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110TH CONGRESS
1ST SESSION

H. R. 3074

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2007

Ordered to be printed with the amendment of the Senate

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

~~That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, namely:~~

~~TITLE I~~

~~DEPARTMENT OF TRANSPORTATION~~

~~OFFICE OF THE SECRETARY~~

~~SALARIES AND EXPENSES~~

~~For necessary expenses of the Office of the Secretary, $90,678,000, of which not to exceed $2,305,000 shall be available for the immediate Office of the Secretary; not to exceed $724,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,753,000 shall be available for the Office of the General Counsel; not to exceed $12,100,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $8,903,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,382,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $23,568,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,984,000 shall be available for the Office of Public Affairs; not to exceed $1,498,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,314,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $2,737,000 for the Office of Intelligence and Security; not to exceed $12,273,000 shall be available for the Office of~~

~~the Chief Information Officer; and not to exceed $5,137,000 shall be available for the Office of Emergency Transportation: *Provided,* That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further,* That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further,* That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further,* That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further,* That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further,* That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.~~

~~OFFICE OF CIVIL RIGHTS~~

~~For necessary expenses of the Office of Civil Rights, $9,140,900.~~

~~TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT~~

~~For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $8,515,000.~~

~~WORKING CAPITAL FUND~~

~~Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $128,094,000, shall be paid from appropriations made available to the Department of Transportation: *Provided,* That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further,* That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further,* That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further,* That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.~~

~~MINORITY BUSINESS RESOURCE CENTER PROGRAM~~

~~For the cost of guaranteed loans, $370,000, as authorized by 49 U.S.C. 332: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $523,000.~~

~~MINORITY BUSINESS OUTREACH~~

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

~~PAYMENTS TO AIR CARRIERS~~

~~(AIRPORT AND AIRWAY TRUST FUND)~~

~~(INCLUDING TRANSFER OF FUNDS)~~

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

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

~~COMPENSATION FOR AIR CARRIERS (RESCISSION)~~

~~Of the remaining unobligated balances under section 101(a)(2) of Public Law 107–42, $22,000,000 are cancelled.~~

~~ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION~~

~~SEC. 101. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from "Office of the Secretary, Salaries and expenses" to "Minority Business Outreach".~~

~~SEC. 102. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enact-~~

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

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

~~FEDERAL AVIATION ADMINISTRATION~~

~~OPERATIONS~~

~~(AIRPORT AND AIRWAY TRUST FUND)~~

~~For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $8,716,606,000, of which $6,317,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $6,958,413,000 shall be available for air traffic organization activities; not to exceed $1,076,103,000 shall be available for aviation safety activities; not to exceed~~

~~$12,549,000 shall be available for commercial space transportation activities; not to exceed $100,593,000 shall be available for financial services activities; not to exceed $89,101,000 shall be available for human resources program activities; not to exceed $286,848,000 shall be available for region and center operations and regional coordination activities; not to exceed $162,349,000 shall be available for staff offices; and not to exceed $38,650,000 shall be available for information services: *Provided,* That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further,* That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further,* That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further,* That there may be credited to this appropriation funds received from States, counties, municipalities, for-~~

~~eign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further,* That of the funds appropriated under this heading, not less than $8,500,000 shall be for the contract tower cost-sharing program: *Provided further,* That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further,* That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further,* That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further,* That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further,* That none of the funds in this Act may be obligated or expended for an employee of the~~

~~Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.~~

~~FACILITIES AND EQUIPMENT~~

~~(AIRPORT AND AIRWAY TRUST FUND)~~

~~For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $2,515,000,000, of which $2,055,027,000 shall remain available until September 30, 2010, and of which $459,973,000 shall remain available until September 30, 2008. *Provided,* That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for ex-*

~~penses incurred in the establishment and modernization of air navigation facilities: *Provided further,* That upon initial submission to the Congress of the fiscal year 2009 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2009 through 2013, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.~~

~~RESEARCH, ENGINEERING, AND DEVELOPMENT~~

~~(AIRPORT AND AIRWAY TRUST FUND)~~

~~For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $140,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2010: *Provided,* That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.~~

~~GRANTS-IN-AID FOR AIRPORTS~~

~~(LIQUIDATION OF CONTRACT AUTHORIZATION)~~

~~(LIMITATION ON OBLIGATIONS)~~

~~(AIRPORT AND AIRWAY TRUST FUND)~~

~~For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $4,399,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided,* That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,600,000,000 in fiscal year 2008, notwithstanding section 47117(g) of title 49, United States Code: *Provided further,* That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other~~

~~airport improvements that are necessary to install bulk explosive detection systems: *Provided further,* That notwithstanding any other provision of law, of funds limited under this heading, not more than $80,676,000 shall be obligated for administration, not less than $10,000,000 shall be available for the airport cooperative research program, not less than $18,712,000 shall be for Airport Technology Research and $10,000,000, to remain available until expended, shall be available and transferred to "Office of the Secretary, Salaries and Expenses" to carry out the Small Community Air Service Development Program.~~

~~(RESCISSION)~~

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

~~ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION~~

~~SEC. 110. Notwithstanding any other provision of law, airports may transfer without consideration to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport~~

~~improvement program grant: *Provided,* That the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.~~

~~SEC. 111. None of the funds in this Act may be used to compensate in excess of 375 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2008.~~

~~SEC. 112. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided,* That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.~~

~~SEC. 113. The Administrator of the Federal Aviation Administration may reimburse amounts made available to~~

~~satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: *Provided,* That during fiscal year 2008, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.~~

~~SEC. 114. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.~~

~~SEC. 115. (a) Section 44302(f)(1) of title 49, United States Code, is amended by striking "2006," each place it appears and inserting "2008,".~~

~~(b) Section 44303(b) of such title is amended by striking "2006," and inserting "2008,".~~

~~(c) Section 44310 of such title is amended by striking "March 30, 2008" and inserting "December 31, 2008".~~

~~SEC. 116. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.~~

~~FEDERAL HIGHWAY ADMINISTRATION~~

~~LIMITATION ON ADMINISTRATIVE EXPENSES~~

~~Not to exceed $384,556,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation.~~

~~FEDERAL-AID HIGHWAYS~~

~~(LIMITATION ON OBLIGATIONS)~~

~~(HIGHWAY TRUST FUND)~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $40,216,051,359 for Federal-aid highways and highway safety construction programs for fiscal year 2008. *Provided,* That within the $40,216,051,359 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2008. *Provided further,* That this limitation on transportation research programs shall not apply to any authority pre-~~

~~viously made available for obligation: *Provided further,* That the funds authorized pursuant to section 110 of title 23, United States Code, for the motor carrier safety grant program, and the obligation limitation associated with such funds provided under this heading, shall be transferred to the Federal Motor Carrier Safety Administration: *Provided further,* That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further,* That such fees are available until expended to pay for such costs: *Provided further,* That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.~~

~~(LIQUIDATION OF CONTRACT AUTHORIZATION)~~

~~(HIGHWAY TRUST FUND)~~

~~For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C.~~

~~308, $40,955,051,359 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.~~

~~(RESCISSION)~~

~~(HIGHWAY TRUST FUND)~~

~~Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $3,000,000,000 are rescinded. *Provided,* That such rescission shall be distributed within each State, as defined in section 101 of such title, among all programs for which funds are apportioned under such chapter for such fiscal year, to the extent sufficient funds remain available for obligation, in the ratio that the amount of funds apportioned for each program under such chapter for such fiscal year, bears to the amount of funds apportioned for all such programs under such chapter for such fiscal year. *Provided further,* That funds set aside under sections 133(d)(2) and 133(d)(3) of such title shall be treated as being apportioned under chapter 1 of such title for the purposes of this provision.~~

~~ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION~~

~~(INCLUDING RESCISSIONS)~~

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

~~(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;~~

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

~~(3) determine the ratio that—~~

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

~~(B) the total of the sums authorized to be appropriated for Federal-aid highways and~~

highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the

~~sums authorized to be appropriated for that section for the fiscal year; and~~

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

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

~~(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater~~

~~than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—~~

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

~~(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.~~

~~(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the~~

~~day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to $639,000,000 for each of fiscal years 2005 through 2008; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.~~

~~(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts~~

~~to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.~~

~~(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.~~

~~(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—~~

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

~~(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and~~

~~(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.~~

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

~~(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.~~

~~(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—~~

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

~~(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.~~

~~(g) HIGH PRIORITY PROJECT FLEXIBILITY.—~~

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

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

~~(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.~~

~~SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pur-~~

~~suant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.~~

~~SEC. 122. Of the unobligated balances made available under sections 1103, 1104, 1105, 1106(a), 1106(b), 1107, and 1108 of Public Law 102–240, $1,292,287.73 are rescinded.~~

