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110TH CONGRESS
2D SESSION

S. 3261

[Report No. 110–418]

Making appropriations for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2009, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 14, 2008

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, 2009, 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, 2009, 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 \$98,500,000, of which not to exceed \$2,400,000 shall be
9 available for the immediate Office of the Secretary; not
10 to exceed \$759,000 shall be available for the immediate
11 Office of the Deputy Secretary; not to exceed \$19,838,000
12 shall be available for the Office of the General Counsel;
13 not to exceed \$9,874,000 shall be available for the Office
14 of the Under Secretary of Transportation for Policy; not
15 to exceed \$10,400,000 shall be available for the Office of
16 the Assistant Secretary for Budget and Programs; not to
17 exceed \$2,400,000 shall be available for the Office of the
18 Assistant Secretary for Governmental Affairs; not to ex-
19 ceed \$26,000,000 shall be available for the Office of the
20 Assistant Secretary for Administration; not to exceed
21 \$1,986,000 shall be available for the Office of Public Af-
22 fairs; not to exceed \$1,595,000 shall be available for the
23 Office of the Executive Secretariat; not to exceed
24 \$1,369,000 shall be available for the Office of Small and
25 Disadvantaged Business Utilization; not to exceed

1 \$8,994,000 for the Office of Intelligence, Security, and
2 Emergency Response; and not to exceed \$12,885,000 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: *Provided further*, That
22 of the funds provided under this heading, \$100,000 shall
23 be provided through reimbursement to the Department of
24 Transportation’s Office of Inspector General to audit the
25 Working Capital Fund’s financial statements.

1 FINANCIAL MANAGEMENT CAPITAL

2 For necessary expenses for upgrading and enhancing
3 the Department of Transportation's financial systems,
4 and reengineering business processes, \$5,000,000, to re-
5 main available until expended.

6 OFFICE OF CIVIL RIGHTS

7 For necessary expenses of the Office of Civil Rights,
8 \$9,384,000.

9 TRANSPORTATION PLANNING, RESEARCH, AND
10 DEVELOPMENT

11 For necessary expenses for conducting transportation
12 planning, research, systems development, development ac-
13 tivities, and making grants, to remain available until ex-
14 pended, \$12,750,000.

15 WORKING CAPITAL FUND

16 Necessary expenses for operating costs and capital
17 outlays of the Working Capital Fund, not to exceed
18 \$128,094,000, shall be paid from appropriations made
19 available to the Department of Transportation: *Provided*,
20 That such services shall be provided on a competitive basis
21 to entities within the Department of Transportation: *Pro-*
22 *vided further*, That the above limitation on operating ex-
23 penses shall not apply to non-DOT entities: *Provided fur-*
24 *ther*, That no funds appropriated in this Act to an agency
25 of the Department shall be transferred to the Working
26 Capital Fund without the approval of the agency modal

1 administrator: *Provided further*, That no assessments may
2 be levied against any program, budget activity, subactivity
3 or project funded by this Act unless notice of such assess-
4 ments and the basis therefor are presented to the House
5 and Senate Committees on Appropriations and are ap-
6 proved by such Committees.

7 MINORITY BUSINESS RESOURCE CENTER PROGRAM

8 For the cost of guaranteed loans , \$353,000, as au-
9 thorized by 49 U.S.C. 332: *Provided*, That such costs, in-
10 cluding the cost of modifying such loans, shall be as de-
11 fined in section 502 of the Congressional Budget Act of
12 1974: *Provided further*, That these funds are available to
13 subsidize total loan principal, any part of which is to be
14 guaranteed, not to exceed \$18,367,000. In addition, for
15 administrative expenses to carry out the guaranteed loan
16 program, \$559,000.

17 MINORITY BUSINESS OUTREACH

18 For necessary expenses of Minority Business Re-
19 source Center outreach activities, \$3,056,000, to remain
20 available until September 30, 2010: *Provided*, That not-
21 withstanding 49 U.S.C. 332, these funds may be used for
22 business opportunities related to any mode of transpor-
23 tation.

1 PAYMENTS TO AIR CARRIERS
2 (AIRPORT AND AIRWAY TRUST FUND)
3 (INCLUDING TRANSFER OF FUNDS)

4 In addition to funds made available from any other
5 source to carry out the essential air service program under
6 49 U.S.C. 41731 through 41742, \$60,000,000, to be de-
7 rived from the Airport and Airway Trust Fund, to remain
8 available until expended: *Provided*, That, in determining
9 between or among carriers competing to provide service
10 to a community, the Secretary may consider the relative
11 subsidy requirements of the carriers: *Provided further*,
12 That, if the funds under this heading are insufficient to
13 meet the costs of the essential air service program in the
14 current fiscal year, the Secretary shall transfer such sums
15 as may be necessary to carry out the essential air service
16 program from any available amounts appropriated to or
17 directly administered by the Office of the Secretary for
18 such fiscal year.

19 COMPENSATION FOR AIR CARRIERS
20 (RESCISSION)

21 Of the amounts made available under this heading,
22 all unobligated balances as of the date of enactment of
23 this provision are hereby permanently rescinded.

1 ADMINISTRATIVE PROVISIONS—OFFICE OF THE
2 SECRETARY OF TRANSPORTATION

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

7 SEC. 102. None of the funds made available in this
8 Act to the Department of Transportation may be obligated
9 for the Office of the Secretary of Transportation to ap-
10 prove assessments or reimbursable agreements pertaining
11 to funds appropriated to the modal administrations in this
12 Act, except for activities underway on the date of enact-
13 ment of this Act, unless such assessments or agreements
14 have completed the normal reprogramming process for
15 Congressional notification.

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

21 SEC. 104. The Secretary or her designee may engage
22 in activities with States and State legislators to consider
23 proposals related to the reduction of motorcycle fatalities.

1 FEDERAL AVIATION ADMINISTRATION

2 OPERATIONS

3 (AIRPORT AND AIRWAY TRUST FUND)

4 For necessary expenses of the Federal Aviation Ad-
5 ministration, not otherwise provided for, including oper-
6 ations and research activities related to commercial space
7 transportation, administrative expenses for research and
8 development, establishment of air navigation facilities, the
9 operation (including leasing) and maintenance of aircraft,
10 subsidizing the cost of aeronautical charts and maps sold
11 to the public, lease or purchase of passenger motor vehi-
12 cles for replacement only, in addition to amounts made
13 available by Public Law 108–176, \$9,070,238,000, of
14 which \$6,147,000,000 shall be derived from the Airport
15 and Airway Trust Fund, of which not to exceed
16 \$7,119,031,000 shall be available for air traffic organiza-
17 tion activities; not to exceed \$1,162,927,000 shall be avail-
18 able for aviation safety activities; not to exceed
19 \$14,094,000 shall be available for commercial space trans-
20 portation activities; not to exceed \$112,004,000 shall be
21 available for financial services activities; not to exceed
22 \$96,091,000 shall be available for human resources pro-
23 gram activities; not to exceed \$336,894,000 shall be avail-
24 able for region and center operations and regional coordi-
25 nation activities; not to exceed \$180,859,000 shall be
26 available for staff offices; and not to exceed \$48,338,000

1 shall be available for information services: *Provided*, That
2 not to exceed 2 percent of any budget activity, except for
3 aviation safety budget activity, may be transferred to any
4 budget activity under this heading: *Provided further*, That
5 no transfer may increase or decrease any appropriation
6 by more than 2 percent: *Provided further*, That any trans-
7 fer in excess of 2 percent shall be treated as a reprogram-
8 ming of funds under section 405 of this Act and shall not
9 be available for obligation or expenditure except in compli-
10 ance with the procedures set forth in that section: *Pro-*
11 *vided further*, That the Secretary utilize not less than
12 \$6,400,000 of the funds provided for aviation safety ac-
13 tivities to pay for staff increases in the Office of Aviation
14 Flight Standards and the Office of Aircraft Certification:
15 *Provided further*, That not later than March 31 of each
16 fiscal year hereafter, the Administrator of the Federal
17 Aviation Administration shall transmit to Congress an an-
18 nual update to the report submitted to Congress in De-
19 cember 2004 pursuant to section 221 of Public Law 108-
20 176: *Provided further*, That the amount herein appro-
21 priated shall be reduced by \$100,000 for each day after
22 March 31 that such report has not been submitted to the
23 Congress: *Provided further*, That funds may be used to
24 enter into a grant agreement with a nonprofit standard-
25 setting organization to assist in the development of avia-

1 tion safety standards: *Provided further*, That none of the
2 funds in this Act shall be available for new applicants for
3 the second career training program: *Provided further*,
4 That none of the funds in this Act shall be available for
5 the Federal Aviation Administration to finalize or imple-
6 ment any regulation that would promulgate new aviation
7 user fees not specifically authorized by law after the date
8 of the enactment of this Act: *Provided further*, That there
9 may be credited to this appropriation funds received from
10 States, counties, municipalities, foreign authorities, other
11 public authorities, and private sources, for expenses in-
12 curred in the provision of agency services, including re-
13 ceipts for the maintenance and operation of air navigation
14 facilities, and for issuance, renewal or modification of cer-
15 tificates, including airman, aircraft, and repair station cer-
16 tificates, or for tests related thereto, or for processing
17 major repair or alteration forms: *Provided further*, That
18 of the funds appropriated under this heading, not less
19 than \$8,500,000 shall be for the contract tower cost-shar-
20 ing program: *Provided further*, That none of the funds in
21 this Act shall be available for paying premium pay under
22 5 U.S.C. 5546(a) to any Federal Aviation Administration
23 employee unless such employee actually performed work
24 during the time corresponding to such premium pay: *Pro-*
25 *vided further*, That none of the funds in this Act for aero-

1 nautical charting and cartography are available for activi-
2 ties conducted by, or coordinated through, the Working
3 Capital Fund: *Provided further*, That none of the funds
4 in this Act may be obligated or expended for an employee
5 of the Federal Aviation Administration to purchase a store
6 gift card or gift certificate through use of a Government-
7 issued credit card.

8 FACILITIES AND EQUIPMENT

9 (AIRPORT AND AIRWAY TRUST FUND)

10 For necessary expenses, not otherwise provided for,
11 for acquisition, establishment, technical support services,
12 improvement by contract or purchase, and hire of air navi-
13 gation and experimental facilities and equipment, as au-
14 thorized under part A of subtitle VII of title 49, United
15 States Code, including initial acquisition of necessary sites
16 by lease or grant; engineering and service testing, includ-
17 ing construction of test facilities and acquisition of nec-
18 essary sites by lease or grant; construction and furnishing
19 of quarters and related accommodations for officers and
20 employees of the Federal Aviation Administration sta-
21 tioned at remote localities where such accommodations are
22 not available; and the purchase, lease, or transfer of air-
23 craft from funds available under this heading, including
24 aircraft for aviation regulation and certification; to be de-
25 rived from the Airport and Airway Trust Fund,
26 \$2,749,595,000, of which \$2,288,845,000 shall remain

1 available until September 30, 2011, and of which
2 \$460,500,000 shall remain available until September 30,
3 2009: *Provided*, That there may be credited to this appro-
4 priation funds received from States, counties, municipali-
5 ties, other public authorities, and private sources, for ex-
6 penses incurred in the establishment and modernization
7 of air navigation facilities: *Provided further*, That upon ini-
8 tial submission to the Congress of the fiscal year 2010
9 President’s budget, the Secretary of Transportation shall
10 transmit to the Congress a comprehensive capital invest-
11 ment plan for the Federal Aviation Administration which
12 includes funding for each budget line item for fiscal years
13 2010 through 2014, with total funding for each year of
14 the plan constrained to the funding targets for those years
15 as estimated and approved by the Office of Management
16 and Budget: *Provided further*, That the Secretary of
17 Transportation shall conduct an analysis that compares
18 the current status of air traffic management and the na-
19 tional airspace system to the planned architecture of the
20 “next generation” air transportation system: *Provided fur-*
21 *ther*, That upon initial submission to the Congress of the
22 fiscal year 2010 President’s budget, the Secretary of
23 Transportation shall transmit to the Congress an interim
24 architecture for the “next generation” air transportation
25 system that establishes a list of priority capabilities to be

1 achieved by 2017 and provides an estimated cost for each
 2 of those priorities.

3 RESEARCH, ENGINEERING, AND DEVELOPMENT

4 (AIRPORT AND AIRWAY TRUST FUND)

5 For necessary expenses, not otherwise provided for,
 6 for research, engineering, and development, as authorized
 7 under part A of subtitle VII of title 49, United States
 8 Code, including construction of experimental facilities and
 9 acquisition of necessary sites by lease or grant,
 10 \$171,000,000, to be derived from the Airport and Airway
 11 Trust Fund and to remain available until September 30,
 12 2010: *Provided*, That there may be credited to this appro-
 13 priation as offsetting collections, funds received from
 14 States, counties, municipalities, other public authorities,
 15 and private sources, which shall be available for expenses
 16 incurred for research, engineering, and development.

17 GRANTS-IN-AID FOR AIRPORTS

18 (LIQUIDATION OF CONTRACT AUTHORIZATION)

19 (LIMITATION ON OBLIGATIONS)

20 (AIRPORT AND AIRWAY TRUST FUND)

21 For liquidation of obligations incurred for grants-in-
 22 aid for airport planning and development, and noise com-
 23 patibility planning and programs as authorized under sub-
 24 chapter I of chapter 471 and subchapter I of chapter 475
 25 of title 49, United States Code, and under other law au-
 26 thorizing such obligations; for procurement, installation,

1 and commissioning of runway incursion prevention devices
2 and systems at airports of such title; for grants authorized
3 under section 41743 of title 49, United States Code; and
4 for inspection activities and administration of airport safe-
5 ty programs, including those related to airport operating
6 certificates under section 44706 of title 49, United States
7 Code, \$3,600,000,000 to be derived from the Airport and
8 Airway Trust Fund and to remain available until ex-
9 pended: *Provided*, That none of the funds under this head-
10 ing shall be available for the planning or execution of pro-
11 grams the obligations for which are in excess of
12 \$3,515,000,000 in fiscal year 2009, notwithstanding sec-
13 tion 47117(g) of title 49, United States Code: *Provided*
14 *further*, That none of the funds under this heading shall
15 be available for the replacement of baggage conveyor sys-
16 tems, reconfiguration of terminal baggage areas, or other
17 airport improvements that are necessary to install bulk ex-
18 plosive detection systems: *Provided further*, That notwith-
19 standing any other provision of law, of funds limited under
20 this heading, not more than \$87,454,000 shall be obli-
21 gated for administration, not less than \$15,000,000 shall
22 be available for the airport cooperative research program,
23 and not less than \$19,348,000 shall be for Airport Tech-
24 nology Research.

1 (RESCISSION)

2 Of the amounts authorized under sections 48103 and
3 48112 of title 49, United States Code, \$75,000,000 are
4 permanently rescinded from amounts authorized for the
5 fiscal year ending September 30, 2009.

6 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

7 ADMINISTRATION

8 SEC. 110. None of the funds in this Act may be used
9 to compensate in excess of 425 technical staff-years under
10 the federally funded research and development center con-
11 tract between the Federal Aviation Administration and the
12 Center for Advanced Aviation Systems Development dur-
13 ing fiscal year 2009.

14 SEC. 111. None of the funds in this Act shall be used
15 to pursue or adopt guidelines or regulations requiring air-
16 port sponsors to provide to the Federal Aviation Adminis-
17 tration without cost building construction, maintenance,
18 utilities and expenses, or space in airport sponsor-owned
19 buildings for services relating to air traffic control, air
20 navigation, or weather reporting: *Provided*, That the pro-
21 hibition of funds in this section does not apply to negotia-
22 tions between the agency and airport sponsors to achieve
23 agreement on “below-market” rates for these items or to
24 grant assurances that require airport sponsors to provide
25 land without cost to the FAA for air traffic control facili-
26 ties.

1 SEC. 112. The Administrator of the Federal Aviation
2 Administration may reimburse amounts made available to
3 satisfy 49 U.S.C. 41742(a)(1) from fees credited under
4 49 U.S.C. 45303: *Provided*, That during fiscal year 2009,
5 49 U.S.C. 41742(b) shall not apply, and any amount re-
6 maining in such account at the close of that fiscal year
7 may be made available to satisfy section 41742(a)(1) for
8 the subsequent fiscal year.

9 SEC. 113. Amounts collected under section 40113(e)
10 of title 49, United States Code, shall be credited to the
11 appropriation current at the time of collection, to be
12 merged with and available for the same purposes of such
13 appropriation.

14 SEC. 114. (a) Section 44302(f)(1) of title 49, United
15 States Code, is amended by striking “2006,” each place
16 it appears and inserting “2009,”.

17 (b) Section 44303(b) of such title is amended by
18 striking “2006,” and inserting “2009,”.

19 SEC. 115. None of the funds in this Act may be obli-
20 gated or expended for an employee of the Federal Aviation
21 Administration to purchase a store gift card or gift certifi-
22 cate through use of a Government-issued credit card.

23 SEC. 116. (a) No funds provided in this Act may be
24 used by the Secretary of Transportation to promulgate
25 regulations or take any action regarding the scheduling

1 of airline operations at any commercial airport in the
2 United States if such regulation or action involves:

3 (1) the auctioning by the Secretary or the FAA
4 Administrator of rights or permission to conduct air-
5 line operations at such an airport,

6 (2) the implementation by said Secretary or Ad-
7 ministrator of peak-period or other forms of conges-
8 tion pricing at such an airport,

9 (3) either:

10 (A) withdrawal by the Secretary or Admin-
11 istrator of a right or permission to conduct op-
12 erations at such an airport (except when the
13 withdrawal is for operational reasons or pursu-
14 ant to the terms or conditions of such operating
15 right or permission), or

16 (B) requiring a carrier to transfer involun-
17 tarily any such right or permission to another
18 person,

19 (4) the charging by the Secretary or Adminis-
20 trator of a fee for the right or permission to use
21 navigable airspace at such an airport, or

22 (5) requiring or providing incentives or dis-
23 incentives to airport proprietors to take such actions
24 themselves.

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

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

5 (2) prohibit individual airports from imple-
6 menting peak-period or other congestion pricing at
7 such airports, consistent with regulations pertaining
8 to airport rates and charges, or

9 (3) limit the ability of a State, political subdivi-
10 sion of a State, or political authority of at least two
11 States that owns or operates a commercial airport
12 from carrying out its proprietary powers and rights.

13 SEC. 117. None of the funds limited by this Act for
14 grants under the Airport Improvement Program shall be
15 made available to the sponsor of a commercial service air-
16 port if such sponsor fails to agree to a request from the
17 Secretary of Transportation for cost-free space in a non-
18 revenue producing, public use area of the airport terminal
19 or other airport facilities for the purpose of carrying out
20 a public service air passenger rights and consumer out-
21 reach campaign.

22 SEC. 118. Within 60 days of the publication date of
23 any Government Accountability Office report reviewing
24 the Federal Aviation Administration's project to redesign
25 the airspace over the New York, New Jersey, and Phila-

1 delphia region, the Administrator of the Federal Aviation
 2 Administration shall report in writing to the Committee
 3 on Appropriations and the Committee on Commerce,
 4 Science, and Transportation, on actions the agency in-
 5 tends to take in order to address any concerns and rec-
 6 ommendations identified in the GAO report.

7 FEDERAL HIGHWAY ADMINISTRATION

8 LIMITATION ON ADMINISTRATIVE EXPENSES

9 Not to exceed \$390,000,000, together with advances
 10 and reimbursements received by the Federal Highway Ad-
 11 ministration, shall be paid in accordance with law from
 12 appropriations made available by this Act to the Federal
 13 Highway Administration for necessary expenses for ad-
 14 ministration and operation: *Provided*, That of the funds
 15 limited under this heading, \$3,524,000 shall be trans-
 16 ferred to the Department of Transportation's Office of In-
 17 spector General for costs associated with audits and inves-
 18 tigations of projects and programs of the Federal Highway
 19 Administration, and \$300,000 shall be provided to that
 20 office through reimbursement to conduct the annual au-
 21 dits of financial statements in accordance with section
 22 3521 of title 31, United States Code.

1 FEDERAL-AID HIGHWAYS

2 (LIMITATION ON OBLIGATIONS)

3 (HIGHWAY TRUST FUND)

4 (INCLUDING TRANSFER OF FUNDS)

5 None of the funds in this Act shall be available for
6 the implementation or execution of programs, the obliga-
7 tions for which are in excess of \$41,199,970,178 for Fed-
8 eral-aid highways and highway safety construction pro-
9 grams for fiscal year 2009: *Provided*, That within the
10 \$41,199,970,178 obligation limitation on Federal-aid
11 highways and highway safety construction programs, not
12 more than \$429,800,000 shall be available for the imple-
13 mentation or execution of programs for transportation re-
14 search (chapter 5 of title 23, United States Code; sections
15 111, 5505, and 5506 of title 49, United States Code; and
16 title 5 of Public Law 109–59) for fiscal year 2009: *Pro-*
17 *vided further*, That this limitation on transportation re-
18 search programs shall not apply to any authority pre-
19 viously made available for obligation: *Provided further*,
20 That the Secretary may, as authorized by section 605(b)
21 of title 23, United States Code, collect and spend fees to
22 cover the costs of services of expert firms, including coun-
23 sel, in the field of municipal and project finance to assist
24 in the underwriting and servicing of Federal credit instru-
25 ments and all or a portion of the costs to the Federal Gov-
26 ernment of servicing such credit instruments: *Provided*

1 *further*, That such fees are available until expended to pay
 2 for such costs: *Provided further*, That such amounts are
 3 in addition to administrative expenses that are also avail-
 4 able for such purpose, and are not subject to any obliga-
 5 tion limitation or the limitation on administrative expenses
 6 under section 608 of title 23, United States Code.

7 (LIQUIDATION OF CONTRACT AUTHORIZATION)

8 (HIGHWAY TRUST FUND)

9 For carrying out the provisions of title 23, United
 10 States Code, that are attributable to Federal-aid high-
 11 ways, not otherwise provided, including reimbursement for
 12 sums expended pursuant to the provisions of 23 U.S.C.
 13 308, \$40,000,000,000 or so much thereof as may be avail-
 14 able in and derived from the Highway Trust Fund (other
 15 than the Mass Transit Account), to remain available until
 16 expended.

17 (RESCISSION)

18 (HIGHWAY TRUST FUND)

19 Of the unobligated balances of funds apportioned to
 20 each State under chapter 1 of title 23, United States
 21 Code, \$3,150,000,000 are permanently rescinded: *Pro-*
 22 *vided*, That such rescission shall not apply to the funds
 23 distributed in accordance with sections 130(f) and
 24 104(b)(5) of title 23, United States Code; sections
 25 133(d)(1) and 163 of such title, as in effect on the day
 26 before the date of enactment of Public Law 109–59; and

1 the first sentence of section 133(d)(3)(A) of such title:
 2 *Provided further*, That notwithstanding section 1132 of
 3 Public Law 110–140, in administering the rescission re-
 4 quired under this heading, the Secretary of Transpor-
 5 tation shall allow each State to determine the amount of
 6 the required rescission to be drawn from the programs to
 7 which the rescission applies.

8 APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

9 For necessary expenses for West Virginia corridor H
 10 of the Appalachian Development Highway System as au-
 11 thorized under section 1069(y) of Public Law 102–240,
 12 as amended, \$10,000,000, to remain available until ex-
 13 pended.

14 DENALI ACCESS SYSTEM PROGRAM

15 For necessary expenses for the Denali Access System
 16 Program as authorized under section 1960 of Public Law
 17 109–59, \$6,000,000, to remain available until expended.

