 tration other than the formula grants and fixed guideway

1 modernization programs: *Provided*, That no notification
2 shall involve funds that are not available for obligation.

3 SEC. 188. Rebates, refunds, incentive payments,
4 minor fees and other funds received by the Department
5 of Transportation from travel management centers,
6 charge card programs, the subleasing of building space,
7 and miscellaneous sources are to be credited to appropria-
8 tions of the Department of Transportation and allocated
9 to elements of the Department of Transportation using
10 fair and equitable criteria and such funds shall be avail-
11 able until expended.

12 SEC. 189. Amounts made available in this or any
13 other Act that the Secretary determines represent im-
14 proper payments by the Department of Transportation to
15 a third party contractor under a financial assistance
16 award, which are recovered pursuant to law, shall be avail-
17 able—

18 (1) to reimburse the actual expenses incurred
19 by the Department of Transportation in recovering
20 improper payments; and

21 (2) to pay contractors for services provided in
22 recovering improper payments or contractor support
23 in the implementation of the Improper Payments In-
24 formation Act of 2002: *Provided*, That amounts in
25 excess of that required for paragraphs (1) and (2)—

1 (A) shall be credited to and merged with
2 the appropriation from which the improper pay-
3 ments were made, and shall be available for the
4 purposes and period for which such appropria-
5 tions are available; or

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

17 SEC. 190. Notwithstanding any other provision of
18 law, if any funds provided in or limited by this Act are
19 subject to a reprogramming action that requires notice to
20 be provided to the House and Senate Committees on Ap-
21 propriations, said reprogramming action shall be approved
22 or denied solely by the Committees on Appropriations:
23 *Provided*, That the Secretary may provide notice to other
24 congressional committees of the action of the Committees
25 on Appropriations on such reprogramming but not sooner

1 than 30 days following the date on which the reprogram-
2 ming action has been approved or denied by the House
3 and Senate Committees on Appropriations.

4 SEC. 191. Out of funds appropriated or otherwise
5 made available under this Act to the Surface Transpor-
6 tation Board of the Department of Transportation, when
7 considering cases, matters, or declaratory orders before
8 the Board involving a railroad, or an entity claiming or
9 seeking authority to operate as a railroad, and the trans-
10 portation of solid waste (as defined in section 1004 of 42
11 U.S.C. 6903), the Board shall consider any activity involv-
12 ing the receipt, delivery, sorting, handling or transfer in-
13 transit outside of a sealed container, storage other than
14 inside a sealed container, or other processing of solid
15 waste to be an activity over which the Board does not have
16 jurisdiction.

17 SEC. 192. None of the funds appropriated or other-
18 wise made available under this Act may be used by the
19 Surface Transportation Board of the Department of
20 Transportation to charge or collect any filing fee for rate
21 complaints filed with the Board in an amount in excess
22 of the amount authorized for district court civil suit filing
23 fees under section 1914 of title 28, United States Code.

1 SEC. 193. Not later than 90 days after the date of
2 the enactment of this Act, the Inspector General of the
3 Department of Transportation shall—

4 (1) conduct an investigation of rail service dis-
5 ruptions since 2004 and incidents since 2004 in
6 which rail carriers failed to timely deliver various
7 commodities, such as coal, wheat, ethanol, and lum-
8 ber; and

9 (2) submit a report containing legislative and
10 regulatory recommendations designed to reduce such
11 disruptions and incidents and to improve railroad
12 service to—

13 (A) the Committee on Appropriations of
14 the Senate;

15 (B) the Committee on Appropriations of
16 the House of Representatives;

17 (C) the Committee on Commerce, Science,
18 and Transportation of the Senate; and

19 (D) the Committee on Transportation and
20 Infrastructure of the House of Representatives.

21 This title may be cited as the “Department of Trans-
22 portation Appropriations Act, 2008”.

1 TITLE II
2 DEPARTMENT OF HOUSING AND URBAN
3 DEVELOPMENT
4 OFFICE OF THE SECRETARY
5 SALARIES AND EXPENSES

6 For necessary salaries and expenses of the Office of
7 the Secretary of Housing and Urban Development,
8 \$3,930,000: *Provided*, That not to exceed \$25,000 of this
9 amount shall be available for official reception and rep-
10 resentation expenses.

11 EXECUTIVE OPERATIONS

12 OFFICE OF HEARINGS AND APPEALS

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

15 OFFICE OF SMALL AND DISADVANTAGED BUSINESS

16 UTILILIZATION

17 For the necessary salaries and expenses of the Office
18 of Small and Disadvantaged Business Utilization,
19 \$510,000.

20 OFFICE OF THE CHIEF FINANCIAL OFFICER

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

23 OFFICE OF THE GENERAL COUNSEL

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

1 OFFICE OF THE CHIEF PROCUREMENT OFFICER

2 For the necessary salaries and expenses of the Office
3 of the Chief Procurement Officer, \$13,500,000.

4 CENTER FOR FAITH-BASED AND COMMUNITY INITIATIVES

5 For necessary salaries and expenses of the Center for
6 Faith-Based and Community Initiatives, \$1,860,000.

7 OFFICE OF THE ASSISTANT SECRETARY FOR

8 CONGRESSIONAL AND INTERGOVERNMENTAL RELATIONS

9 For necessary salaries and expenses of the Office of
10 the Assistant Secretary for Congressional and Intergov-
11 ernmental Relations, \$2,670,000: *Provided*, That the Sec-
12 retary shall provide the Committee on Appropriations
13 quarterly written notification regarding the status of
14 pending congressional reports.

15 OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC

16 AFFAIRS

17 For necessary salaries and expenses of the Office of
18 the Assistant Secretary for Public Affairs, \$2,630,000.

19 OFFICE OF DEPARTMENTAL EQUAL EMPLOYMENT

20 OPPORTUNITY

21 For the necessary salaries and expenses of the Office
22 of Departmental Equal Employment Opportunity,
23 \$3,440,000.

1 ADMINISTRATIVE ACTIVITIES
2 OFFICE OF THE ASSISTANT SECRETARY FOR
3 ADMINISTRATION

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

6 ADMINISTRATION SALARIES AND EXPENSES

7 For necessary salaries and expenses of the Office of
8 Administration, \$252,010,000: *Provided*, That, funds pro-
9 vided under the heading may be used for necessary admin-
10 istrative and non-administrative expenses of the Depart-
11 ment of Housing and Urban Development, not otherwise
12 provided for, including purchase of uniforms, or allow-
13 ances therefor, as authorized by 5 U.S.C. 5901–5902; hire
14 of passenger motor vehicles; services as authorized by 5
15 U.S.C. 3109.

16 OFFICE OF DEPARTMENTAL OPERATIONS AND
17 COORDINATION

18 For the necessary salaries and expenses of the Office
19 of Departmental Operations and Coordination,
20 \$12,520,000.

21 OFFICE OF FIELD POLICY AND MANAGEMENT

22 For the necessary salaries and expenses of the Office
23 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
 5 the 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
 19 1, 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
 22 section 8 tenant-based annual contributions con-
 23 tracts (including renewals of enhanced vouchers
 24 under any provision of law authorizing such assist-
 25 ance under section 8(t) of the Act): *Provided*, That
 26 notwithstanding any other provision of law, from

1 amounts provided under this paragraph, the Sec-
2 retary for the calendar year 2008 funding cycle shall
3 provide renewal funding for each public housing
4 agency based on voucher management system (VMS)
5 leasing and cost data for the most recently com-
6 pleted period of 12 consecutive months for which the
7 Secretary determines the data is verifiable and com-
8 plete and by applying the 2008 Annual Adjustment
9 Factor as established by the Secretary, and by mak-
10 ing any necessary adjustments for the costs associ-
11 ated with the first-time renewal of tenant protection
12 or HOPE VI vouchers or vouchers that were not in
13 use during the 12-month period in order to be avail-
14 able to meet a commitment pursuant to section
15 8(o)(13) of the Act: *Provided further*, That notwith-
16 standing the first proviso, except for applying the
17 2008 Annual Adjustment Factor and making any
18 other specified adjustments, public housing agencies
19 specified in category 1 below shall receive funding
20 for calendar year 2008 based on the higher of the
21 amounts the agencies would receive under the first
22 proviso or the amounts the agencies received in cal-
23 endar year 2007, and public housing agencies speci-
24 fied in categories 2 and 3 below shall receive funding
25 for calendar year 2008 equal to the amounts the

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

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

1 under contract: *Provided further*, That the Secretary
 2 shall, to the extent necessary to stay within the
 3 amount provided under this paragraph, pro rate
 4 each public housing agency's allocation otherwise es-
 5 tablished pursuant to this paragraph: *Provided fur-*
 6 *ther*, That except as provided in the following pro-
 7 viso, the entire amount provided under this para-
 8 graph shall be obligated to the public housing agen-
 9 cies based on the allocation and pro rata method de-
 10 scribed above and the Secretary shall notify public
 11 housing agencies of their annual budget not later
 12 than 90 days after enactment of this Act: *Provided*
 13 *further*, That public housing agencies participating
 14 in the Moving to Work demonstration shall be fund-
 15 ed pursuant to their Moving to Work agreements
 16 and shall be subject to the same pro rata adjust-
 17 ments under the previous proviso;

18 (2) \$150,000,000 for section 8 rental assistance
 19 for relocation and replacement of housing units that
 20 are demolished or disposed of pursuant to the Omni-
 21 bus Consolidated Rescissions and Appropriations Act
 22 of 1996 (Public Law 104–134), conversion of section
 23 23 projects to assistance under section 8, the family
 24 unification program under section 8(x) of the Act,
 25 relocation of witnesses in connection with efforts to

1 combat crime in public and assisted housing pursu-
2 ant to a request from a law enforcement or prosecu-
3 tion agency, enhanced vouchers under any provision
4 of law authorizing such assistance under section 8(t)
5 of the Act, HOPE VI vouchers, mandatory and vol-
6 untary conversions, and tenant protection assistance
7 including replacement and relocation assistance: *Pro-*
8 *vided*, That the Secretary shall provide replacement
9 vouchers for all units that cease to be available as
10 assisted housing due to demolition, disposition, or
11 conversion, subject only to the availability of funds;

12 (3) \$50,000,000 for family self-sufficiency coor-
13 dinators under section 23 of the Act;

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

16 (5) \$1,351,000,000 for administrative and
17 other expenses of public housing agencies in admin-
18 istering the section 8 tenant-based rental assistance
19 program, of which up to \$5,000,000 shall be avail-
20 able as an incentive bonus as determined by the Sec-
21 retary for administrative expenses for PHAs that
22 voluntarily consolidate, and which up to \$35,000,000
23 shall be available to the Secretary to allocate to pub-
24 lic housing agencies that need additional funds to
25 administer their section 8 programs, with up to