~~SEC. 123. Of the unobligated balances made available under section 1602 of Public Law 105–178, $6,138,880.54 are rescinded.~~

~~SEC. 124. Of the unobligated balances made available under section 188(a)(1) of title 23, United States Code, as in effect on the day before the date of enactment of Public Law 109–59, and under section 608(a)(1) of such title, $162,253,000 are rescinded.~~

~~SEC. 125. Of the amounts made available under section 104(a) of title 23, United States Code, $43,358,601 are rescinded.~~

~~SEC. 126. Of the unobligated balances made available under title 5 of Public Law 109–59, for the implementation or execution of programs for transportation research, $172,242,964 are rescinded.~~

~~SEC. 127. Of the amounts made available for "Highway Related Safety Grants" by section 402 of title 23, United States Code, and administered by the Federal Highway Administration, $11,314 in unobligated balances are rescinded.~~

~~SEC. 128. Of the unobligated balances made available under Public Law 101–516, Public Law 102–143, Public Law 103–331, Public Law 106–346, Public Law 107–87, and Public Law 108–7, $4,753,687.26 are rescinded.~~

~~SEC. 129. Funds authorized under section 110 of title 23, United States Code, for fiscal year 2008 shall be distributed in accordance with the distribution set forth in section 110(b)(4) (A) and (B) of such title, except that before such allocations are made, $219,250,000 shall be set aside for the Transportation, Community, and System Preservation Program under section 1117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59, 119 Stat. at 1177–1179) and administered in accordance with section 1117(g)(2) of such Act.~~

~~FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION~~

~~MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS~~

~~(LIQUIDATION OF CONTRACT AUTHORIZATION)~~

~~(LIMITATION ON OBLIGATIONS)~~

~~(HIGHWAY TRUST FUND)~~

~~(INCLUDING RESCISSION)~~

~~For payment of obligations incurred for administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $228,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided,* That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $228,000,000, for ''Motor Carrier Safety Operations and Programs'', of which $10,296,000, to remain available for obligation until September 30, 2010, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59: *Provided further,* That notwithstanding any other provision of law, none of the funds~~

~~under this heading for outreach and education shall be available for transfer: *Provided further,* That $3,469,553 in unobligated balances are rescinded.~~

~~MOTOR CARRIER SAFETY GRANTS~~

~~(LIQUIDATION OF CONTRACT AUTHORIZATION)~~

~~(LIMITATION ON OBLIGATIONS)~~

~~(HIGHWAY TRUST FUND)~~

~~(INCLUDING RESCISSION)~~

~~For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, $300,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided,* That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $300,000,000, for "Motor Carrier Safety Grants"; of which $202,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $25,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the~~

~~performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59; and $8,000,000 shall be available for the commercial driver's license information system modernization program to carry out section 31309(e) of title 49, United States Code. *Provided further,* That of the funds made available for the motor carrier safety assistance program, $29,000,000 shall be available for audits of new entrant motor carriers. *Provided further,* That $11,260,214 in unobligated balances are rescinded.~~

~~MOTOR CARRIER SAFETY~~

~~(HIGHWAY TRUST FUND)~~

~~(RESCISSION)~~

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

~~NATIONAL MOTOR CARRIER SAFETY PROGRAM~~

~~(HIGHWAY TRUST FUND)~~

~~(RESCISSION)~~

~~Of the amounts made available under this hearing in prior appropriations Act, $5,212,858 in unobligated balances are rescinded.~~

~~ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION~~

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

~~NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION~~

~~OPERATIONS AND RESEARCH~~

~~For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59, chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $125,000,000, of which $26,156,000 shall remain available until September 30, 2010. *Provided,* That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104~~

~~of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.~~

~~OPERATIONS AND RESEARCH~~

~~(LIQUIDATION OF CONTRACT AUTHORIZATION)~~

~~(LIMITATION ON OBLIGATIONS)~~

~~(HIGHWAY TRUST FUND)~~

~~For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, $107,750,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2008, are in excess of $107,750,000 for programs authorized under 23 U.S.C. 403.~~

~~NATIONAL DRIVER REGISTER~~

~~(LIQUIDATION OF CONTRACT AUTHORIZATION)~~

~~(LIMITATION ON OBLIGATIONS)~~

~~(HIGHWAY TRUST FUND)~~

~~For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided,* That none of the funds in this Act~~

~~shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2008, are in excess of $4,000,000 for the National Driver Register authorized under such chapter.~~

~~HIGHWAY TRAFFIC SAFETY GRANTS~~

~~(LIQUIDATION OF CONTRACT AUTHORIZATION)~~

~~(LIMITATION ON OBLIGATIONS)~~

~~(HIGHWAY TRUST FUND)~~

~~For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $599,250,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2008, are in excess of $599,250,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $225,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402; $25,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405; $124,500,000 shall be for "Safety Belt Performance Grants" under 23 U.S.C. 406; $34,500,000 shall be for "State Traffic Safety Information System Improvements" under 23 U.S.C. 408;~~

~~$131,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Incentive Grant Program" under 23 U.S.C. 410; $18,250,000 shall be for "Administrative Expenses" under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for "High Visibility Enforcement Program" under section 2009 of Public Law 109–59; $6,000,000 shall be for "Motorcyclist Safety" under section 2010 of Public Law 109–59; and $6,000,000 shall be for "Child Safety and Child Booster Seat Safety Incentive Grants" under section 2011 of Public Law 109–59. *Provided further,* That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures. *Provided further,* That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States. *Provided further,* That not to exceed $750,000 of the funds made available for the "High Visibility Enforcement Program" shall be available for the evaluation required under section 2009(f) of Public Law 109–59.~~

~~ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (INCLUDING RESCISSIONS)~~

~~SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under~~

~~section 403 of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.~~

~~SEC. 141. Of the amounts made available under the heading "Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, $12,197,113.60 in unobligated balances are rescinded.~~

~~SEC. 142. Of the amounts made available under the heading "National Driver Register (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, $119,914.61 in unobligated balances are rescinded.~~

~~SEC. 143. Of the amounts made available under the heading "Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, $10,528,958 in unobligated balances are rescinded.~~

~~FEDERAL RAILROAD ADMINISTRATION~~

~~SAFETY AND OPERATIONS~~

~~For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $148,472,000, of which $12,268,890 shall remain available until expended.~~

~~RAILROAD RESEARCH AND DEVELOPMENT~~

~~For necessary expenses for railroad research and development, $33,250,000, to remain available until expended.~~

~~RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM~~

~~The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided,* That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2008.~~

~~RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM~~

~~For necessary expenses of carrying out section 20154 of title 49, United States Code, as authorized by section 9002 of Public Law 109–59, $35,000,000.~~

~~OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION~~

~~To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for operation of intercity passenger rail, $475,000,000 to remain available until expended: *Provided,* That the Secretary of Transportation shall approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further,* That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further,* That the Corporation is directed to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: *Provided further,* That the Inspector General of the Department of Transportation shall report to the House and Senate Committees on Appropriations beginning three months after the date of the enactment of this Act and quarterly thereafter with estimates of the savings accrued as a result of all operational~~

~~reforms instituted by the Corporation: *Provided further,* That not later than 120 days after enactment of this Act, the Corporation shall transmit to the House and Senate Committees on Appropriations the status of its plan to improve the financial performance of food and beverage service and its plan to improve the financial performance of first class service (including sleeping car service): *Provided further,* That the Corporation shall report quarterly to the House and Senate Committees on Appropriations on its progress against the milestones and target dates contained in the plan provided in fiscal year 2007 and quantify savings realized to date on a monthly basis compared to those projected in the plan, identify any changes in the plan or delays in implementing these plans, and identify the causes of delay and proposed corrective measures: *Provided further,* That not later than 90 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a comprehensive business plan approved by the Board of Directors for fiscal year 2008 under section 24104(a) of title 49, United States Code: *Provided further,* That the business plan shall include, as applicable, targets for ridership,~~

~~revenues, and capital and operating expenses: *Provided further,* That the plan shall also include a separate accounting of such targets for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: *Provided further,* That the business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: *Provided further,* That the Corporation shall continue to provide monthly reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: *Provided further,* That the Corporation's business plan and all subsequent supplemental plans shall be displayed on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: *Provided further,* That the leases and contracts entered into by the Corporation in any year that the Corporation receives a Federal subsidy after the date of enactment of the Act, regardless of the place the same may~~

~~be executed, shall be governed by the laws of the District of Columbia: *Provided further,* That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: *Provided further,* That none of the funds provided in this Act may be used after March 1, 2006, to support any route on which Amtrak offers a discounted fare of more than 50 percent off the normal, peak fare: *Provided further,* That the preceding proviso does not apply to routes where the operating loss as a result of the discount is covered by a State and the State participates in the setting of fares: *Provided further,* That of the amounts made available under this heading not less than $18,500,000 shall be available for the Amtrak Office of Inspector General.~~