18 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

19 ADMINISTRATION

20 (INCLUDING RESCISSIONS)

21 SEC. 120. (a) For fiscal year 2009, the Secretary of
 22 Transportation shall—

23 (1) not distribute from the obligation limitation
 24 for Federal-aid highways amounts authorized for ad-
 25 ministrative expenses and programs by section
 26 104(a) of title 23, United States Code; programs

1 funded from the administrative takedown authorized
2 by section 104(a)(1) of title 23, United States Code
3 (as in effect on the date before the date of enact-
4 ment of the Safe, Accountable, Flexible, Efficient
5 Transportation Equity Act: A Legacy for Users); the
6 highway use tax evasion program; and the Bureau of
7 Transportation Statistics;

8 (2) not distribute an amount from the obliga-
9 tion limitation for Federal-aid highways that is equal
10 to the unobligated balance of amounts made avail-
11 able from the Highway Trust Fund (other than the
12 Mass Transit Account) for Federal-aid highways and
13 highway safety programs for previous fiscal years
14 the funds for which are allocated by the Secretary;

15 (3) determine the ratio that—

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

20 (B) the total of the sums authorized to be
21 appropriated for Federal-aid highways and
22 highway safety construction programs (other
23 than sums authorized to be appropriated for
24 provisions of law described in paragraphs (1)
25 through (9) of subsection (b) and sums author-

1 ized to be appropriated for section 105 of title
2 23, United States Code, equal to the amount
3 referred to in subsection (b)(10) for such fiscal
4 year), less the aggregate of the amounts not
5 distributed under paragraphs (1) and (2) of
6 this subsection;

7 (4)(A) distribute the obligation limitation for
8 Federal-aid highways, less the aggregate amounts
9 not distributed under paragraphs (1) and (2), for
10 sections 1301, 1302, and 1934 of the Safe, Account-
11 able, Flexible, Efficient Transportation Equity Act:
12 A Legacy for Users; sections 117 (but individually
13 for each project numbered 1 through 3676 listed in
14 the table contained in section 1702 of the Safe, Ac-
15 countable, Flexible, Efficient Transportation Equity
16 Act: A Legacy for Users) and section 144(g) of title
17 23, United States Code; and section 14501 of title
18 40, United States Code, so that the amount of obli-
19 gation authority available for each of such sections
20 is equal to the amount determined by multiplying
21 the ratio determined under paragraph (3) by the
22 sums authorized to be appropriated for that section
23 for the fiscal year; and

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

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

13 (6) distribute the obligation limitation provided
14 for Federal-aid highways, less the aggregate
15 amounts not distributed under paragraphs (1) and
16 (2) and amounts distributed under paragraphs (4)
17 and (5), for Federal-aid highways and highway safe-
18 ty construction programs (other than the amounts
19 apportioned for the equity bonus program, but only
20 to the extent that the amounts apportioned for the
21 equity bonus program for the fiscal year are greater
22 than \$2,639,000,000, and the Appalachian develop-
23 ment highway system program) that are apportioned
24 by the Secretary under the Safe, Accountable, Flexi-
25 ble, Efficient Transportation Equity Act: A Legacy

1 for Users and title 23, United States Code, in the
2 ratio that—

3 (A) amounts authorized to be appropriated
4 for such programs that are apportioned to each
5 State for such fiscal year, bear to

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

9 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—

10 The obligation limitation for Federal-aid highways shall
11 not apply to obligations: (1) under section 125 of title 23,
12 United States Code; (2) under section 147 of the Surface
13 Transportation Assistance Act of 1978; (3) under section
14 9 of the Federal-Aid Highway Act of 1981; (4) under sub-
15 sections (b) and (j) of section 131 of the Surface Trans-
16 portation Assistance Act of 1982; (5) under subsections
17 (b) and (c) of section 149 of the Surface Transportation
18 and Uniform Relocation Assistance Act of 1987; (6) under
19 sections 1103 through 1108 of the Intermodal Surface
20 Transportation Efficiency Act of 1991; (7) under section
21 157 of title 23, United States Code, as in effect on the
22 day before the date of the enactment of the Transpor-
23 tation Equity Act for the 21st Century; (8) under section
24 105 of title 23, United States Code, as in effect for fiscal
25 years 1998 through 2004, but only in an amount equal

1 to \$639,000,000 for each of those fiscal years; (9) for
2 Federal-aid highway programs for which obligation au-
3 thority was made available under the Transportation Eq-
4 uity Act for the 21st Century or subsequent public laws
5 for multiple years or to remain available until used, but
6 only to the extent that the obligation authority has not
7 lapsed or been used; (10) under section 105 of title 23,
8 United States Code, but only in an amount equal to
9 \$639,000,000 for each of fiscal years 2005 through 2008;
10 and (11) under section 1603 of the Safe, Accountable,
11 Flexible, Efficient Transportation Equity Act: A Legacy
12 for Users, to the extent that funds obligated in accordance
13 with that section were not subject to a limitation on obli-
14 gations at the time at which the funds were initially made
15 available for obligation.

16 (c) REDISTRIBUTION OF UNUSED OBLIGATION AU-
17 THORITY.—Notwithstanding subsection (a), the Secretary
18 shall, after August 1 of such fiscal year, revise a distribu-
19 tion of the obligation limitation made available under sub-
20 section (a) if the amount distributed cannot be obligated
21 during that fiscal year and redistribute sufficient amounts
22 to those States able to obligate amounts in addition to
23 those previously distributed during that fiscal year, giving
24 priority to those States having large unobligated balances

1 of funds apportioned under sections 104 and 144 of title
2 23, United States Code.

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

15 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED
16 FUNDS.—

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

21 (A) are authorized to be appropriated for
22 such fiscal year for Federal-aid highways pro-
23 grams; and

24 (B) the Secretary determines will not be
25 allocated to the States, and will not be available

1 for obligation, in such fiscal year due to the im-
 2 position of any obligation limitation for such
 3 fiscal year.

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

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

11 (f) **SPECIAL LIMITATION CHARACTERISTICS.**—Obli-
 12 gation limitation distributed for a fiscal year under sub-
 13 section (a)(4) for the provision specified in subsection
 14 (a)(4) shall—

15 (1) remain available until used for obligation of
 16 funds for that provision; and

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

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

22 (1) **IN GENERAL.**—Subject to paragraph (2),
 23 obligation authority distributed for such fiscal year
 24 under subsection (a)(4) for each project numbered 1
 25 through 3676 listed in the table contained in section

1 1702 of the Safe, Accountable, Flexible, Efficient
 2 Transportation Equity Act: A Legacy for Users may
 3 be obligated for any other project in such section in
 4 the same State.

5 (2) RESTORATION.—Obligation authority used
 6 as described in paragraph (1) shall be restored to
 7 the original purpose on the date on which obligation
 8 authority is distributed under this section for the
 9 next fiscal year following obligation under paragraph
 10 (1).

11 (h) LIMITATION ON STATUTORY CONSTRUCTION.—
 12 Nothing in this section shall be construed to limit the dis-
 13 tribution of obligation authority under subsection
 14 (a)(4)(A) for each of the individual projects numbered
 15 greater than 3676 listed in the table contained in section
 16 1702 of the Safe, Accountable, Flexible, Efficient Trans-
 17 portation Equity Act: A Legacy for Users.

18 SEC. 121. Notwithstanding 31 U.S.C. 3302, funds re-
 19 ceived by the Bureau of Transportation Statistics from the
 20 sale of data products, for necessary expenses incurred pur-
 21 suant to 49 U.S.C. 111 may be credited to the Federal-
 22 aid highways account for the purpose of reimbursing the
 23 Bureau for such expenses: *Provided*, That such funds shall
 24 be subject to the obligation limitation for Federal-aid
 25 highways and highway safety construction.

1 SEC. 122. Of the unobligated balances of funds under
2 sections 1103(b), 1104(b), 1105(f), 1105(h), 1106(a),
3 1106(b), 1107(b), 1108(b), and 4008(j) of Public Law
4 102–240 and section 6023(b) of Public Law 102–240
5 (adding paragraph (10)(c) to section 11(b) of the Federal
6 Transit Act), \$284,000,000 are permanently rescinded.

7 SEC. 123. Of the unobligated balances made available
8 under section 1602 of Public Law 105–178, funds for
9 each project for which less than 10 percent of the funds
10 made available under that section have been obligated are
11 permanently rescinded.

12 SEC. 124. Of the amounts made available under sec-
13 tion 104(a) of title 23, United States Code, \$33,401,492
14 are permanently rescinded.

15 SEC. 125. Of the unobligated balances of funds made
16 available in fiscal year 2005 and prior fiscal years for the
17 implementation or execution of programs for transpor-
18 tation research, training and education, and technology
19 deployment including intelligent transportation systems,
20 \$11,756,527 are permanently rescinded.

21 SEC. 126. There is hereby appropriated to the Sec-
22 retary of Transportation \$182,695,000 for surface trans-
23 portation priorities: *Provided*, That the amount provided
24 by this section shall be made available for the programs,
25 projects and activities identified under this section in the

1 explanatory statement accompanying this Act: *Provided*
2 *further*, That funds provided by this section, at the request
3 of a State, shall be transferred by the Secretary to another
4 Federal agency: *Provided further*, That the Federal share
5 payable on account of any program, project, or activity
6 carried out with funds set aside by this section shall be
7 100 percent: *Provided further*, That the sums set aside by
8 this section shall remain available until expended: *Pro-*
9 *vided further*, That none of the funds set aside by this
10 section shall be subject to any limitation on obligations
11 for Federal-aid highways and highway safety construction
12 programs set forth in this Act or any other Act.

13 SEC. 127. Not less than 15 days prior to waiving,
14 under her statutory authority, any Buy America require-
15 ment for Federal-aid highway projects, the Secretary of
16 Transportation shall make an informal public notice and
17 comment opportunity on the intent to issue such waiver
18 and the reasons therefor: *Provided*, That the Secretary
19 shall provide an annual report to the Appropriations Com-
20 mittees of the Congress on any waivers granted under the
21 Buy America requirements.

22 SEC. 128. Upon enactment of this Act, the Secretary
23 of the Treasury shall transfer \$8,017,355,427 from the
24 general fund of the Treasury to the Highway Trust Fund
25 (other than the Mass Transit Account).

1 SEC. 129. Notwithstanding any other provision of
2 law, funds made available in Public Law 110–161 for
3 “Bridge over Broadway, Missoula to Rattlesnake National
4 Recreation Area, MT” shall be available for a new pedes-
5 trian and bicycle-friendly at-grade crossing of East Broad-
6 way Street in Missoula, Montana.

7 SEC. 130. (a) IN GENERAL.—Except as provided in
8 subsection (b), none of the funds made available, limited,
9 or otherwise affected by this Act shall be used to approve
10 or otherwise authorize the imposition of any toll on any
11 segment of highway located on the Federal-aid system in
12 the State of Texas that—

13 (1) as of the date of enactment of this Act, is
14 not tolled;

15 (2) is constructed with Federal assistance pro-
16 vided under title 23, United States Code; and

17 (3) is in actual operation as of the date of en-
18 actment of this Act.

19 (b) EXCEPTIONS.—

20 (1) NUMBER OF TOLL LANES.—Subsection (a)
21 shall not apply to any segment of highway on the
22 Federal-aid system described in that subsection that,
23 as of the date on which a toll is imposed on the seg-
24 ment, will have the same number of non-toll lanes as
25 were in existence prior to that date.

1 (2) HIGH-OCCUPANCY VEHICLE LANES.—A
2 high-occupancy vehicle lane that is converted to a
3 toll lane shall not be subject to this section, and
4 shall not be considered to be a non-toll lane for pur-
5 poses of determining whether a highway will have
6 fewer non-toll lanes than prior to the date of imposi-
7 tion of the toll, if—

8 (A) high-occupancy vehicles occupied by
9 the number of passengers specified by the enti-
10 ty operating the toll lane may use the toll lane
11 without paying a toll, unless otherwise specified
12 by the appropriate county, town, municipal or
13 other local government entity, or public toll
14 road or transit authority; or

15 (B) each high-occupancy vehicle lane that
16 was converted to a toll lane was constructed as
17 a temporary lane to be replaced by a toll lane
18 under a plan approved by the appropriate coun-
19 ty, town, municipal or other local government
20 entity, or public toll road or transit authority.

1 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

2 MOTOR CARRIER SAFETY GRANTS

3 (LIQUIDATION OF CONTRACT AUTHORIZATION)

4 (LIMITATION ON OBLIGATIONS)

5 (HIGHWAY TRUST FUND)

6 (INCLUDING RESCISSION)

7 For payment of obligations incurred in carrying out
8 sections 31102, 31104(a), 31106, 31107, 31109, 31309,
9 31313 of title 49, United States Code, and sections 4126
10 and 4128 of Public Law 109–59, \$307,000,000, to be de-
11 rived from the Highway Trust Fund (other than the Mass
12 Transit Account) and to remain available until expended:
13 *Provided*, That none of the funds in this Act shall be avail-
14 able for the implementation or execution of programs, the
15 obligations for which are in excess of \$307,000,000, for
16 “Motor Carrier Safety Grants”; of which \$209,000,000
17 shall be available for the motor carrier safety assistance
18 program to carry out sections 31102 and 31104(a) of title
19 49, United States Code; \$25,000,000 shall be available for
20 the commercial driver’s license improvements program to
21 carry out section 31313 of title 49, United States Code;
22 \$32,000,000 shall be available for the border enforcement
23 grants program to carry out section 31107 of title 49,
24 United States Code; \$5,000,000 shall be available for the
25 performance and registration information system manage-
26 ment program to carry out sections 31106(b) and 31109

1 of title 49, United States Code; \$25,000,000 shall be
 2 available for the commercial vehicle information systems
 3 and networks deployment program to carry out section
 4 4126 of Public Law 109–59; \$3,000,000 shall be available
 5 for the safety data improvement program to carry out sec-
 6 tion 4128 of Public Law 109–59; and \$8,000,000 shall
 7 be available for the commercial driver’s license information
 8 system modernization program to carry out section
 9 31309(e) of title 49, United States Code: *Provided further*,
 10 That of the funds made available for the motor carrier
 11 safety assistance program, \$29,000,000 shall be available
 12 for audits of new entrant motor carriers: *Provided further*,
 13 That \$4,231,228 in unobligated balances are rescinded.

14 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

15 (LIQUIDATION OF CONTRACT AUTHORIZATION)

16 (LIMITATION ON OBLIGATIONS)

17 (HIGHWAY TRUST FUND)

18 (INCLUDING RESCISSION)

19 For payment of obligations incurred in the implemen-
 20 tation, execution, and administration of the motor carrier
 21 safety operations and programs pursuant to section
 22 31104(i) of title 49, United States Code, and sections
 23 4127 and 4134 of Public Law 109–59, \$234,000,000, to
 24 be derived from the Highway Trust Fund (other than the
 25 Mass Transit Account), together with advances and reim-
 26 bursements received by the Federal Motor Carrier Safety

1 Administration, the sum of which shall remain available
2 until expended: *Provided*, That none of the funds derived
3 from the Highway Trust Fund in this Act shall be avail-
4 able for the implementation, execution or administration
5 of programs, the obligations for which are in excess of
6 \$234,000,000, for “Motor Carrier Safety Operations and
7 Programs”, of which \$7,974,000, to remain available for
8 obligation until September 30, 2011, for the research and
9 technology program and \$1,000,000 shall be available for
10 commercial motor vehicle operator’s grants to carry out
11 section 4134 of Public Law 109–59: *Provided further*,
12 That notwithstanding any other provision of law, none of
13 the funds under this heading for outreach and education
14 shall be available for transfer: *Provided further*, That the
15 Federal Motor Carrier Safety Administration shall trans-
16 mit to Congress a report on the last day of every fiscal
17 quarter on the agency’s ability to meet its requirement to
18 conduct compliance reviews on high-risk carriers: *Provided*
19 *further*, That the amount herein appropriated shall be re-
20 duced by \$100,000 for each day after the submission date
21 that such report has not been submitted to the Congress:
22 *Provided further*, That any reduction taken as a result of
23 the previous proviso shall come from the Office of the Ad-
24 ministrator: *Provided further*, That \$4,887,411 in unobli-
25 gated balances are rescinded.

1 MOTOR CARRIER SAFETY

2 (HIGHWAY TRUST FUND)

3 (RESCISSION)

4 Of the amounts made available under this heading
5 in prior appropriations Acts, \$1,390,201 in unobligated
6 balances are rescinded.

7 NATIONAL MOTOR CARRIER SAFETY PROGRAM

8 (HIGHWAY TRUST FUND)

9 (RESCISSION)

10 Of the amounts made available under this heading
11 in prior appropriations Act, \$14,903,792 in unobligated
12 balances are rescinded.

13 ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR

14 CARRIER SAFETY ADMINISTRATION

15 SEC. 135. Funds appropriated or limited in this Act
16 shall be subject to the terms and conditions stipulated in
17 section 350 of Public Law 107–87 and section 6901 of
18 Public Law 110–28, including that the Secretary submit
19 a report to the House and Senate Appropriations Commit-
20 tees annually on the safety and security of transportation
21 into the United States by Mexico-domiciled motor carriers.

22 SEC. 136. None of the funds made available under
23 this Act may be used to establish a cross-border motor
24 carrier demonstration program to allow Mexico-domiciled
25 motor carriers to operate beyond the commercial zones

1 along the international border between the United States
2 and Mexico.

3 SEC. 137. None of the funds appropriated or other-
4 wise made available under this Act may be used, directly
5 or indirectly, to establish, implement, continue, promote,
6 or in any way permit a cross-border motor carrier dem-
7 onstration program to allow Mexican-domiciled motor car-
8 riers to operate beyond the commercial zones along the
9 international border between the United States and Mex-
10 ico, including continuing, in whole or in part, any such
11 program that was initiated prior to the date of the enact-
12 ment of this Act.

13 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
14 OPERATIONS AND RESEARCH

15 For expenses necessary to discharge the functions of
16 the Secretary, with respect to traffic and highway safety
17 under subtitle C of title X of Public Law 109–59, chapter
18 301 of title 49, United States Code, and part C of subtitle
19 VI of title 49, United States Code, \$126,000,000, of which
20 \$58,578,000 shall remain available until September 30,
21 2009, and of which \$66,922,000 shall remain available
22 until September 30, 2010: *Provided*, That none of the
23 funds appropriated by this Act may be obligated or ex-
24 pended to plan, finalize, or implement any rulemaking to
25 add to section 575.104 of title 49 of the Code of Federal

1 Regulations any requirement pertaining to a grading
 2 standard that is different from the three grading stand-
 3 ards (treadwear, traction, and temperature resistance) al-
 4 ready in effect.

5 OPERATIONS AND RESEARCH
 6 (LIQUIDATION OF CONTRACT AUTHORIZATION)
 7 (LIMITATION ON OBLIGATIONS)
 8 (HIGHWAY TRUST FUND)

9 For payment of obligations incurred in carrying out
 10 the provisions of 23 U.S.C. 403, \$105,500,000 to be de-
 11 rived from the Highway Trust Fund (other than the Mass
 12 Transit Account) and to remain available until expended:
 13 *Provided*, That none of the funds in this Act shall be avail-
 14 able for the planning or execution of programs the total
 15 obligations for which, in fiscal year 2009, are in excess
 16 of \$105,500,000 for programs authorized under 23 U.S.C.
 17 403: *Provided*, That within the \$105,500,000 obligation
 18 limitation for operations and research, \$68,917,000 shall
 19 remain available until September 30, 2010.

20 NATIONAL DRIVER REGISTER
 21 (LIQUIDATION OF CONTRACT AUTHORIZATION)
 22 (LIMITATION ON OBLIGATIONS)
 23 (HIGHWAY TRUST FUND)

24 For payment of obligations incurred in carrying out
 25 chapter 303 of title 49, United States Code, \$4,000,000,
 26 to be derived from the Highway Trust Fund (other than

1 the Mass Transit Account) and to remain available until
 2 expended: *Provided*, That none of the funds in this Act
 3 shall be available for the implementation or execution of
 4 programs the total obligations for which, in fiscal year
 5 2009, are in excess of \$4,000,000 for the National Driver
 6 Register authorized under such chapter.

7 HIGHWAY TRAFFIC SAFETY GRANTS

8 (LIQUIDATION OF CONTRACT AUTHORIZATION)

9 (LIMITATION ON OBLIGATIONS)

10 (HIGHWAY TRUST FUND)

11 For payment of obligations incurred in carrying out
 12 the provisions of 23 U.S.C. 402, 405, 406, 408, and 410
 13 and sections 2001(a)(11), 2009, 2010, and 2011 of Public
 14 Law 109–59, to remain available until expended,
 15 \$619,500,000 to be derived from the Highway Trust Fund
 16 (other than the Mass Transit Account): *Provided*, That
 17 none of the funds in this Act shall be available for the
 18 planning or execution of programs the total obligations for
 19 which, in fiscal year 2009, are in excess of \$619,500,000
 20 for programs authorized under 23 U.S.C. 402, 405, 406,
 21 408, and 410 and sections 2001(a)(11), 2009, 2010, and
 22 2011 of Public Law 109–59, of which \$235,000,000 shall
 23 be for “Highway Safety Programs” under 23 U.S.C. 402;
 24 \$25,000,000 shall be for “Occupant Protection Incentive
 25 Grants” under 23 U.S.C. 405; \$124,500,000 shall be for
 26 “Safety Belt Performance Grants” under 23 U.S.C. 406:

1 *Provided further*, That unobligated balances and associ-
 2 ated obligational authority for such grants may be made
 3 available for such grants in fiscal year 2010; \$34,500,000
 4 shall be for “State Traffic Safety Information System Im-
 5 provements” under 23 U.S.C. 408; \$139,000,000 shall be
 6 for “Alcohol-Impaired Driving Countermeasures Incentive
 7 Grant Program” under 23 U.S.C. 410; \$18,500,000 shall
 8 be for “Administrative Expenses” under section
 9 2001(a)(11) of Public Law 109–59; \$29,000,000 shall be
 10 for “High Visibility Enforcement Program” under section
 11 2009 of Public Law 109–59; \$7,000,000 shall be for “Mo-
 12 torcyclist Safety” under section 2010 of Public Law 109–
 13 59; and \$7,000,000 shall be for “Child Safety and Child
 14 Booster Seat Safety Incentive Grants” under section 2011
 15 of Public Law 109–59: *Provided further*, That none of
 16 these funds shall be used for construction, rehabilitation,
 17 or remodeling costs, or for office furnishings and fixtures
 18 for State, local or private buildings or structures: *Provided*
 19 *further*, That not to exceed \$500,000 of the funds made
 20 available for section 410 “Alcohol-Impaired Driving Coun-
 21 termeasures Grants” shall be available for technical assist-
 22 ance to the States: *Provided further*, That not to exceed
 23 \$750,000 of the funds made available for the “High Visi-
 24 bility Enforcement Program” shall be available for the

1 evaluation required under section 2009(f) of Public Law
2 109–59.

3 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

4 TRAFFIC SAFETY ADMINISTRATION

5 SEC. 140. Notwithstanding any other provision of law
6 or limitation on the use of funds made available under
7 section 403 of title 23, United States Code, an additional
8 \$130,000 shall be made available to the National Highway
9 Traffic Safety Administration, out of the amount limited
10 for section 402 of title 23, United States Code, to pay
11 for travel and related expenses for State management re-
12 views and to pay for core competency development train-
13 ing and related expenses for highway safety staff.