1 \$30,000,000 to be for fees associated with section 8
2 tenant protection rental assistance: *Provided, That*
3 no less than \$1,311,000,000 of the amount provided
4 in this paragraph shall be allocated for the calendar
5 year 2008 funding cycle on a basis to public housing
6 agencies as provided in section 8(q) of the Act as in
7 effect immediately before the enactment of the Qual-
8 ity Housing and Work Responsibility Act of 1998
9 (Public Law 105–276): *Provided further, That* if the
10 amounts made available under this paragraph are
11 insufficient to pay the amounts required by this
12 paragraph, the Secretary may decrease the amounts
13 allocated to agencies by a uniform prorated percent-
14 age applicable to all agencies receiving funding
15 under this paragraph or may, to the extent nec-
16 essary to provide full payment of amounts required
17 under this paragraph, utilize unobligated balances,
18 including recaptures and carryovers, remaining from
19 funds appropriated to the Department of Housing
20 and Urban Development under this heading, the
21 heading “Annual Contributions for Assisted Hous-
22 ing”, the heading “Housing Certificate Fund”, and
23 the heading “Project-based rental assistance”, for
24 fiscal year 2007 and prior years, notwithstanding
25 the purposes for which such amounts were appro-

1 priated: *Provided further*, That all amounts provided
 2 under this paragraph shall be only for activities re-
 3 lated to the provision of tenant-based rental assist-
 4 ance authorized under section 8, including related
 5 development activities;

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

8 (7) \$75,000,000 for incremental rental voucher
 9 assistance for use through a supported housing pro-
 10 program administered in conjunction with the Depart-
 11 ment of Veterans Affairs as authorized under section
 12 8(o)(19) of the United States Housing Act of 1937:

13 *Provided*, That the Secretary of Housing and Urban
 14 Development shall make such funding available, not-
 15 withstanding section 305 (competition provision) of
 16 this title, to public housing agencies that partner
 17 with eligible VA Medical Centers or other entities as
 18 designated by the Secretary of the Department of
 19 Veterans Affairs, based on geographical need for
 20 such assistance as identified by the Secretary of the
 21 Department of Veterans Affairs, public housing
 22 agency administrative performance, and other fac-
 23 tors as specified by the Secretary of Housing and
 24 Urban Development in consultation with the Sec-
 25 retary of the Department of Veterans Affairs: *Pro-*

1 *vided further*, That the Secretary of Housing and
 2 Urban Development may waive, or specify alter-
 3 native requirements for (in consultation with the
 4 Secretary of the Department of Veterans Affairs),
 5 any provision of any statute or regulation that the
 6 Secretary of Housing and Urban Development ad-
 7 ministers in connection with the use of funds made
 8 available under this paragraph (except for require-
 9 ments related to fair housing, nondiscrimination,
 10 labor standards, and the environment), upon a find-
 11 ing by the Secretary that any such waivers or alter-
 12 native requirements are necessary for the effective
 13 delivery and administration of such voucher assist-
 14 ance: *Provided further*, That assistance made avail-
 15 able under this paragraph shall continue to remain
 16 available for homeless veterans upon turnover.

HOUSING CERTIFICATE FUND

(RESCISSION)

19 Of the unobligated balances, including recaptures and
 20 carryover, remaining from funds appropriated to the De-
 21 partment of Housing and Urban Development under this
 22 heading, the heading “Annual contributions for assisted
 23 housing”, the heading “Tenant-based rental assistance”,
 24 and the heading “Project-based rental assistance”, for fis-
 25 cal year 2007 and prior years, \$1,100,000,000 are re-
 26 scinded, to be effected by the Secretary no later than Sep-

1 tember 30, 2008: *Provided*, That, if insufficient funds
 2 exist under these headings, the remaining balance may be
 3 derived from any other heading under this title: *Provided*
 4 *further*, That the Secretary shall notify the Committees
 5 on Appropriations 30 days in advance of the rescission of
 6 any funds derived from the headings specified above: *Pro-*
 7 *vided further*, That any such balances governed by re-
 8 allocation provisions under the statute authorizing the
 9 program for which the funds were originally appropriated
 10 shall be available for the rescission: *Provided further*, That
 11 any obligated balances of contract authority from fiscal
 12 year 1974 and prior that have been terminated shall be
 13 cancelled.

14 PROJECT-BASED RENTAL ASSISTANCE

15 (INCLUDING TRANSFER OF FUNDS)

16 For activities and assistance for the provision of
 17 project-based subsidy contracts under the United States
 18 Housing Act of 1937, as amended (42 U.S.C. 1437 et
 19 seq.) (“the Act” herein), not otherwise provided for,
 20 \$5,813,000,000, to remain available until expended: *Pro-*
 21 *vided*, That the amounts made available under this head-
 22 ing are provided as follows:

- 23 (1) up to \$5,522,810,000 for expiring or termi-
 24 nating section 8 project-based subsidy contracts (in-
 25 cluding section 8 moderate rehabilitation contracts),
 26 for amendments to section 8 project-based subsidy

1 contracts (including section 8 moderate rehabilita-
2 tion contracts), for contracts entered into pursuant
3 to section 441 of the McKinney-Vento Homeless As-
4 sistance Act, for renewal of section 8 contracts for
5 units in projects that are subject to approved plans
6 of action under the Emergency Low Income Housing
7 Preservation Act of 1987 or the Low-Income Hous-
8 ing Preservation and Resident Homeownership Act
9 of 1990, and for administrative and other expenses
10 associated with project-based activities and assist-
11 ance funded under this paragraph.

12 (2) not to exceed \$286,230,000 for perform-
13 ance-based contract administrators for section 8
14 project-based assistance: *Provided*, That the Sec-
15 retary may also use such amounts for performance-
16 based contract administrators for: interest reduction
17 payments pursuant to section 236(a) of the National
18 Housing Act (12 U.S.C. 1715z-1(a)); rent supple-
19 ment payments pursuant to section 101 of the
20 Housing and Urban Development Act of 1965 (12
21 U.S.C. 1701s); section 236(f)(2) rental assistance
22 payments (12 U.S.C. 1715z-1(f)(2)); project rental
23 assistance contracts for the elderly under section
24 202(c)(2) of the Housing Act of 1959, as amended
25 (12 U.S.C. 1701q, 1701q-1); project rental assist-

1 ance contracts for supportive housing for persons
 2 with disabilities under section 811(d)(2) of the
 3 Cranston-Gonzalez National Affordable Housing
 4 Act; project assistance contracts pursuant to section
 5 202(h) of the Housing Act of 1959 (Public Law 86–
 6 372; 73 Stat. 667); and loans under section 202 of
 7 the Housing Act of 1959 (Public Law 86–372; 73
 8 Stat. 667).

9 (3) not to exceed \$3,960,000 may be trans-
 10 ferred to the Working Capital Fund; and

11 (4) amounts recaptured under this heading, the
 12 heading “Annual Contributions for Assisted Hous-
 13 ing”, or the heading “Housing Certificate Fund”
 14 may be used for renewals of or amendments to sec-
 15 tion 8 project-based contracts or for performance-
 16 based contract administrators, notwithstanding the
 17 purposes for which such amounts were appropriated.

18 PUBLIC HOUSING CAPITAL FUND

19 (INCLUDING TRANSFER OF FUNDS)

20 For the Public Housing Capital Fund Program to
 21 carry out capital and management activities for public
 22 housing agencies, as authorized under section 9 of the
 23 United States Housing Act of 1937, as amended (42
 24 U.S.C. 1437g) (the “Act”) \$2,500,000,000, to remain
 25 available until September 30, 2011: *Provided*, That not-
 26 withstanding any other provision of law or regulation, dur-

1 ing fiscal year 2008, the Secretary may not delegate to
2 any Department official other than the Deputy Secretary
3 and the Assistant Secretary for Public and Indian Hous-
4 ing any authority under paragraph (2) of section 9(j) re-
5 garding the extension of the time periods under such sec-
6 tion: *Provided further*, That for purposes of such section
7 9(j), the term “obligate” means, with respect to amounts,
8 that the amounts are subject to a binding agreement that
9 will result in outlays, immediately or in the future: *Pro-*
10 *vided further*, That of the total amount provided under
11 this heading, up to \$14,890,000 shall be for carrying out
12 activities under section 9(h) of such Act; not to exceed
13 \$16,847,000 may be transferred to the Working Capital
14 Fund; and up to \$15,345,000 shall be to support the on-
15 going Public Housing Financial and Physical Assessment
16 activities of the Real Estate Assessment Center (REAC):
17 *Provided further*, That no funds may be used under this
18 heading for the purposes specified in section 9(k) of the
19 United States Housing Act of 1937, as amended: *Provided*
20 *further*, That of the total amount provided under this
21 heading, not to exceed \$20,000,000 may be available for
22 the Secretary of Housing and Urban Development to
23 make grants, notwithstanding section 305 of this Act, to
24 public housing agencies for emergency capital needs re-
25 sulting from unforeseen or unpreventable emergencies and

1 natural disasters occurring in fiscal year 2008: *Provided*
 2 *further*, That of the total amount provided under this
 3 heading, \$40,000,000 shall be for supportive services,
 4 service coordinators and congregate services as authorized
 5 by section 34 of the Act and the Native American Housing
 6 Assistance and Self-Determination Act of 1996: *Provided*
 7 *further*, That of the total amount provided under this
 8 heading up to \$8,820,000 is to support the costs of admin-
 9 istrative and judicial receiverships.

10 PUBLIC HOUSING OPERATING FUND

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

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC
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
6 of 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,
17 unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS
(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
24 remain available until expended: *Provided*, That, notwith-
25 standing the Native American Housing Assistance and
26 Self-Determination Act of 1996, to determine the amount

1 of the allocation under title I of such Act for each Indian
2 tribe, the Secretary shall apply the formula under section
3 302 of such Act with the need component based on single-
4 race Census data and with the need component based on
5 multi-race Census data, and the amount of the allocation
6 for each Indian tribe shall be the greater of the two result-
7 ing allocation amounts: *Provided further*, That of the
8 amounts made available under this heading, \$2,000,000
9 shall be contracted through the Secretary as technical as-
10 sistance and capacity building to be used by the National
11 American Indian Housing Council in support of the imple-
12 mentation of NAHASDA; and \$4,250,000 shall be to sup-
13 port the inspection of Indian housing units, contract ex-
14 pertise, training, and technical assistance in the training,
15 oversight, and management of such Indian housing and
16 tenant-based assistance, including up to \$300,000 for re-
17 lated travel: *Provided further*, That of the amount pro-
18 vided under this heading, \$1,980,000 shall be made avail-
19 able for the cost of guaranteed notes and other obligations,
20 as authorized by title VI of NAHASDA: *Provided further*,
21 That such costs, including the costs of modifying such
22 notes and other obligations, shall be as defined in section
23 502 of the Congressional Budget Act of 1974, as amend-
24 ed: *Provided further*, That these funds are available to sub-
25 sidize the total principal amount of any notes and other

1 obligations, any part of which is to be guaranteed, not to
 2 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 Amer-
 6 ican Housing Assistance and Self-Determination Act of
 7 1996 (25 U.S.C. 4111 et seq.), \$9,000,000, to remain
 8 available until expended, of which \$300,000 shall be for
 9 training and technical 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
 14 section 184 of the Housing and Community Development
 15 Act of 1992 (12 U.S.C. 1715z–13a), \$7,450,000, to re-
 16 main available until expended: *Provided*, That such costs,
 17 including the costs of modifying such loans, shall be as
 18 defined in section 502 of the Congressional Budget Act
 19 of 1974, as amended: *Provided further*, That these funds
 20 are available to subsidize total loan principal, any part of
 21 which is to 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
 26 section 184A of the Housing and Community Develop-

1 ment Act of 1992 (12 U.S.C. 1715z–13b), \$1,044,000, to
 2 remain available until expended: *Provided*, That such
 3 costs, including the costs of modifying such loans, shall
 4 be as defined in section 502 of the Congressional Budget
 5 Act of 1974, as amended: *Provided further*, That these
 6 funds are available to subsidize total loan principal, any
 7 part of which is to be guaranteed, not to exceed
 8 \$41,504,255.