~~CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION~~

~~To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the maintenance and repair of capital infrastructure owned by the Corporation, including railroad equipment, rolling stock, legal mandates and other services, $925,000,000 to remain available until expended, of~~

~~which not to exceed $285,000,000 shall be for debt service obligations: *Provided,* That the Secretary may retain up to one-quarter of one percent of the funds under this heading to fund the oversight by the Federal Railroad Administration of the design and implementation of capital projects funded by grants made under this heading: *Provided further,* That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital grant justifying the Federal support to the Secretary's satisfaction: *Provided further,* That none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further,* That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2008 business plan: *Provided further,* That $35,000,000 of amounts made available under this heading shall be available until expended for capital improvements if the Corporation demonstrates to the Secretary's satisfaction that the Corporation has achieved operational savings and met ridership and revenue targets as defined in the Corporation's business plan: *Provided further,* That of the funds provided under this section, not less than $5,000,000 shall be ex-~~

~~pended for the development and implementation of a managerial cost accounting system, which includes average and marginal unit cost capability: *Provided further,* That within 90 days of enactment, the Department of Transportation Inspector General shall review and comment to the Secretary of Transportation and the House and Senate Committees on Appropriations upon the strengths and weaknesses of the system being developed by the Corporation and how it best can be implemented to improve decision making by the Board of Directors and management of the Corporation: *Provided further,* That not later than 180 days after the enactment of this Act, the Secretary, in consultation with the Corporation and the States on the Northeast Corridor, shall establish a common definition of what is determined to be a "state of good repair" on the Northeast Corridor and report its findings, including definitional areas of disagreement, to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation.~~

~~INTERCITY PASSENGER RAIL GRANT PROGRAM~~

~~To enable the Secretary to make grants to States in support of intercity passenger rail, $50,000,000 as authorized by section 26101 of title 49, United States Code, to remain available until expended: *Provided,* That States~~

~~may apply to the Federal Railroad Administration for grants up to 50 percent of the cost of planning and capital investments necessary to support improved intercity passenger rail service that either requires no operating subsidy or for which the State or States agree to provide any needed operating subsidy. *Provided further,* That priority shall be given to planning and infrastructure improvement projects that improve the safety, reliability and schedule of intercity passenger trains, reduce congestion on the host freight railroads, involve a commitment by freight railroads to an enforceable on-time performance of passenger trains of 80 percent or greater, involve a commitment by States of financial resources to improve the safety of highway/rail grade crossings over which the passenger service operates, and that protect and enhance the environment, promote energy conservation, and improve quality of life. *Provided further,* That to be eligible for this assistance, States must include intercity passenger rail service as an integral part of Statewide transportation planning as required under 23 U.S.C. 135. *Provided further,* That the specific project must be on the Statewide Transportation Improvement Plan at the time of the application to qualify.~~

~~ADMINISTRATIVE PROVISION—FEDERAL RAILROAD ADMINISTRATION~~

~~SEC. 150. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: *Provided,* That the Secretary shall prescribe guidelines for the administration of such purchases and use.~~

~~FEDERAL TRANSIT ADMINISTRATION~~

~~ADMINISTRATIVE EXPENSES~~

~~For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $92,500,000: *Provided,* That of the funds available under this heading, not to exceed $1,504,000 shall be available for travel and not to exceed $20,719,000 shall be available for the central account: *Provided further,* That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further,* That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further,* That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General~~

~~for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: *Provided further,* That upon submission to the Congress of the fiscal year 2009 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2009.~~

~~FORMULA AND BUS GRANTS~~

~~(LIQUIDATION OF CONTRACT AUTHORITY)~~

~~(LIMITATION ON OBLIGATIONS)~~

~~(HIGHWAY TRUST FUND)~~

~~(INCLUDING RESCISSION)~~

~~For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, $6,855,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided,* That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, shall not exceed total obligations of $7,872,893,000 in fiscal year 2008: *Provided further,* That $28,660,920 in unobligated balances are rescinded.~~

~~RESEARCH AND UNIVERSITY RESEARCH CENTERS~~

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

~~CAPITAL INVESTMENT GRANTS~~

~~(INCLUDING RESCISSION)~~

~~For necessary expenses to carry out section 5309 of title 49, United States Code, $1,700,000,000, to remain available until expended of which $200,000,000 is for section 5309(e). *Provided,* That $17,760,000 in unobligated balances are rescinded.~~

~~ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION~~

~~SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously~~

~~made available for obligation, or to any other authority previously made available for obligation.~~

~~SEC. 161. Notwithstanding any other provision of law, funds made available by this Act under "Federal Transit Administration, Capital investment grants" and bus and bus facilities under "Federal Transit Administration, Formula and bus grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2010, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.~~

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

~~SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for a new fixed guideway systems projects under the heading "Federal Transit Administration, Capital Investment Grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.~~

~~SEC. 164. During fiscal year 2008, each Federal Transit Administration grant for a project that involves the acquisition or rehabilitation of a bus to be used in public transportation shall be funded for 100 percent of the net capital costs of a factory-installed or retrofitted hybrid electric propulsion system and any equipment related to such a system: *Provided,* That the Secretary shall have the discretion to determine, through practicable administrative procedures, the costs attributable to the system and related-equipment.~~

~~SEC. 165. In addition to amounts otherwise made available in this Act, to enable the Secretary of Transportation to make grants to carry out 49 U.S.C. 5308 of Public Law 109–59, $26,000,000, to remain available until expended.~~

~~SEC. 166. The second sentence of section 321 of the Department of Transportation and Related Agencies Appropriations Act, 1986 (99 Stat. 1287) is repealed.~~

~~SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION~~

~~The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accordance with law, and to make such contracts and commitments without regard to~~

~~fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.~~

~~OPERATIONS AND MAINTENANCE~~

~~(HARBOR MAINTENANCE TRUST FUND)~~

~~For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $17,392,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.~~

~~MARITIME ADMINISTRATION~~

~~MARITIME SECURITY PROGRAM~~

~~For necessary expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States, $156,000,000, to remain available until expended.~~

~~OPERATIONS AND TRAINING~~

~~For necessary expenses of operations and training activities authorized by law, $118,646,000, of which $24,720,000 shall remain available until September 30, 2008, for salaries and benefits of employees of the United States Merchant Marine Academy; of which $14,139,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy;~~

~~and of which $10,500,000 shall remain available until expended for maintenance and repair of schoolships at State Maritime Schools.~~

~~SHIP DISPOSAL~~

~~For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $17,000,000, to remain available until expended.~~

~~MARITIME GUARANTEED LOAN PROGRAM ACCOUNT~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For administrative expenses to carry out the guaranteed loan program, not to exceed $3,408,000, which shall be transferred to and merged with the appropriation for "Operations and Training", Maritime Administration.~~

~~SHIP CONSTRUCTION~~

~~(RESCISSION)~~

~~Of the unobligated balances available under this heading, $3,526,000 are rescinded.~~

~~ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION~~

~~SEC. 170. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be~~

~~credited to the appropriation charged with the cost thereof. *Provided,* That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.~~

~~SEC. 171. No obligations shall be incurred during the current fiscal year from the construction fund established by section 53716 of title 46, United States Code, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriations Act.~~

~~PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION~~

~~ADMINISTRATIVE EXPENSES~~

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

~~HAZARDOUS MATERIALS SAFETY~~

~~For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $28,899,000, of which $1,829,000 shall remain available until September 30, 2010. *Provided,* That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts. *Provided further,* That there may be credited to this appropriation, to~~

~~be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.~~

~~PIPELINE SAFETY~~

~~(PIPELINE SAFETY FUND)~~

~~(OIL SPILL LIABILITY TRUST FUND)~~

~~For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $78,875,000, of which $18,810,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2010; of which $60,065,000 shall be derived from the Pipeline Safety Fund, of which $32,683,000 shall remain available until September 30, 2010: *Provided,* That not less than $1,043,000 of the funds provided under this heading shall be for the one-call State grant program.~~

~~EMERGENCY PREPAREDNESS GRANTS~~

~~(EMERGENCY PREPAREDNESS FUND)~~

~~For necessary expenses to carry out 49 U.S.C. 5128(b), $188,000, to be derived from the Emergency Preparedness Fund, to remain available until September~~

~~30, 2009: *Provided,* That not more than $28,318,000 shall be made available for obligation in fiscal year 2008 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)–(c): *Provided further,* That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.~~

~~RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION~~

~~RESEARCH AND DEVELOPMENT~~

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

~~OFFICE OF INSPECTOR GENERAL~~

~~SALARIES AND EXPENSES~~

~~For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978 (5 U.S.C. App. 3), $66,400,000: *Provided,* That the Inspector General shall have all necessary authority, in carrying out the duties specified in the In-~~