14 SEC. 141. Of the amounts made available under the
15 heading “Operations and Research (Liquidation of Con-
16 tract Authorization) (Limitation on Obligations) (High-
17 way Trust Fund)” in prior appropriations Acts,
18 \$1,314,648 in unobligated balances are rescinded.

19 SEC. 142. Of the amounts made available under the
20 heading “National Driver Register (Liquidation of Con-
21 tract Authorization) (Limitation on Obligations) (High-
22 way Trust Fund)” in prior appropriations Acts, \$534,000
23 in unobligated balances are rescinded.

24 SEC. 143. Of the amounts made available under the
25 heading “Highway Traffic Safety Grants (Liquidation of
26 Contract Authorization) (Limitation on Obligations)

1 (Highway Trust Fund)” in prior appropriations Acts,
 2 \$50,000,000 in unobligated balances are rescinded.

3 FEDERAL RAILROAD ADMINISTRATION

4 SAFETY AND OPERATIONS

5 For necessary expenses of the Federal Railroad Ad-
 6 ministration, not otherwise provided for, \$158,745,000, of
 7 which \$12,268,890 shall remain available until expended.

8 RAILROAD RESEARCH AND DEVELOPMENT

9 For necessary expenses for railroad research and de-
 10 velopment, including projects for positive train control,
 11 \$34,000,000, to remain available until expended.

12 RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

13 For necessary expenses of carrying out section 20154
 14 of title 49, United States Code, as authorized by section
 15 9002 of Public Law 109–59, \$20,000,000, to remain
 16 available until expended.

17 CAPITAL ASSISTANCE TO STATES—INTERCITY

18 PASSENGER RAIL SERVICE

19 To enable the Federal Railroad Administrator to
 20 make grants to States for the capital costs of improving
 21 existing in support of intercity passenger rail service and
 22 providing new intercity passenger rail service,
 23 \$100,000,000, to remain available until expended: *Pro-*
 24 *vided*, That grants shall be provided to a State only on
 25 a reimbursable basis: *Provided further*, That grants cover
 26 no more than 50 percent of the total capital cost of a

1 project selected for funding: *Provided further*, That no
2 more than 10 percent of funds made available under this
3 program may be used for planning activities that lead di-
4 rectly to the development of a passenger rail corridor in-
5 vestment plan consistent with the requirements estab-
6 lished by the Administrator: *Provided further*, That no
7 later than 8 months following enactment of this Act, the
8 Secretary shall establish and publish criteria for project
9 selection, set a deadline for grant applications, and provide
10 a schedule for project selection: *Provided further*, That to
11 be eligible for this assistance, States must include intercity
12 passenger rail service as an integral part of statewide
13 transportation planning as required under section 135 of
14 title 23, United States Code: *Provided further*, That to be
15 eligible for capital assistance the specific project must be
16 on the Statewide Transportation Improvement Plan at the
17 time of the application to qualify: *Provided further*, That
18 the Secretary give priority to capital and planning applica-
19 tions for projects that improve the safety and reliability
20 of intercity passenger trains, involve a commitment by
21 freight railroads to an enforceable on-time performance of
22 passenger trains of 80 percent or greater, involve a com-
23 mitment by freight railroads of financial resources com-
24 mensurate with the benefit expected to their operations,
25 improve or extend service on a route that requires little

1 or no Federal assistance for its operations, and involve
 2 a commitment by States or railroads of financial resources
 3 to improve the safety of highway/rail grade crossings over
 4 which the passenger service operates.

5 RAILROAD REHABILITATION AND IMPROVEMENT
 6 FINANCING PROGRAM

7 The Secretary of Transportation is authorized to
 8 issue to the Secretary of the Treasury notes or other obli-
 9 gations pursuant to section 512 of the Railroad Revitaliza-
 10 tion and Regulatory Reform Act of 1976 (Public Law 94–
 11 210), as amended, in such amounts and at such times as
 12 may be necessary to pay any amounts required pursuant
 13 to the guarantee of the principal amount of obligations
 14 under sections 511 through 513 of such Act, such author-
 15 ity to exist as long as any such guaranteed obligation is
 16 outstanding: *Provided*, That pursuant to section 502 of
 17 such Act, as amended, no new direct loans or loan guar-
 18 antee commitments shall be made using Federal funds for
 19 the credit risk premium during fiscal year 2009.

20 OPERATING GRANTS TO THE NATIONAL RAILROAD
 21 PASSENGER CORPORATION

22 To enable the Secretary of Transportation to make
 23 grants to the National Railroad Passenger Corporation for
 24 operation of intercity passenger rail, \$550,000,000, to re-
 25 main available until expended: *Provided*, That the Sec-
 26 retary shall withhold such sums as shall be necessary for

1 the costs associated with the second retroactive wage pay-
2 ment to Amtrak employees and shall transmit such fund-
3 ing to the corporation for the sole and exclusive purpose
4 of making such payments only at such time as said pay-
5 ments are due: *Provided further*, That such remaining
6 amounts available under this paragraph shall be available
7 for the Secretary to approve funding to cover operating
8 losses for the Corporation only after receiving and review-
9 ing a grant request for each specific train route: *Provided*
10 *further*, That each such grant request shall be accom-
11 panied by a detailed financial analysis, revenue projection,
12 and capital expenditure projection justifying the Federal
13 support to the Secretary's satisfaction: *Provided further*,
14 That the Corporation is directed to achieve savings
15 through operating efficiencies including, but not limited
16 to, modifications to food and beverage service and first
17 class service: *Provided further*, That the Inspector General
18 of the Department of Transportation shall report to the
19 House and Senate Committees on Appropriations begin-
20 ning 3 months after the date of the enactment of this Act
21 and quarterly thereafter with estimates of the savings ac-
22 crued as a result of all operational reforms instituted by
23 the Corporation: *Provided further*, That not later than 120
24 days after enactment of this Act, the Corporation shall
25 transmit to the House and Senate Committees on Appro-

1 priations the status of its plan to improve the financial
2 performance of food and beverage service and its plan to
3 improve the financial performance of first class service (in-
4 cluding sleeping car service): *Provided further*, That the
5 Corporation shall report quarterly to the House and Sen-
6 ate Committees on Appropriations on its progress against
7 the milestones and target dates contained in the plan pro-
8 vided in fiscal year 2007 and quantify savings realized to
9 date on a monthly basis compared to those projected in
10 the plan, identify any changes in the plan or delays in
11 implementing these plans, and identify the causes of delay
12 and proposed corrective measures: *Provided further*, That
13 not later than 90 days after enactment of this Act, the
14 Corporation shall transmit, in electronic format, to the
15 Secretary, the House and Senate Committees on Appro-
16 priations, the House Committee on Transportation and
17 Infrastructure and the Senate Committee on Commerce,
18 Science, and Transportation a comprehensive business
19 plan approved by the Board of Directors for fiscal year
20 2008 under section 24104(a) of title 49, United States
21 Code: *Provided further*, That the business plan shall in-
22 clude, as applicable, targets for ridership, revenues, and
23 capital and operating expenses: *Provided further*, That the
24 plan shall also include a separate accounting of such tar-
25 gets for the Northeast Corridor; commuter service; long-

1 distance Amtrak service; State-supported service; each
2 intercity train route, including Autotrain; and commercial
3 activities including contract operations: *Provided further*,
4 That the business plan shall include a description of the
5 work to be funded, along with cost estimates and an esti-
6 mated timetable for completion of the projects covered by
7 this business plan: *Provided further*, That, the business
8 plan shall be accompanied by a comprehensive fleet plan
9 for all Amtrak rolling stock which shall address the cor-
10 poration's detailed plans and timeframes for the mainte-
11 nance, refurbishment, replacement and expansion of the
12 Amtrak fleet: *Provided further*, That said fleet plan shall
13 establish year-specific goals and milestones and discuss
14 potential and preferred financing options for all such ac-
15 tivities: *Provided further*, That the Corporation shall con-
16 tinue to provide monthly reports in electronic format re-
17 garding the pending business plan, which shall describe
18 the work completed to date, any changes to the business
19 plan, and the reasons for such changes, and shall identify
20 all sole source contract awards which shall be accompanied
21 by a justification as to why said contract was awarded on
22 a sole source basis: *Provided further*, That the Corpora-
23 tion's business plan and all subsequent supplemental plans
24 shall be displayed on the Corporation's website within a
25 reasonable timeframe following their submission to the ap-

1 appropriate entities: *Provided further*, That none of the
 2 funds under this heading may be obligated or expended
 3 until the Corporation agrees to continue abiding by the
 4 provisions of paragraphs 1, 2, 5, 9, and 11 of the sum-
 5 mary of conditions for the direct loan agreement of June
 6 28, 2002, in the same manner as in effect on the date
 7 of enactment of this Act: *Provided further*, That none of
 8 the funds provided in this Act may be used after March
 9 1, 2006, to support any route on which Amtrak offers a
 10 discounted fare of more than 50 percent off the normal,
 11 peak fare: *Provided further*, That the preceding proviso
 12 does not apply to routes where the operating loss as a re-
 13 sult of the discount is covered by a State and the State
 14 participates in the setting of fares: *Provided further*, That
 15 of the amounts made available under this heading not less
 16 than \$18,500,000 shall be available for the Amtrak Office
 17 of Inspector General.

18 CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL
 19 RAILROAD PASSENGER CORPORATION

20 To enable the Secretary of Transportation to make
 21 quarterly grants to the National Railroad Passenger Cor-
 22 poration for the maintenance and repair of capital infra-
 23 structure owned by the Corporation, including railroad
 24 equipment, rolling stock, legal mandates and other serv-
 25 ices, \$1,000,000,000, to remain available until expended,
 26 of which not to exceed \$285,000,000 shall be for debt

1 service obligations: *Provided*, That the Secretary may re-
 2 tain up to one-quarter of 1 percent of the funds under
 3 this heading to fund the oversight by the Federal Railroad
 4 Administration of the design and implementation of cap-
 5 ital projects funded by grants made under this heading:
 6 *Provided further*, That the Secretary shall approve funding
 7 for capital expenditures, including advance purchase or-
 8 ders of materials, for the Corporation only after receiving
 9 and reviewing a grant request for each specific capital
 10 grant justifying the Federal support to the Secretary's
 11 satisfaction: *Provided further*, That none of the funds
 12 under this heading may be used to subsidize operating
 13 losses of the Corporation: *Provided further*, That none of
 14 the funds under this heading may be used for capital
 15 projects not approved by the Secretary of Transportation
 16 or on the Corporation's fiscal year 2009 business plan.

17 EFFICIENCY INCENTIVE GRANTS TO THE NATIONAL
 18 RAILROAD PASSENGER CORPORATION
 19 (RESCISSION)

20 Of the amounts made available under this heading
 21 in Public Laws 109–115 and 110–5, \$46,800,000 is re-
 22 scinded.

23 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD
 24 ADMINISTRATION

25 SEC. 150. Hereafter, notwithstanding any other pro-
 26 vision of law, funds provided in this Act for the National

1 Railroad Passenger Corporation shall immediately cease
2 to be available to said Corporation in the event that the
3 Corporation contracts to have services provided at or from
4 any location outside the United States. For purposes of
5 this section, the word “services” shall mean any service
6 that was, as of July 1, 2006, performed by a full-time
7 or part-time Amtrak employee whose base of employment
8 is located within the United States.

9 SEC. 151. The Federal Railroad Administrator shall
10 submit a quarterly report on January 1, 2009, and quar-
11 terly reports thereafter, to the House and Senate Commit-
12 tees on Appropriations detailing the Administrator’s ef-
13 forts at improving the on-time performance of Amtrak
14 intercity rail service operating on non-Amtrak owned prop-
15 erty. Such reports shall compare the most recent actual
16 on-time performance data to pre-established on-time per-
17 formance goals that the Administrator shall set for each
18 rail service, identified by route. Such reports shall also in-
19 clude whatever other information and data regarding the
20 on-time performance of Amtrak trains the Administrator
21 deems to be appropriate. The amounts made available in
22 this title under the heading “Office of the Secretary, Sala-
23 ries and Expenses” shall be reduced \$100,000 for each
24 day after the first day of each quarter that the quarterly

1 reports required by this section are not submitted to the
2 Congress.

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

8 SEC. 153. The Secretary of Transportation may re-
9 ceive and expend cash, or receive and utilize spare parts
10 and similar items, from non-United States Government
11 sources to repair damages to or replace United States
12 Government owned automated track inspection cars and
13 equipment as a result of third party liability for such dam-
14 ages, and any amounts collected under this section shall
15 be credited directly to the Safety and Operations account
16 of the Federal Railroad Administration, and shall remain
17 available until expended for the repair, operation and
18 maintenance of automated track inspection cars and
19 equipment in connection with the automated track inspec-
20 tion program.

21 FEDERAL TRANSIT ADMINISTRATION

22 ADMINISTRATIVE EXPENSES

23 For necessary administrative expenses of the Federal
24 Transit Administration's programs authorized by chapter
25 53 of title 49, United States Code, \$93,000,000: *Provided*,

1 That of the funds available under this heading, not to ex-
 2 ceed \$1,539,000 shall be available for travel and not to
 3 exceed \$23,322,000 shall be available for the central ac-
 4 count: *Provided further*, That any funding transferred
 5 from the central account shall be submitted for approval
 6 to the House and Senate Committees on Appropriations:
 7 *Provided further*, That none of the funds provided or lim-
 8 ited in this Act may be used to create a permanent office
 9 of transit security under this heading: *Provided further*,
 10 That of the funds in this Act available for the execution
 11 of contracts under section 5327(c) of title 49, United
 12 States Code, \$2,000,000 shall be transferred to the De-
 13 partment of Transportation's Office of Inspector General
 14 for costs associated with audits and investigations of tran-
 15 sit-related issues, including reviews of new fixed guideway
 16 systems: *Provided further*, That upon submission to the
 17 Congress of the fiscal year 2009 President's budget, the
 18 Secretary of Transportation shall transmit to Congress
 19 the annual report on new starts, including proposed alloca-
 20 tions of funds for fiscal year 2009.

21 FORMULA AND BUS GRANTS

22 (LIQUIDATION OF CONTRACT AUTHORITY)

23 (LIMITATION ON OBLIGATIONS)

24 (HIGHWAY TRUST FUND)

25 For payment of obligations incurred in carrying out
 26 the provisions of 49 U.S.C. 5305, 5307, 5308, 5309,

1 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and
 2 section 3038 of Public Law 105–178, as amended,
 3 \$8,670,000,000 to be derived from the Mass Transit Ac-
 4 count of the Highway Trust Fund and to remain available
 5 until expended: *Provided*, That funds available for the im-
 6 plementation or execution of programs authorized under
 7 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316,
 8 5317, 5320, 5335, 5339, and 5340 and section 3038 of
 9 Public Law 105–178, as amended, shall not exceed total
 10 obligations of \$8,260,565,000 in fiscal year 2009.

11 RESEARCH AND UNIVERSITY RESEARCH CENTERS

12 For necessary expenses to carry out 49 U.S.C. 5306,
 13 5312–5315, 5322, and 5506, \$63,000,000, to remain
 14 available until expended: *Provided*, That \$9,300,000 is
 15 available to carry out the transit cooperative research pro-
 16 gram under section 5313 of title 49, United States Code,
 17 \$4,300,000 is available for the National Transit Institute
 18 under section 5315 of title 49, United States Code, and
 19 \$7,000,000 is available for university transportation cen-
 20 ters program under section 5506 of title 49, United States
 21 Code: *Provided further*, That \$39,000,000 is available to
 22 carry out national research programs under sections 5312,
 23 5313, 5314, and 5322 of title 49, United States Code.

24 CAPITAL INVESTMENT GRANTS

25 For necessary expenses to carry out section 5309 of
 26 title 49, United States Code, \$1,809,250,000, to remain

1 available until expended: *Provided*, That of the funds
 2 available under this heading, amounts are to be made
 3 available as follows:

4 AC Transit Bus Rapid Transit Corridor, Cali-
 5 fornia, \$3,000,000.

6 Bellevue-Redmond BRT, Washington,
 7 \$20,000,000.

8 Bus Rapid Transit, Potomac Yard-Crystal City,
 9 City of Alexandria and Arlington County, Virginia,
 10 \$1,000,000.

11 Bus Rapid Transit—State Avenue Corridor,
 12 Wyandotte County, Kansas, \$1,500,000.

13 Central Corridor Light Rail Transit Project,
 14 Minnesota, \$20,000,000.

15 Central Link Initial Segment, Seattle, Wash-
 16 ington, \$28,846,735.

17 Central Phoenix/East Valley Light Rail, Ari-
 18 zona, \$91,800,000.

19 Charlotte Rapid Transit Extension Northeast
 20 Corridor, North Carolina, \$18,000,000.

21 Commuter Rail Improvements, Fitchburg, Mas-
 22 sachusetts, \$27,000,000.

23 CTA Brown Line (Ravenswood), Illinois,
 24 \$29,474,404.

25 CTA Circle Line, Illinois, \$8,000,000.

- 1 Dallas Area Rapid Transit Northwest/Southeast
- 2 Light Rail MOS, Texas, \$87,974,716.
- 3 Downtown Orlando East-West Circulator Sys-
- 4 tem, Florida, \$8,000,000.
- 5 Dulles Corridor Rail Project, Virginia,
- 6 \$30,000,000.
- 7 Honolulu High-Capacity Transit Corridor
- 8 Project, Hawaii, \$20,000,000.
- 9 Houston METRO—Advanced Transit Program/
- 10 METRO Solutions Phase 2, Texas, \$10,000,000.
- 11 Hudson-Bergen Light Rail MOS2, New Jersey,
- 12 \$1,103,860.
- 13 I-69 HOV/BRT, Mississippi, \$7,650,000.
- 14 Improvements to the Rosslyn Metro Station,
- 15 Virginia, \$2,000,000.
- 16 Largo Metrorail Extension, Washington, DC,
- 17 \$34,700,000.
- 18 Livermore-Amador Bus Rapid Transit, Cali-
- 19 fornia, \$7,990,000.
- 20 Long Island Rail Road East Side Access, New
- 21 York, \$197,370,000.
- 22 Los Angeles Metro Gold Line Eastside Exten-
- 23 sion, California, \$74,600,000.
- 24 Los Angeles Metro Rapid Bus System Gap Clo-
- 25 sure, California, \$332,620.

- 1 Los Angeles Wilshire Boulevard Bus-Only
- 2 Lane, California, \$10,952,330.
- 3 MARC Commuter Rail Improvements and Roll-
- 4 ing Stock, Maryland, \$15,000,000.
- 5 Mason Street Corridor Bus Rapid Transit, Col-
- 6 orado, \$11,182,000.
- 7 METRA, Illinois, \$6,607,000.
- 8 Miami-Dade County Metrorail Orange Line Ex-
- 9 pansion, Florida, \$20,000,000.
- 10 Mid Jordan Light Rail Extension, Utah,
- 11 \$10,000,000.
- 12 Mountain Links BRT, Arizona, \$6,238,000.
- 13 Norfolk Light Rail Project, Virginia,
- 14 \$57,055,734.
- 15 North Shore LRT Corridor, Pennsylvania,
- 16 \$670,885.
- 17 Northstar Corridor Rail Project, Minnesota,
- 18 \$71,166,060.
- 19 Pacific Highway South BRT, Washington,
- 20 \$281,520.
- 21 Perris Valley Line Metrolink Extension, Cali-
- 22 fornia, \$50,000,000.
- 23 Pioneer Parkway EmX BRT, Springfield, Or-
- 24 egon, \$296,000.
- 25 Portland Streetcar Loop, Oregon, \$50,000,000.

1 San Diego Mid-City Rapid, California,
2 \$21,650,000.

3 San Francisco Third Street Light Rail Transit
4 Project-Central Subway, California, \$8,000,000.

5 Second Avenue Subway—Phase I, New York,
6 \$249,927,000.

7 South Corridor I225/Portland Mall Light Rail
8 Project, Oregon, \$81,600,000.

9 South County Commuter Rail, Wickford Junc-
10 tion Station, Rhode Island, \$1,345,500.

11 South Sacramento Corridor Phase 2 Project,
12 California, \$7,000,000.

13 Southeast Corridor LRT, Colorado, \$1,031,210.

14 Stamford Urban Transitway, Connecticut,
15 \$5,000,000.

16 Trans-Hudson Midtown Corridor, New Jersey,
17 \$75,000,000.

18 Troost Corridor BRT, Kansas City, Missouri,
19 \$125,200.

20 University Link LRT Extension, Washington,
21 \$100,000,000.

22 VRE Rolling Stock, Virginia, \$5,000,000.

23 Weber County to Salt Lake City Commuter
24 Rail, Utah, \$81,600,000.

1 West Corridor Light Rail, Colorado,
2 \$70,000,000.

3 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

4 ADMINISTRATION

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

10 SEC. 161. Notwithstanding any other provision of
11 law, funds made available by this Act under “Federal
12 Transit Administration, Capital investment grants” and
13 bus and bus facilities under “Federal Transit Administra-
14 tion, Formula and bus grants” for projects specified in
15 this Act or identified in reports accompanying this Act not
16 obligated by September 30, 2011, and other recoveries,
17 shall be made available for other projects under 49 U.S.C.
18 5309.

19 SEC. 162. Notwithstanding any other provision of
20 law, any funds appropriated before October 1, 2008, under
21 any section of chapter 53 of title 49, United States Code,
22 that remain available for expenditure, may be transferred
23 to and administered under the most recent appropriation
24 heading for any such section.

25 SEC. 163. Notwithstanding any other provision of
26 law, unobligated funds made available for a new fixed

1 guideway systems projects under the heading “Federal
2 Transit Administration, Capital investment grants” in any
3 appropriations Act prior to this Act may be used during
4 this fiscal year to satisfy expenses incurred for such
5 projects.

6 SEC. 164. Notwithstanding any other provision of
7 law, in regard to the Central Link Initial Segment Project,
8 to the extent that Federal funds remain available within
9 the current budget for the project, the Secretary shall, im-
10 mediately upon the date of enactment of this Act, amend
11 the Full Funding Grant Agreement for said project to
12 allow remaining Federal funds to be used to support com-
13 pletion of the Airport Link extension of said project.

14 SEC. 165. None of the funds provided or limited
15 under this Act may be used to issue a final regulation
16 under section 5309 of title 49, United States Code, except
17 that the Federal Transit Administration may continue to
18 review comments received on the proposed rule (Docket
19 No. FTA–2006–25737).

20 SEC. 166. Of the balances available for this fiscal
21 year to carry out 49 U.S.C. 5309(b) left to the discretion
22 of the Secretary of Transportation, \$100,000,000 are per-
23 manently rescinded.

24 SEC. 167. Funds made available for Alaska or Hawaii
25 ferry boats or ferry terminal facilities pursuant to 49

1 U.S.C. 5309(m)(2)(B) may be used to construct new ves-
 2 sels and facilities, or to improve existing vessels and facili-
 3 ties, including both the passenger and vehicle-related ele-
 4 ments of such vessels and facilities, and for repair facili-
 5 ties: *Provided*, That not more than \$4,000,000 of the
 6 funds made available pursuant to 49 U.S.C.
 7 5309(m)(2)(B) may be used by the City and County of
 8 Honolulu to operate a passenger ferry boat service dem-
 9 onstration project to test the viability of different intra-
 10 island ferry boat routes and technologies.