9 COMMUNITY PLANNING AND DEVELOPMENT

10 OFFICE OF THE ASSISTANT SECRETARY FOR COMMUNITY

11 PLANNING AND DEVELOPMENT

12 SALARIES AND EXPENSES

13 For necessary salaries and expenses of the Office of
 14 the Assistant Secretary for Community Planning and De-
 15 velopment, \$1,520,000.

16 COMMUNITY PLANNING AND DEVELOPMENT SALARIES

17 AND EXPENSES

18 For necessary salaries and expenses of the Office of
 19 Community Planning and Development mission area,
 20 \$93,770,000.

21 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

22 (INCLUDING TRANSFER OF FUNDS)

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

1 2009, except that amounts allocated pursuant to section
 2 854(c)(3) of such Act shall remain available until Sep-
 3 tember 30, 2010: *Provided*, That the Secretary shall renew
 4 all expiring contracts for permanent supportive housing
 5 that were funded under section 854(c)(3) of such Act that
 6 meet all program requirements before awarding funds for
 7 new contracts and activities authorized under this section:
 8 *Provided further*, That the Secretary may use not to ex-
 9 ceed \$1,485,000 of the funds under this heading for train-
 10 ing, oversight, and technical assistance activities; and not
 11 to exceed \$1,485,000 may be transferred to the Working
 12 Capital Fund.

13 RURAL HOUSING AND ECONOMIC DEVELOPMENT

14 For the Office of Rural Housing and Economic De-
 15 velopment in the Department of Housing and Urban De-
 16 velopment, \$17,000,000, to remain available until ex-
 17 pended, which amount shall be competitively awarded by
 18 September 1, 2008, to Indian tribes, State housing finance
 19 agencies, State community and/or economic development
 20 agencies, local rural nonprofits and community develop-
 21 ment corporations to support innovative housing and eco-
 22 nomic development activities in rural areas.

23 COMMUNITY DEVELOPMENT FUND

24 (INCLUDING TRANSFER OF FUNDS)

25 For assistance to units of State and local govern-
 26 ment, and to other entities, for economic and community

1 development activities, and for other purposes,
 2 \$4,060,000,000, to remain available until September 30,
 3 2010, unless otherwise specified: *Provided*, That of the
 4 amount provided, \$3,705,430,000 is for carrying out the
 5 community development block grant program under title
 6 I of the Housing and Community Development Act of
 7 1974, as amended (the “Act” herein) (42 U.S.C. 5301 et
 8 seq.): *Provided further*, That unless explicitly provided for
 9 under this heading (except for planning grants provided
 10 in the second paragraph and amounts made available
 11 under the third paragraph), not to exceed 20 percent of
 12 any grant made with funds appropriated under this head-
 13 ing shall be expended for planning and management devel-
 14 opment and administration: *Provided further*, That not to
 15 exceed \$1,570,000 may be transferred to the Working
 16 Capital Fund: *Provided further*, That \$3,000,000 is for
 17 technical assistance as authorized by section 107(b)(4) of
 18 such Act: *Provided further*, That \$62,000,000 shall be for
 19 grants to Indian tribes notwithstanding section 106(a)(1)
 20 of such Act, of which, notwithstanding any other provision
 21 of law (including section 305 of this Act), up to
 22 \$3,960,000 may be used for emergencies that constitute
 23 imminent threats to health and safety.

24 Of the amount made available under this heading,
 25 \$248,000,000 shall be available for grants for the Eco-

1 nomic Development Initiative (EDI) to finance a variety
 2 of targeted economic investments: *Provided*, That none of
 3 the funds provided under this paragraph may be used for
 4 program operations: *Provided further*, That, for fiscal
 5 years 2006, 2007, and 2008, no unobligated funds for
 6 EDI grants may be used for any purpose except acquisi-
 7 tion, planning, design, purchase of equipment, revitaliza-
 8 tion, redevelopment or construction.

9 Of the amount made available under this heading,
 10 \$40,000,000 shall be available for neighborhood initiatives
 11 that are utilized to improve the conditions of distressed
 12 and blighted areas and neighborhoods, to stimulate invest-
 13 ment, economic diversification, and community revitaliza-
 14 tion in areas with population outmigration or a stagnating
 15 or declining economic base, or to determine whether hous-
 16 ing benefits can be integrated more effectively with welfare
 17 reform initiatives.

18 COMMUNITY DEVELOPMENT LOAN GUARANTEES

19 PROGRAM ACCOUNT

20 (INCLUDING TRANSFER OF FUNDS)

21 For the cost of guaranteed loans, \$6,000,000, to re-
 22 main available until September 30, 2009, as authorized
 23 by section 108 of the Housing and Community Develop-
 24 ment Act of 1974, as amended: *Provided*, That such costs,
 25 including the cost of modifying such loans, shall be as de-
 26 fined in section 502 of the Congressional Budget Act of

1 1974, as amended: *Provided further*, That these funds are
 2 available to subsidize total loan principal, any part of
 3 which is to be guaranteed, not to exceed \$275,000,000,
 4 notwithstanding any aggregate limitation on outstanding
 5 obligations guaranteed in section 108(k) of the Housing
 6 and Community Development Act of 1974, as amended.

7 BROWNFIELDS REDEVELOPMENT

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

13 HOME INVESTMENT PARTNERSHIPS PROGRAM

14 (INCLUDING TRANSFER OF FUNDS)

15 For the HOME investment partnerships program, as
 16 authorized under title II of the Cranston-Gonzalez Na-
 17 tional Affordable Housing Act, as amended,
 18 \$1,970,000,000, to remain available until September 30,
 19 2010, of which not to exceed \$3,465,000 may be trans-
 20 ferred to the Working Capital Fund: *Provided*, That up
 21 to \$15,000,000 shall be available for technical assistance:
 22 *Provided further*, That of the total amount provided in this
 23 paragraph, up to \$150,000,000 shall be available for hous-
 24 ing counseling under section 106 of the Housing and
 25 Urban Development Act of 1968.

1 SELF-HELP AND ASSISTED HOMEOWNERSHIP
2 OPPORTUNITY PROGRAM

3 For the Self-Help and Assisted Homeownership Op-
4 portunity Program, as authorized under section 11 of the
5 Housing Opportunity Program Extension Act of 1996, as
6 amended, \$70,000,000, to remain available until Sep-
7 tember 30, 2010: *Provided*, That of the total amount pro-
8 vided under this heading, \$26,500,000 shall be made
9 available to the Self-Help and Assisted Homeownership
10 Opportunity Program as authorized under section 11 of
11 the Housing Opportunity Program Extension Act of 1996,
12 as amended: *Provided further*, That \$33,500,000 shall be
13 made available for the first four capacity building activi-
14 ties authorized under section 4(b)(3) of the HUD Dem-
15 onstration Act of 1993 (42 U.S.C. 9816 note), as in effect
16 immediately before June 12, 1997 and of which up to
17 \$5,000,000 may be made available for rural capacity
18 building activities: *Provided further*, That of the total
19 amount made available under this heading; \$3,000,000
20 shall be made available to the Housing Assistance Council;
21 \$2,000,000 shall be made available to the National Amer-
22 ican Indian Housing Council; \$3,000,000 shall be made
23 available as a grant to the Raza Development Fund of
24 La Raza for the HOPE Fund, of which \$500,000 is for
25 technical assistance and fund management, and

1 \$2,500,000 is for investments in the HOPE Fund and fi-
 2 nancing to affiliated organizations; and \$2,000,000 shall
 3 be made available as a grant to the Housing Partnership
 4 Network for operating expenses and a program of afford-
 5 able housing acquisition and rehabilitation.

6 HOMELESS ASSISTANCE GRANTS

7 (INCLUDING TRANSFER OF FUNDS)

8 For the emergency shelter grants program as author-
 9 ized under subtitle B of title IV of the McKinney-Vento
 10 Homeless Assistance Act, as amended; the supportive
 11 housing program as authorized under subtitle C of title
 12 IV of such Act; the section 8 moderate rehabilitation sin-
 13 gle room occupancy program as authorized under the
 14 United States Housing Act of 1937, as amended, to assist
 15 homeless individuals pursuant to section 441 of the
 16 McKinney-Vento Homeless Assistance Act; and the shelter
 17 plus care program as authorized under subtitle F of title
 18 IV of such Act, \$1,585,990,000, of which \$1,580,990,000
 19 shall remain available until September 30, 2010, and of
 20 which \$5,000,000 shall remain available until expended
 21 for rehabilitation projects with ten-year grant terms: *Pro-*
 22 *vided*, That of the amounts provided, \$25,000,000 shall
 23 be set aside to conduct a demonstration program for the
 24 rapid re-housing of homeless families: *Provided further*,
 25 That of amounts made available in the preceding proviso,
 26 not to exceed \$3,000,000 may be used to conduct an eval-

uation of this demonstration program: *Provided further*,
That funding made available for this demonstration pro-
gram shall be used by the Secretary, expressly for the pur-
poses of providing housing and services to homeless fami-
lies in order to evaluate the effectiveness of the rapid re-
housing approach in addressing the needs of homeless
families: *Provided further*, That not less than 30 percent
of funds made available, excluding amounts provided for
renewals under the shelter plus care program, shall be
used for permanent housing for individuals and families:
Provided further, That all funds awarded for services shall
be matched by 25 percent in funding by each grantee: *Pro-*
vided further, That the Secretary shall renew on an annual
basis expiring contracts or amendments to contracts fund-
ed under the shelter plus care program if the program is
determined to be needed under the applicable continuum
of care and meets appropriate program requirements and
financial standards, as determined by the Secretary: *Pro-*
vided further, That all awards of assistance under this
heading shall be required to coordinate and integrate
homeless programs with other mainstream health, social
services, and employment programs for which homeless
populations may be eligible, including Medicaid, State
Children's Health Insurance Program, Temporary Assist-
ance for Needy Families, Food Stamps, and services fund-

1 ing through the Mental Health and Substance Abuse
 2 Block Grant, Workforce Investment Act, and the Welfare-
 3 to-Work grant program: *Provided further*, That up to
 4 \$8,000,000 of the funds appropriated under this heading
 5 shall be available for the national homeless data analysis
 6 project and technical assistance: *Provided further*, That
 7 not to exceed \$2,475,000 of the funds appropriated under
 8 this heading may be transferred to the Working Capital
 9 Fund: *Provided further*, That all balances for Shelter Plus
 10 Care renewals previously funded from the Shelter Plus
 11 Care Renewal account and transferred to this account
 12 shall be available, if recaptured, for Shelter Plus Care re-
 13 newals in fiscal year 2008.