~~spector General Act (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government under 18 U.S.C. 1001, by any person or entity that is subject to regulation by the Department: *Provided further,* That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.~~

~~SURFACE TRANSPORTATION BOARD~~

~~SALARIES AND EXPENSES~~

~~For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $26,495,000: *Provided,* That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further,* That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2008, to result in~~

~~a final appropriation from the general fund estimated at no more than $25,245,000.~~

~~GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION~~

~~(INCLUDING TRANSFERS OF FUNDS)~~

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

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

~~SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided,* That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.~~

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

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

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

~~SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Research and University Research Centers" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.~~

~~SEC. 186. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.~~

~~SEC. 187. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided,* That no notification shall involve funds that are not available for obligation.~~

~~SEC. 188. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space,~~

~~and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.~~

~~SEC. 189. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—~~

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

~~(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002. *Provided,* That amounts in excess of that required for paragraphs (1) and (2)—~~

~~(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or~~

~~(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided,* That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further,* That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.~~

~~SEC. 190. Funds provided in Public Law 102–143 in the item relating to "Highway Bypass Demonstration Project" shall be available for the improvement of Route 101 in the vicinity of Prunedale, Monterey County, California.~~

~~SEC. 191. Funds provided under section 378 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (Public Law 106–346, 114 Stat. 1356, 1356A–41), for the reconstruction of School Road East in Marlboro Township, New Jersey, shall be available for the Spring Valley Road Project in Marlboro Township, New Jersey.~~

~~This title may be cited as the "Department of Transportation Appropriations Act, 2008".~~

~~TITLE II~~

~~DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT~~

~~PUBLIC AND INDIAN HOUSING~~

~~TENANT-BASED RENTAL ASSISTANCE~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided for, $16,330,000,000, to remain available until expended, of which $12,137,000,000 shall be available on October 1, 2007, and $4,193,000,000 shall be available on October 1, 2008: *Provided,* That the amounts made available under this heading are provided as follows:~~

~~(1) $14,744,506,000 for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act): *Provided,* That notwithstanding any other provision of law, from amounts provided under this paragraph, the Secretary of Housing and Urban Development for the calendar year 2008 funding cycle shall provide renewal funding for each public housing agency based on the amount public housing agencies received in~~

~~calendar year 2007, by applying the 2008 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with deposits to Family Self-Sufficiency Program escrow accounts or the first-time renewal of tenant protection or HOPE VI vouchers or vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act: *Provided further,* That the Secretary shall, to the extent necessary to stay within the amount provided under this paragraph, pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further,* That except as provided in the following proviso, the entire amount provided under this paragraph shall be obligated to the public housing agencies based on the allocation and pro rata method described above and the Secretary shall notify public housing agencies of their annual budgets not later than 45 days after enactment of this Act: *Provided further,* That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous proviso: *Pro-*~~

vided further, That up to $75,000,000 shall be available for additional rental subsidy due to unforeseen exigencies as determined by the Secretary and for the one-time funding of housing assistance payments resulting from the portability provisions of the housing choice voucher program: *Provided further,* That none of the funds provided in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract.

(2) $150,000,000 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance: *Pro-*

~~*vided,* That additional section 8 tenant protection rental assistance costs may be funded in 2008 by utilizing unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing", the heading "Housing Certificate Fund", and the heading "Project-Based Rental Assistance", for fiscal year 2007 and prior years; *Provided further,* That not more than $12,000,000 may be used for section 8 assistance to cover the cost of judgments and settlement agreements.~~

~~(3) $48,000,000 for family self-sufficiency coordinators under section 23 of the Act.~~

~~(4) $30,000,000 for incremental vouchers under section 8 of the Act for nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act (42 U.S.C. 13618), and to the extent the Secretary determines that such amount is not need-~~

~~ed to fund applications for such affected families, for other nonelderly disabled families, of which remaining amount such amount as is necessary shall be made available to provide 1,000 vouchers for rental assistance for homeless veterans in accordance with section 8(o)(19)(B)(ii) of the Act: *Provided,* That incremental vouchers made available under this paragraph for nonelderly disabled families or for homeless veterans shall, to the extent practicable, continue to be provided to such families or veterans, respectively, upon turnover.~~

~~(5) $6,494,000 shall be transferred to the Working Capital Fund.~~

~~(6) $1,351,000,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $5,000,000 shall be available as an incentive bonus as determined by the Secretary for administrative expenses for public housing agencies that voluntarily consolidate, and of which up to $35,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs with up to $30,000,000 for fees associated with section 8 tenant protection rental assistance: *Provided,*~~

~~That not less than $1,351,000,000 of the amount provided in this paragraph shall be allocated for the calendar year 2008 funding cycle to public housing agencies on a basis as provided in section 8(q) of the Act as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276).~~ *Provided further,* ~~That if the amounts made available under this paragraph are insufficient to pay the amounts required by this paragraph, the Secretary may decrease the amounts allocated to agencies by a uniform prorated percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts required under this paragraph, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing", the heading "Housing Certificate Fund", and the heading "Project-Based Rental Assistance", for fiscal year 2007 and prior years.~~ *Provided further,* ~~That all amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under sec-~~

~~tion 8 of the Act, including related development activities.~~

~~HOUSING CERTIFICATE FUND~~

~~(RESCISSION)~~

~~Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing", the heading "Tenant-Based Rental Assistance", and the heading "Project-Based Rental Assistance", for fiscal year 2007 and prior years, $1,300,000,000 is rescinded, to be effected by the Secretary of Housing and Urban Development no later than September 30, 2008. *Provided,* That if insufficient funds exist under these headings, the remaining balance may be derived from any other heading under this title. *Provided further,* That the Secretary shall notify the Committees on Appropriations 30 days in advance of the rescission of any funds derived from the headings specified above. *Provided further,* That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission. *Provided further,* That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled.~~

~~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, $6,479,810,000, to remain available until expended: *Provided*, That the amounts made available under this heading are provided as follows:~~

~~(1) Up to $6,239,122,000 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 Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.~~

~~(2) Not less than $238,728,000 but not to exceed $286,230,000 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: 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 section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667).~~

~~(3) $1,960,000 shall be transferred to the Working Capital Fund.~~

~~(4) Amounts recaptured under this heading, the heading "Annual Contributions for Assisted Hous-~~

~~ing'', or the heading ''Housing Certificate Fund'' may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.~~

~~PUBLIC HOUSING CAPITAL FUND~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the ''Act'') $2,438,964,000, to remain available until September 30, 2011. *Provided,* That notwithstanding any other provision of law or regulation, during fiscal year 2008 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further,* That for purposes of such section 9(j), the term ''obligate'' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further,* That of the total amount provided under this heading, up to $10,890,000 shall be for carrying out activities under section 9(h) of~~

~~such Act; up to $10,000,000 shall be transferred to the Working Capital Fund; and up to $15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC). *Provided further,* That no funds may be used under this heading for the purposes specified in section 9(k) of the Act. *Provided further,* That of the total amount provided under this heading, up to $17,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs resulting from unforeseen or unpreventable emergencies and natural disasters occurring in fiscal year 2008. *Provided further,* That of the total amount provided under this heading, $38,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.). *Provided further,* That of the total amount provided under this heading up to $8,820,000 is to support the costs of administrative and judicial receiverships.~~

~~PUBLIC HOUSING OPERATING FUND~~

~~For 2008 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of~~

~~1937 (42 U.S.C. 1437g(e)), $4,200,000,000 (reduced by $20,000,000) (increased by $20,000,000): *Provided,* That in fiscal year 2008 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act. *Provided further,* That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937.~~

~~REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)~~

~~For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) $120,000,000, to remain available until September 30, 2008, of which the Secretary of Housing and Urban Development may use up to $2,400,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided,* That none of such funds shall be used directly or indirectly by granting competitive advantage in~~

~~awards to settle litigation or pay judgments, unless expressly permitted herein.~~

~~NATIVE AMERICAN HOUSING BLOCK GRANTS~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (''NAHASDA'') (25 U.S.C. 4111 et seq.), $626,965,000, to remain available until expended: *Provided,* That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary of Housing and Urban Development shall apply the formula under section 302 of such Act (25 U.S.C. 4152) with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further,* That of the amounts made available under this heading, $4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to $300,000 for related travel: *Provided further,* That of the amount provided under this heading,~~

~~$1,980,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA (25 U.S.C. 4191 et seq.): *Provided further,* That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further,* That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $17,000,000: *Provided further,* That for administrative expenses to carry out the guaranteed loan program, up to $148,500 from amounts in the third proviso, which shall be transferred to and merged with the appropriation for "Salaries and Expenses".~~