11 SEC. 168. Notwithstanding any other provision of
 12 law, the Secretary of Transportation shall not reallocate
 13 any funding made available for the following projects
 14 through previous appropriations Acts for the Department
 15 of Transportation:

16 Baltimore Red Line and Green Line, Maryland.

17 Kenosha-Racine-Milwaukee rail extension
 18 project, Wisconsin.

19 Rhode Island Integrated Rail Project, Rhode Is-
 20 land.

21 Schuylkill Valley Metro Project, Pennsylvania.

22 Dulles Corridor Rapid Transit, Virginia.

23 Billings public bus and medical transfer facility,
 24 Montana.

25 Brattleboro Multimodal, Vermont.

1 Burlington Transit Facilities, Vermont.
 2 Champaign Day Care Center/Park-n-Ride, Illi-
 3 nois.
 4 City of Chicago, Free Trolley System, Illinois.
 5 City of Moultrie Intermodal Facility, Georgia.
 6 Illinois Statewide buses and facilities, Illinois.
 7 Renaissance Square, New York.
 8 Rochester Central Bus Terminal, New York.
 9 Rochester Renaissance Square Transit Center,
 10 New York.
 11 Rochester Renaissance Square Intermodal Fa-
 12 cility, Design and Construction, New York.
 13 Springfield Union Station, Massachusetts.
 14 SEC. 169. Notwithstanding any other provision of
 15 law, the \$2,695,000 appropriated for the Charlotte Rapid
 16 Transit Extension—Northeast Corridor Light Rail
 17 Project, North Carolina under the Alternatives Analysis
 18 Account in division K of the Consolidated Appropriations
 19 Act, 2008 (Public Law 110–161) shall be used for the
 20 Charlotte Rapid Transit Extension—Northeast Corridor
 21 to carry out new fixed guideway or extension to existing
 22 fixed guideway activities described in section 5309 of title
 23 49, United States Code.

1 SAINT LAWRENCE SEAWAY DEVELOPMENT
2 CORPORATION

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

12 OPERATIONS AND MAINTENANCE
13 (HARBOR MAINTENANCE TRUST FUND)

14 For necessary expenses for operations, maintenance,
15 and capital asset renewal of those portions of the Saint
16 Lawrence Seaway owned, operated, and maintained by the
17 Saint Lawrence Seaway Development Corporation,
18 \$27,000,000, to be derived from the Harbor Maintenance
19 Trust Fund, pursuant to Public Law 99-662.

20 MARITIME ADMINISTRATION

21 MARITIME SECURITY PROGRAM

22 For necessary expenses to maintain and preserve a
23 U.S.-flag merchant fleet to serve the national security
24 needs of the United States, \$174,000,000, to remain avail-
25 able until expended.

1 OPERATIONS AND TRAINING

2 For necessary expenses of operations and training ac-
3 tivities authorized by law, \$123,560,000, of which
4 \$10,500,000 shall remain available until expended for
5 maintenance and repair of Schoolships at State Maritime
6 Schools, and of which \$61,358,000 shall be available for
7 operations of and capital improvements at the United
8 States Merchant Marine Academy: *Provided*, That
9 amounts apportioned for the United States Merchant Ma-
10 rine Academy shall be available only upon allotments made
11 personally by the Secretary of Transportation and not a
12 designee: *Provided further*, That the Superintendent, Dep-
13 uty Superintendent and the Chief Financial Officer of the
14 United States Merchant Marine Academy may not be al-
15 lotment holders for the United States Merchant Marine
16 Academy, and the Administrator of Maritime Administra-
17 tion shall hold all allotments made by the Secretary of
18 Transportation under the previous proviso: *Provided fur-*
19 *ther*, That 80 percent of the funding made available for
20 the United States Merchant Marine Academy under this
21 heading shall be available only after the Secretary, in con-
22 sultation with the Maritime Administration, completes a
23 plan detailing by program or activity and by object class
24 how such funding will be expended at the Academy, and

1 this plan is approved by the House and Senate Commit-
2 tees on Appropriations.

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, \$15,000,000, to remain avail-
7 able until expended.

8 ASSISTANCE TO SMALL SHIPYARDS

9 To make grants to qualified shipyards as authorized
10 under section 3506 of Public Law 109–163 or section
11 54101 of title 46, United States Code, \$20,000,000, to
12 remain available until expended: *Provided*, That to be con-
13 sidered for assistance, a qualified shipyard shall submit
14 an application for assistance no later than 60 days after
15 enactment of this Act: *Provided further*, That from appli-
16 cations submitted under the previous proviso, the Sec-
17 retary of Transportation shall make grants no later than
18 120 days after enactment of this Act in such amounts as
19 the Secretary determines: *Provided further*, That not to
20 exceed 2 percent of the funds appropriated under this
21 heading shall be available for necessary costs of grant ad-
22 ministration.

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

4 For the cost of guaranteed loans, as authorized,
5 \$13,531,000, 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 not to exceed \$3,531,000 shall
10 be available for administrative expenses to carry out the
11 guaranteed loan program, which shall be transferred to
12 and merged with the appropriation for “Operations and
13 Training”, Maritime Administration.

14 SHIP CONSTRUCTION
15 (RESCISSION)

16 Of the unobligated balances available under this
17 heading, \$1,381,802 are rescinded.

18 ADMINISTRATIVE PROVISIONS—MARITIME
19 ADMINISTRATION

20 SEC. 175. Notwithstanding any other provision of
21 this Act, the Maritime Administration is authorized to fur-
22 nish utilities and services and make necessary repairs in
23 connection with any lease, contract, or occupancy involving
24 Government property under control of the Maritime Ad-
25 ministration, and payments received therefor shall be cred-
26 ited to the appropriation charged with the cost thereof:

1 *Provided*, That rental payments under any such lease, con-
 2 tract, or occupancy for items other than such utilities,
 3 services, or repairs shall be covered into the Treasury as
 4 miscellaneous receipts.

5 SEC. 176. No obligations shall be incurred during the
 6 current fiscal year from the construction fund established
 7 by the Merchant Marine Act, 1936 (46 U.S.C. 53101 note
 8 (cfs)), or otherwise, in excess of the appropriations and
 9 limitations contained in this Act or in any prior appropria-
 10 tions Act.

11 SEC. 177. Section 51509 of title 46, United States
 12 Code, is amended in subsection (b) by deleting “\$4,000”
 13 and inserting in lieu thereof “\$8,000” and by inserting
 14 “tuition,” after “uniforms,”.

15 PIPELINE AND HAZARDOUS MATERIALS SAFETY

16 ADMINISTRATION

17 OPERATIONS

18 (PIPELINE SAFETY FUND)

19 For necessary operational expenses of the Pipeline
 20 and Hazardous Materials Safety Administration,
 21 \$19,130,000, of which \$639,000 shall be derived from the
 22 Pipeline Safety Fund: *Provided*, That \$1,000,000 shall be
 23 transferred to “Pipeline Safety” in order to fund “Pipeline
 24 safety information grants to communities” as authorized
 25 in section 60130 of title 49, United States Code: *Provided*

1 *further*, That grants described under the previous proviso
 2 shall be awarded within 120 days of enactment of this Act.

3 HAZARDOUS MATERIALS SAFETY

4 For expenses necessary to discharge the hazardous
 5 materials safety functions of the Pipeline and Hazardous
 6 Materials Safety Administration, \$28,000,000, of which
 7 \$1,802,000 shall remain available until September 30,
 8 2011: *Provided*, That up to \$800,000 in fees collected
 9 under 49 U.S.C. 5108(g) shall be deposited in the general
 10 fund of the Treasury as offsetting receipts: *Provided fur-*
 11 *ther*, That there may be credited to this appropriation, to
 12 be available until expended, funds received from States,
 13 counties, municipalities, other public authorities, and pri-
 14 vate sources for expenses incurred for training, for reports
 15 publication and dissemination, and for travel expenses in-
 16 curred in performance of hazardous materials exemptions
 17 and approvals functions.

18 PIPELINE SAFETY

19 (PIPELINE SAFETY FUND)

20 (OIL SPILL LIABILITY TRUST FUND)

21 For expenses necessary to conduct the functions of
 22 the pipeline safety program, for grants-in-aid to carry out
 23 a pipeline safety program, as authorized by 49 U.S.C.
 24 60107, and to discharge the pipeline program responsibil-
 25 ities of the Oil Pollution Act of 1990, \$93,291,000, of
 26 which \$18,810,000 shall be derived from the Oil Spill Li-

1 ability Trust Fund and shall remain available until Sep-
 2 tember 30, 2011; and of which \$74,481,000 shall be de-
 3 rived from the Pipeline Safety Fund, of which
 4 \$40,081,000 shall remain available until September 30,
 5 2011: *Provided*, That not less than \$1,043,000 of the
 6 funds provided under this heading shall be for the one-
 7 call State grant program.

8 EMERGENCY PREPAREDNESS GRANTS

9 (EMERGENCY PREPAREDNESS FUND)

10 For necessary expenses to carry out 49 U.S.C.
 11 5128(b), \$188,000, to be derived from the Emergency
 12 Preparedness Fund, to remain available until September
 13 30, 2010: *Provided*, That not more than \$28,318,000 shall
 14 be made available for obligation in fiscal year 2009 from
 15 amounts made available by 49 U.S.C. 5116(i) and
 16 5128(b)–(c): *Provided further*, That none of the funds
 17 made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c)
 18 shall be made available for obligation by individuals other
 19 than the Secretary of Transportation, or her designee.

20 RESEARCH AND INNOVATIVE TECHNOLOGY

21 ADMINISTRATION

22 RESEARCH AND DEVELOPMENT

23 For necessary expenses of the Research and Innova-
 24 tive Technology Administration, \$12,000,000, of which
 25 \$6,036,000 shall remain available until September 30,
 26 2011: *Provided*, That there may be credited to this appro-

1 priation, to be available until expended, funds received
2 from States, counties, municipalities, other public authori-
3 ties, and private sources for expenses incurred for train-
4 ing.

5 OFFICE OF INSPECTOR GENERAL

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of Inspector
8 General to carry out the provisions of the Inspector Gen-
9 eral Act of 1978, as amended, \$72,200,000: *Provided*,
10 That the Inspector General shall have all necessary au-
11 thority, in carrying out the duties specified in the Inspec-
12 tor General Act, as amended (5 U.S.C. App. 3), to inves-
13 tigate allegations of fraud, including false statements to
14 the government (18 U.S.C. 1001), by any person or entity
15 that is subject to regulation by the Department: *Provided*
16 *further*, That the funds made available under this heading
17 shall be used to investigate, pursuant to section 41712 of
18 title 49, United States Code: (1) unfair or deceptive prac-
19 tices and unfair methods of competition by domestic and
20 foreign air carriers and ticket agents; and (2) the compli-
21 ance of domestic and foreign air carriers with respect to
22 item (1) of this proviso.

1 SURFACE TRANSPORTATION BOARD

2 SALARIES AND EXPENSES

3 For necessary expenses of the Surface Transpor-
4 tation Board, including services authorized by 5 U.S.C.
5 3109, \$26,847,000: *Provided*, That notwithstanding any
6 other provision of law, not to exceed \$1,250,000 from fees
7 established by the Chairman of the Surface Transpor-
8 tation Board shall be credited to this appropriation as off-
9 setting collections and used for necessary and authorized
10 expenses under this heading: *Provided further*, That the
11 sum herein appropriated from the general fund shall be
12 reduced on a dollar-for-dollar basis as such offsetting col-
13 lections are received during fiscal year 2009, to result in
14 a final appropriation from the general fund estimated at
15 no more than \$25,597,000.

16 GENERAL PROVISIONS

17 SEC. 180. During the current fiscal year applicable
18 appropriations to the Department of Transportation shall
19 be available for maintenance and operation of aircraft;
20 hire of passenger motor vehicles and aircraft; purchase of
21 liability insurance for motor vehicles operating in foreign
22 countries on official department business; and uniforms or
23 allowances therefor, as authorized by law (5 U.S.C. 5901–
24 5902).

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

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

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

14 SEC. 184. (a) No recipient of funds made available
15 in this Act shall disseminate personal information (as de-
16 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
17 ment of motor vehicles in connection with a motor vehicle
18 record as defined in 18 U.S.C. 2725(1), except as provided
19 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.
20 2721.

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

24 SEC. 185. Funds received by the Federal Highway
25 Administration, Federal Transit Administration, and Fed-

1 eral Railroad Administration from States, counties, mu-
 2 nicipalities, other public authorities, and private sources
 3 for expenses incurred for training may be credited respec-
 4 tively to the Federal Highway Administration's "Federal-
 5 Aid Highways" account, the Federal Transit Administra-
 6 tion's "Research and University Research Centers" ac-
 7 count, and to the Federal Railroad Administration's
 8 "Safety and Operations" account, except for State rail
 9 safety inspectors participating in training pursuant to 49
 10 U.S.C. 20105.

11 SEC. 186. Funds provided or limited in this Act
 12 under the appropriate accounts within the Federal High-
 13 way Administration, the Federal Railroad Administration
 14 and the Federal Transit Administration shall be made
 15 available for the eligible programs, projects and activities
 16 of the corresponding amounts identified in the explanatory
 17 statement accompanying this Act for "Ferry Boats and
 18 Ferry Terminal Facilities", "Federal Lands", "Interstate
 19 Maintenance Discretionary", "Transportation, Commu-
 20 nity and System Preservation Program", "Delta Region
 21 Transportation Development Program", "Rail Line Relo-
 22 cation and Improvement Program", "Rail-highway cross-
 23 ing hazard eliminations", "Alternatives analysis", and
 24 "Bus and bus facilities".

1 SEC. 187. Notwithstanding any other provisions of
2 law, rule or regulation, the Secretary of Transportation
3 is authorized to allow the issuer of any preferred stock
4 heretofore sold to the Department to redeem or repur-
5 chase such stock upon the payment to the Department of
6 an amount determined by the Secretary.

7 SEC. 188. None of the funds in this Act to the De-
8 partment of Transportation may be used to make a grant
9 unless the Secretary of Transportation notifies the House
10 and Senate Committees on Appropriations not less than
11 3 full business days before any discretionary grant award,
12 letter of intent, or full funding grant agreement totaling
13 \$500,000 or more is announced by the department or its
14 modal administrations from: (1) any discretionary grant
15 program of the Federal Highway Administration including
16 the emergency relief program; (2) the airport improvement
17 program of the Federal Aviation Administration; or (3)
18 any program of the Federal Transit Administration other
19 than the formula grants and fixed guideway modernization
20 programs: *Provided*, That the Secretary gives concurrent
21 notification to the House and Senate Committees on Ap-
22 propriations for any “quick release” of funds from the
23 emergency relief program: *Provided further*, That no noti-
24 fication shall involve funds that are not available for obli-
25 gation.

1 SEC. 189. Rebates, refunds, incentive payments,
2 minor fees and other funds received by the Department
3 of Transportation from travel management centers,
4 charge card programs, the subleasing of building space,
5 and miscellaneous sources are to be credited to appropria-
6 tions of the Department of Transportation and allocated
7 to elements of the Department of Transportation using
8 fair and equitable criteria and such funds shall be avail-
9 able until expended.

10 SEC. 190. Amounts made available in this or any
11 other Act that the Secretary determines represent im-
12 proper payments by the Department of Transportation to
13 a third party contractor under a financial assistance
14 award, which are recovered pursuant to law, shall be avail-
15 able—

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

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

24 (A) shall be credited to and merged with
25 the appropriation from which the improper pay-

1 ments were made, and shall be available for the
2 purposes and period for which such appropria-
3 tions are available; or

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

15 SEC. 191. Notwithstanding any other provision of
16 law, if any funds provided in or limited by this Act are
17 subject to a reprogramming action that requires notice to
18 be provided to the House and Senate Committees on Ap-
19 propriations, said reprogramming action shall be approved
20 or denied solely by the Committees on Appropriations:
21 *Provided*, That the Secretary may provide notice to other
22 congressional committees of the action of the Committees
23 on Appropriations on such reprogramming but not sooner
24 than 30 days following the date on which the reprogram-

1 ming action has been approved or denied by the House
2 and Senate Committees on Appropriations.

3 SEC. 192. (a) None of the funds appropriated or oth-
4 erwise made available under this Act to the Surface Trans-
5 portation Board of the Department of Transportation may
6 be used to take any action to allow any activity described
7 in subsection (b) in a case, matter, or declaratory order
8 involving a railroad, or an entity claiming or seeking au-
9 thority to operate as a railroad, unless the Board receives
10 written assurance from the Governor, or the Governor's
11 designee, of the State in which such activity will occur that
12 such railroad or entity has agreed to comply with State
13 and local regulations that establish public health, safety,
14 and environmental standards for the activities described
15 in subsection (b), other than zoning laws or regulations.

16 (b) Activities referred to in subsection (a) are activi-
17 ties that occur at a solid waste rail transfer facility involv-
18 ing—

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

23 (2) the separation or processing of solid waste
24 (including baling, crushing, compacting, and shred-
25 ding).

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

8 SEC. 194. Of the funds made available or limited by
9 this Act, which are not otherwise allocated under this Act
10 or under SAFETEA-LU (Public Law 109–59) or nec-
11 essary to fulfill existing agreements between the Depart-
12 ment of Transportation and metropolitan areas under the
13 “Urban Partnerships” and “Congestion-Reduction Dem-
14 onstration” programs, not more than 10 percent of such
15 funds for any program that is allocated at the discretion
16 of the Secretary may be expended in furtherance of the
17 Department of Transportation’s “National Strategy to
18 Reduce Congestion on America’s Transportation Net-
19 work” issued May 2006 by Secretary of Transportation,
20 the Honorable Norman Mineta; also known as the “Con-
21 gestion Initiative” or any other new congestion initiative.

22 SEC. 195. Of the funds available for Ferry Boats and
23 Ferry Terminal Facilities, \$1,000,000 shall be for Mis-
24 souri River, Route 240, Saline and Howard Counties for

1 alternative transportation (including ferryboat service)
2 during bridge replacement.

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

10 SEC. 197. Notwithstanding any other provision of
11 law, funds made available in fiscal years 2006 through
12 2009 for item number 598 in section 3044(a) of Public
13 Law 109–59 that are unobligated or unexpended in a
14 grant shall be made available to OATS, Incorporated for
15 buses and bus-related facilities.

16 SEC. 198. Notwithstanding any other provision of
17 law, funds made available in fiscal years 2006 through
18 2009 for item number 1152 in section 1702 of Public Law
19 109–59 that are unobligated or unexpended shall be made
20 available for maintenance, repair and reconstruction of the
21 Tucker Bridge in the City of St. Louis, Missouri.

22 SEC. 199. The Department of Transportation, includ-
23 ing the Federal Highway Administration and National
24 Highway Traffic Safety Administration, shall conduct a
25 study of the fuel consumption savings and safety ramifica-

1 tions generated by the expanded use of Neighborhood
2 Electric Vehicles, as defined by Federal Motor Vehicle
3 Safety Standard No. 500 (49 CFR 571.500), on roadways
4 with a maximum speed limit of 40 miles per hour.

5 TITLE II

6 DEPARTMENT OF HOUSING AND URBAN

7 DEVELOPMENT

8 EXECUTIVE DIRECTION

9 For necessary salaries and expenses for Executive Di-
10 rection, \$24,791,000, of which not to exceed \$4,047,480
11 shall be available for the immediate Office of the Secretary
12 and Deputy Secretary; not to exceed \$1,681,140 shall be
13 available for the Office of Hearings and Appeals; not to
14 exceed \$567,240 shall be available for the Office of Small
15 and Disadvantaged Business Utilization, not to exceed
16 \$750,360 shall be available for the immediate Office of
17 the Chief Financial Officer; not to exceed \$1,580,000 shall
18 be available for the immediate Office of the General Coun-
19 sel; not to exceed \$2,828,630 shall be available to the Of-
20 fice of the Assistant Secretary for Congressional and
21 Intergovernmental Relations; not to exceed \$2,694,500
22 shall be for the Office of the Assistant Secretary for Public
23 Affairs; not to exceed \$1,047,000 shall be available for
24 the Office of the Assistant Secretary for Administration;
25 not to exceed \$1,669,430 shall be available to the Office

1 of the Assistant Secretary for Public and Indian Housing;
2 not to exceed \$1,778,650 shall be available to the Office
3 of the Assistant Secretary for Community Planning and
4 Development; not to exceed \$3,936,000 shall be available
5 to the Office of the Assistant Secretary for Housing, Fed-
6 eral Housing Commissioner; not to exceed \$1,490,850
7 shall be available to the Office of the Assistant Secretary
8 for Policy Development and Research; and not to exceed
9 \$719,820 shall be available to the Office of the Assistant
10 Secretary for Fair Housing and Equal Opportunity: *Pro-*
11 *vided*, That the Secretary of the Department of Housing
12 and Urban Development is authorized to transfer funds
13 appropriated for any office funded under this heading to
14 any other office funded under this heading following the
15 written notification to the House and Senate Committees
16 on Appropriations: *Provided further*, That no appropria-
17 tion for any office shall be increased or decreased by more
18 than 5 percent by all such transfers: *Provided further*,
19 That notice of any change in funding greater than 5 per-
20 cent shall be submitted for prior approval to the House
21 and Senate Committees on Appropriations: *Provided fur-*
22 *ther*, That the Secretary shall provide the Committees on
23 Appropriations quarterly written notification regarding
24 the status of pending congressional reports: *Provided fur-*
25 *ther*, That not to exceed \$25,000 of the amount made

1 available under this paragraph for the immediate Office
2 of the Secretary shall be available for official reception and
3 representation expenses as the Secretary may determine.

4 ADMINISTRATION, OPERATIONS AND MANAGEMENT

5 For necessary salaries and expenses for administra-
6 tion, operations and management for the Department of
7 Housing and Urban Development, \$527,433,640, of which
8 not to exceed \$75,510,000 shall be available for the per-
9 sonnel compensation and benefits of the Office of Adminis-
10 tration; not to exceed \$11,003,940 shall be available for
11 the personnel compensation and benefits of the Office of
12 Departmental Operations and Coordination; not to exceed
13 \$48,817,430 shall be available for the personnel com-
14 pensation and benefits of the Office of Field Policy and
15 Management; not to exceed \$13,438,200 shall be available
16 for the personnel compensation and benefits of the Office
17 of the Chief Procurement Officer; not to exceed
18 \$34,028,820 shall be available for the personnel com-
19 pensation and benefits of the Office of the Chief Financial
20 Officer; not to exceed \$84,837,460 shall be available for
21 the personnel compensation and benefits of the Office of
22 the General Counsel; not to exceed \$3,085,120 shall be
23 available for the personnel compensation and benefits of
24 the Office of Departmental Equal Employment Oppor-
25 tunity; not to exceed \$1,215,280 shall be available for the

1 personnel compensation and benefits for the Center for
2 Faith-Based and Community Initiatives; and not to exceed
3 \$255,497,390 shall be available for non-personnel ex-
4 penses of the Department of Housing and Urban Develop-
5 ment: *Provided*, That, funds provided under this heading
6 may be used for necessary administrative and non-admin-
7 istrative expenses of the Department of Housing and
8 Urban Development, not otherwise provided for, including
9 purchase of uniforms, or allowances therefor, as author-
10 ized by 5 U.S.C. 5901–5902; hire of passenger motor vehi-
11 cles; services as authorized by 5 U.S.C. 3109: *Provided*
12 *further*, That notwithstanding any other provision of law,
13 funds appropriated under this heading may be used for
14 advertising and promotional activities that support the
15 housing mission area: *Provided further*, That the Secretary
16 of Housing and Urban Development is authorized to
17 transfer funds appropriated for any office included in Ad-
18 ministration, Operations and Management to any other of-
19 fice included in Administration, Operations and Manage-
20 ment only after such transfer has been submitted to, and
21 received prior written approval by, the House and Senate
22 Committees on Appropriations: *Provided further*, That no
23 appropriation for any office shall be increased or de-
24 creased by more than 10 percent by all such transfers un-

1 less written notification to the House and Senate Commit-
2 tees on Appropriations is provided in advance.