14 HOUSING PROGRAMS

15 OFFICE OF THE ASSISTANT SECRETARY FOR HOUSING,

16 FEDERAL HOUSING COMMISSIONER

17 SALARIES AND EXPENSES

18 For necessary salaries and expenses of the Office of
 19 the Assistant Secretary for Housing, Federal Housing
 20 Commissioner, \$3,420,000.

21 HOUSING SALARIES AND EXPENSES

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

1 HOUSING FOR THE ELDERLY

2 (INCLUDING TRANSFER OF FUNDS)

3 For capital advances, including amendments to cap-
4 ital advance contracts, for housing for the elderly, as au-
5 thorized by section 202 of the Housing Act of 1959, as
6 amended, and for project rental assistance for the elderly
7 under section 202(c)(2) of such Act, including amend-
8 ments to contracts for such assistance and renewal of ex-
9 piring contracts for such assistance for up to a 1-year
10 term, and for supportive services associated with the hous-
11 ing, \$735,000,000, to remain available until September
12 30, 2011, of which up to \$603,900,000 shall be for capital
13 advance and project-based rental assistance awards: *Pro-*
14 *vided*, That, of the amount provided under this heading,
15 up to \$60,000,000 shall be for service coordinators and
16 the continuation of existing congregate service grants for
17 residents of assisted housing projects, and of which up to
18 \$24,750,000 shall be for grants under section 202b of the
19 Housing Act of 1959 (12 U.S.C. 1701q-2) for conversion
20 of eligible projects under such section to assisted living
21 or related use and for emergency capital repairs as deter-
22 mined by the Secretary: *Provided further*, That of the
23 amount made available under this heading, \$20,000,000
24 shall be available to the Secretary of Housing and Urban
25 Development only for making competitive grants to pri-
26 vate nonprofit organizations and consumer cooperatives

1 for covering costs of architectural and engineering work,
 2 site control, and other planning relating to the develop-
 3 ment of supportive housing for the elderly that is eligible
 4 for assistance under section 202 of the Housing Act of
 5 1959 (12 U.S.C. 1701q): *Provided further*, That amounts
 6 under this heading shall be available for Real Estate As-
 7 sessment Center inspections and inspection-related activi-
 8 ties associated with section 202 capital advance projects:
 9 *Provided further*, That not to exceed \$1,400,000 of the
 10 total amount made available under this heading may be
 11 transferred to the Working Capital Fund: *Provided fur-*
 12 *ther*, That the Secretary may waive the provisions of sec-
 13 tion 202 governing the terms and conditions of project
 14 rental assistance, except that the initial contract term for
 15 such assistance shall not exceed 5 years in duration.

16 HOUSING FOR PERSONS WITH DISABILITIES

17 (INCLUDING TRANSFER OF FUNDS)

18 For capital advance contracts, including amendments
 19 to capital advance contracts, for supportive housing for
 20 persons with disabilities, as authorized by section 811 of
 21 the Cranston-Gonzalez National Affordable Housing Act
 22 (42 U.S.C. 8013), for project rental assistance for sup-
 23 portive housing for persons with disabilities under section
 24 811(d)(2) of such Act, including amendments to contracts
 25 for such assistance and renewal of expiring contracts for
 26 such assistance for up to a 1-year term, and for supportive

1 services associated with the housing for persons with dis-
2 abilities as authorized by section 811(b)(1) of such Act,
3 and for tenant-based rental assistance contracts entered
4 into pursuant to section 811 of such Act, \$237,000,000,
5 to remain available until September 30, 2011: *Provided*,
6 That not to exceed \$600,000 may be transferred to the
7 Working Capital Fund: *Provided further*, That, of the
8 amount provided under this heading \$74,745,000 shall be
9 for amendments or renewal of tenant-based assistance
10 contracts entered into prior to fiscal year 2005 (only one
11 amendment authorized for any such contract): *Provided*
12 *further*, That all tenant-based assistance made available
13 under this heading shall continue to remain available only
14 to persons with disabilities: *Provided further*, That the
15 Secretary may waive the provisions of section 811 gov-
16 erning the terms and conditions of project rental assist-
17 ance and tenant-based assistance, except that the initial
18 contract term for such assistance shall not exceed 5 years
19 in duration: *Provided further*, That amounts made avail-
20 able under this heading shall be available for Real Estate
21 Assessment Center Inspections and inspection-related ac-
22 tivities associated with section 811 Capital Advance
23 Projects.

1 OTHER ASSISTED HOUSING PROGRAMS

2 RENTAL HOUSING ASSISTANCE

3 For amendments to contracts under section 101 of
4 the Housing and Urban Development Act of 1965 (12
5 U.S.C. 1701s) and section 236(f)(2) of the National
6 Housing Act (12 U.S.C. 1715z–1) in State-aided, non-in-
7 sured rental housing projects, \$27,600,000, to remain
8 available until expended.

9 (RESCISSION)

10 Of the amounts made available under the heading
11 “Rent Supplement” in Public Law 98–63 for amendments
12 to contracts under section 101 of the Housing and Urban
13 Development Act of 1965 (12 U.S.C. 1701s) and section
14 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–
15 1) in State-aided, non-insured rental housing projects,
16 \$27,600,000 are rescinded.

17 FLEXIBLE SUBSIDY FUND

18 (TRANSFER OF FUNDS)

19 From the Rental Housing Assistance Fund, all un-
20 committed balances of excess rental charges as of Sep-
21 tember 30, 2007, and any collections made during fiscal
22 year 2008 and all subsequent fiscal years, shall be trans-
23 ferred to the Flexible Subsidy Fund, as authorized by sec-
24 tion 236(g) of the National Housing Act, as amended.

1 MANUFACTURED HOUSING FEES TRUST FUND

2 For necessary expenses as authorized by the National
3 Manufactured Housing Construction and Safety Stand-
4 ards Act of 1974, as amended (42 U.S.C. 5401 et seq.),
5 up to \$16,000,000, to remain available until expended, to
6 be derived from the Manufactured Housing Fees Trust
7 Fund: *Provided*, That not to exceed the total amount ap-
8 propriated under this heading shall be available from the
9 general fund of the Treasury to the extent necessary to
10 incur obligations and make expenditures pending the re-
11 ceipt of collections to the Fund pursuant to section 620
12 of such Act: *Provided further*, That the amount made
13 available under this heading from the general fund shall
14 be reduced as such collections are received during fiscal
15 year 2008 so as to result in a final fiscal year 2008 appro-
16 priation from the general fund estimated at not more than
17 \$0 and fees pursuant to such section 620 shall be modified
18 as necessary to ensure such a final fiscal year 2008 appro-
19 priation: *Provided further*, That for the dispute resolution
20 and installation programs, the Secretary of Housing and
21 Urban Development may assess and collect fees from any
22 program participant: *Provided further*, That such collec-
23 tions shall be deposited into the Fund, and the Secretary,
24 as provided herein, may use such collections, as well as
25 fees collected under section 620, for necessary expenses

1 of such Act: *Provided further*, That notwithstanding the
2 requirements of section 620 of such Act, the Secretary
3 may carry out responsibilities of the Secretary under such
4 Act through the use of approved service providers that are
5 paid directly by the recipients of their services.

6 FEDERAL HOUSING ADMINISTRATION
7 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT
8 (INCLUDING TRANSFERS OF FUNDS)

9 During fiscal year 2008, commitments to guarantee
10 loans to carry out the purposes of section 203(b) of the
11 National Housing Act, as amended, shall not exceed a loan
12 principal of \$185,000,000,000.

13 During fiscal year 2008, obligations to make direct
14 loans to carry out the purposes of section 204(g) of the
15 National Housing Act, as amended, shall not exceed
16 \$50,000,000: *Provided*, That the foregoing amount shall
17 be for loans to nonprofit and governmental entities in con-
18 nection with sales of single family real properties owned
19 by the Secretary and formerly insured under the Mutual
20 Mortgage Insurance Fund.

21 For administrative contract expenses, \$77,400,000,
22 of which not to exceed \$25,550,000 may be transferred
23 to the Working Capital Fund, and of which up to
24 \$5,000,000 shall be for education and outreach of FHA
25 single family loan products: *Provided*, That to the extent
26 guaranteed loan commitments exceed \$65,500,000,000 on

1 or before April 1, 2008, an additional \$1,400 for adminis-
 2 trative contract expenses shall be available for each
 3 \$1,000,000 in additional guaranteed loan commitments
 4 (including a pro rata amount for any amount below
 5 \$1,000,000), but in no case shall funds made available by
 6 this proviso exceed \$30,000,000.

7 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT
 8 (INCLUDING TRANSFERS OF FUNDS)

9 For the cost of guaranteed loans, as authorized by
 10 sections 238 and 519 of the National Housing Act (12
 11 U.S.C. 1715z-3 and 1735c), including the cost of loan
 12 guarantee modifications, as that term is defined in section
 13 502 of the Congressional Budget Act of 1974, as amend-
 14 ed, \$8,600,000, to remain available until expended: *Pro-*
 15 *vided*, That commitments to guarantee loans shall not ex-
 16 ceed \$45,000,000,000 in total loan principal, any part of
 17 which is to be guaranteed.

18 Gross obligations for the principal amount of direct
 19 loans, as authorized by sections 204(g), 207(l), 238, and
 20 519(a) of the National Housing Act, shall not exceed
 21 \$50,000,000, of which not to exceed \$30,000,000 shall be
 22 for bridge financing in connection with the sale of multi-
 23 family real properties owned by the Secretary and for-
 24 merly insured under such Act; and of which not to exceed
 25 \$20,000,000 shall be for loans to nonprofit and govern-
 26 mental entities in connection with the sale of single-family

1 real properties owned by the Secretary and formerly in-
2 sured under such Act.

3 For administrative contract expenses necessary to
4 carry out the guaranteed and direct loan programs,
5 \$78,111,000, of which not to exceed \$15,692,000 may be
6 transferred to the Working Capital Fund: *Provided*, That
7 to the extent guaranteed loan commitments exceed
8 \$8,426,000,000 on or before April 1, 2008, an additional
9 \$1,980 for administrative contract expenses shall be avail-
10 able for each \$1,000,000 in additional guaranteed loan
11 commitments over \$8,426,000,000 (including a pro rata
12 amount for any increment below \$1,000,000), but in no
13 case shall funds made available by this proviso exceed
14 \$14,400,000.