~~NATIVE HAWAIIAN HOUSING BLOCK GRANT~~

~~For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4221 et seq.), $8,727,000, to remain available until expended, of which $299,211 shall be for training and technical assistance activities.~~

~~INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development~~

~~Act of 1992 (12 U.S.C. 1715z–13a), $7,450,000, to remain available until expended: *Provided,* That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $367,000,000.~~

~~In addition, for administrative expenses to carry out the guaranteed loan program, up to $247,500 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and Expenses".~~

~~NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT~~

~~(INCLUDING TRANSFER OF FUNDS)~~

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

~~In addition, for administrative expenses to carry out the guaranteed loan program, up to $34,650 from~~

~~amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and Expenses".~~

~~COMMUNITY PLANNING AND DEVELOPMENT~~

~~HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $300,100,000, to remain available until September 30, 2009, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2010: *Provided,* That the Secretary of Housing and Urban Development shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: *Provided further,* That the Secretary may use up to $1,485,000 of the funds under this heading for training, oversight, and technical assistance activities; and $1,485,000 shall be transferred to the Working Capital Fund.~~

~~RURAL HOUSING AND ECONOMIC DEVELOPMENT~~

~~For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $16,830,000, to remain available until ex-~~

~~pended, which amount shall be competitively awarded by September 1, 2008, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits, and community development corporations to support innovative housing and economic development activities in rural areas.~~

~~COMMUNITY DEVELOPMENT FUND~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,180,000,000, to remain available until September 30, 2010, unless otherwise specified. *Provided,* That of the amount provided, $3,929,300,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974 (the "Act") (42 U.S.C. 5301 et seq.). *Provided further,* That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration. *Provided further,* That $1,584,000 shall be transferred to the Working Capital Fund. *Provided further,* That $62,000,000 shall be for grants to Indian tribes not-~~

~~withstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 205 of this Act), up to $3,960,000 may be used for emergencies that constitute imminent threats to health and safety.~~

~~Of the amount made available under this heading, $160,000,000 shall be available for grants for the Economic Development Initiative to finance a variety of targeted economic investments: *Provided,* That none of the funds provided under this paragraph may be used for program operations: *Provided further,* That, for fiscal years 2006, 2007, and 2008, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.~~

~~Of the amount made available under this heading, $20,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives.~~

~~The referenced statement of managers under this heading in title II of division I of Public Law 108–447 is deemed to be amended with respect to item number 194 by striking "for costs associated with replacing the roof on the historic Luckey, Platt Building" and inserting "for building stabilization measures at the historic Hoffman House".~~

~~The statement of managers correction referenced in the second paragraph under this heading in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 846 by striking "Mahonoy City, Pennsylvania for improvements to West Market Street" and inserting "Mahanoy City, Pennsylvania for improvements to Centre Street".~~

~~The statement of managers correction referenced in the second paragraph under this heading in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 250 by striking "for renovation and construction of a resource center" and inserting "for construction of a homeless shelter".~~

~~The statement of managers correction referenced in the second paragraph under this heading in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 713 by striking "for con-~~

~~struction of a senior center'' and inserting ''renovation and expansion of facilities''.~~

~~The statement of managers correction referenced in the second paragraph under this heading in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 844 by striking ''Liverpool Township'' and inserting ''Liverpool Borough''.~~

~~The referenced statement of managers under this heading in title II of division I of Public Law 108–447 is deemed to be amended with respect to item number 36 by striking ''respite care facility'' and inserting ''rehabilitative care facility for the developmentally disabled''.~~

~~The referenced statement of managers under this heading in title II of division I of Public Law 108–447 is deemed to be amended with respect to item number 608 by striking ''construct'' and inserting ''purchase and make improvements to facilities for''.~~

~~The referenced statement of managers under this heading in title II of division I of Public Law 108–447 is deemed to be amended with respect to item number 521 by striking ''Missouri'' and inserting ''Metropolitan Statistical Area''.~~

~~COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For the cost of guaranteed loans, $2,970,000, to remain available until September 30, 2009, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308). *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $137,500,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.~~

~~In addition, for administrative expenses to carry out the guaranteed loan program, $743,000 shall be transferred to and merged with the appropriation for "Salaries and Expenses".~~

~~BROWNFIELDS REDEVELOPMENT~~

~~For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)), for Brownfields redevelopment projects, $9,900,000, to remain available until September 30, 2009.~~

~~HOME INVESTMENT PARTNERSHIPS PROGRAM~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.), $1,757,250,000 (increased by $6,760,000), to remain available until September 30, 2010, of which $990,000 shall be transferred to the Working Capital Fund: *Provided,* That up to $9,900,000 shall be available for technical assistance: *Provided further,* That of the total amount provided in this paragraph, up to $41,580,000 (increased by $6,760,000) shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x).*

~~SELF-HELP AND ASSISTED HOMEOWNERSHIP~~

~~OPPORTUNITY PROGRAM~~

~~For the Self-Help and Assisted Homeownership Opportunity Program, $59,700,000, to remain available until September 30, 2010: *Provided,* That of the total amount provided in this heading $27,710,000 shall be made available to the Self Help Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note), of which up to $990,000 is for technical assistance, and: *Provided further,* That $31,000,000 shall be made available for capacity building, for Community De-*

velopment and affordable Housing for the Local Initiatives Support Corporation and the Enterprise Foundation for activities authorized by section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,560,990,000, of which $1,540,990,000 shall remain available until September 30, 2010, and of which $20,000,000 shall remain available until expended: *Provided,* That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: *Provided further,* That all funds awarded for services shall be matched by 25 percent in funding by each grantee: *Provided further,* That the Secretary of Housing and Urban Development

~~shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further,* That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further,* That up to $8,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: *Provided further,* That $2,475,000 of the funds appropriated under this heading shall be transferred to the Working Capital Fund: *Provided further,* That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2008.~~

~~HOUSING PROGRAMS~~

~~HOUSING FOR THE ELDERLY~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701(q)), and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $734,580,000, to remain available until September 30, 2011, of which up to $603,900,000 shall be for capital advance and project-based rental assistance awards: *Provided,* That, of the amount provided under this heading, up to $59,400,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to $24,750,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for emergency capital repairs as determined by the Secretary of Housing and Urban Development: *Provided further,* That of the amount made available under this heading, $20,000,000 shall be available to the Secretary only for making competitive*

~~grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959. *Provided further,* That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects. *Provided further,* That $1,980,000 of the total amount made available under this heading shall be transferred to the Working Capital Fund. *Provided further,* That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.~~

~~HOUSING FOR PERSONS WITH DISABILITIES~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for~~

~~such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, $236,610,000 to remain available until September 30, 2011: *Provided*, That $990,000 shall be transferred to the Working Capital Fund: *Provided further*, That, of the amount provided under this heading $74,745,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): *Provided further*, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: *Provided further*, That the Secretary of Housing and Urban Development may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center Inspections and inspection-related activities associated with section 811 Capital Advance Projects.~~

~~OTHER ASSISTED HOUSING PROGRAMS~~

~~RENTAL HOUSING ASSISTANCE~~

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

~~RENT SUPPLEMENT~~

~~(RESCISSION)~~

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

~~FLEXIBLE SUBSIDY FUND~~

~~(TRANSFER OF FUNDS)~~

~~From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2007, and any collections made during fiscal year 2008 and all subsequent fiscal years, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act.~~

~~MANUFACTURED HOUSING FEES TRUST FUND~~

~~For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $16,000,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund. *Provided,* That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act. *Provided further,* That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2008 so as to result in a final fiscal year 2008 appropriation from the general fund estimated at not more than $0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2008 appropriation. *Provided further,* That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant. *Provided further,* That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses~~

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

~~FEDERAL HOUSING ADMINISTRATION~~

~~MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT~~

~~(INCLUDING TRANSFERS OF FUNDS)~~

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

~~During fiscal year 2008, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act (12 U.S.C. 1709), shall not exceed $50,000,000. *Provided,* That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.~~

~~For administrative expenses necessary to carry out the guaranteed and direct loan program, $351,450,000, of which not to exceed $347,490,000 shall be transferred to the appropriation for "Salaries and Expenses"; and not to exceed $3,960,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for~~

~~administrative contract expenses, $77,400,000, of which $25,550,000 shall be transferred to the Working Capital Fund, and of which up to $5,000,000 shall be for education and outreach of FHA single family loan products: *Provided,* That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2008, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.~~

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

~~For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, $8,712,000, to remain available until expended: *Provided,* That commitments to guarantee loans shall not exceed $45,000,000,000 in total loan principal, any part of which is to be guaranteed.~~

~~Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be~~

~~for bridge financing in connection with the sale of multi-family real properties owned by the Secretary of Housing and Urban Development and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.~~