3 PERSONNEL COMPENSATION AND BENEFITS

4 PUBLIC AND INDIAN HOUSING

5 For necessary personnel compensation and benefits
6 expenses of the Office of Public and Indian Housing,
7 \$190,390,100.

8 COMMUNITY PLANNING AND DEVELOPMENT

9 For necessary personnel compensation and benefits
10 expenses of the Office of Community Planning and Devel-
11 opment mission area, \$94,233,700.

12 HOUSING

13 For necessary personnel compensation and benefits
14 expenses of the Office of Housing, \$363,198,000.

15 OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE

16 ASSOCIATION

17 For necessary personnel compensation and benefits
18 expenses of the Office of the Government National Mort-
19 gage Association, \$10,000,000.

20 POLICY DEVELOPMENT AND RESEARCH

21 For necessary personnel compensation and benefits
22 expenses of the Office of Policy Development and Re-
23 search, \$18,070,850.

1 FAIR HOUSING AND EQUAL OPPORTUNITY

2 For necessary personnel compensation and benefits
3 expenses of the Office of Fair Housing and Equal Oppor-
4 tunity, \$69,020,990.

5 OFFICE OF HEALTHY HOMES AND LEAD HAZARD
6 CONTROL

7 For necessary personnel compensation and benefits
8 expenses of the Office of Healthy Homes and Lead Haz-
9 ard Control, \$6,727,950.

10 PUBLIC AND INDIAN HOUSING

11 TENANT-BASED RENTAL ASSISTANCE
12 (INCLUDING TRANSFER OF FUNDS)

13 For activities and assistance for the provision of ten-
14 ant-based rental assistance authorized under the United
15 States Housing Act of 1937, as amended (42 U.S.C. 1437
16 et seq.) (“the Act” herein), not otherwise provided for,
17 \$16,703,000,000, to remain available until expended, of
18 which \$12,503,000,000 shall be available on October 1,
19 2008, and \$4,200,000,000 shall be available on October
20 1, 2009: *Provided*, That the amounts made available under
21 this heading are provided as follows:

22 (1) \$14,827,000,000 shall be available for re-
23 newals of expiring section 8 tenant-based annual
24 contributions contracts (including renewals of en-
25 hanced vouchers under any provision of law author-
26 izing such assistance under section 8(t) of the Act):

1 *Provided*, That notwithstanding any other provision
2 of law, from amounts provided under this paragraph
3 and any carryover, the Secretary for the calendar
4 year 2009 funding cycle shall provide renewal fund-
5 ing for each public housing agency based on voucher
6 management system (VMS) leasing and cost data
7 for the most recent Federal fiscal year and by apply-
8 ing the 2009 Annual Adjustment Factor as estab-
9 lished by the Secretary, and by making any nec-
10 essary adjustments for the costs associated with de-
11 posits to family self-sufficiency program escrow ac-
12 counts or first-time renewals: *Provided further*, That
13 none of the funds provided under this paragraph
14 may be used to support a total number of unit
15 months under lease which exceeds a public housing
16 agency's authorized level of units under contract:
17 *Provided further*, That the Secretary shall, to the ex-
18 tent necessary to stay within the amount specified
19 under this paragraph (except as otherwise modified
20 under this Act), pro rate each public housing agen-
21 cy's allocation otherwise established pursuant to this
22 paragraph: *Provided further*, That except as provided
23 in the last two provisos, the entire amount specified
24 under this paragraph (except as otherwise modified
25 under this Act) shall be obligated to the public hous-

1 ing agencies based on the allocation and pro rata
2 method described above and the Secretary shall no-
3 tify public housing agencies of their annual budget
4 not later than 60 days after enactment of this Act:
5 *Provided further*, That public housing agencies par-
6 ticipating in the Moving to Work demonstration
7 shall be funded pursuant to their Moving to Work
8 agreements and shall be subject to the same pro
9 rata adjustments under the previous provisos: *Pro-*
10 *vided further*, That up to \$100,000,000 shall be
11 available only: (1) to adjust the allocations for public
12 housing agencies, after application for an adjust-
13 ment by a public housing agency that experienced a
14 significant increase, as determined by the Secretary,
15 in renewal costs of tenant-based rental assistance re-
16 sulting from unforeseen circumstances or from port-
17 ability under section 8(r) of the Act; (2) for adjust-
18 ments for public housing agencies with voucher leas-
19 ing rates at the end of the calendar year that exceed
20 the average leasing for the 12-month period used to
21 establish the allocation; and (3) for vouchers that
22 were not in use during the 12-month period in order
23 to be available to meet a commitment pursuant to
24 section 8(o)(13) of the Act.

1 (2) \$200,000,000 for section 8 rental assistance
2 for relocation and replacement of housing units that
3 are demolished or disposed of pursuant to the Omni-
4 bus Consolidated Rescissions and Appropriations Act
5 of 1996 (Public Law 104–134), conversion of section
6 23 projects to assistance under section 8, the family
7 unification program under section 8(x) of the Act,
8 relocation of witnesses in connection with efforts to
9 combat crime in public and assisted housing pursu-
10 ant to a request from a law enforcement or prosecu-
11 tion agency, enhanced vouchers under any provision
12 of law authorizing such assistance under section 8(t)
13 of the Act, HOPE VI vouchers, mandatory and vol-
14 untary conversions, and tenant protection assistance
15 including replacement and relocation assistance or
16 for project based assistance to prevent the displace-
17 ment of unassisted elderly tenants currently residing
18 in section 202 properties financed between 1959 and
19 1974 that are refinanced pursuant to Public Law
20 106–569, as amended or under the authority as pro-
21 vided under this Act: *Provided*, That the Secretary
22 shall provide replacement vouchers for all units that
23 were occupied within the previous 24 months that
24 cease to be available as assisted housing, subject
25 only to the availability of funds.

1 (3) up to \$7,929,000 may be transferred to the
2 Working Capital Fund for systems development for
3 the Tenant-Based Rental Assistance Program fund-
4 ed under this heading: *Provided*, That funding pro-
5 vided under this section shall not be made available
6 until the voucher management system leasing and
7 cost data is made available to the public on the De-
8 partment of Housing and Urban Development
9 website.

10 (4) \$1,500,000,000 for administrative and
11 other expenses of public housing agencies in admin-
12 istering the section 8 tenant-based rental assistance
13 program and which up to \$50,000,000 shall be
14 available to the Secretary to allocate to public hous-
15 ing agencies that need additional funds to admin-
16 ister their section 8 programs, including fees associ-
17 ated with section 8 tenant protection rental assist-
18 ance, the administration of the disaster related
19 vouchers, Veterans Affairs Supportive Housing
20 vouchers, and other incremental vouchers: *Provided*,
21 That no less than \$1,400,000,000 of the amount
22 provided in this paragraph shall be allocated to pub-
23 lic housing agencies for the calendar year 2009
24 funding cycle based on section 8(q) of the Act (and
25 related Appropriation Act provisions) as in effect im-

1 mediately before the enactment of the Quality Hous-
2 ing and Work Responsibility Act of 1998 (Public
3 Law 105–276): *Provided further*, That if the
4 amounts made available under this paragraph are
5 insufficient to pay the amounts determined under
6 the previous proviso, the Secretary may decrease the
7 amounts allocated to agencies by a uniform percent-
8 age applicable to all agencies receiving funding
9 under this paragraph or may, to the extent nec-
10 essary to provide full payment of amounts deter-
11 mined under the previous proviso, utilize unobligated
12 balances, including recaptures and carryovers, re-
13 maining from funds appropriated to the Department
14 of Housing and Urban Development under this
15 heading, the heading “Annual Contributions for As-
16 sisted Housing”, and the heading “Housing Certifi-
17 cate Fund”, for fiscal year 2008 and prior fiscal
18 years, notwithstanding the purposes for which such
19 amounts were appropriated: *Provided further*, That
20 amounts provided under this paragraph shall be only
21 for activities related to the provision of tenant-based
22 rental assistance authorized under section 8, includ-
23 ing related development activities: *Provided further*,
24 That of the total amount provided under this para-
25 graph, \$50,000,000 shall be made available for fam-

1 ily self-sufficiency coordinators under section 23 of
2 the Act.

3 (5) \$20,000,000 for incremental voucher assist-
4 ance through the Family Unification Program: *Pro-*
5 *vided*, That the assistance made available under this
6 paragraph shall continue to remain available for
7 family unification upon turnover: *Provided further*,
8 That the Secretary of Housing and Urban Develop-
9 ment shall make such funding available, notwith-
10 standing section 204 (competition provision) of this
11 title, to entities with demonstrated experience and
12 resources for supportive services.

13 (6) \$75,000,000 for incremental rental voucher
14 assistance for use through a supported housing pro-
15 gram administered in conjunction with the Depart-
16 ment of Veterans Affairs as authorized under section
17 8(o)(19) of the United States Housing Act of 1937:
18 *Provided*, That the Secretary of Housing and Urban
19 Development shall make such funding available, not-
20 withstanding section 204 (competition provision) of
21 this title, to public housing agencies that partner
22 with eligible VA Medical Centers or other entities as
23 designated by the Secretary of the Department of
24 Veterans Affairs, based on geographical need for
25 such assistance as identified by the Secretary of the

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

22 (7) \$39,000,000 for Housing Assistance Pay-
23 ments to prevent the involuntary displacement of
24 low-income elderly and disabled families (for dis-
25 abled families, this applies to any disabled member

of the family) displaced by Hurricanes Katrina and Rita after the Disaster Housing Assistance Program (DHAP) ends.

PROJECT-BASED RENTAL ASSISTANCE
(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the Act”), not otherwise provided for, \$6,700,000,000, to remain available until expended, shall be available on October 1, 2008, and \$1,750,200,000, to remain available until expended, shall be available on October 1, 2009: *Provided*, That the amounts made available under this heading are provided as follows:

(1) \$8,208,200,000 shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preserva-

tion and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) Up to \$232,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: *Provided*, That the Secretary of Housing and Urban Development may also use such amounts for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under

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

3 (3) Up to \$10,000,000 may be transferred to
4 the Working Capital Fund and shall be used for the
5 development and maintenance of support systems
6 needed to adequately administer and monitor the
7 project-based section 8 program.

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

15 PUBLIC HOUSING CAPITAL FUND

16 (INCLUDING TRANSFER OF FUNDS)

17 For the Public Housing Capital Fund Program to
18 carry out capital and management activities for public
19 housing agencies, as authorized under section 9 of the
20 United States Housing Act of 1937 (42 U.S.C. 1437g)
21 (the “Act”) \$2,444,000,000, to remain available until
22 September 30, 2012: *Provided*, That notwithstanding any
23 other provision of law or regulation, during fiscal year
24 2009 the Secretary of Housing and Urban Development
25 may not delegate to any Department official other than
26 the Deputy Secretary and the Assistant Secretary for

1 Public and Indian Housing any authority under paragraph
 2 (2) of section 9(j) regarding the extension of the time peri-
 3 ods under such section: *Provided further*, That for pur-
 4 poses of such section 9(j), the term “obligate” means, with
 5 respect to amounts, that the amounts are subject to a
 6 binding agreement that will result in outlays, immediately
 7 or in the future: *Provided further*, That of the total
 8 amount provided under this heading, up to \$12,000,000
 9 shall be for carrying out activities under section 9(h) of
 10 such Act; up to \$14,577,000 may be transferred to the
 11 Working Capital Fund; and up to \$15,345,000 shall be
 12 to support the ongoing Public Housing Financial and
 13 Physical Assessment activities of the Real Estate Assess-
 14 ment Center (REAC): *Provided further*, That no funds
 15 may be used under this heading for the purposes specified
 16 in section 9(k) of the Act: *Provided further*, That of the
 17 total amount provided under this heading, not to exceed
 18 \$20,000,000 shall be available for the Secretary to make
 19 grants, notwithstanding section 204 of this Act, to public
 20 housing agencies for emergency capital needs including
 21 safety and security measures necessary to address crime
 22 and drug-related criminal activity as well as needs result-
 23 ing from unforeseen or unpreventable emergencies and
 24 natural disasters occurring in fiscal year 2009: *Provided*
 25 *further*, That of the total amount provided under this

1 heading, \$40,000,000 shall be for supportive services,
 2 service coordinators and congregate services as authorized
 3 by section 34 of the Act (42 U.S.C. 1437z-6) and the
 4 Native American Housing Assistance and Self-Determina-
 5 tion Act of 1996 (25 U.S.C. 4101 et seq.): *Provided fur-*
 6 *ther*, That of the total amount provided under this heading
 7 up to \$8,820,000 is to support the costs of administrative
 8 and judicial receiverships.

9 PUBLIC HOUSING OPERATING FUND

10 For 2009 payments to public housing agencies for the
 11 operation and management of public housing, as author-
 12 ized by section 9(e) of the United States Housing Act of
 13 1937 (42 U.S.C. 1437g(e)), \$4,400,000,000; of which
 14 \$5,940,000 shall be for competitive grants and contracts
 15 to third parties for the provision of technical assistance
 16 to public housing agencies related to the transition and
 17 implementation of asset-based management in public
 18 housing: *Provided*, That, in fiscal year 2009 and all fiscal
 19 years hereafter, no amounts under this heading in any ap-
 20 propriations Act may be used for payments to public hous-
 21 ing agencies for the costs of operation and management
 22 of public housing for any year prior to the current year
 23 of such Act: *Provided further*, That no funds may be used
 24 under this heading for the purposes specified in section
 25 9(k) of the United States Housing Act of 1937.

19 NATIVE AMERICAN HOUSING BLOCK GRANTS

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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, \$4,000,000
9 shall be contracted for assistance for a national organiza-
10 tion representing Native American Housing interests for
11 providing training and technical assistance to Indian
12 Housing authorities and tribally designated housing enti-
13 ties as authorized under NAHASDA; and \$4,250,000
14 shall be to support the inspection of Indian housing units,
15 contract expertise, training, and technical assistance in
16 the training, oversight, and management of such Indian
17 housing and tenant-based assistance, including up to
18 \$300,000 for related travel: *Provided further*, That of the
19 amount provided under this heading, \$2,000,000 shall be
20 made available for the cost of guaranteed notes and other
21 obligations, as authorized by title VI of NAHASDA: *Pro-*
22 *vided further*, That such costs, including the costs of modi-
23 fying such notes and other obligations, shall be as defined
24 in section 502 of the Congressional Budget Act of 1974,
25 as amended: *Provided further*, That these funds are avail-

1 able to subsidize the total principal amount of any notes
 2 and other obligations, any part of which is to be guaran-
 3 teed, not to exceed \$17,000,000.

4 NATIVE HAWAIIAN HOUSING BLOCK GRANT

5 For the Native Hawaiian Housing Block Grant pro-
 6 gram, as authorized under title VIII of the Native Amer-
 7 ican Housing Assistance and Self-Determination Act of
 8 1996 (25 U.S.C. 4111 et seq.), \$10,000,000, to remain
 9 available until expended: *Provided*, That of this amount,
 10 \$299,211 shall be for training and technical assistance ac-
 11 tivities, including up to \$100,000 for related travel by Ha-
 12 waii-based HUD employees.

13 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM
 14 ACCOUNT

15 For the cost of guaranteed loans, as authorized by
 16 section 184 of the Housing and Community Development
 17 Act of 1992 (12 U.S.C. 1715z–13a), \$9,000,000, to re-
 18 main available until expended: *Provided*, That such costs,
 19 including the costs of modifying such loans, shall be as
 20 defined in section 502 of the Congressional Budget Act
 21 of 1974: *Provided further*, That these funds are available
 22 to subsidize total loan principal, any part of which is to
 23 be guaranteed, up to \$420,000,000: *Provided further*,
 24 That up to \$750,000 shall be for administrative contract
 25 expenses including management processes and systems to
 26 carry out the loan guarantee program.

1 NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND
2 PROGRAM ACCOUNT

3 For the cost of guaranteed loans, as authorized by
4 section 184A of the Housing and Community Develop-
5 ment Act of 1992 (12 U.S.C. 1715z–13b), \$1,044,000, to
6 remain available until expended: *Provided*, That such
7 costs, including the costs of modifying such loans, shall
8 be as defined in section 502 of the Congressional Budget
9 Act of 1974: *Provided further*, That these funds are avail-
10 able to subsidize total loan principal, any part of which
11 is to be guaranteed, not to exceed \$41,504,255.

12 COMMUNITY PLANNING AND DEVELOPMENT
13 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS
14 (INCLUDING TRANSFER OF FUNDS)

15 For carrying out the Housing Opportunities for Per-
16 sons with AIDS program, as authorized by the AIDS
17 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
18 \$315,100,000, to remain available until September 30,
19 2010, except that amounts allocated pursuant to section
20 854(c)(3) of such Act shall remain available until Sep-
21 tember 30, 2011: *Provided*, That the Secretary shall renew
22 all expiring contracts for permanent supportive housing
23 that were funded under section 854(c)(3) of such Act that
24 meet all program requirements before awarding funds for
25 new contracts and activities authorized under this section:
26 *Provided further*, That the Secretary may use not to ex-

1 ceed \$1,485,000 of the funds under this heading for train-
2 ing, oversight, and technical assistance activities: *Provided*
3 *further*, That of the total amount made available under
4 this heading, not to exceed \$1,750,000 may be transferred
5 to the Working Capital Fund.

6 RURAL HOUSING AND ECONOMIC DEVELOPMENT

7 For the Office of Rural Housing and Economic De-
8 velopment in the Department of Housing and Urban De-
9 velopment, \$30,000,000, to remain available until ex-
10 pended, which amount shall be competitively awarded by
11 September 1, 2008, to Indian tribes, State housing finance
12 agencies, State community and/or economic development
13 agencies, local rural nonprofits and community develop-
14 ment corporations to support innovative housing and eco-
15 nomic development activities in rural areas: *Provided*,
16 That of the total amount made available under this head-
17 ing, not less than \$12,000,000 shall be made available to
18 promote economic development and entrepreneurship for
19 federally recognized Indian Tribes, through activities in-
20 cluding the capitalization of revolving loan programs and
21 business planning and development, funding is also made
22 available for technical assistance to increase capacity
23 through training and outreach activities.

1 COMMUNITY DEVELOPMENT FUND

2 (INCLUDING TRANSFER OF FUNDS)

3 For assistance to units of State and local govern-
4 ment, and to other entities, for economic and community
5 development activities, and for other purposes,
6 \$3,889,465,000, to remain available until September 30,
7 2011, unless otherwise specified: *Provided*, That of the
8 total amount provided, \$3,593,430,000 is for carrying out
9 the community development block grant program under
10 title I of the Housing and Community Development Act
11 of 1974, as amended (the “Act” herein) (42 U.S.C. 5301
12 et seq.): *Provided further*, That unless explicitly provided
13 for under this heading (except for planning grants pro-
14 vided in the second paragraph and amounts made avail-
15 able under the third paragraph), not to exceed 20 percent
16 of any grant made with funds appropriated under this
17 heading shall be expended for planning and management
18 development and administration: *Provided further*, That of
19 the total amount made available under this heading, up
20 to \$3,175,000 may be transferred to the Working Capital
21 Fund: *Provided further*, That \$5,000,000 is for technical
22 assistance as authorized by section 107(b)(4) of such Act:
23 *Provided further*, That \$65,000,000 shall be for grants to
24 Indian tribes notwithstanding section 106(a)(1) of such
25 Act, of which, notwithstanding any other provision of law
26 (including section 305 of this Act), up to \$3,960,000 may

1 be used for emergencies that constitute imminent threats
2 to health and safety.

3 Of the amount made available under this heading,
4 \$200,574,000 shall be available for grants for the Eco-
5 nomic Development Initiative (EDI) to finance a variety
6 of targeted economic investments in accordance with the
7 terms and conditions specified in the explanatory state-
8 ment accompanying this Act: *Provided*, That none of the
9 funds provided under this paragraph may be used for pro-
10 gram operations: *Provided further*, That, for fiscal years
11 2006, 2007, 2008 and 2009, no unobligated funds for
12 EDI grants may be used for any purpose except acquisi-
13 tion, planning, design, purchase of equipment, revitaliza-
14 tion, redevelopment or construction.

15 Of the amount made available under this heading,
16 \$22,286,000 shall be available for neighborhood initiatives
17 that are utilized to improve the conditions of distressed
18 and blighted areas and neighborhoods, to stimulate invest-
19 ment, economic diversification, and community revitaliza-
20 tion in areas with population outmigration or a stagnating
21 or declining economic base, or to determine whether hous-
22 ing benefits can be integrated more effectively with welfare
23 reform initiatives: *Provided*, That amounts made available
24 under this paragraph shall be provided in accordance with

1 the terms and conditions specified in the explanatory
 2 statement accompanying this Act.

3 The referenced statement of managers under this
 4 heading in title III of division A of Public Law 109–115
 5 is deemed to be amended with respect to item number 889
 6 by striking “Perry County, Pennsylvania to develop an in-
 7 dustrial park in New Bloomfield” and inserting “Perry
 8 County, Pennsylvania to develop an industrial park in
 9 Penn Township/Duncannon”.

10 The referenced statement of managers under the
 11 heading “Community Planning and Development” in title
 12 II of division K of Public Law 110–161 is deemed to be
 13 amended by striking: “Golden Castings Foundry Demoli-
 14 tion and Site Remediation Project to raze and remediate
 15 the site of the former Golden Castings Foundry for the
 16 demolition and environmental remediation costs of the
 17 Golden Castings foundry site” and inserting “To reme-
 18 diate the former site of the Columbus Wood Treating
 19 Plant in Columbus, Indiana”.

20 COMMUNITY DEVELOPMENT LOAN GUARANTEES

21 PROGRAM ACCOUNT

22 For the cost of guaranteed loans, \$6,000,000, to re-
 23 main available until September 30, 2010, as authorized
 24 by section 108 of the Housing and Community Develop-
 25 ment Act of 1974 (42 U.S.C. 5308): *Provided*, That such
 26 costs, including the cost of modifying such loans, shall be

1 as defined in section 502 of the Congressional Budget Act
 2 of 1974: *Provided further*, That these funds are available
 3 to subsidize total loan principal, any part of which is to
 4 be guaranteed, not to exceed \$275,000,000, notwith-
 5 standing any aggregate limitation on outstanding obliga-
 6 tions guaranteed in section 108(k) of the Housing and
 7 Community Development Act of 1974, as amended.

8 HOME INVESTMENT PARTNERSHIPS PROGRAM
 9 (INCLUDING TRANSFER OF FUNDS)

10 For the HOME investment partnerships program, as
 11 authorized under title II of the Cranston-Gonzalez Na-
 12 tional Affordable Housing Act, as amended,
 13 \$1,966,640,000, to remain available until September 30,
 14 2011, of which \$4,200,000 may be transferred to the
 15 Working Capital Fund: *Provided*, That up to \$15,000,000
 16 shall be available for technical assistance: *Provided fur-*
 17 *ther*, That, in prior appropriations Acts for Community
 18 Housing Development Organizations technical assistance,
 19 and that still remain available, may be used for HOME
 20 technical assistance notwithstanding the purposes for
 21 which such amounts were appropriated: *Provided further*,
 22 That, from amounts appropriated or otherwise made avail-
 23 able under this heading, \$10,000,000 may be made avail-
 24 able to promote broader participation in homeownership,
 25 through the American Dream Downpayment Initiative, as
 26 such initiative is set forth under section 271 of the Cran-

1 ston-Gonzalez National Affordable Housing Act (42
2 U.S.C. 12821).