15 For discount sales of multifamily real property under
16 sections 207(1) or 246 of the National Housing Act (12
17 U.S.C. 1713(l), 1715z–11), section 203 of the Housing
18 and Community Development Amendments of 1978 (12
19 U.S.C. 1701z–11), or section 204 of the Departments of
20 Veterans Affairs and Housing and Urban Development,
21 and Independent Agencies Appropriations Act, 1997 (12
22 U.S.C. 1715z–11a), and for discount loan sales under sec-
23 tion 207(k) of the National Housing Act (12 U.S.C.
24 1713(k)), section 203(k) of the Housing and Community
25 Development Amendments of 1978 (12 U.S.C. 1701z–

1 11(k)), or section 204(a) of the Departments of Veterans
 2 Affairs and Housing and Urban Development, and Inde-
 3 pendent Agencies Act, 1997 (12 U.S.C. 1715z–11a(a)),
 4 \$5,000,000, to remain available until September 30, 2009.

5 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

6 OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE

7 ASSOCIATION

8 SALARIES AND EXPENSES

9 For the necessary salaries and expenses of the Office
 10 of the Government National Mortgage Association,
 11 \$9,530,000.

12 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN

13 GUARANTEE PROGRAM ACCOUNT

14 (INCLUDING TRANSFER OF FUNDS)

15 New commitments to issue guarantees to carry out
 16 the purposes of section 306 of the National Housing Act,
 17 as amended (12 U.S.C. 1721(g)), shall not exceed
 18 \$200,000,000,000, to remain available until September
 19 30, 2009.

20 POLICY DEVELOPMENT AND RESEARCH

21 OFFICE OF THE ASSISTANT SECRETARY FOR POLICY

22 DEVELOPMENT AND RESEARCH

23 SALARIES AND EXPENSES

24 For necessary salaries and expenses of the Office of
 25 the Assistant Secretary for Policy Development and Re-
 26 search, \$1,570,000.

1 POLICY DEVELOPMENT AND RESEARCH SALARIES AND
2 EXPENSES

3 For necessary salaries and expenses of the Office of
4 Policy Development and Research, \$19,310,000.

5 RESEARCH AND TECHNOLOGY

6 For contracts, grants, and necessary expenses of pro-
7 grams of research and studies relating to housing and
8 urban problems, not otherwise provided for, as authorized
9 by title V of the Housing and Urban Development Act
10 of 1970, as amended (12 U.S.C. 1701z-1 et seq.), includ-
11 ing carrying out the functions of the Secretary under sec-
12 tion 1(a)(1)(i) of Reorganization Plan No. 2 of 1968,
13 \$59,040,000, to remain available until September 30,
14 2009: *Provided*, That of the total amount provided under
15 this heading, \$5,000,000 shall be for the Partnership for
16 Advancing Technology in Housing (PATH) Initiative:
17 *Provided further*, That of the funds made available under
18 this heading, \$20,600,000 is for grants pursuant to sec-
19 tion 107 of the Housing and Community Development Act
20 of 1974, as amended, as follows: \$3,000,000 to support
21 Alaska Native serving institutions and Native Hawaiian
22 serving institutions as defined under the Higher Edu-
23 cation Act, as amended; \$2,600,000 for tribal colleges and
24 universities to build, expand, renovate, and equip their fa-
25 cilities and to expand the role of the colleges into the com-
26 munity through the provision of needed services such as

1 health programs, job training and economic development
 2 activities; \$9,000,000 for the Historically Black Colleges
 3 and Universities program, of which up to \$2,000,000 may
 4 be used for technical assistance; and \$6,000,000 for the
 5 Hispanic Serving Institutions Program.

6 FAIR HOUSING AND EQUAL OPPORTUNITY

7 OFFICE OF THE ASSISTANT SECRETARY FOR FAIR

8 HOUSING AND EQUAL OPPORTUNITY

9 SALARIES AND EXPENSES

10 For necessary salaries and expenses of the Office of
 11 the Assistant Secretary for Fair Housing and Equal Op-
 12 portunity, \$1,490,000.

13 FAIR HOUSING AND EQUAL OPPORTUNITY SALARIES AND
 14 EXPENSES

15 For the necessary salaries and expenses of the Office
 16 of Fair Housing and Equal Opportunity, \$69,390,000.

17 FAIR HOUSING ACTIVITIES

18 For contracts, grants, and other assistance, not oth-
 19 erwise provided for, as authorized by title VIII of the Civil
 20 Rights Act of 1968, as amended by the Fair Housing
 21 Amendments Act of 1988, and section 561 of the Housing
 22 and Community Development Act of 1987, as amended,
 23 \$52,000,000, to remain available until September 30,
 24 2009, of which \$25,000,000 shall be to carry out activities
 25 pursuant to such section 561: *Provided*, That notwith-
 26 standing 31 U.S.C. 3302, the Secretary may assess and

1 collect fees to cover the costs of the Fair Housing Training
 2 Academy, and may use such funds to provide such train-
 3 ing: *Provided further*, That no funds made available under
 4 this heading shall be used to lobby the executive or legisla-
 5 tive branches of the Federal Government in connection
 6 with a specific contract, grant or loan.

7 OFFICE OF LEAD HAZARD CONTROL

8 OFFICE OF HEALTHY HOMES AND LEAD HAZARD

9 CONTROL

10 SALARIES AND EXPENSES

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

13 LEAD HAZARD REDUCTION

14 For the Lead Hazard Reduction Program, as author-
 15 ized by section 1011 of the Residential Lead-Based Paint
 16 Hazard Reduction Act of 1992, \$151,000,000, to remain
 17 available until September 30, 2009, of which \$8,800,000
 18 shall be for the Healthy Homes Initiative, pursuant to sec-
 19 tions 501 and 502 of the Housing and Urban Develop-
 20 ment Act of 1970 that shall include research, studies, test-
 21 ing, and demonstration efforts, including education and
 22 outreach concerning lead-based paint poisoning and other
 23 housing-related diseases and hazards: *Provided*, That for
 24 purposes of environmental review, pursuant to the Na-
 25 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
 26 et seq.) and other provisions of law that further the pur-

1 poses of such Act, a grant under the Healthy Homes Ini-
 2 tiative, Operation Lead Elimination Action Plan (LEAP),
 3 or the Lead Technical Studies program under this heading
 4 or under prior appropriations Acts for such purposes
 5 under this heading, shall be considered to be funds for
 6 a special project for purposes of section 305(c) of the Mul-
 7 tifamily Housing Property Disposition Reform Act of
 8 1994: *Provided further*, That of the total amount made
 9 available under this heading, \$48,000,000 shall be made
 10 available on a competitive basis for areas with the highest
 11 lead paint abatement needs: *Provided further*, That each
 12 applicant shall submit a detailed plan and strategy that
 13 demonstrates adequate capacity that is acceptable to the
 14 Secretary to carry out the proposed use of funds pursuant
 15 to a Notice of Funding Availability: *Provided further*, That
 16 of the total amount made available under this heading,
 17 \$2,000,000 shall be available for the Big Buy Program
 18 to be managed by the Office of Healthy Homes and Lead
 19 Hazard Control.

20 WORKING CAPITAL FUND

21 For additional capital for the Working Capital Fund
 22 (42 U.S.C. 3535) for the development of, modifications
 23 to, and infrastructure for Department-wide information
 24 technology systems, for the continuing operation *and*
 25 *maintenance* of both Department-wide and program-spe-
 26 cific information systems, and for program-related devel-

1 opment activities, \$175,000,000, to remain available until
 2 September 30, 2009: *Provided*, That any amounts trans-
 3 ferred to this Fund under this Act shall remain available
 4 until expended: *Provided further*, That any amounts trans-
 5 ferred to this Fund from amounts appropriated by pre-
 6 viously enacted appropriations Acts or from within this
 7 Act may be used only for the purposes specified under this
 8 Fund, in addition to the purposes for which such amounts
 9 were appropriated.

10 OFFICE OF INSPECTOR GENERAL

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary salaries and expenses of the Office of
 13 Inspector General in carrying out the Inspector General
 14 Act of 1978, as amended, \$112,000,000: *Provided*, That
 15 the Inspector General shall have independent authority
 16 over all personnel issues within this office.

17 OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

18 SALARIES AND EXPENSES

19 (INCLUDING TRANSFER OF FUNDS)

20 For carrying out the Federal Housing Enterprises
 21 Financial Safety and Soundness Act of 1992, including
 22 not to exceed \$500 for official reception and representa-
 23 tion expenses, \$66,000,000, to remain available until ex-
 24 pended, to be derived from the Federal Housing Enter-
 25 prises Oversight Fund: *Provided*, That the Director shall
 26 submit a spending plan for the amounts provided under

1 this heading no later than January 15, 2008: *Provided*
 2 *further*, That not less than 80 percent of the total amount
 3 made available under this heading shall be used only for
 4 examination, supervision, and capital oversight of the en-
 5 terprises (as such term is defined in section 1303 of the
 6 Federal Housing Enterprises Financial Safety and Sound-
 7 ness Act of 1992 (12 U.S.C. 4502)) to ensure that the
 8 enterprises are operating in a financially safe and sound
 9 manner and complying with the capital requirements
 10 under Subtitle B of such Act: *Provided further*, That not
 11 to exceed the amount provided herein shall be available
 12 from the general fund of the Treasury to the extent nec-
 13 essary to incur obligations and make expenditures pending
 14 the receipt of collections to the Fund: *Provided further*,
 15 That the general fund amount shall be reduced as collec-
 16 tions are received during the fiscal year so as to result
 17 in a final appropriation from the general fund estimated
 18 at not more than \$0.

19 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND
 20 URBAN DEVELOPMENT

21 SEC. 201. Fifty percent of the amounts of budget au-
 22 thority, or in lieu thereof 50 percent of the cash amounts
 23 associated with such budget authority, that are recaptured
 24 from projects described in section 1012(a) of the Stewart
 25 B. McKinney Homeless Assistance Amendments Act of

1 1988 (42 U.S.C. 1437 note) shall be rescinded or in the
2 case of cash, shall be remitted to the Treasury, and such
3 amounts of budget authority or cash recaptured and not
4 rescinded or remitted to the Treasury shall be used by
5 State housing finance agencies or local governments or
6 local housing agencies with projects approved by the Sec-
7 retary of Housing and Urban Development for which set-
8 tlement occurred after January 1, 1992, in accordance
9 with such section. Notwithstanding the previous sentence,
10 the Secretary may award up to 15 percent of the budget
11 authority or cash recaptured and not rescinded or remitted
12 to the Treasury to provide project owners with incentives
13 to refinance their project at a lower interest rate.

14 SEC. 202. None of the amounts made available under
15 this Act may be used during fiscal year 2008 to investigate
16 or prosecute under the Fair Housing Act any otherwise
17 lawful activity engaged in by one or more persons, includ-
18 ing the filing or maintaining of a non-frivolous legal ac-
19 tion, that is engaged in solely for the purpose of achieving
20 or preventing action by a Government official or entity,
21 or a court of competent jurisdiction.