~~In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $229,086,000, of which $209,286,000 shall be transferred to the appropriation for "Salaries and Expenses"; and of which $19,800,000 shall be transferred to the appropriation for "Office of Inspector General".~~

~~In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $78,111,000, of which $15,692,000 shall be transferred to the Working Capital Fund: *Provided,* That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2008, an additional $1,980 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.~~

~~GOVERNMENT NATIONAL MORTGAGE ASSOCIATION GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)~~

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

~~For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $10,700,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $10,700,000, shall be transferred to the appropriation for "Salaries and Expenses".~~

~~POLICY DEVELOPMENT AND RESEARCH RESEARCH AND TECHNOLOGY~~

~~For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $58,087,000, to remain available until September 30, 2009. *Provided,* That of the total~~

~~amount provided under this heading, $5,000,000 shall be for the Partnership for Advancing Technology in Housing Initiative: *Provided further,* That of the funds made available under this heading, $22,394,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307): *Provided further,* That activities for the Partnership for Advancing Technology in Housing Initiative shall be administered by the Office of Policy Development and Research.~~

~~FAIR HOUSING AND EQUAL OPPORTUNITY~~

~~FAIR HOUSING ACTIVITIES~~

~~For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, $45,540,000, to remain available until September 30, 2009, of which $20,180,000 shall be to carry out activities pursuant to such section 561: *Provided,* That notwithstanding 31 U.S.C. 3302, the Secretary of Housing and Urban Development may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: *Provided further,* That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal~~

~~Government in connection with a specific contract, grant or loan.~~

~~OFFICE OF LEAD HAZARD CONTROL~~

~~LEAD HAZARD REDUCTION~~

~~For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852), $130,000,000, to remain available until September 30, 2009, of which $8,712,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards. *Provided,* That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan, or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994 (42 U.S.C. 3547). *Provided further,*~~

~~That of the total amount made available under this heading, $48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs, as identified by the Secretary of Housing and Urban Development as having: (1) the highest number of occupied pre-1940 units of rental housing; and (2) a disproportionately high number of documented cases of lead-poisoned children: *Provided further,* That each grantee receiving funds under the previous proviso shall target those privately owned units and multifamily buildings that are occupied by low-income families as defined under section 3(b)(2) of the United States Housing Act of 1937: *Provided further,* That not less than 90 percent of the funds made available under this paragraph shall be used exclusively for abatement, inspections, risk assessments, temporary relocations and interim control of lead-based hazards as defined by 42 U.S.C. 4851: *Provided further,* That each recipient of funds provided under the first proviso shall make a matching contribution in an amount not less than 25 percent: *Provided further,* That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability.~~

~~MANAGEMENT AND ADMINISTRATION~~

~~SALARIES AND EXPENSES~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $25,000 for official reception and representation expenses, $1,211,379,650, of which $556,776,000 shall be provided from the various funds of the Federal Housing Administration, $10,700,000 shall be provided from funds of the Government National Mortgage Association, $743,000 shall be from the "Community Development Loan Guarantee Program" account, $148,500 shall be provided by transfer from the "Native American Housing Block Grants" account, $247,500 shall be provided by transfer from the "Indian Housing Loan Guarantee Fund Program" account, and $34,650 shall be transferred from the "Native Hawaiian housing loan guarantee fund" account. *Provided,* That no official or employee of the Department shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds~~

~~control procedures and directives: *Provided further,* That the Chief Financial Officer shall establish positive control of and maintain adequate systems of accounting for appropriations and other available funds as required by 31 U.S.C. 1514: *Provided further,* That for purposes of funds control and determining whether a violation exists under the Anti-Deficiency Act (31 U.S.C. 1341 et seq.), the point of obligation shall be the executed agreement or contract, except with respect to insurance and guarantee programs, certain types of salaries and expenses funding, and incremental funding that is authorized under an executed agreement or contract, and shall be designated in the approved funds control plan: *Provided further,* That the Chief Financial Officer shall: (1) appoint qualified personnel to conduct investigations of potential or actual violations; (2) establish minimum training requirements and other qualifications for personnel that may be appointed to conduct investigations; (3) establish guidelines and timeframes for the conduct and completion of investigations; (4) prescribe the content, format and other requirements for the submission of final reports on violations; and (5) prescribe such additional policies and procedures as may be required for conducting investigations of, and administering, processing, and reporting on, potential and actual violations of the Anti-Deficiency Act and all other~~

~~statutes and regulations governing the obligation and expenditure of funds made available in this or any other Act: *Provided further,* That up to $15,000,000 may be transferred to the Working Capital Fund: *Provided further,* That the Secretary shall fill 7 out of 10 vacancies at the GS–14 and GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced from the number of GS–14 and GS–15 positions on the date of enactment of Public Law 106–377 by 2½ percent.~~

~~WORKING CAPITAL FUND~~

~~For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related development activities, $125,000,000, to remain available until September 30, 2009: *Provided,* That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further,* That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated.~~

~~OFFICE OF INSPECTOR GENERAL~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $113,760,000 (reduced by $6,760,000), of which $23,760,000 shall be provided from the various funds of the Federal Housing Administration: *Provided,* That the Inspector General shall have independent authority over all personnel issues within this office.~~

~~OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT~~

~~SALARIES AND EXPENSES~~

~~(INCLUDING TRANSFER OF FUNDS)~~

~~For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $66,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: *Provided,* That the Director shall submit a spending plan for the amounts provided under this heading no later than January 15, 2008: *Provided further,* That not less than 80 percent of the total amount made available under this heading shall be used only for examination, supervision, and capital oversight of the enterprises (as such term is defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502)) to ensure that the~~

~~enterprises are operating in a financially safe and sound manner and complying with the capital requirements under subtitle B of such Act: *Provided further,* That not to exceed the amount provided herein shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further,* That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.~~

~~GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT~~

~~SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which set-~~

~~tlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.~~

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

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

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

~~(2) is not otherwise eligible for an allocation for fiscal year 2008 under such clause (ii) because the~~

~~areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2008 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.~~

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

~~(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2008 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter "metropolitan division") of the New York-Newark-Edison, NY–NJ–PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that~~

~~is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.~~

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

~~SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).~~

~~SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act (12 U.S.C. 1811 et seq.).~~

~~SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.~~

~~SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2008 for such corporation or agency except as hereinafter provided: *Provided,* That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.~~

~~SEC. 208. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless the Secretary of Housing and Urban Development provides to the Committees on Appropriations a description of each proposed~~

activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2008, the Secretary shall transmit this information to the Committees by March 15, 2008 for 30 days of review.

SEC. 209. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 210. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2008 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division ("metropolitan division"), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jer-

~~sey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.~~

~~(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2008 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.~~

~~(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2008 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State~~

~~or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.~~

~~SEC. 211. The Secretary of Housing and Urban Development shall submit an annual report no later than August 30, 2008 and annually thereafter to the House and Senate Committees on Appropriations regarding the number of federally assisted units under lease and the per unit cost of these units to the Department of Housing and Urban Development.~~

~~SEC. 212. The Department of Housing and Urban Development shall submit the Department's fiscal year 2009 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate using the identical structure provided under this Act and only in accordance with the direction specified in the report accompanying this Act.~~

1 ~~SEC. 213. Incremental vouchers previously made~~
2 ~~available under the heading "Housing Certificate Fund"~~
3 ~~or renewed under the heading, "Tenant-Based Rental As-~~
4 ~~sistance," for non-elderly disabled families shall, to the ex-~~
5 ~~tent practicable, continue to be provided to non-elderly dis-~~
6 ~~abled families upon turnover.~~

7 ~~SEC. 214. A public housing agency or such other enti-~~
8 ~~ty that administers Federal housing assistance in the~~
9 ~~States of Alaska, Iowa, and Mississippi shall not be re-~~
10 ~~quired to include a resident of public housing or a recipi-~~
11 ~~ent of assistance provided under section 8 of the United~~
12 ~~States Housing Act of 1937 on the board of directors or~~
13 ~~a similar governing board of such agency or entity as re-~~
14 ~~quired under section (2)(b) of such Act. Each public hous-~~
15 ~~ing agency or other entity that administers Federal hous-~~
16 ~~ing assistance under section 8 in the States of Alaska,~~
17 ~~Iowa, and Mississippi shall establish an advisory board of~~
18 ~~not less than 6 residents of public housing or recipients~~
19 ~~of section 8 assistance to provide advice and comment to~~
20 ~~the public housing agency or other administering entity~~
21 ~~on issues related to public housing and section 8. Such~~
22 ~~advisory board shall meet not less than quarterly.~~

23 ~~SEC. 215. (a) Notwithstanding any other provision~~
24 ~~of law, subject to the conditions listed in subsection (b),~~
25 ~~for fiscal years 2008 and 2009, the Secretary of Housing~~