3 SELF-HELP AND ASSISTED HOMEOWNERSHIP

4 OPPORTUNITY PROGRAM

5 For the Self-Help and Assisted Homeownership Op-
6 portunity Program, as authorized under section 11 of the
7 Housing Opportunity Program Extension Act of 1996, as
8 amended, \$66,000,000, to remain available until Sep-
9 tember 30, 2011: *Provided*, That of the total amount pro-
10 vided under this heading, \$27,000,000 shall be made
11 available to the Self-Help and Assisted Homeownership
12 Opportunity Program as authorized under section 11 of
13 the Housing Opportunity Program Extension Act of 1996,
14 as amended: *Provided further*, That \$35,000,000 shall be
15 made available for the second, third and fourth capacity
16 building activities authorized under section 4(a) of the
17 HUD Demonstration Act of 1993 (42 U.S.C. 9816 note):
18 *Provided further*, That \$4,000,000 shall be made available
19 to carry out capacity building activities as authorized
20 under section 6301 through 6305 in Public Law 110–246.

21 HOMELESS ASSISTANCE GRANTS

22 (INCLUDING TRANSFER OF FUNDS)

23 For the emergency shelter grants program as author-
24 ized under subtitle B of title IV of the McKinney-Vento
25 Homeless Assistance Act, as amended; the supportive
26 housing program as authorized under subtitle C of title

1 IV of such Act; the section 8 moderate rehabilitation sin-
2 gle room occupancy program as authorized under the
3 United States Housing Act of 1937, as amended, to assist
4 homeless individuals pursuant to section 441 of the
5 McKinney-Vento Homeless Assistance Act; and the shelter
6 plus care program as authorized under subtitle F of title
7 IV of such Act, \$1,667,000,000, of which \$1,662,000,000
8 shall remain available until September 30, 2011, and of
9 which \$5,000,000 shall remain available until expended
10 for rehabilitation projects with 10-year grant terms: *Pro-*
11 *vided*, That of the amount provided, \$10,000,000 shall be
12 made available to conduct a demonstration program on the
13 prevention of homelessness among the Nation's veterans:
14 *Provided further*, That the Secretary shall work in coordi-
15 nation with the Department of Veterans Affairs and the
16 Department of Labor to select a limited number of urban
17 and rural sites in which to carry out this demonstration:
18 *Provided further*, That in selecting sites, the Secretary
19 shall evaluate the rate of homelessness among veterans in
20 the area, and the experience of the grantees in coordi-
21 nating with Department of Veterans Affairs and the De-
22 partment of Labor to enable veterans to access main-
23 stream programs: *Provided further*, That of the sites se-
24 lected, up to three shall have a high number of service
25 members separating from the military and transitioning

1 into civilian life: *Provided further*, That the Secretary shall
2 also select up to four sites located in rural areas to evalu-
3 ate how to effectively serve veterans in rural areas, many
4 of whom may have been part of the National Guard, may
5 have limited access to the Department of Veterans Affairs
6 medical centers, and may have dependent family members:
7 *Provided further*, That funding made available under this
8 demonstration shall be available for housing and appro-
9 priate services to prevent veterans and their families from
10 becoming homeless or reduce the length of time veterans
11 and their families are homeless: *Provided further*, That of
12 the amounts made available under this heading, not to ex-
13 ceed \$750,000 may be available for an evaluation of this
14 demonstration: *Provided further*, That not less than 30
15 percent of funds made available, excluding amounts pro-
16 vided for renewals under the shelter plus care program,
17 shall be used for permanent housing for individuals and
18 families: *Provided further*, That all funds awarded for
19 services shall be matched by not less than 25 percent in
20 funding by each grantee: *Provided further*, That the Sec-
21 retary shall renew on an annual basis expiring contracts
22 or amendments to contracts funded under the shelter plus
23 care program if the program is determined to be needed
24 under the applicable continuum of care and meets appro-
25 priate program requirements and financial standards, as

1 determined by the Secretary: *Provided further*, That all
2 awards of assistance under this heading shall be required
3 to coordinate and integrate homeless programs with other
4 mainstream health, social services, and employment pro-
5 grams for which homeless populations may be eligible, in-
6 cluding Medicaid, State Children's Health Insurance Pro-
7 gram, Temporary Assistance for Needy Families, Food
8 Stamps, and services funding through the Mental Health
9 and Substance Abuse Block Grant, Workforce Investment
10 Act, and the Welfare-to-Work grant program: *Provided*
11 *further*, That up to \$8,000,000 of the funds appropriated
12 under this heading shall be available for the national
13 homeless data analysis project and technical assistance:
14 *Provided further*, That of the total amount made available
15 under this heading, not to exceed \$2,675,000 may be
16 transferred to the Working Capital Fund: *Provided fur-*
17 *ther*, That \$3,000,000 of the funds appropriated under
18 this heading shall be used to conduct research on homeless
19 issues, including homeless prevention and youth homeless-
20 ness: *Provided further*, That all balances for Shelter Plus
21 Care renewals previously funded from the Shelter Plus
22 Care Renewal account and transferred to this account
23 shall be available, if recaptured, for Shelter Plus Care re-
24 newals in fiscal year 2009. This heading in the Depart-
25 ment of Housing and Urban Development Appropriations

1 Act, 2008 is amended by inserting the following new pro-
 2 viso after the third proviso: “*Provided further*, That the
 3 Secretary may renew grants made under this demonstra-
 4 tion program and may treat such original grants and any
 5 such renewal grants as if these grants were made under
 6 the supportive housing program:”.

7 HOUSING PROGRAMS

8 HOUSING FOR THE ELDERLY

9 (INCLUDING TRANSFER OF FUNDS)

10 For capital advances, including amendments to cap-
 11 ital advance contracts, for housing for the elderly, as au-
 12 thorized by section 202 of the Housing Act of 1959, as
 13 amended, and for project rental assistance for the elderly
 14 under section 202(c)(2) of such Act, including amend-
 15 ments to contracts for such assistance and renewal of ex-
 16 piring contracts for such assistance for up to a 1-year
 17 term, and for supportive services associated with the hous-
 18 ing, \$765,000,000, to remain available until September
 19 30, 2013, of which up to \$661,400,000 shall be for capital
 20 advance and project-based rental assistance awards, in-
 21 cluding up to \$15,000,000 for a demonstration program
 22 that leverages project awards with other sources of devel-
 23 opment financing, such as tax credits, to expand housing
 24 assistance provided that such project applications shall be
 25 reviewed and processed by State housing tax credit agen-
 26 cies once the Secretary has made project awards from

1 among project applications: *Provided*, That, of the amount
2 provided under this heading, up to \$80,000,000 shall be
3 for service coordinators and the continuation of existing
4 congregate service grants for residents of assisted housing
5 projects, and of which up to \$25,000,000 shall be for
6 grants under section 202b of the Housing Act of 1959
7 (12 U.S.C. 1701q–2) for conversion of eligible projects
8 under such section to assisted living or related use and
9 for emergency capital repairs as determined by the Sec-
10 retary: *Provided further*, That of the amount made avail-
11 able under this heading, \$20,000,000 shall be available to
12 the Secretary of Housing and Urban Development only for
13 making competitive grants to private nonprofit organiza-
14 tions and consumer cooperatives for covering costs of ar-
15 chitectural and engineering work, site control, and other
16 planning relating to the development of supportive housing
17 for the elderly that is eligible for assistance under section
18 202 of the Housing Act of 1959 (12 U.S.C. 1701q): *Pro-*
19 *vided further*, That amounts under this heading shall be
20 available for Real Estate Assessment Center inspections
21 and inspection-related activities associated with section
22 202 capital advance projects: *Provided further*, That up
23 to \$2,000,000 of the total amount made available under
24 this heading shall be for technical assistance to improve
25 grant applications and to facilitate the development of

1 housing for the elderly under section 202 of the Housing
 2 Act of 1959, and supportive housing for persons with dis-
 3 abilities under section 811 of the Cranston-Gonzales Na-
 4 tional Affordable Housing Act: *Provided further*, That of
 5 the total amount made available under this heading,
 6 \$1,600,000 may be transferred to the Working Capital
 7 Fund: *Provided further*, That the Secretary may waive the
 8 provisions of section 202 governing the terms and condi-
 9 tions of project rental assistance, except that the initial
 10 contract term for such assistance shall not exceed 5 years
 11 in duration.

12 HOUSING FOR PERSONS WITH DISABILITIES

13 (INCLUDING TRANSFER OF FUNDS)

14 For capital advance contracts, including amendments
 15 to capital advance contracts, for supportive housing for
 16 persons with disabilities, as authorized by section 811 of
 17 the Cranston-Gonzalez National Affordable Housing Act
 18 (42 U.S.C. 8013), for project rental assistance for sup-
 19 portive housing for persons with disabilities under section
 20 811(d)(2) of such Act, including amendments to contracts
 21 for such assistance and renewal of expiring contracts for
 22 such assistance for up to a 1-year term, and for supportive
 23 services associated with the housing for persons with dis-
 24 abilities as authorized by section 811(b)(1) of such Act,
 25 and for tenant-based rental assistance contracts entered
 26 into pursuant to section 811 of such Act, \$250,000,000,

1 to remain available until September 30, 2013: *Provided*,
2 That of the total amount made available under this head-
3 ing, \$1,600,000 may be transferred to the Working Cap-
4 ital Fund: *Provided further*, That up to \$10,000,000 shall
5 be for a demonstration program that leverages project
6 awards with other sources of development financing, such
7 as tax credit incentives, to expand housing assistance pro-
8 vided that such project applications shall be reviewed and
9 processed by State housing tax credit agencies once the
10 Secretary has made project awards from among project
11 applications: *Provided further*, That, of the amount pro-
12 vided under this heading, \$87,100,000 shall be for amend-
13 ments or renewal of tenant-based assistance contracts en-
14 tered into prior to fiscal year 2005 (only one amendment
15 authorized for any such contract): *Provided further*, That
16 all tenant-based assistance made available under this
17 heading shall continue to remain available only to persons
18 with disabilities: *Provided further*, That the Secretary may
19 waive the provisions of section 811 governing the terms
20 and conditions of project rental assistance and tenant-
21 based assistance, except that the initial contract term for
22 such assistance shall not exceed 5 years in duration: *Pro-*
23 *vided further*, That amounts made available under this
24 heading shall be available for Real Estate Assessment

1 Center Inspections and inspection-related activities associ-
2 ated with section 811 Capital Advance Projects.

3 HOUSING COUNSELING ASSISTANCE

4 For contracts, grants, and other assistance excluding
5 loans, as authorized under section 106 of the Housing and
6 Urban Development Act of 1968, as amended,
7 \$65,000,000, to remain available until September 30,
8 2010: *Provided*, That funds shall be used for providing
9 counseling and advice to tenants and homeowners, both
10 current and prospective, with respect to property mainte-
11 nance, financial management/literacy, and such other mat-
12 ters as may be appropriate to assist them in improving
13 their housing conditions, meeting their financial needs,
14 and fulfilling the responsibilities of tenancy or homeowner-
15 ship; for program administration; and for housing coun-
16 selor training.

17 OTHER ASSISTED HOUSING PROGRAMS

18 RENTAL HOUSING ASSISTANCE

19 For amendments to contracts under section 101 of
20 the Housing and Urban Development Act of 1965 (12
21 U.S.C. 1701s) and section 236(f)(2) of the National
22 Housing Act (12 U.S.C. 1715z-1) in State-aided, non-in-
23 sured rental housing projects, \$27,600,000, to remain
24 available until expended.

1 RENT SUPPLEMENT
2 (RESCISSION)

3 Of the amounts made available under the heading
4 “Rent Supplement” in Public Law 98–63 for amendments
5 to contracts under section 101 of the Housing and Urban
6 Development Act of 1965 (12 U.S.C. 1701s) and section
7 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–
8 1) in State-aided, non-insured rental housing projects,
9 \$37,600,000 are rescinded.

10 PAYMENT TO MANUFACTURED HOUSING FEES TRUST
11 FUND

12 For necessary expenses as authorized by the National
13 Manufactured Housing Construction and Safety Stand-
14 ards Act of 1974 (42 U.S.C. 5401 et seq.), up to
15 \$16,000,000, to remain available until expended, of which
16 \$10,600,000 is to be derived from the Manufactured
17 Housing Fees Trust Fund: *Provided*, That not to exceed
18 the total amount appropriated under this heading shall be
19 available from the general fund of the Treasury to the ex-
20 tent necessary to incur obligations and make expenditures
21 pending the receipt of collections to the Fund pursuant
22 to section 620 of such Act: *Provided further*, That the
23 amount made available under this heading from the gen-
24 eral fund shall be reduced as such collections are received
25 during fiscal year 2009 so as to result in a final fiscal
26 year 2009 appropriation from the general fund estimated

1 at not more than \$5,400,000 and fees pursuant to such
2 section 620 shall be modified as necessary to ensure such
3 a final fiscal year 2009 appropriation: *Provided further*,
4 That for the dispute resolution and installation programs,
5 the Secretary of Housing and Urban Development may
6 assess and collect fees from any program participant: *Pro-*
7 *vided further*, That such collections shall be deposited into
8 the Fund, and the Secretary, as provided herein, may use
9 such collections, as well as fees collected under section
10 620, for necessary expenses of such Act: *Provided further*,
11 That notwithstanding the requirements of section 620 of
12 such Act, the Secretary may carry out responsibilities of
13 the Secretary under such Act through the use of approved
14 service providers that are paid directly by the recipients
15 of their services.

16 FEDERAL HOUSING ADMINISTRATION
17 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT
18 (INCLUDING TRANSFERS OF FUNDS)

19 During fiscal year 2009, commitments to guarantee
20 loans to carry out the purposes of section 203(b) of the
21 National Housing Act, as amended, shall not exceed a loan
22 principal of \$185,000,000,000.

23 During fiscal year 2009, obligations to make direct
24 loans to carry out the purposes of section 204(g) of the
25 National Housing Act, as amended, shall not exceed
26 \$50,000,000: *Provided*, That the foregoing amount shall

1 be for loans to nonprofit and governmental entities in con-
 2 nection with sales of single family real properties owned
 3 by the Secretary and formerly insured under the Mutual
 4 Mortgage Insurance Fund.

5 For administrative contract expenses, \$140,000,000,
 6 of which not less than \$70,794,000 may be transferred
 7 to the Working Capital Fund solely to modernize, improve
 8 and maintain technology systems and infrastructure for
 9 the Federal Housing Administration, and of which up to
 10 \$10,000,000 shall be for education and outreach of FHA
 11 single family loan products, including printing costs: *Pro-*
 12 *vided*, That to the extent guaranteed loan commitments
 13 exceed \$65,500,000,000 on or before April 1, 2009, an
 14 additional \$1,400 for administrative contract expenses
 15 shall be available for each \$1,000,000 in additional guar-
 16 anteed loan commitments (including a pro rata amount
 17 for any amount below \$1,000,000), but in no case shall
 18 funds made available by this proviso exceed \$30,000,000.

19 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

20 (INCLUDING TRANSFERS OF FUNDS)

21 For the cost of guaranteed loans, as authorized by
 22 sections 238 and 519 of the National Housing Act (12
 23 U.S.C. 1715z-3 and 1735c), including the cost of loan
 24 guarantee modifications, as that term is defined in section
 25 502 of the Congressional Budget Act of 1974, as amend-
 26 ed, \$8,600,000, to remain available until expended: *Pro-*

1 *vided*, That commitments to guarantee loans shall not ex-
2 ceed \$45,000,000,000 in total loan principal, any part of
3 which is to be guaranteed.

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

15 For administrative expenses necessary to carry out
16 the guaranteed and direct loan programs, \$48,871,000, of
17 which at least \$47,871,000 shall be for administrative
18 contracts and up to \$1,000,000 shall be for consumer edu-
19 cation and outreach for FHA loan products: *Provided*,
20 That to the extent guaranteed loan commitments exceed
21 \$8,426,000,000 on or before April 1, 2009, an additional
22 \$1,980 for administrative contract expenses shall be avail-
23 able for each \$1,000,000 in additional guaranteed loan
24 commitments over \$8,426,000,000 (including a pro rata
25 amount for any increment below \$1,000,000), but in no

1 case shall funds made available by this proviso exceed
 2 \$14,000,000.

3 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
 4 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN
 5 GUARANTEE PROGRAM ACCOUNT

6 New commitments to issue guarantees to carry out
 7 the purposes of section 306 of the National Housing Act,
 8 as amended (12 U.S.C. 1721(g)), shall not exceed
 9 \$200,000,000,000, to remain available until September
 10 30, 2010: *Provided*, That to the extent new guarantees
 11 of mortgage-backed securities exceed \$75,000,000,000 on
 12 or before April 1, 2009, an additional \$1,000 for adminis-
 13 trative contract expenses shall be available for each
 14 \$1,000,000 in additional guaranteed loan commitments
 15 (including a pro rata amount for any amount below
 16 \$1,000,000) but in no case shall funds made available by
 17 this proviso exceed \$14,000,000.

18 POLICY DEVELOPMENT AND RESEARCH
 19 RESEARCH AND TECHNOLOGY

20 For contracts, grants, and necessary expenses of pro-
 21 grams of research and studies relating to housing and
 22 urban problems, not otherwise provided for, as authorized
 23 by title V of the Housing and Urban Development Act
 24 of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying
 25 out the functions of the Secretary of Housing and Urban

1 Development under section 1(a)(1)(i) of Reorganization
 2 Plan No. 2 of 1968, \$59,624,000, to remain available
 3 until September 30, 2010: *Provided*, That of the funds
 4 made available under this heading, \$23,000,000 is for
 5 grants pursuant to section 107 of the Housing and Com-
 6 munity Development Act of 1974 (42 U.S.C. 5307): *Pro-*
 7 *vided further*, That \$2,000,000 shall be available for the
 8 Secretary to conduct a comprehensive study to be man-
 9 aged by the Office of Policy Development and Research,
 10 to analyze the administrative costs necessary to carry-out
 11 the tenant-based voucher program: *Provided further*, That
 12 of the total amount made available, \$5,000,000 shall be
 13 made available for the Secretary to carryout a national
 14 competitive program for advance technology for housing
 15 construction and building materials to benefit the Amer-
 16 ican public and of which up to \$2,000,000 may be made
 17 available for technology directly related to disaster prone
 18 areas.

19 FAIR HOUSING AND EQUAL OPPORTUNITY

20 FAIR HOUSING ACTIVITIES

21 For contracts, grants, and other assistance, not oth-
 22 erwise provided for, as authorized by title VIII of the Civil
 23 Rights Act of 1968, as amended by the Fair Housing
 24 Amendments Act of 1988, and section 561 of the Housing
 25 and Community Development Act of 1987, as amended,

1 \$56,000,000, to remain available until September 30,
 2 2010, of which \$29,000,000 shall be to carry out activities
 3 pursuant to such section 561 of which up to \$2,000,000
 4 shall be made available to carryout authorized activities
 5 to protect the public from mortgage rescue scams: *Pro-*
 6 *vided*, That notwithstanding 31 U.S.C. 3302, the Sec-
 7 retary may assess and collect fees to cover the costs of
 8 the Fair Housing Training Academy, and may use such
 9 funds to provide such training: *Provided further*, That no
 10 funds made available under this heading shall be used to
 11 lobby the executive or legislative branches of the Federal
 12 Government in connection with a specific contract, grant
 13 or loan: *Provided further*, That of the funds made available
 14 under this heading, \$500,000 shall be available to the Sec-
 15 retary of Housing and Urban Development for the cre-
 16 ation and promotion of translated materials and other pro-
 17 grams that support the assistance of persons with limited
 18 English proficiency in utilizing the services provided by
 19 the Department of Housing and Urban Development.

20 OFFICE OF HEALTHY HOMES AND LEAD HAZARD

21 CONTROL

22 LEAD HAZARD REDUCTION

23 For the Lead Hazard Reduction Program, as author-
 24 ized by section 1011 of the Residential Lead-Based Paint
 25 Hazard Reduction Act of 1992, \$145,000,000, to remain

1 available until September 30, 2010, of which not less than
2 \$14,600,000 shall be for the Healthy Homes Initiative,
3 pursuant to sections 501 and 502 of the Housing and
4 Urban Development Act of 1970 that shall include re-
5 search, studies, testing, and demonstration efforts, includ-
6 ing education and outreach concerning lead-based paint
7 poisoning and other housing-related diseases and hazards:
8 *Provided*, That for purposes of environmental review, pur-
9 suant to the National Environmental Policy Act of 1969
10 (42 U.S.C. 4321 et seq.) and other provisions of law that
11 further the purposes of such Act, a grant under the
12 Healthy Homes Initiative, Operation Lead Elimination
13 Action Plan (LEAP), or the Lead Technical Studies pro-
14 gram under this heading or under prior appropriations
15 Acts for such purposes under this heading, shall be consid-
16 ered to be funds for a special project for purposes of sec-
17 tion 305(c) of the Multifamily Housing Property Disposi-
18 tion Reform Act of 1994: *Provided further*, That of the
19 total amount made available under this heading,
20 \$48,000,000 shall be made available on a competitive
21 basis for areas with the highest lead paint abatement
22 needs: *Provided further*, That each recipient of funds pro-
23 vided under the second proviso shall make a matching con-
24 tribution in an amount not less than 25 percent: *Provided*
25 *further*, That the Secretary may waive the matching re-

1 quirement cited in the preceding proviso on a case by case
 2 basis if the Secretary determines that such a waiver is nec-
 3 essary to advance the purposes of this program: *Provided*
 4 *further*, That each applicant shall submit a detailed plan
 5 and strategy that demonstrates adequate capacity that is
 6 acceptable to the Secretary to carry out the proposed use
 7 of funds pursuant to a notice of funding availability: *Pro-*
 8 *vided further*, That amounts made available under this
 9 heading in prior appropriations Acts, and that still remain
 10 available, may be used for any purpose under this heading
 11 notwithstanding the purpose for which such amounts were
 12 appropriated: *Provided further*, That of the total amount
 13 made available under this heading, \$250,000 shall be allo-
 14 cated through the Office of Healthy Homes and Lead
 15 Hazard Control to conduct communications and outreach
 16 to potential applicants to the Lead Hazard Reduction
 17 Demonstration Grant program.

18 MANAGEMENT AND ADMINISTRATION

19 WORKING CAPITAL FUND

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

1 opment activities, \$200,000,000, to remain available until
 2 September 30, 2010: *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 For necessary salaries and expenses of the Office of
 12 Inspector General in carrying out the Inspector General
 13 Act of 1978, as amended, \$115,000,000: *Provided*, That
 14 the Inspector General shall have independent authority
 15 over all personnel issues within this office.