22 SEC. 203. (a) Notwithstanding section 854(c)(1)(A)
23 of the AIDS Housing Opportunity Act (42 U.S.C.
24 12903(c)(1)(A)), from any amounts made available under
25 this title for fiscal year 2008 that are allocated under such

1 section, the Secretary of Housing and Urban Development
2 shall allocate and make a grant, in the amount determined
3 under subsection (b), for any State that—

4 (1) received an allocation in a prior fiscal year
5 under clause (ii) of such section; and

6 (2) is not otherwise eligible for an allocation for
7 fiscal year 2008 under such clause (ii) because the
8 areas in the State outside of the metropolitan statis-
9 tical areas that qualify under clause (i) in fiscal year
10 2008 do not have the number of cases of acquired
11 immunodeficiency syndrome (AIDS) required under
12 such clause.

13 (b) The amount of the allocation and grant for any
14 State described in subsection (a) shall be an amount based
15 on the cumulative number of AIDS cases in the areas of
16 that State that are outside of metropolitan statistical
17 areas that qualify under clause (i) of such section
18 854(c)(1)(A) in fiscal year 2008, in proportion to AIDS
19 cases among cities and States that qualify under clauses
20 (i) and (ii) of such section and States deemed eligible
21 under subsection (a).

22 (c) Notwithstanding any other provision of law, the
23 amount allocated for fiscal year 2008 under section 854(c)
24 of the AIDS Housing Opportunity Act (42 U.S.C.
25 12903(c)), to the City of New York, New York, on behalf

1 of the New York-Wayne-White Plains, New York-New
2 Jersey Metropolitan Division (hereafter “metropolitan di-
3 vision”) of the New York-Newark-Edison, NY–NJ–PA
4 Metropolitan Statistical Area, shall be adjusted by the
5 Secretary of Housing and Urban Development by: (1) allo-
6 cating to the City of Jersey City, New Jersey, the propor-
7 tion of the metropolitan area’s or division’s amount that
8 is based on the number of cases of AIDS reported in the
9 portion of the metropolitan area or division that is located
10 in Hudson County, New Jersey, and adjusting for the pro-
11 portion of the metropolitan division’s high incidence bonus
12 if this area in New Jersey also has a higher than average
13 per capita incidence of AIDS; and (2) allocating to the
14 City of Paterson, New Jersey, the proportion of the metro-
15 politan area’s or division’s amount that is based on the
16 number of cases of AIDS reported in the portion of the
17 metropolitan area or division that is located in Bergen
18 County and Passaic County, New Jersey, and adjusting
19 for the proportion of the metropolitan division’s high inci-
20 dence bonus if this area in New Jersey also has a higher
21 than average per capita incidence of AIDS. The recipient
22 cities shall use amounts allocated under this subsection
23 to carry out eligible activities under section 855 of the
24 AIDS Housing Opportunity Act (42 U.S.C. 12904) in

1 their respective portions of the metropolitan division that
2 is located in New Jersey.

3 (d) Notwithstanding any other provision of law, the
4 amount allocated for fiscal year 2008 under section 854(c)
5 of the AIDS Housing Opportunity Act (42 U.S.C.
6 12903(c)) to areas with a higher than average per capita
7 incidence of AIDS, shall be adjusted by the Secretary on
8 the basis of area incidence reported over a three year pe-
9 riod.

10 SEC. 204. Except as explicitly provided in law, any
11 grant, cooperative agreement or other assistance made
12 pursuant to title II of this Act shall be made on a competi-
13 tive basis and in accordance with section 102 of the De-
14 partment of Housing and Urban Development Reform Act
15 of 1989.

16 SEC. 205. Funds of the Department of Housing and
17 Urban Development subject to the Government Corpora-
18 tion Control Act or section 402 of the Housing Act of
19 1950 shall be available, without regard to the limitations
20 on administrative expenses, for legal services on a contract
21 or fee basis, and for utilizing and making payment for
22 services and facilities of the Federal National Mortgage
23 Association, Government National Mortgage Association,
24 Federal Home Loan Mortgage Corporation, Federal Fi-
25 nancing Bank, Federal Reserve banks or any member

1 thereof, Federal Home Loan banks, and any insured bank
2 within the meaning of the Federal Deposit Insurance Cor-
3 poration Act, as amended (12 U.S.C. 1811–1831).

4 SEC. 206. Unless otherwise provided for in this Act
5 or through a reprogramming of funds, no part of any ap-
6 propriation for the Department of Housing and Urban
7 Development shall be available for any program, project
8 or activity in excess of amounts set forth in the budget
9 estimates submitted to Congress.

10 SEC. 207. Corporations and agencies of the Depart-
11 ment of Housing and Urban Development which are sub-
12 ject to the Government Corporation Control Act, as
13 amended, are hereby authorized to make such expendi-
14 tures, within the limits of funds and borrowing authority
15 available to each such corporation or agency and in ac-
16 cordance with law, and to make such contracts and com-
17 mitments without regard to fiscal year limitations as pro-
18 vided by section 104 of such Act as may be necessary in
19 carrying out the programs set forth in the budget for 2008
20 for such corporation or agency except as hereinafter pro-
21 vided: *Provided*, That collections of these corporations and
22 agencies may be used for new loan or mortgage purchase
23 commitments only to the extent expressly provided for in
24 this Act (unless such loans are in support of other forms
25 of assistance provided for in this or prior appropriations

1 Acts), except that this proviso shall not apply to the mort-
2 gage insurance or guaranty operations of these corpora-
3 tions, or where loans or mortgage purchases are necessary
4 to protect the financial interest of the United States Gov-
5 ernment.

6 SEC. 208. None of the funds provided in this title
7 for technical assistance, training, or management improve-
8 ments may be obligated or expended unless HUD provides
9 to the Committees on Appropriations a description of each
10 proposed activity and a detailed budget estimate of the
11 costs associated with each program, project or activity as
12 part of the Budget Justifications. For fiscal year 2008,
13 HUD shall transmit this information to the Committees
14 by March 15, 2008 for 30 days of review.

15 SEC. 209. The Secretary of Housing and Urban De-
16 velopment shall provide quarterly reports to the House
17 and Senate Committees on Appropriations regarding all
18 uncommitted, unobligated, recaptured and excess funds in
19 each program and activity within the jurisdiction of the
20 Department and shall submit additional, updated budget
21 information to these Committees upon request.

22 SEC. 210. (a) Notwithstanding any other provision
23 of law, the amount allocated for fiscal year 2008 under
24 section 854(c) of the AIDS Housing Opportunity Act (42
25 U.S.C. 12903(c)), to the City of Wilmington, Delaware,

1 on behalf of the Wilmington, Delaware-Maryland-New
2 Jersey Metropolitan Division (hereafter “metropolitan di-
3 vision”), shall be adjusted by the Secretary of Housing
4 and Urban Development by allocating to the State of New
5 Jersey the proportion of the metropolitan division’s
6 amount that is based on the number of cases of AIDS
7 reported in the portion of the metropolitan division that
8 is located in New Jersey, and adjusting for the proportion
9 of the metropolitan division’s high incidence bonus if this
10 area in New Jersey also has a higher than average per
11 capita incidence of AIDS. The State of New Jersey shall
12 use amounts allocated to the State under this subsection
13 to carry out eligible activities under section 855 of the
14 AIDS Housing Opportunity Act (42 U.S.C. 12904) in the
15 portion of the metropolitan division that is located in New
16 Jersey.

17 (b) Notwithstanding any other provision of law, the
18 Secretary of Housing and Urban Development shall allo-
19 cate to Wake County, North Carolina, the amounts that
20 otherwise would be allocated for fiscal year 2008 under
21 section 854(c) of the AIDS Housing Opportunity Act (42
22 U.S.C. 12903(c)) to the City of Raleigh, North Carolina,
23 on behalf of the Raleigh-Cary, North Carolina Metropoli-
24 tan Statistical Area. Any amounts allocated to Wake
25 County shall be used to carry out eligible activities under

1 section 855 of such Act (42 U.S.C. 12904) within such
2 metropolitan statistical area.

3 (c) Notwithstanding section 854(c) of the AIDS
4 Housing Opportunity Act (42 U.S.C. 12903(c)), the Sec-
5 retary of Housing and Urban Development may adjust the
6 allocation of the amounts that otherwise would be allo-
7 cated for fiscal year 2008 under section 854(c) of such
8 Act, upon the written request of an applicant, in conjunc-
9 tion with the State(s), for a formula allocation on behalf
10 of a metropolitan statistical area, to designate the State
11 or States in which the metropolitan statistical area is lo-
12 cated as the eligible grantee(s) of the allocation. In the
13 case that a metropolitan statistical area involves more
14 than one State, such amounts allocated to each State shall
15 be in proportion to the number of cases of AIDS reported
16 in the portion of the metropolitan statistical area located
17 in that State. Any amounts allocated to a State under this
18 section shall be used to carry out eligible activities within
19 the portion of the metropolitan statistical area located in
20 that State.

21 SEC. 211. The Secretary of Housing and Urban De-
22 velopment shall submit an annual report no later than Au-
23 gust 30, 2008 and annually thereafter to the House and
24 Senate Committees on Appropriations regarding the num-
25 ber of Federally assisted units under lease and the per

1 unit cost of these units to the Department of Housing and
2 Urban Development.

3 SEC. 212. The Department of Housing and Urban
4 Development shall submit the Department's fiscal year
5 2009 congressional budget justifications to the Commit-
6 tees on Appropriations of the House of Representatives
7 and the Senate using the identical structure provided
8 under this Act and only in accordance with the direction
9 specified in the report accompanying this Act.

10 SEC. 213. Incremental vouchers previously made
11 available under the heading "Housing Certificate Fund"
12 or renewed under the heading, "Tenant-Based Rental As-
13 sistance," for non-elderly disabled families shall, to the ex-
14 tent practicable, continue to be provided to non-elderly dis-
15 abled families upon turnover.

16 SEC. 214. A public housing agency or such other enti-
17 ty that administers Federal housing assistance for the
18 Housing Authority of the county of Los Angeles, Cali-
19 fornia, the States of Alaska, Iowa, and Mississippi shall
20 not be required to include a resident of public housing or
21 a recipient of assistance provided under section 8 of the
22 United States Housing Act of 1937 on the board of direc-
23 tors or a similar governing board of such agency or entity
24 as required under section (2)(b) of such Act. Each public
25 housing agency or other entity that administers Federal

1 housing assistance under section 8 for the Housing Au-
2 thority of the county of Los Angeles, California and the
3 States of Alaska, Iowa and Mississippi shall establish an
4 advisory board of not less than 6 residents of public hous-
5 ing or recipients of section 8 assistance to provide advice
6 and comment to the public housing agency or other admin-
7 istering entity on issues related to public housing and sec-
8 tion 8. Such advisory board shall meet not less than quar-
9 terly.

10 SEC. 215. (a) Notwithstanding any other provision
11 of law, subject to the conditions listed in subsection (b),
12 for fiscal years 2008 and 2009, the Secretary may author-
13 ize the transfer of some or all project-based assistance,
14 debt and statutorily required low-income and very low-in-
15 come use restrictions, associated with one or more multi-
16 family housing project to another multifamily housing
17 project or projects.