~~and Urban Development may authorize the transfer of project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one multifamily housing project to another multifamily housing project.~~

~~(b) The transfer authorized in subsection (a) is subject to the following conditions—~~

~~(1) the number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project;~~

~~(2) the transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable;~~

~~(3) the receiving project shall meet or exceed applicable physical standards established by the Secretary;~~

~~(4) the owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials;~~

~~(5) the tenants of the transferring project who remain eligible for assistance to be provided by the receiving project shall not be required to vacate their~~

~~units in the transferring project until new units in the receiving project are available for occupancy;~~

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

~~(7) if either the transferring project or the receiving project meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary;~~

~~(8) if the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions;~~

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

~~(10) the Secretary determines that Federal liability with regard to this project will not be increased.~~

~~(c) For purposes of this section—~~

~~(1) the terms "low-income" and "very low-income" shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;~~

~~(2) the term "multifamily housing project" means housing that meets one of the following conditions—~~

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

~~(B) housing that has project-based assistance attached to the structure;~~

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

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

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

~~(3) the term "project-based assistance" means—~~

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

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

~~(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;~~

~~(D) additional assistance payments under section 236(f)(2) of the National Housing Act; and~~

~~(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;~~

~~(4) the term "receiving project" means the multifamily housing project to which the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;~~

1 ~~(5) the term "transferring project" means the~~
2 ~~multifamily housing project which is transferring the~~
3 ~~project-based assistance, debt and the statutorily re-~~
4 ~~quired low-income and very low-income use restric-~~
5 ~~tions to the receiving project; and~~
6 ~~(6) the term "Secretary" means the Secretary~~
7 ~~of Housing and Urban Development.~~
8 ~~SEC. 216. The funds made available for Native Alas-~~
9 ~~kans under the heading "Native American Housing Block~~
10 ~~Grants" in title III of this Act shall be allocated to the~~
11 ~~same Native Alaskan housing block grant recipients that~~
12 ~~received funds in fiscal year 2005.~~
13 ~~SEC. 217. Incremental vouchers previously made~~
14 ~~available under the heading, "Housing Certificate Fund"~~
15 ~~or renewed under the heading, "Tenant-Based Rental As-~~
16 ~~sistance", for family unification shall, to the extent prac-~~
17 ~~ticable, continue to be provided for family unification.~~
18 ~~SEC. 218. None of the funds appropriated or other-~~
19 ~~wise made available by this Act or any other Act may be~~
20 ~~used to develop or impose policies or procedures, including~~
21 ~~an account structure, that subjects the Government Na-~~
22 ~~tional Mortgage Association to the requirements of the~~
23 ~~Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).~~
24 ~~This section shall not be construed to exempt that entity~~

~~from credit subsidy budgeting or from budget presentation requirements previously adopted.~~

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

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

~~(2) is under 24 years of age;~~

~~(3) is not a veteran;~~

~~(4) is unmarried;~~

~~(5) does not have a dependent child;~~

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

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

~~(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any finan-~~

~~cial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.~~

~~(c) Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue final regulations to carry out the provisions of this section.~~

~~SEC. 220. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)), the Secretary of Housing and Urban Development may, until September 30, 2008, insure and enter into commitments to insure mortgages under section 255 of the National Housing Act (12 U.S.C. 1715z–20).~~

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

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

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

(A) by striking "140 percent" each place such term appears and inserting "170 percent"; and

(B) by striking "170 percent in high cost areas" each place such term appears and inserting "215 percent in high cost areas"; and

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

SEC. 222. (a) During fiscal year 2008, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in

~~an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.~~

~~SEC. 223. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.~~

~~SEC. 224. The Secretary of Housing and Urban Development shall give priority consideration to applications from the housing authorities of the Counties of San Bernardino and Santa Clara and the City of San Jose, California to participate in the Moving to Work Demonstration Agreement under section 204, title V, of the Omnibus Consolidated Rescissions and Appropriations Act~~

~~of 1996 (Public Law 104–134, April 26, 1996): *Provided,* That upon turnover, existing requirements on the reissuance of section 8 vouchers shall be maintained to ensure that not less than 75 percent of all vouchers shall be made available to extremely low-income families.~~

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

~~TITLE III~~

~~RELATED AGENCIES~~

~~ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD~~

~~SALARIES AND EXPENSES~~

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

~~FEDERAL MARITIME COMMISSION~~

~~SALARIES AND EXPENSES~~

~~For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger~~

~~motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, $22,072,000: *Provided,* That not to exceed $2,000 shall be available for official reception and representation expenses.~~

~~NATIONAL TRANSPORTATION SAFETY BOARD~~

~~SALARIES AND EXPENSES~~

~~For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $85,000,000, of which not to exceed $2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments due in fiscal year 2008 only, on an obligation incurred in fiscal year 2001 for a capital lease.~~

~~NEIGHBORHOOD REINVESTMENT CORPORATION~~

~~PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION~~

~~For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities,~~

~~as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $119,800,000, of which $5,000,000 shall be for a multi-family rental housing program.~~

~~UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS~~

~~OPERATING EXPENSES~~

~~For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $2,000,000.~~

~~Title II of the McKinney-Vento Homeless Assistance Act, as amended, is amended in section 209 by striking "2007" and inserting "2008".~~

~~TITLE IV~~

~~GENERAL PROVISIONS—THIS ACT~~

~~(INCLUDING TRANSFERS OF FUNDS)~~

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

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

~~SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.~~

~~SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.~~

~~SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a re-~~

~~programming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the House and Senate Committees on Appropriations or the table accompanying the statement of the managers accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided,* That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further,* That the report shall include: (1) a table for each appropriation with a~~

separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further,* That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

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

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House

~~and Senate Committees on Appropriations on all sole source contracts by no later than July 31, 2008. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.~~

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

~~(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;~~

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

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

~~(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or~~

~~(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.~~

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

~~SEC. 409. None of the funds made available in this Act may be used to enter into a contract with an entity that does not participate in the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).~~

~~SEC. 410. None of the funds made available under this Act may be used to establish or implement a cross-border motor carrier demonstration or pilot project or program to allow Mexico-domiciled motor carriers to operate beyond the commercial zones on the United States-Mexico border.~~

~~SEC. 411. None of the funds made available in this Act may be used to take any action to issue a final rule or notice based on, or otherwise implement, all or any part of the proposed rule of the Department of Housing and Urban Development published on Friday, May 11, 2007, on page 27048 of volume 72 of the Federal Register (Docket No. FR–5087–P–01), relating to standards for mortgagor's investment in mortgaged property.~~

~~SEC. 412. None of the funds made available in this Act may be used by the Federal Aviation Administration~~

~~(FAA) to eliminate, consolidate, de-consolidate, co-locate, execute inter-facility reorganization, or plan for the consolidation/deconsolidation, inter-facility reorganization, or co-location of any FAA air traffic control facility or service, with the exception of the reversal of the transfer of the radar functions from the Palm Springs Terminal Radar Approach Control (TRACON) to the Southern California TRACON.~~

~~SEC. 413. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the "ENERGY STAR" or "Federal Energy Management Program" designation.~~

~~SEC. 414. None of the funds made available under this Act may be used to establish or collect tolls on Interstate 80 in the Commonwealth of Pennsylvania.~~

~~SEC. 415. None of the funds made available in this Act may be used by the Department of Transportation to promulgate regulations based on race, ethnicity, or sex.~~

~~SEC. 416. None of the funds made available in this Act may be used to provide homeownership assistance for applicants described in 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).~~

~~SEC. 417. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).~~

~~SEC. 418. The amount otherwise provided in this Act for "Grants-in-Aid for Airports" administered by the Federal Aviation Administration of the Department of Transportation is hereby reduced by $10,000,000 and increased by $10,000,000.~~

~~SEC. 419. None of the funds made available in this Act may be used in violation of section 8 of the National Labor Relations Act of 1935, with respect to workers on federally-funded transportation projects.~~

~~SEC. 420. None of the funds made available under this Act may be used to participate in a working group pursuant to the Security and Prosperity Partnership.~~

~~This Act may be cited as the "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008".~~

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation and Housing and Urban Development, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

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

Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

OFFICE OF CIVIL RIGHTS

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

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

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

tivities, and making grants, to remain available until expended, $14,115,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $128,094,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $370,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total

loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $521,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $2,970,000, to remain available until September 30, 2009: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $60,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: Provided, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: Provided further, That, if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

COMPENSATION FOR AIR CARRIERS

(RESCISSION)

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

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from "Office of the Secretary, Salaries and expenses" to "Minority Business Outreach".