16 OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

17 SALARIES AND EXPENSES

18 For carrying out the Federal Housing Enterprises
 19 Financial Safety and Soundness Act of 1992, including
 20 not to exceed \$500 for official reception and representa-
 21 tion expenses, \$66,600,000, to remain available until ex-
 22 pended, to be derived from the Federal Housing Enter-
 23 prises Oversight Fund: *Provided*, That the Director shall
 24 submit a spending plan for the amounts provided under
 25 this heading no later than January 15, 2009: *Provided*
 26 *further*, That not less than 80 percent of the total amount

1 made available under this heading shall be used only for
 2 examination, supervision, and capital oversight of the en-
 3 terprises (as such term is defined in section 1303 of the
 4 Federal Housing Enterprises Financial Safety and Sound-
 5 ness Act of 1992 (12 U.S.C. 4502)) to ensure that the
 6 enterprises are operating in a financially safe and sound
 7 manner and complying with the capital requirements
 8 under Subtitle B of such Act: *Provided further*, That not
 9 to exceed the amount provided herein shall be available
 10 from the general fund of the Treasury to the extent nec-
 11 essary to incur obligations and make expenditures pending
 12 the receipt of collections to the Fund: *Provided further*,
 13 That the general fund amount shall be reduced as collec-
 14 tions are received during the fiscal year so as to result
 15 in a final appropriation from the general fund estimated
 16 at not more than \$0.

17 GENERAL PROVISIONS

18 (INCLUDING RESCISSION OF FUNDS)

19 SEC. 201. Fifty percent of the amounts of budget au-
 20 thority, or in lieu thereof 50 percent of the cash amounts
 21 associated with such budget authority, that are recaptured
 22 from projects described in section 1012(a) of the Stewart
 23 B. McKinney Homeless Assistance Amendments Act of
 24 1988 (42 U.S.C. 1437 note) shall be rescinded or in the
 25 case of cash, shall be remitted to the Treasury, and such

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

12 SEC. 202. None of the amounts made available under
13 this Act may be used during fiscal year 2009 to investigate
14 or prosecute under the Fair Housing Act any otherwise
15 lawful activity engaged in by one or more persons, includ-
16 ing the filing or maintaining of a non-frivolous legal ac-
17 tion, that is engaged in solely for the purpose of achieving
18 or preventing action by a Government official or entity,
19 or a court of competent jurisdiction.

20 SEC. 203. (a) Notwithstanding section 854(c)(1)(A)
21 of the AIDS Housing Opportunity Act (42 U.S.C.
22 12903(c)(1)(A)), from any amounts made available under
23 this title for fiscal year 2009 that are allocated under such
24 section, the Secretary of Housing and Urban Development

1 shall allocate and make a grant, in the amount determined
2 under subsection (b), for any State that—

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

5 (2) is not otherwise eligible for an allocation for
6 fiscal year 2009 under such clause (ii) because the
7 areas in the State outside of the metropolitan statis-
8 tical areas that qualify under clause (i) in fiscal year
9 2009 do not have the number of cases of acquired
10 immunodeficiency syndrome (AIDS) required under
11 such clause.

12 (b) The amount of the allocation and grant for any
13 State described in subsection (a) shall be an amount based
14 on the cumulative number of AIDS cases in the areas of
15 that State that are outside of metropolitan statistical
16 areas that qualify under clause (i) of such section
17 854(c)(1)(A) in fiscal year 2009, in proportion to AIDS
18 cases among cities and States that qualify under clauses
19 (i) and (ii) of such section and States deemed eligible
20 under subsection (a).

21 (c) Notwithstanding any other provision of law, the
22 amount allocated for fiscal year 2009 under section 854(c)
23 of the AIDS Housing Opportunity Act (42 U.S.C.
24 12903(c)), to the City of New York, New York, on behalf
25 of the New York-Wayne-White Plains, New York-New

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

1 (d) Notwithstanding any other provision of law, the
2 amount allocated for fiscal year 2009 under section 854(c)
3 of the AIDS Housing Opportunity Act (42 U.S.C.
4 12903(c)) to areas with a higher than average per capita
5 incidence of AIDS, shall be adjusted by the Secretary on
6 the basis of area incidence reported over a 3 year period.

7 SEC. 204. Except as explicitly provided in law, any
8 grant, cooperative agreement or other assistance made
9 pursuant to title II of this Act shall be made on a competi-
10 tive basis and in accordance with section 102 of the De-
11 partment of Housing and Urban Development Reform Act
12 of 1989 (42 U.S.C. 3545).

13 SEC. 205. Funds of the Department of Housing and
14 Urban Development subject to the Government Corpora-
15 tion Control Act or section 402 of the Housing Act of
16 1950 shall be available, without regard to the limitations
17 on administrative expenses, for legal services on a contract
18 or fee basis, and for utilizing and making payment for
19 services and facilities of the Federal National Mortgage
20 Association, Government National Mortgage Association,
21 Federal Home Loan Mortgage Corporation, Federal Fi-
22 nancing Bank, Federal Reserve banks or any member
23 thereof, Federal Home Loan banks, and any insured bank
24 within the meaning of the Federal Deposit Insurance Cor-
25 poration Act, as amended (12 U.S.C. 1811–1831).

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

7 SEC. 207. Corporations and agencies of the Depart-
8 ment of Housing and Urban Development which are sub-
9 ject to the Government Corporation Control Act, are here-
10 by authorized to make such expenditures, within the limits
11 of funds and borrowing authority available to each such
12 corporation or agency and in accordance with law, and to
13 make such contracts and commitments without regard to
14 fiscal year limitations as provided by section 104 of such
15 Act as may be necessary in carrying out the programs set
16 forth in the budget for 2009 for such corporation or agen-
17 cy except as hereinafter provided: *Provided*, That collec-
18 tions of these corporations and agencies may be used for
19 new loan or mortgage purchase commitments only to the
20 extent expressly provided for in this Act (unless such loans
21 are in support of other forms of assistance provided for
22 in this or prior appropriations Acts), except that this pro-
23 viso shall not apply to the mortgage insurance or guaranty
24 operations of these corporations, or where loans or mort-

1 gage purchases are necessary to protect the financial in-
2 terest of the United States Government.

3 SEC. 208. None of the funds provided in this title
4 for technical assistance, training, or management improve-
5 ments may be obligated or expended unless the Secretary
6 of Housing and Urban Development provides to the Com-
7 mittees on Appropriations a description of each proposed
8 activity and a detailed budget estimate of the costs associ-
9 ated with each program, project or activity as part of the
10 Budget Justifications. For fiscal year 2009, the Secretary
11 shall transmit this information to the Committees by
12 March 15, 2009 for 30 days of review.

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

20 SEC. 210. (a) Notwithstanding any other provision
21 of law, the amount allocated for fiscal year 2009 under
22 section 854(c) of the AIDS Housing Opportunity Act (42
23 U.S.C. 12903(e)), to the City of Wilmington, Delaware,
24 on behalf of the Wilmington, Delaware-Maryland-New
25 Jersey Metropolitan Division (hereafter “metropolitan di-

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

15 (b) Notwithstanding any other provision of law, the
16 Secretary of Housing and Urban Development shall allo-
17 cate to Wake County, North Carolina, the amounts that
18 otherwise would be allocated for fiscal year 2009 under
19 section 854(c) of the AIDS Housing Opportunity Act (42
20 U.S.C. 12903(c)) to the City of Raleigh, North Carolina,
21 on behalf of the Raleigh-Cary, North Carolina Metropoli-
22 tan Statistical Area. Any amounts allocated to Wake
23 County shall be used to carry out eligible activities under
24 section 855 of such Act (42 U.S.C. 12904) within such
25 metropolitan statistical area.

1 (c) Notwithstanding section 854(c) of the AIDS
2 Housing Opportunity Act (42 U.S.C. 12903(c)), the Sec-
3 retary of Housing and Urban Development may adjust the
4 allocation of the amounts that otherwise would be allo-
5 cated for fiscal year 2009 under section 854(c) of such
6 Act, upon the written request of an applicant, in conjunc-
7 tion with the State(s), for a formula allocation on behalf
8 of a metropolitan statistical area, to designate the State
9 or States in which the metropolitan statistical area is lo-
10 cated as the eligible grantee(s) of the allocation. In the
11 case that a metropolitan statistical area involves more
12 than one State, such amounts allocated to each State shall
13 be in proportion to the number of cases of AIDS reported
14 in the portion of the metropolitan statistical area located
15 in that State. Any amounts allocated to a State under this
16 section shall be used to carry out eligible activities within
17 the portion of the metropolitan statistical area located in
18 that State.

19 SEC. 211. The President's formal budget request for
20 fiscal year 2010, as well as the Department of Housing
21 and Urban Development's congressional budget justifica-
22 tions to be submitted to the Committees on Appropriations
23 of the House of Representatives and the Senate, shall use
24 the identical account and sub-account structure provided
25 under this Act.

1 SEC. 212. A public housing agency or such other enti-
2 ty that administers Federal housing assistance for the
3 Housing Authority of the county of Los Angeles, Cali-
4 fornia, the States of Alaska, Iowa, and Mississippi shall
5 not be required to include a resident of public housing or
6 a recipient of assistance provided under section 8 of the
7 United States Housing Act of 1937 on the board of direc-
8 tors or a similar governing board of such agency or entity
9 as required under section (2)(b) of such Act. Each public
10 housing agency or other entity that administers Federal
11 housing assistance under section 8 for the Housing Au-
12 thority of the county of Los Angeles, California and the
13 States of Alaska, Iowa and Mississippi that chooses not
14 to include a resident of Public Housing or a recipient of
15 section 8 assistance on the board of directors or a similar
16 governing board shall establish an advisory board of not
17 less than six residents of public housing or recipients of
18 section 8 assistance to provide advice and comment to the
19 public housing agency or other administering entity on
20 issues related to public housing and section 8. Such advi-
21 sory board shall meet not less than quarterly.

22 SEC. 213. (a) Notwithstanding any other provision
23 of law, subject to the conditions listed in subsection (b),
24 for fiscal years 2008 and 2009, the Secretary of Housing
25 and Urban Development may authorize the transfer of

1 some or all project-based assistance, debt and statutorily
2 required low-income and very low-income use restrictions,
3 associated with one or more multifamily housing project
4 to another multifamily housing project or projects.

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

7 (1) The number of low-income and very low-in-
8 come units and the net dollar amount of Federal as-
9 sistance provided by the transferring project shall
10 remain the same in the receiving project or projects.

11 (2) The transferring project shall, as deter-
12 mined by the Secretary, be either physically obsolete
13 or economically non-viable.

14 (3) The receiving project or projects shall meet
15 or exceed applicable physical standards established
16 by the Secretary.

17 (4) The owner or mortgagor of the transferring
18 project shall notify and consult with the tenants re-
19 siding in the transferring project and provide a cer-
20 tification of approval by all appropriate local govern-
21 mental officials.

22 (5) The tenants of the transferring project who
23 remain eligible for assistance to be provided by the
24 receiving project or projects shall not be required to
25 vacate their units in the transferring project or

1 projects until new units in the receiving project are
2 available for occupancy.

3 (6) The Secretary determines that this transfer
4 is in the best interest of the tenants.

5 (7) If either the transferring project or the re-
6 ceiving project or projects meets the condition speci-
7 fied in subsection (c)(2)(A), any lien on the receiving
8 project resulting from additional financing obtained
9 by the owner shall be subordinate to any FHA-in-
10 sured mortgage lien transferred to, or placed on,
11 such project by the Secretary.

12 (8) If the transferring project meets the re-
13 quirements of subsection (c)(2)(E), the owner or
14 mortgagor of the receiving project or projects shall
15 execute and record either a continuation of the exist-
16 ing use agreement or a new use agreement for the
17 project where, in either case, any use restrictions in
18 such agreement are of no lesser duration than the
19 existing use restrictions.

20 (9) Any financial risk to the FHA General and
21 Special Risk Insurance Fund, as determined by the
22 Secretary, would be reduced as a result of a transfer
23 completed under this section.

1 (10) The Secretary determines that Federal li-
2 ability with regard to this project will not be in-
3 creased.

4 (c) For purposes of this section—

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

9 (2) the term “multifamily housing project”
10 means housing that meets one of the following con-
11 ditions—

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

14 (B) housing that has project-based assist-
15 ance attached to the structure including
16 projects undergoing mark to market debt re-
17 structuring under the Multifamily Assisted
18 Housing Reform and Affordability Housing Act;

19 (C) housing that is assisted under section
20 202 of the Housing Act of 1959 as amended by
21 section 801 of the Cranston-Gonzales National
22 Affordable Housing Act;

23 (D) housing that is assisted under section
24 202 of the Housing Act of 1959, as such sec-
25 tion existed before the enactment of the Cran-

1 ston-Gonzales National Affordable Housing Act;
2 or

3 (E) housing or vacant land that is subject
4 to a use agreement;

5 (3) the term “project-based assistance”
6 means—

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

9 (B) assistance for housing constructed or
10 substantially rehabilitated pursuant to assist-
11 ance provided under section 8(b)(2) of such Act
12 (as such section existed immediately before Oc-
13 tober 1, 1983);

14 (C) rent supplement payments under sec-
15 tion 101 of the Housing and Urban Develop-
16 ment Act of 1965;

17 (D) interest reduction payments under sec-
18 tion 236 and/or additional assistance payments
19 under section 236(f)(2) of the National Hous-
20 ing Act; and

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

23 (4) the term “receiving project or projects”
24 means the multifamily housing project or projects to
25 which some or all of the project-based assistance,

1 debt, and statutorily required use low-income and
2 very low-income restrictions are to be transferred;

3 (5) the term “transferring project” means the
4 multifamily housing project which is transferring
5 some or all of the project-based assistance, debt and
6 the statutorily required low-income and very low-in-
7 come use restrictions to the receiving project or
8 projects; and

9 (6) the term “Secretary” means the Secretary
10 of Housing and Urban Development.

11 SEC. 214. The funds made available for Native Alas-
12 kans under the heading “Native American Housing Block
13 Grants” in title III of this Act shall be allocated to the
14 same Native Alaskan housing block grant recipients that
15 received funds in fiscal year 2005.

16 SEC. 215. No funds provided under this title may be
17 used for an audit of the Government National Mortgage
18 Association that makes applicable requirements under the
19 Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

20 SEC. 216. (a) No assistance shall be provided under
21 section 8 of the United States Housing Act of 1937 (42
22 U.S.C. 1437f) to any individual who—

23 (1) is enrolled as a student at an institution of
24 higher education (as defined under section 102 of

1 the Higher Education Act of 1965 (20 U.S.C.
2 1002));

3 (2) is under 24 years of age;

4 (3) is not a veteran;

5 (4) is unmarried;

6 (5) does not have a dependent child;

7 (6) is not a person with disabilities, as such
8 term is defined in section 3(b)(3)(E) of the United
9 States Housing Act of 1937 (42 U.S.C.
10 1437a(b)(3)(E)) and was not receiving assistance
11 under such section 8 as of November 30, 2005; and

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

16 (b) For purposes of determining the eligibility of a
17 person to receive assistance under section 8 of the United
18 States Housing Act of 1937 (42 U.S.C. 1437f), any finan-
19 cial assistance (in excess of amounts received for tuition)
20 that an individual receives under the Higher Education
21 Act of 1965 (20 U.S.C. 1001 et seq.), from private
22 sources, or an institution of higher education (as defined
23 under the Higher Education Act of 1965 (20 U.S.C.
24 1002)), shall be considered income to that individual, ex-

1 cept for a person over the age of 23 with dependent chil-
2 dren.

3 SEC. 217. Notwithstanding the limitation in the first
4 sentence of section 255(g) of the National Housing Act
5 (12 U.S.C. 1715z-20(g)), the Secretary of Housing and
6 Urban Development may, until September 30, 2009, in-
7 sure and enter into commitments to insure mortgages
8 under section 255 of the National Housing Act (12 U.S.C.
9 1715z-20).

10 SEC. 218. Notwithstanding any other provision of
11 law, in fiscal year 2009, in managing and disposing of any
12 multifamily property that is owned or has a mortgage held
13 by the Secretary of Housing and Urban Development, the
14 Secretary shall maintain any rental assistance payments
15 under section 8 of the United States Housing Act of 1937
16 and other programs that are attached to any dwelling
17 units in the property. To the extent the Secretary deter-
18 mines, in consultation with the tenants and the local gov-
19 ernment, that such a multifamily property owned or held
20 by the Secretary is not feasible for continued rental assist-
21 ance payments under such section 8 or other programs,
22 based on consideration of (1) the costs of rehabilitating
23 and operating the property and all available Federal,
24 State, and local resources, including rent adjustments
25 under section 524 of the Multifamily Assisted Housing

1 Reform and Affordability Act of 1997 (“MAHRAA”) and
 2 (2) environmental conditions that cannot be remedied in
 3 a cost-effective fashion, the Secretary may, in consultation
 4 with the tenants of that property, contract for project-
 5 based rental assistance payments with an owner or owners
 6 of other existing housing properties, or provide other rent-
 7 al assistance. The Secretary shall also take appropriate
 8 steps to ensure that project-based contracts remain in ef-
 9 fect prior to foreclosure, subject to the exercise of contrac-
 10 tual abatement remedies to assist relocation of tenants for
 11 imminent major threats to health and safety. After dis-
 12 position of any multifamily property described under this
 13 section, the contract and allowable rent levels on such
 14 properties shall be subject to the requirements under sec-
 15 tion 524 of MAHRAA.

16 SEC. 219. Section 24 of the United States Housing
 17 Act of 1937 (42 U.S.C. 1437v) is amended—

18 (1) in subsection (m)(1), by striking “2003”
 19 and inserting “2009”; and

20 (2) in subsection (o), by striking “September
 21 30, 2007” and inserting “September 30, 2009”.

22 SEC. 220. Public housing agencies that own and oper-
 23 ate 400 or fewer public housing units may elect to be ex-
 24 empt from any asset management requirement imposed by
 25 the Secretary of Housing and Urban Development in con-

1 nection with the operating fund rule: *Provided*, That an
2 agency seeking a discontinuance of a reduction of subsidy
3 under the operating fund formula shall not be exempt
4 from asset management requirements.

5 SEC. 221. The Secretary of Housing and Urban De-
6 velopment shall report quarterly to the House of Rep-
7 resentatives and Senate Committees on Appropriations on
8 HUD's use of all sole source contracts, including terms
9 of the contracts, cost, and a substantive rationale for
10 using a sole source contract.

11 SEC. 222. (a) The amounts provided under the sub-
12 heading "Program Account" under the heading "Commu-
13 nity Development Loan Guarantees" may be used to guar-
14 antee, or make commitments to guarantee, notes, or other
15 obligations issued by any State on behalf of non-entitle-
16 ment communities in the State in accordance with the re-
17 quirements of section 108 of the Housing and Community
18 Development Act of 1974: *Provided*, That, any State re-
19 ceiving such a guarantee or commitment shall distribute
20 all funds subject to such guarantee to the units of general
21 local government in non-entitlement areas that received
22 the commitment.

23 (b) Not later than 60 days after the date of enact-
24 ment of this Act, the Secretary of Housing and Urban
25 Development shall promulgate regulations governing the

1 administration of the funds described under subsection
2 (a).

3 SEC. 223. (a) REQUIRED SUBMISSIONS FOR FISCAL
4 YEARS 2008 AND 2009.—

5 (1) IN GENERAL.—Not later than 60 days after
6 the date of enactment of this Act, the Secretary of
7 Housing and Urban Development shall submit to the
8 relevant authorizing committees and to the Commit-
9 tees on Appropriations of the Senate and the House
10 of Representatives for fiscal years 2008 and 2009—

11 (A) a complete and accurate accounting of
12 the actual project-based renewal costs for
13 project-based assistance under section 8 of the
14 United States Housing Act of 1937 (42 U.S.C.
15 1437f);

16 (B) revised estimates of the funding need-
17 ed to fully fund all 12 months of all project-
18 based contracts under such section 8, including
19 project-based contracts that expire in fiscal year
20 2008 and fiscal year 2009; and

21 (C) all sources of funding that will be used
22 to fully fund all 12 months of the project-based
23 contracts for fiscal years 2008 and 2009.

24 (2) UPDATED INFORMATION.—At any time
25 after the expiration of the 60-day period described

1 in paragraph (1), the Secretary may submit correc-
2 tions or updates to the information required under
3 paragraph (1), if upon completion of an audit of the
4 project-based assistance program under section 8 of
5 the United States Housing Act of 1937 (42 U.S.C.
6 1437f), such audit reveals additional information
7 that may provide Congress a more complete under-
8 standing of the Secretary's implementation of the
9 project-based assistance program under such section
10 8.

11 (b) REQUIRED SUBMISSIONS FOR FISCAL YEAR
12 2010.—As part of the Department of Housing and Urban
13 Development's budget request for fiscal year 2010, the
14 Secretary of Housing and Urban Development shall sub-
15 mit to the relevant authorizing committees and to the
16 Committees on Appropriations of the Senate and the
17 House of Representatives complete and detailed informa-
18 tion, including a project-by-project analysis, that verifies
19 that such budget request will fully fund all project-based
20 contracts under section 8 of the United States Housing
21 Act of 1937 (42 U.S.C. 1437f) in fiscal year 2010, includ-
22 ing expiring project-based contracts.

23 SEC. 224. No official or employee of the Department
24 of Housing and Urban Development shall be designated
25 as an allotment holder unless the Office of the Chief Fi-

1 nancial Officer has determined that such allotment holder
2 has implemented an adequate system of funds control and
3 has received training in funds control procedures and di-
4 rectives. The Chief Financial Officer shall ensure that, not
5 later than 90 days after the date of enactment of this Act,
6 a trained allotment holder shall be designated for each
7 HUD subaccount under the headings “Executive Direc-
8 tion” and “Administration, Operations, and Management”
9 as well as each account receiving appropriations for “per-
10 sonnel compensation and benefits” within the Department
11 of Housing and Urban Development.

12 SEC. 225. Payment of attorney fees in program-re-
13 lated litigation must be paid from individual program of-
14 fice personnel benefits and compensation funding. The an-
15 nual budget submission for program office personnel ben-
16 efit and compensation funding must include program-re-
17 lated litigation costs for attorney fees as a separate line
18 item request.

19 SEC. 226. Of the unobligated balances remaining
20 from funds appropriated under the heading “Tenant-
21 Based Rental Assistance” under the Department of Hous-
22 ing and Urban Development Appropriations Act, 2008,
23 \$800,000,000 are rescinded from the \$4,158,000,000
24 which are available on October 1, 2008. Such amount shall
25 be derived from reductions to public housing agencies’ cal-

1 endar year 2009 allocations based on amounts in public
 2 housing agencies' net restricted assets accounts (in ac-
 3 cordance with VMS data in calendar year 2008 that is
 4 verifiable and complete), as determined by the Secretary.

5 SEC. 227. Section 683(2) of the Housing and Com-
 6 munity Development Act of 1992 (42 U.S.C. 13641(2))
 7 is amended—

8 (1) in subparagraph (F), by striking “and”;

9 (2) in subparagraph (G) by striking the period
 10 at the end and inserting “; and”; and

11 (3) by adding a new subparagraph (H) as fol-
 12 lows:

13 “(H) housing that is assisted under section
 14 811 of the Cranston-Gonzalez Affording Hous-
 15 ing Act (42 U.S.C. 8013).”.

16 SEC. 228. The Home Investment Partnerships Act
 17 (42 U.S.C. 12721 et seq.) is amended—

18 (1) in section 233(d)(1) by striking “20” and
 19 inserting “40”;

20 (2) in section 233(e) by striking “40” and in-
 21 serting “25”;

22 (3) in section 243(b), in the second sentence, by
 23 striking “20” and inserting “40”; and

1 (4) in section 271(i) by striking “Act after De-
2 cember 31, 2007” and inserting “section after De-
3 cember 31, 2011”.