18 (b) The transfer authorized in subsection (a) is sub-
19 ject to the following conditions:

20 (1) the number of low-income and very low-in-
21 come units and the net dollar amount of Federal as-
22 sistance provided by the transferring project shall
23 remain the same in the receiving project or projects;

1 (2) the transferring project shall, as determined
2 by the Secretary, be either physically obsolete or eco-
3 nomicallly non-viable;

4 (3) the receiving project or projects shall meet
5 or exceed applicable physical standards established
6 by the Secretary;

7 (4) the owner or mortgagor of the transferring
8 project shall notify and consult with the tenants re-
9 siding in the transferring project and provide a cer-
10 tification of approval by all appropriate local govern-
11 mental officials;

12 (5) the tenants of the transferring project who
13 remain eligible for assistance to be provided by the
14 receiving project or projects shall not be required to
15 vacate their units in the transferring project or
16 projects until new units in the receiving project are
17 available for occupancy;

18 (6) the Secretary determines that this transfer
19 is in the best interest of the tenants;

20 (7) if either the transferring project or the re-
21 ceiving project or projects meets the condition speci-
22 fied in subsection (c)(2)(A), any lien on the receiving
23 project resulting from additional financing obtained
24 by the owner shall be subordinate to any FHA-in-

1 sured mortgage lien transferred to, or placed on,
2 such project by the Secretary;

3 (8) if the transferring project meets the re-
4 quirements of subsection (c)(2)(E), the owner or
5 mortgagor of the receiving project or projects shall
6 execute and record either a continuation of the exist-
7 ing use agreement or a new use agreement for the
8 project where, in either case, any use restrictions in
9 such agreement are of no lesser duration than the
10 existing use restrictions;

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

15 (10) the Secretary determines that Federal li-
16 ability with regard to this project will not be in-
17 creased.

18 (c) For purposes of this section—

19 (1) the terms “low-income” and “very low-in-
20 come” shall have the meanings provided by the stat-
21 ute and/or regulations governing the program under
22 which the project is insured or assisted;

23 (2) the term “multifamily housing project”
24 means housing that meets one of the following con-
25 ditions—

1 (A) housing that is subject to a mortgage
2 insured under the National Housing Act;

3 (B) housing that has project-based assist-
4 ance attached to the structure including
5 projects undergoing mark to market debt re-
6 structuring under the Multifamily Assisted
7 Housing Reform and Affordability Housing Act;

8 (C) housing that is assisted under section
9 202 of the Housing Act of 1959 as amended by
10 section 801 of the Cranston-Gonzales National
11 Affordable Housing Act;

12 (D) housing that is assisted under section
13 202 of the Housing Act of 1959, as such sec-
14 tion existed before the enactment of the Cran-
15 ston-Gonzales National Affordable Housing Act;

16 or

17 (E) housing or vacant land that is subject
18 to a use agreement;

19 (3) the term “project-based assistance”
20 means—

21 (A) assistance provided under section 8(b)
22 of the United States Housing Act of 1937;

23 (B) assistance for housing constructed or
24 substantially rehabilitated pursuant to assist-
25 ance provided under section 8(b)(2) of such Act

1 (as such section existed immediately before Oc-
2 tober 1, 1983);

3 (C) rent supplement payments under sec-
4 tion 101 of the Housing and Urban Develop-
5 ment Act of 1965;

6 (D) interest reduction payments under sec-
7 tion 236 and/or additional assistance payments
8 under section 236(f)(2) of the National Hous-
9 ing Act; and,

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

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

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

22 (6) the term “Secretary” means the Secretary
23 of Housing and Urban Development.

24 SEC. 216. The funds made available for Native Alas-
25 kans under the heading “Native American Housing Block

1 Grants” in title III of this Act shall be allocated to the
2 same Native Alaskan housing block grant recipients that
3 received funds in fiscal year 2005.

4 SEC. 217. Incremental vouchers made available under
5 this Act and previously made available under the heading,
6 “Housing Certificate Fund” or renewed under the head-
7 ing, “Tenant-Based Rental Assistance”, for family unifi-
8 cation shall, to the extent practicable, continue to be pro-
9 vided for family unification.

10 SEC. 218. None of the funds appropriated or other-
11 wise made available by this Act or any other Act may be
12 used to develop or impose policies or procedures, including
13 an account structure, that subjects the Government Na-
14 tional Mortgage Association to the requirements of the
15 Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).
16 This section shall not be construed to exempt that entity
17 from credit subsidy budgeting or from budget presentation
18 requirements previously adopted.

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

22 (1) is enrolled as a student at an institution of
23 higher education (as defined under section 102 of
24 the Higher Education Act of 1965 (20 U.S.C.
25 1002));

1 (2) is under 24 years of age;

2 (3) is not a veteran;

3 (4) is unmarried;

4 (5) does not have a dependent child;

5 (6) is not a person with disabilities, as such

6 term is defined in section 3(b)(3)(E) of the United

7 States Housing Act of 1937 (42 U.S.C.

8 1437a(b)(3)(E)) and was not receiving assistance

9 under such section 8 as of November 30, 2005; and

10 (7) is not otherwise individually eligible, or has

11 parents who, individually or jointly, are not eligible,

12 to receive assistance under section 8 of the United

13 States Housing Act of 1937 (42 U.S.C. 1437f).

14 (b) For purposes of determining the eligibility of a

15 person to receive assistance under section 8 of the United

16 States Housing Act of 1937 (42 U.S.C. 1437f), any finan-

17 cial assistance (in excess of amounts received for tuition)

18 that an individual receives under the Higher Education

19 Act of 1965 (20 U.S.C. 1001 et seq.), from private

20 sources, or an institution of higher education (as defined

21 under the Higher Education Act of 1965 (20 U.S.C.

22 1002)), shall be considered income to that individual, ex-

23 cept for a person over the age of 23 with dependent chil-

24 dren.

1 (c) Not later than 30 days after the date of enact-
 2 ment of this Act, the Secretary of Housing and Urban
 3 Development shall issue final regulations to carry out the
 4 provisions of this section.

5 SEC. 220. Notwithstanding any other provision of
 6 law, in fiscal year 2008, in managing and disposing of any
 7 multifamily property that is owned or held by the Sec-
 8 retary of Housing and Urban Development, the Secretary
 9 shall maintain any rental assistance payments under sec-
 10 tion 8 of the United States Housing Act of 1937 that are
 11 attached to any dwelling units in the property. To the ex-
 12 tent the Secretary determines that such a multifamily
 13 property owned or held by the Secretary is not feasible
 14 for continued rental assistance payments under such sec-
 15 tion 8, based on consideration of the costs of maintaining
 16 such payments for that property or other factors, the Sec-
 17 retary may, in consultation with the tenants of that prop-
 18 erty, contract for project-based rental assistance payments
 19 with an owner or owners of other existing housing prop-
 20 erties, or provide other rental assistance.

21 SEC. 221. The National Housing Act is amended—

22 (1) in sections 207(c)(3), 213(b)(2)(B)(i),
 23 221(d)(3)(ii)(II), 221(d)(4)(ii)(II), 231(c)(2)(B),
 24 and 234(e)(3)(B) (12 U.S.C. 1713(c)(3),
 25 1715e(b)(2)(B)(i), 1715l(d)(3)(ii)(II),

1 1715l(d)(4)(ii)(II), 1715v(c)(2)(B), and
 2 1715y(e)(3)(B))—

3 (A) by striking “140 percent” each place
 4 such term appears and inserting “170 percent”;
 5 and

6 (B) by striking “170 percent in high cost
 7 areas” each place such term appears and in-
 8 serting “215 percent in high cost areas”; and

9 (2) in section 220(d)(3)(B)(iii)(III) (12 U.S.C.
 10 1715k(d)(3)(B)(iii)(III)) by striking “206A” and all
 11 that follows through “project-by-project basis” and
 12 inserting the following: “206A of this Act) by not to
 13 exceed 170 percent in any geographical area where
 14 the Secretary finds that cost levels so require and by
 15 not to exceed 170 percent, or 215 percent in high
 16 cost areas, where the Secretary determines it nec-
 17 essary on a project-by-project basis”.

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

20 (1) in subsection (m)(1), by striking “2003”
 21 and inserting “2008”; and

22 (2) in subsection (o), by striking “September
 23 30, 2007” and inserting “September 30, 2008”.

24 SEC. 223. Public housing agencies that own and oper-
 25 ate 500 or fewer public housing units may elect to be ex-

1 empt from any asset management requirement imposed by
2 the Secretary of Housing and Urban Development in con-
3 nection with the operating fund rule: *Provided*, That an
4 agency seeking a discontinuance of a reduction of subsidy
5 under the operating fund formula shall not be exempt
6 from asset management requirements.

7 SEC. 224. With respect to the use of amounts pro-
8 vided in this Act and in future Acts for the operation, cap-
9 ital improvement and management of public housing as
10 authorized by sections 9(d) and 9(e) of the United States
11 Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the
12 Secretary shall not impose any requirement or guideline
13 relating to asset management that restricts or limits in
14 any way the use of capital funds for central office costs
15 pursuant to section 9(g)(1) or 9(g)(2) of the United States
16 Housing Act of 1937 (42 U.S.C. 1437g(g)(1),(2)).

17 SEC. 225. The Secretary of Housing and Urban De-
18 velopment shall report quarterly to the House of Rep-
19 resentatives and Senate Committees on Appropriations on
20 the status of all section 8 project-based housing, including
21 the number of all project-based units by region as well
22 as an analysis of all federally subsidized housing being re-
23 financed under the Mark-to-Market program. The Sec-
24 retary shall in the report identify all existing units main-
25 tained by region as section 8 project-based units and all

1 project-based units that have opted out of section 8 or
 2 have otherwise been eliminated as section 8 project-based
 3 units. The Secretary shall identify in detail and by project
 4 all the efforts made by the Department to preserve all sec-
 5 tion 8 project-based housing units and all the reasons for
 6 any units which opted out or otherwise were lost as section
 7 8 project-based units. Such analysis shall include a review
 8 of the impact of the loss any subsidized units in that hous-
 9 ing marketplace, such as the impact of cost and the loss
 10 of available subsidized, low-income housing in areas with
 11 scarce housing resources for low-income families.

12 SEC. 226. The Secretary of Housing and Urban De-
 13 velopment shall report quarterly to the House of Rep-
 14 resentatives and Senate Committees on Appropriations on
 15 HUD's use of all sole source contracts, including terms
 16 of the contracts, cost and a substantive rationale for using
 17 a sole source contract.

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

21 “(iv) EXISTING CONTRACTS.—The
 22 term of a contract described in clause (i)
 23 that, as of the date of enactment of this
 24 clause, is in repayment and has a term of
 25 not more than 12 years, may be extended

1 to a term of not more than 20 years to
2 permit additional energy conservation im-
3 provements without requiring the re-
4 procurement of energy performance con-
5 tractors.”.

6 SEC. 228. The Secretary of Housing and Urban De-
7 velopment shall increase, pursuant to this section, the
8 number of Moving-to-Work agencies authorized under sec-
9 tion 204, title II, of the Departments of Veterans Affairs
10 and Housing and Urban Development and Independent
11 Agencies Appropriations Act, 1996 (Public Law 104–134;
12 110 Stat. 1321–281) by making the Alaska Public Hous-
13 ing Agency a Moving-to-Work Agency under such section
14 204.

15 SEC. 229. (a) The referenced statement of managers
16 under the heading “Community Development Fund” in
17 title II of Public Law 108–447 is deemed to be amended
18 with respect to item number 203 by striking “equipment”
19 and inserting “renovation and construction”.

20 (b) The referenced statement of managers under the
21 heading “Community Development Fund” in title III of
22 division A of Public Law 109–115 is deemed to be amend-
23 ed with respect to item number 696 by striking “a Small
24 Business Development Center” and inserting “for revital-

1 ization costs at the College of Agriculture Biotechnology
2 and Natural Resources”.

3 (c) The referenced statement of managers under the
4 heading “Community Development Fund” in title III of
5 division A of Public Law 109–115 is deemed to be amend-
6 ed with respect to item number 460 by striking “Maine-
7 Mawoshen One Country, Two Worlds Project” and insert-
8 ing “Sharing Maine’s Maritime Heritage Project—Con-
9 struction and access to exhibits”.

10 (d) The referenced statement of managers under the
11 heading “Community Development Fund” in title III of
12 division A of Public Law 109–115 is deemed to be amend-
13 ed with respect to item number 914 by striking “the Pas-
14 time Theatre in Bristol, Rhode Island for building im-
15 provements” and inserting “the Institute for the Study
16 and Practice of Nonviolence in Providence, Rhode Island
17 for building renovations”.

18 (e) The referenced statement of managers under the
19 heading “Community Development Fund” in title III of
20 division A of Public Law 109–115 is deemed to be amend-
21 ed with respect to item number 918 by striking “South
22 Kingstown” and inserting “Washington County”.

23 (f) The referenced statement of managers under the
24 heading “Community Development Fund” in title III of
25 division A of Public Law 109–115 is deemed to be amend-

1 ed with respect to item number 624 by striking “for the
2 construction of a new technology building” and inserting
3 “for renovations to the Wheeling Community Center”.

4 SEC. 230. Notwithstanding the limitation in the first
5 sentence of section 255(g) of the National Housing Act
6 (12 U.S.C. 1715z–20(g)), the Secretary of Housing and
7 Urban Development may, until September 30, 2008, in-
8 sure and enter into commitments to insure mortgages
9 under section 255 of the National Housing Act (12 U.S.C.
10 1715z–20).

11 SEC. 231. Notwithstanding any other provision of
12 law, the Secretary of Housing and Urban Development
13 may not rescind or take any adverse action with respect
14 to the Moving-to-Work program designation for the Hous-
15 ing Authority of Baltimore City based on any alleged ad-
16 ministrative or procedural errors in making such designa-
17 tion.

18 This title may be cited as the “Department of Hous-
19 ing and Urban Development Appropriations Act, 2008”.

1 TITLE III
2 INDEPENDENT AGENCIES
3 ARCHITECTURAL AND TRANSPORTATION BARRIERS
4 COMPLIANCE BOARD
5 SALARIES AND EXPENSES

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

13 FEDERAL MARITIME COMMISSION
14 SALARIES AND EXPENSES
15 For necessary expenses of the Federal Maritime
16 Commission as authorized by section 201(d) of the Mer-
17 chant Marine Act, 1936, as amended (46 U.S.C. App.
18 1111), including services as authorized by 5 U.S.C. 3109;
19 hire of passenger motor vehicles as authorized by 31
20 U.S.C. 1343(b); and uniforms or allowances therefor, as
21 authorized by 5 U.S.C. 5901–5902, \$22,322,000: *Pro-*
22 *vided*, That not to exceed \$2,000 shall be available for offi-
23 cial reception and representation expenses.

1 NATIONAL TRANSPORTATION SAFETY BOARD

2 SALARIES AND EXPENSES

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

16 NEIGHBORHOOD REINVESTMENT CORPORATION

17 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT

18 CORPORATION

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

1 UNITED STATES INTERAGENCY COUNCIL ON
2 HOMELESSNESS
3 OPERATING EXPENSES

4 For necessary expenses (including payment of sala-
5 ries, authorized travel, hire of passenger motor vehicles,
6 the rental of conference rooms, and the employment of ex-
7 perts and consultants under section 3109 of title 5, United
8 States Code) of the United States Interagency Council on
9 Homelessness in carrying out the functions pursuant to
10 title II of the McKinney-Vento Homeless Assistance Act,
11 as amended, \$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
2 funded in this Act.

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

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

15 SEC. 405. Except as otherwise provided in this Act,
16 none of the funds provided in this Act, provided by pre-
17 vious appropriations Acts to the agencies or entities fund-
18 ed in this Act that remain available for obligation or ex-
19 penditure in fiscal year 2008, or provided from any ac-
20 counts in the Treasury derived by the collection of fees
21 and available to the agencies funded by this Act, shall be
22 available for obligation or expenditure through a re-
23 programming of funds that: (1) creates a new program;
24 (2) eliminates a program, project, or activity; (3) increases
25 funds or personnel for any program, project, or activity

1 for which funds have been denied or restricted by the Con-
2 gress; (4) proposes to use funds directed for a specific ac-
3 tivity by either the House or Senate Committees on Ap-
4 propriations for a different purpose; (5) augments existing
5 programs, projects, or activities in excess of \$5,000,000
6 or 10 percent, whichever is less; (6) reduces existing pro-
7 grams, projects, or activities by \$5,000,000 or 10 percent,
8 whichever is less; or (7) creates, reorganizes, or restruc-
9 tures a branch, division, office, bureau, board, commis-
10 sion, agency, administration, or department different from
11 the budget justifications submitted to the Committees on
12 Appropriations or the table accompanying the statement
13 of the managers accompanying this Act, whichever is more
14 detailed, unless prior approval is received from the House
15 and Senate Committees on Appropriations: *Provided*, That
16 not later than 60 days after the date of enactment of this
17 Act, each agency funded by this Act shall submit a report
18 to the Committees on Appropriations of the Senate and
19 of the House of Representatives to establish the baseline
20 for application of reprogramming and transfer authorities
21 for the current fiscal year: *Provided further*, That the re-
22 port shall include: (1) a table for each appropriation with
23 a separate column to display the President's budget re-
24 quest, adjustments made by Congress, adjustments due to
25 enacted rescissions, if appropriate, and the fiscal year en-

1 acted level; (2) a delineation in the table for each appro-
2 priation both by object class and program, project, and
3 activity as detailed in the budget appendix for the respec-
4 tive appropriation; and (3) an identification of items of
5 special congressional interest: *Provided further*, That the
6 amount appropriated or limited for salaries and expenses
7 for an agency shall be reduced by \$100,000 per day for
8 each day after the required date that the report has not
9 been submitted to the Congress.

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

21 SEC. 407. All Federal agencies and departments that
22 are funded under this Act shall issue a report to the House
23 and Senate Committees on Appropriations on all sole
24 source contracts by no later than July 31, 2008. Such re-

1 port shall include the contractor, the amount of the con-
2 tract and the rationale for using a sole source contract.

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

6 (1) does not meet identified needs for knowl-
7 edge, skills, and abilities bearing directly upon the
8 performance of official duties;

9 (2) contains elements likely to induce high lev-
10 els of emotional response or psychological stress in
11 some participants;

12 (3) does not require prior employee notification
13 of the content and methods to be used in the train-
14 ing and written end of course evaluation;

15 (4) contains any methods or content associated
16 with religious or quasi-religious belief systems or
17 “new age” belief systems as defined in Equal Em-
18 ployment Opportunity Commission Notice N-
19 915.022, dated September 2, 1988; or

20 (5) is offensive to, or designed to change, par-
21 ticipants’ personal values or lifestyle outside the
22 workplace.

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

1 SEC. 409. No funds in this Act may be used to sup-
2 port any Federal, State, or local projects that seek to use
3 the power of eminent domain, unless eminent domain is
4 employed only for a public use: *Provided*, That for pur-
5 poses of this section, public use shall not be construed to
6 include economic development that primarily benefits pri-
7 vate entities: *Provided further*, That any use of funds for
8 mass transit, railroad, airport, seaport or highway projects
9 as well as utility projects which benefit or serve the gen-
10 eral public (including energy-related, communication-re-
11 lated, water-related and wastewater-related infrastruc-
12 ture), other structures designated for use by the general
13 public or which have other common-carrier or public-util-
14 ity functions that serve the general public and are subject
15 to regulation and oversight by the government, and
16 projects for the removal of an immediate threat to public
17 health and safety or brownsfield as defined in the Small
18 Business Liability Relief and Brownsfield Revitalization
19 Act (Public Law 107–118) shall be considered a public
20 use for purposes of eminent domain: *Provided further*,
21 That the Government Accountability Office, in consulta-
22 tion with the National Academy of Public Administration,
23 organizations representing State and local governments,
24 and property rights organizations, shall conduct a study
25 to be submitted to the Congress within 12 months of the

1 enactment of this Act on the nationwide use of eminent
2 domain, including the procedures used and the results ac-
3 complished on a State-by-State basis as well as the impact
4 on individual property owners and on the affected commu-
5 nities.

6 SEC. 410. None of the funds made available in this
7 Act may be transferred to any department, agency, or in-
8 strumentality of the United States Government, except
9 pursuant to a transfer made by, or transfer authority pro-
10 vided in, this Act or any other appropriations Act.

11 SEC. 411. No part of any appropriation contained in
12 this Act shall be available to pay the salary for any person
13 filling a position, other than a temporary position, for-
14 merly held by an employee who has left to enter the Armed
15 Forces of the United States and has satisfactorily com-
16 pleted his period of active military or naval service, and
17 has within 90 days after his release from such service or
18 from hospitalization continuing after discharge for a pe-
19 riod of not more than 1 year, made application for restora-
20 tion to his former position and has been certified by the
21 Office of Personnel Management as still qualified to per-
22 form the duties of his former position and has not been
23 restored thereto.

24 SEC. 412. No funds appropriated pursuant to this
25 Act may be expended by an entity unless the entity agrees

1 that in expending the assistance the entity will comply
2 with sections 2 through 4 of the Act of March 3, 1933
3 (41 U.S.C. 10a–10c, popularly known as the “Buy Amer-
4 ican Act”).

5 SEC. 413. No funds appropriated or otherwise made
6 available under this Act shall be made available to any
7 person or entity that has been convicted of violating the
8 Buy American Act (41 U.S.C. 10a–10c).

9 This Act may be cited as the “Transportation, Hous-
10 ing and Urban Development, and Related Agencies Appro-
11 priations Act, 2008”.

Calendar No. 272

110TH CONGRESS
1ST Session

S. 1789

[Report No. 110-131]

A BILL

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.

JULY 16, 2007

Read twice and placed on the calendar