4 SEC. 229. The Secretary of the Department of Hous-
5 ing and Urban Development (the “Secretary”) shall for
6 fiscal year 2009 and thereafter, notify the public through
7 the Federal Register and other means, as determined ap-
8 propriate, of the issuance of a notice of the availability
9 of assistance or notice of funding availability (NOFA) for
10 any program or discretionary fund administered by the
11 Secretary that is to be competitively awarded. Notwith-
12 standing any other provision of law, for fiscal year 2009
13 and thereafter, the Secretary may make the NOFA avail-
14 able only on the Internet at the appropriate government
15 website or websites or through other electronic media, as
16 determined by the Secretary.

17 SEC. 230. Amounts made available under previous
18 appropriations Acts for the provision of technical assist-
19 ance under section 514(f)(3) of the Multifamily Assisted
20 Housing Reform and Affordability Act of 1997 (MAHRA)
21 (42 U.S.C. 1437f note), and which amounts currently re-
22 main available under such section, may be used to assist
23 eligible multifamily housing projects, as defined in section
24 512(2) of MAHRA, notwithstanding section 1303 of Divi-

1 sion B of the Emergency Supplemental Act, 2002 (Public
2 Law 107–117).

3 SEC. 231. Section 203(b)(2) of the National Housing
4 Act (12 U.S.C. 1709(b)(2)) is amended—

5 (1) by inserting “not to exceed the lesser of”
6 after “in an amount”;

7 (2) by striking subparagraphs (A) and (B) and
8 inserting the following—

9 “(A)(i) in the case of a 1-family residence,
10 the median 1-family house price in the area, as
11 determined by the Secretary; and in the case of
12 a 2-, 3-, or 4-family residence, the percentage
13 of such median price that bears the same ratio
14 to such median price as the dollar amount limi-
15 tation in effect under section 305(a)(2) of the
16 Federal Home Loan Mortgage Corporation Act
17 (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family
18 residence, respectively, bears to the dollar
19 amount limitation in effect under such section
20 for a 1-family residence; or

21 “(ii) the dollar amount limitation deter-
22 mined under such section 305(a)(2) for a resi-
23 dence of the applicable size; except that the dol-
24 lar amount limitation in effect for any area

1 under this subparagraph may not be less than
2 the greater of—

3 “(I) the dollar amount limitation in
4 effect under this section for the area on
5 October 21, 1998, or

6 “(II) 65 percent of the dollar limita-
7 tion determined under such section
8 305(a)(2) for a residence of the applicable
9 size; and

10 “(B) not to exceed the appraised value of
11 the property, plus any initial service charges,
12 appraisal, inspection and other fees in connec-
13 tion with the mortgage as approved by the Sec-
14 retary.”;

15 (3) in the first undesignated paragraph—

16 (A) by inserting “or in the case of a geo-
17 graphic region not encompassed within a metro-
18 politan statistical area established by the Office
19 of Management and Budget, such other geo-
20 graphic region as determined by the Secretary”
21 after “Office of Management and Budget”;

22 (B) by striking the second sentence (defin-
23 ing the term “average closing cost”); and

24 (C) by striking the last undesignated para-
25 graph.

1 SEC. 232. PREPAYMENT OF DEBT AND REHABILITA-
2 TION FUNDING. (a) Section 811(a) of the American
3 Homeownership and Economic Opportunity Act of 2000
4 is amended by inserting after “Cranston-Gonzalez Na-
5 tional Housing Act),” the following: “for which the Sec-
6 retary’s consent to prepayment is required,”.

7 (b)(1) Subsection (a)(1) of such Act is amended by
8 inserting “project-based” after both “original loan agree-
9 ment or any” and after “1937 (or any other”; and

10 (2) Subsection (a)(1) of such Act is further amended
11 by striking everything after “(12 U.S.C. 1701s))” and in-
12 serting in lieu thereof “any successor project-based rental
13 assistance program, relating to the project, except that if,
14 such project-based rental assistance is no longer available
15 to the project as a result of insufficient amounts of appro-
16 priated funds for such purpose, or is no longer available
17 on terms that would provide the project with income equiv-
18 alent to the project-based rental assistance, the project-
19 based rental assistance contract shall be deemed termi-
20 nated, including all obligations and restrictions there-
21 under, and the project owner may charge tenants rent suf-
22 ficient for the project owner to meet debt service payments
23 and operating cost requirements approved by the Sec-
24 retary. Such contract termination shall be an eligibility
25 event for purposes of section 8(t) of the United States

1 Housing Act of 1937 (42 U.S.C. 1437f(t)) and the tenants
 2 of such project shall be eligible for enhanced vouchers in
 3 accordance with such section; and”.

4 (3)(A) Subsection (a)(2) of such Act is amended by
 5 striking “a lower interest rate” through “to such loan”
 6 and inserting a new paragraph as follows:

7 “(A) a lower interest rate on the principal
 8 of the loan for the project and in reductions in
 9 debt service related to such loan, or”; and

10 (B) Subsection (a)(2) of such Act is amended by add-
 11 ing new subparagraph (B) as follows:

12 “(B) a transaction in which the project
 13 owner will address the physical needs of the
 14 project. Any approved funding must meet a cost
 15 benefit analysis, as established by the Sec-
 16 retary, that the benefit of the transaction out-
 17 weighs the cost of the transaction.”.

18 SEC. 233. USE OF SURPLUS FEDERAL PROPERTY
 19 FOR THE HOMELESS. No property identified by the Sec-
 20 retary of Housing and Urban Development as surplus
 21 Federal property for use to assist the homeless shall be
 22 made available to any homeless group unless the group
 23 is a member in good standing under any of HUD’s home-
 24 less assistance programs or is in good standing with any
 25 other program which receives funds from any other Fed-

1 eral or State agency or entity: *Provided*, That an exception
2 may be made for an entity not involved with Federal
3 homeless programs to use surplus Federal property for the
4 homeless only after the Secretary or another responsible
5 Federal agency has fully and comprehensively reviewed all
6 relevant finances of the entity, the track record of the enti-
7 ty in assisting the homeless, the ability of the entity to
8 manage the property, including all costs, the ability of the
9 entity to administer homeless programs in a manner that
10 is effective to meet the needs of the homeless population
11 that is expected to use the property and any other related
12 issues that demonstrate a commitment to assist the home-
13 less: *Provided further*, That the Secretary shall not require
14 the agency to have cash in hand in order to demonstrate
15 financial ability but may rely on the entity's prior dem-
16 onstrated fundraising ability or commitments for in-kind
17 donations of goods and services: *Provided further*, That the
18 Secretary shall make all such information and its decision
19 regarding the award of the surplus property available to
20 the committees of jurisdiction, including a full justification
21 of the appropriateness of the use of the property to assist
22 the homeless as well as the appropriateness of the group
23 seeking to obtain the property to use such property to as-
24 sist the homeless.

1 SEC. 234. Notwithstanding provisions of the United
2 States Housing Act of 1937 (Public Law 93–383), fund-
3 ing provided under the headings “Tenant-Based Rental
4 Assistance” and “Public Housing Capital Fund” provided
5 in Public Law 109–115 and Public Law 110–5 in order
6 to assist public housing agencies located within the most
7 heavily impacted areas of Louisiana and Mississippi that
8 are subject to a declaration by the President of a major
9 disaster under the Robert T. Stafford Disaster Relief and
10 Emergency Assistance Act (42 U.S.C. 5121 et seq.) in
11 connection with Hurricane Katrina or Rita, shall remain
12 available in fiscal year 2009 for a public housing agency
13 to combine assistance provided under sections 9(d) and
14 (e) of the United States Housing Act of 1937 and assist-
15 ance provided under section 8(o) of such Act, for the pur-
16 pose of facilitating the prompt, flexible and efficient use
17 of funds provided under these sections of the Act to assist
18 families who were receiving housing assistance under the
19 Act immediately prior to Hurricane Katrina or Rita and
20 were displaced from their housing by the hurricanes.

21 SEC. 235. The Secretary of Housing and Urban De-
22 velopment shall increase, pursuant to this section, the
23 number of Moving-to-Work agencies authorized under sec-
24 tion 204, title II, of the Departments of Veterans Affairs
25 and Housing and Urban Development and Independent

1 Agencies Appropriations Act, 1996 (Public Law 104–134;
 2 110 Stat. 1321–281) by adding to the program three Pub-
 3 lic Housing Agencies that meet the following require-
 4 ments: is a High Performing Agency under the Public
 5 Housing Assessment System (PHAS) and is a HOPE VI
 6 agency. No PHA shall be granted this designation through
 7 this section that administers in excess of 5,000 aggregate
 8 housing vouchers and public housing units. No PHA
 9 granted this designation through this section shall receive
 10 more funding than they otherwise would have received ab-
 11 sent this designation.

12 This title may be cited as the “Department of Hous-
 13 ing and Urban Development Appropriations Act, 2009”.

14 TITLE III

15 RELATED AGENCIES

16 ARCHITECTURAL AND TRANSPORTATION BARRIERS

17 COMPLIANCE BOARD

18 SALARIES AND EXPENSES

19 For expenses necessary for the Architectural and
 20 Transportation Barriers Compliance Board, as authorized
 21 by section 502 of the Rehabilitation Act of 1973, as
 22 amended, \$6,550,000: *Provided*, That, notwithstanding
 23 any other provision of law, there may be credited to this
 24 appropriation funds received for publications and training
 25 expenses.

1 FEDERAL MARITIME COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Maritime
4 Commission as authorized by section 201(d) of the Mer-
5 chant Marine Act, 1936, as amended (46 U.S.C. App.
6 1111), including services as authorized by 5 U.S.C. 3109;
7 hire of passenger motor vehicles as authorized by 31
8 U.S.C. 1343(b); and uniforms or allowances therefor, as
9 authorized by 5 U.S.C. 5901–5902, \$23,949,000: *Pro-*
10 *vided*, That not to exceed \$2,000 shall be available for offi-
11 cial reception and representation expenses.

12 NATIONAL TRANSPORTATION SAFETY BOARD

13 SALARIES AND EXPENSES

14 For necessary expenses of the National Transpor-
15 tation Safety Board, including hire of passenger motor ve-
16 hicles and aircraft; services as authorized by 5 U.S.C.
17 3109, but at rates for individuals not to exceed the per
18 diem rate equivalent to the rate for a GS–15; uniforms,
19 or allowances therefor, as authorized by law (5 U.S.C.
20 5901–5902) \$91,000,000, of which not to exceed \$2,000
21 may be used for official reception and representation ex-
22 penses. The amounts made available to the National
23 Transportation Safety Board in this Act include amounts
24 necessary to make lease payments due in fiscal year 2009
25 only, on an obligation incurred in fiscal year 2001 for a

1 capital lease: *Provided*, That of the funds provided, up to
 2 \$100,000 shall be provided through reimbursement to the
 3 Department of Transportation's Office of Inspector Gen-
 4 eral to audit NTSB's financial statements.

5 (RESCISSION)

6 Of the available unobligated balances made available
 7 under this heading in Public Law 106-246, \$671,275 are
 8 rescinded.

9 NEIGHBORHOOD REINVESTMENT CORPORATION
 10 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT
 11 CORPORATION

12 For payment to the Neighborhood Reinvestment Cor-
 13 poration for use in neighborhood reinvestment activities,
 14 as authorized by the Neighborhood Reinvestment Corpora-
 15 tion Act (42 U.S.C. 8101-8107), \$131,000,000, of which
 16 \$5,000,000 shall be for a multi-family rental housing pro-
 17 gram: *Provided*, That of the amounts made available
 18 under this heading, \$6,000,000 shall be made available
 19 to conduct a consumer mortgage public education cam-
 20 paign: *Provided further*, That funding amounts provided
 21 under the previous proviso shall be available for campaign
 22 development, production, and outreach activities.

23 For an additional amount, \$25,000,000 shall be
 24 made available until expended to the Neighborhood Rein-
 25 vestment Corporation for mortgage foreclosure mitigation
 26 activities, under the following terms and conditions:

1 (1) The Neighborhood Reinvestment Corpora-
2 tion (“NRC”), shall make grants to counseling inter-
3 mediaries approved by the Department of Housing
4 and Urban Development (HUD) (with match to be
5 determined by the NRC based on affordability and
6 the economic conditions of an area; a match also
7 may be waived by the NRC based on the aforemen-
8 tioned conditions) to provide mortgage foreclosure
9 mitigation assistance primarily to States and areas
10 with high rates of defaults and foreclosures pri-
11 marily in the subprime housing market to help elimi-
12 nate the default and foreclosure of mortgages of
13 owner-occupied single-family homes that are at risk
14 of such foreclosure. Other than areas with high rates
15 of defaults and foreclosures, grants may also be pro-
16 vided to approved counseling intermediaries based on
17 a geographic analysis of the Nation by the NRC
18 which determines where there is a prevalence of
19 subprime mortgages that are risky and likely to fail,
20 including any trends for mortgages that are likely to
21 default and face foreclosure. A State Housing Fi-
22 nance Agency may also be eligible where the State
23 Housing Finance Agency meets all the requirements
24 under this paragraph. A HUD-approved counseling
25 intermediary shall meet certain mortgage foreclosure

1 mitigation assistance counseling requirements, as de-
2 termined by the NRC, and shall be approved by
3 HUD or the NRC as meeting these requirements.

4 (2) Mortgage foreclosure mitigation assistance
5 shall only be made available to homeowners of
6 owner-occupied homes with mortgages in default or
7 in danger of default. These mortgages shall likely be
8 subject to a foreclosure action and homeowners will
9 be provided such assistance that shall consist of ac-
10 tivities that are likely to prevent foreclosures and re-
11 sult in the long-term affordability of the mortgage
12 retained pursuant to such activity or another posi-
13 tive outcome for the homeowner. No funds made
14 available under this paragraph may be provided di-
15 rectly to lenders or homeowners to discharge out-
16 standing mortgage balances or for any other direct
17 debt reduction payments.

18 (3) The use of Mortgage Foreclosure Mitigation
19 Assistance by approved counseling intermediaries
20 and State Housing Finance Agencies shall involve a
21 reasonable analysis of the borrower's financial situa-
22 tion, an evaluation of the current value of the prop-
23 erty that is subject to the mortgage, counseling re-
24 garding the assumption of the mortgage by another
25 non-Federal party, counseling regarding the possible

1 purchase of the mortgage by a non-Federal third
2 party, counseling and advice of all likely restruc-
3 turing and refinancing strategies or the approval of
4 a work-out strategy by all interested parties.

5 (4) NRC may provide up to 15 percent of the
6 total funds under this paragraph to its own charter
7 members with expertise in foreclosure prevention
8 counseling, subject to a certification by the NRC
9 that the procedures for selection do not consist of
10 any procedures or activities that could be construed
11 as an unacceptable conflict of interest or have the
12 appearance of impropriety.

13 (5) HUD-approved counseling entities and
14 State Housing Finance Agencies receiving funds
15 under this paragraph shall have demonstrated expe-
16 rience in successfully working with financial institu-
17 tions as well as borrowers facing default, delin-
18 quency and foreclosure as well as documented coun-
19 seling capacity, outreach capacity, past successful
20 performance and positive outcomes with documented
21 counseling plans (including post mortgage fore-
22 closure mitigation counseling), loan workout agree-
23 ments and loan modification agreements. NRC may
24 use other criteria to demonstrate capacity in under-
25 served areas.

1 (6) Of the total amount made available under
2 this paragraph, up to \$5,000,000 may be made
3 available to build the mortgage foreclosure and de-
4 fault mitigation counseling capacity of counseling
5 intermediaries through NRC training courses with
6 HUD-approved counseling intermediaries and their
7 partners, except that private financial institutions
8 that participate in NRC training shall pay market
9 rates for such training.

10 (7) Of the total amount made available under
11 this paragraph, up to 4 percent may be used for as-
12 sociated administrative expenses for the NRC to
13 carry out activities provided under this section.

14 (8) Mortgage foreclosure mitigation assistance
15 grants may include a budget for outreach and adver-
16 tising, and training, as determined by the NRC.

17 (9) The NRC shall report bi-annually to the
18 House and Senate Committees on Appropriations as
19 well as the Senate Banking Committee and House
20 Financial Services Committee on its efforts to miti-
21 gate mortgage default. Such reports shall identify
22 successful strategies and methods for preserving
23 homeownership and the long-term affordability of at-
24 risk mortgages and shall include recommended ef-
25 forts that will or likely can assist in the success of

1 this program as well as an analysis of any policy and
2 procedures that failed to result in successful mort-
3 gage foreclosure mitigation. The report shall include
4 an analysis of the details and use of any post mitiga-
5 tion counseling of assisted borrowers designed to en-
6 sure the continued long-term affordability of the
7 mortgages which were the subject of the mortgage
8 foreclosure mitigation assistance.

9 UNITED STATES INTERAGENCY COUNCIL ON
10 HOMELESSNESS
11 OPERATING EXPENSES

12 For necessary expenses (including payment of sala-
13 ries, authorized travel, hire of passenger motor vehicles,
14 the rental of conference rooms, and the employment of ex-
15 perts and consultants under section 3109 of title 5, United
16 States Code) of the United States Interagency Council on
17 Homelessness in carrying out the functions pursuant to
18 title II of the McKinney-Vento Homeless Assistance Act,
19 as amended, \$2,660,000: *Provided*, That no funds may be
20 used to pay the salaries and benefits of any employee of
21 the United States Interagency Council on Homelessness
22 that spends more than 20 days outside of the United
23 States while not on annual leave.

1 Title II of the McKinney-Vento Homeless Assistance
2 Act, as amended, is amended in section 209 by striking
3 “2008” and inserting “2012”.

4 TITLE IV

5 GENERAL PROVISIONS—THIS ACT

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

10 SEC. 402. None of the funds in this Act shall be used
11 for the planning or execution of any program to pay the
12 expenses of, or otherwise compensate, non-Federal parties
13 intervening in regulatory or adjudicatory proceedings
14 funded in this Act.

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

19 SEC. 404. The expenditure of any appropriation
20 under this Act for any consulting service through procure-
21 ment contract pursuant to section 3109 of title 5, United
22 States Code, shall be limited to those contracts where such
23 expenditures are a matter of public record and available
24 for public inspection, except where otherwise provided

1 under existing law, or under existing Executive order
2 issued pursuant to existing law.

3 SEC. 405. Except as otherwise provided in this Act,
4 none of the funds provided in this Act, provided by pre-
5 vious appropriations Acts to the agencies or entities fund-
6 ed in this Act that remain available for obligation or ex-
7 penditure in fiscal year 2009, or provided from any ac-
8 counts in the Treasury derived by the collection of fees
9 and available to the agencies funded by this Act, shall be
10 available for obligation or expenditure through a re-
11 programming of funds that: (1) creates a new program;
12 (2) eliminates a program, project, or activity; (3) increases
13 funds or personnel for any program, project, or activity
14 for which funds have been denied or restricted by the Con-
15 gress; (4) proposes to use funds directed for a specific ac-
16 tivity by either the House or Senate Committees on Ap-
17 propriations for a different purpose; (5) augments existing
18 programs, projects, or activities in excess of \$5,000,000
19 or 10 percent, whichever is less; (6) reduces existing pro-
20 grams, projects, or activities by \$5,000,000 or 10 percent,
21 whichever is less; or (7) creates, reorganizes, or restruc-
22 tures a branch, division, office, bureau, board, commis-
23 sion, agency, administration, or department different from
24 the budget justifications submitted to the Committees on
25 Appropriations or the table accompanying the explanatory

1 statement accompanying this Act, whichever is more de-
2 tailed, unless prior approval is received from the House
3 and Senate Committees on Appropriations: *Provided*, That
4 not later than 60 days after the date of enactment of this
5 Act, each agency funded by this Act shall submit a report
6 to the Committees on Appropriations of the Senate and
7 of the House of Representatives to establish the baseline
8 for application of reprogramming and transfer authorities
9 for the current fiscal year: *Provided further*, That the re-
10 port shall include: (1) a table for each appropriation with
11 a separate column to display the President's budget re-
12 quest, adjustments made by Congress, adjustments due to
13 enacted rescissions, if appropriate, and the fiscal year en-
14 acted level; (2) a delineation in the table for each appro-
15 priation both by object class and program, project, and
16 activity as detailed in the budget appendix for the respec-
17 tive appropriation; and (3) an identification of items of
18 special congressional interest: *Provided further*, That the
19 amount appropriated or limited for salaries and expenses
20 for an agency shall be reduced by \$100,000 per day for
21 each day after the required date that the report has not
22 been submitted to the Congress.

23 SEC. 406. Except as otherwise specifically provided
24 by law, not to exceed 50 percent of unobligated balances
25 remaining available at the end of fiscal year 2009 from

1 appropriations made available for salaries and expenses
2 for fiscal year 2009 in this Act, shall remain available
3 through September 30, 2010, for each such account for
4 the purposes authorized: *Provided*, That a request shall
5 be submitted to the Committees on Appropriations for ap-
6 proval prior to the expenditure of such funds: *Provided*
7 *further*, That these requests shall be made in compliance
8 with reprogramming guidelines.

9 SEC. 407. All Federal agencies and departments that
10 are funded under this Act shall issue a report to the House
11 and Senate Committees on Appropriations on all sole
12 source contracts by no later than July 31, 2008. Such re-
13 port shall include the contractor, the amount of the con-
14 tract and the rationale for using a sole source contract.

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

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

21 (2) contains elements likely to induce high lev-
22 els of emotional response or psychological stress in
23 some participants;

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

4 (4) contains any methods or content associated
5 with religious or quasi-religious belief systems or
6 “new age” belief systems as defined in Equal Em-
7 ployment Opportunity Commission Notice N-
8 915.022, dated September 2, 1988; or

9 (5) is offensive to, or designed to change, par-
10 ticipants’ personal values or lifestyle outside the
11 workplace.

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

15 SEC. 409. No funds in this Act may be used to sup-
16 port any Federal, State, or local projects that seek to use
17 the power of eminent domain, unless eminent domain is
18 employed only for a public use: *Provided*, That for pur-
19 poses of this section, public use shall not be construed to
20 include economic development that primarily benefits pri-
21 vate entities: *Provided further*, That any use of funds for
22 mass transit, railroad, airport, seaport or highway projects
23 as well as utility projects which benefit or serve the gen-
24 eral public (including energy-related, communication-re-
25 lated, water-related and wastewater-related infrastruc-

1 ture), other structures designated for use by the general
2 public or which have other common-carrier or public-util-
3 ity functions that serve the general public and are subject
4 to regulation and oversight by the government, and
5 projects for the removal of an immediate threat to public
6 health and safety or brownsfield as defined in the Small
7 Business Liability Relief and Brownsfield Revitalization
8 Act (Public Law 107–118) shall be considered a public
9 use for purposes of eminent domain.

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

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

1 form the duties of his former position and has not been
2 restored thereto.

3 SEC. 412. No funds appropriated pursuant to this
4 Act may be expended by an entity unless the entity agrees
5 that in expending the assistance the entity will comply
6 with sections 2 through 4 of the Act of March 3, 1933
7 (41 U.S.C. 10a–10c, popularly known as the “Buy Amer-
8 ican Act”).

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

13 This Act may be cited as the “Transportation, Hous-
14 ing and Urban Development, and Related Agencies Appro-
15 priations Act, 2009”.

Calendar No. 878

110TH CONGRESS
2^D Session

S. 3261

[Report No. 110-418]

A BILL

Making appropriations for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2009, and for other purposes.

JULY 14, 2008

Read twice and placed on the calendar