SEC. 102. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

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

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $8,761,783,000, of which $6,400,580,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $6,964,813,000 shall be available for air traffic organization activities; not to exceed $1,092,103,000 shall be available for aviation safety activities; not to exceed $12,837,437 shall be available for commercial space transportation activities; not to exceed $103,848,661 shall be available for financial services activities; not to exceed $91,214,239 shall be available for human resources program activities; not to exceed $290,872,359 shall be available for region and center operations and regional coordination activities; not to exceed $166,541,633 shall be available for staff offices; and not to exceed $39,552,285 shall be available for information services: Pro-

vided, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may increase or decrease any appropriation by more than 2 percent: Provided further, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That the Secretary utilize not less than $20,000,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: Provided further, That none of the funds provided for increases to the staffs of the aviation flight standards and aircraft certification offices shall be used for other purposes: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: Provided further, That the amount herein appropriated shall be reduced by $100,000 for each day after March 31 that such report has not been submitted to the Congress: Provided further, That not later than March 31 of each fiscal year hereafter,

the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: Provided further, That the amount herein appropriated shall be reduced by $100,000 per day for each day after March 31 that such report has not been submitted to Congress: Provided further, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $8,500,000 shall be for the contract tower cost-sharing pro-

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

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and

the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $2,516,920,000, of which $2,056,947,000 shall remain available until September 30, 2010, and of which $459,973,000 shall remain available until September 30, 2008: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2009 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2009 through 2013, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

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

sition of necessary sites by lease or grant, $148,800,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2010: Provided, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $4,399,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: Pro-

vided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,514,500,000 in fiscal year 2008, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding any other provision of law, of funds limited under this heading, not more than $80,676,000 shall be obligated for administration, not less than $10,000,000 shall be available for the airport cooperative research program, not less than $18,712,000 shall be for Airport Technology Research and $10,000,000 shall be available and transferred to the account available to administer the small community air service development program, to remain available until expended.

(RESCISSION)

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

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 375 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2008.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: Provided, That during fiscal year 2008, 49 U.S.C. 41742(b) shall not apply, and any amount remain-

ing in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

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

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

(b) Section 44303(b) of such title is amended by striking "2006," and inserting "2008,".

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

SEC. 115. MULTICREW COVERED OPERATIONS SERVICE BY OLDER PILOTS. (a) IN GENERAL.—Chapter 447 of title 49, United States Code, is amended by adding at the end thereof the following:

"§ 44729. Age standards for pilots

"(a) IN GENERAL.—Subject to the limitation in subsection (c), a pilot may serve in multicrew covered operations until attaining 65 years of age.

"(b) COVERED OPERATIONS DEFINED.—In this section, the term 'covered operations' means operations under part 121 of title 14, Code of Federal Regulations.

"(c) LIMITATION FOR INTERNATIONAL FLIGHTS.—

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

"(2) SUNSET OF LIMITATION.—Paragraph (1) shall cease to be effective on such date as the Convention on International Civil Aviation provides that a pilot who has attained 60 years of age may serve as pilot-in-command in international commercial operations without regard to whether there is another pilot in the flight deck crew who has not attained age 60.

"(d) SUNSET OF AGE-60 RETIREMENT RULE.—On and after the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008, section 121.383(c) of title 14, Code of Federal Regulations, shall cease to be effective.

"(e) APPLICABILITY.—

"(1) NONRETROACTIVITY.—No person who has attained 60 years of age before the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008

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

"(A) such person is in the employment of that air carrier in such operations on such date of enactment as a required flight deck crew member; or

"(B) such person is newly hired by an air carrier as a pilot on or after such date of enactment without credit for prior seniority or prior longevity for benefits or other terms related to length of service prior to the date of rehire under any labor agreement or employment policies of the air carrier.

"(2) PROTECTION FOR COMPLIANCE.—An action taken in conformance with this section, taken in conformance with a regulation issued to carry out this section, or taken prior to the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008 in conformance with section 121.383(c) of title 14, Code of Federal Regulations (as in effect before such date of enactment), may not serve as a basis for liability or relief in a proceeding, brought under any employment law or regulation, before any court or agency of the United States or of any State or locality.

"(f) AMENDMENTS TO LABOR AGREEMENTS AND BENEFIT PLANS.—Any amendment to a labor agreement or benefit plan of an air carrier that is required to conform with the requirements of this section or a regulation issued to carry out this section, and is applicable to pilots represented for collective bargaining, shall be made by agreement of the air carrier and the designated bargaining representative of the pilots of the air carrier.

"(g) MEDICAL STANDARDS AND RECORDS.—

"(1) MEDICAL EXAMINATIONS AND STANDARDS.—Except as provided by paragraph (2), a person serving as a pilot for an air carrier engaged in covered operations shall not be subject to different medical standards, or different, greater, or more frequent medical examinations, on account of age unless the Secretary determines (based on data received or studies published after the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008) that different medical standards, or different, greater, or more frequent medical examinations, are needed to ensure an adequate level of safety in flight.

"(2) DURATION OF FIRST-CLASS MEDICAL CERTIFICATE.—No person who has attained 60 years of age may serve as a pilot of an air carrier engaged in

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

"(h) SAFETY.—

"(1) TRAINING.—Each air carrier engaged in covered operations shall continue to use pilot training and qualification programs approved by the Federal Aviation Administration, with specific emphasis on initial and recurrent training and qualification of pilots who have attained 60 years of age, to ensure continued acceptable levels of pilot skill and judgment.

"(2) LINE EVALUATIONS.—Not later than 6 months after the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008, and every 6 months thereafter, an air carrier engaged in covered operations shall evaluate the performance of each pilot of the air carrier who has attained 60 years of age through a line check of such pilot. Notwithstanding the preceding sentence, an air carrier shall not be required to conduct for a 6-month period a line check under this paragraph of a pilot serving as second-in-command if the pilot has undergone a regu-

larly scheduled simulator evaluation during that period.

"(3) GAO REPORT.—Not later than 24 months after the date of enactment of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning the effect, if any, on aviation safety of the modification to pilot age standards made by subsection (a).".

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

"§ 44729. Age standards for pilots".

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

(1) IN GENERAL.—The Comptroller General shall conduct a study on the efficacy of strategies employed by the Administrator of the Federal Aviation Administration and the Secretary of Transportation to address flight delays at airports in the United States.

(2) CONTENTS.—The study required by paragraph (1) shall include an assessment of—

(A) efforts by the Administrator of the Federal Aviation Administration to induce voluntary schedule reductions by air carriers at Chicago O'Hare International Airport;

(B) the mandatory flight reduction operations instituted by the Administrator of the Federal Aviation Administration at LaGuardia Airport and Ronald Reagan Washington National Airport;

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

(D) any other significant efforts by the Administrator of the Federal Aviation Administration or the Secretary of Transportation to reduce flight delays at airports in the United States.

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

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

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

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $377,556,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $40,216,051,359 for Federal-aid highways and highway safety construction programs for fiscal year 2008: Provided, That within the $40,216,051,359 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2008: Provided further, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation:

Provided further, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal government of servicing such credit instruments: Provided further, That such fees are available until expended to pay for such costs: Provided further, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $40,955,051,359 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

(RESCISSION)

(HIGHWAY TRUST FUND)

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

I–35W BRIDGE REPAIR AND RECONSTRUCTION

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

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For necessary expenses for West Virginia corridor H of the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240, as amended, $20,000,000, to remain available until expended.

DELTA REGIONAL TRANSPORTATION DEVELOPMENT PROGRAM

For necessary expenses for the Delta Regional Transportation Development Program as authorized under section 1308 of Public Law 109–59, $20,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

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

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; amounts designated under section 124; and the Bureau of Transportation Statistics;

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

(3) determine the ratio that—

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

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

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

1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

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

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

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

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

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

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

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

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

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

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

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

eral-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

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

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

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

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under sub-

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

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

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

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

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

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

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A)

for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

(RESCISSION)

SEC. 122. Of the amounts made available under section 104(a) of title 23, United States Code, $43,358,601 are rescinded.

(RESCISSION)

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

SEC. 124. Notwithstanding any other provision of law, funds authorized under section 110 of title 23, United States Code, for fiscal year 2008 shall be designated for

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

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

SEC. 126. Notwithstanding section 378 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (Public Law 106–346; 114 Stat. 1356A–38), amounts made available under that section for a project for construction of and improvements to North Shore Road in Swain County, North Carolina, that remain unobligated and unexpended after issuance of the record of decision for that project may be used to implement the selected alternative included in the record of decision.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred for administration of motor carrier safety operations and programs pur-

suant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $231,469,553, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: Provided, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $231,469,553, for "Motor Carrier Safety Operations and Programs", of which $7,550,000, to remain available for obligation until September 30, 2010, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59: Provided further, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

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

31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, $300,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $300,000,000, for "Motor Carrier Safety Grants"; of which $202,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $25,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59; and $8,000,000 shall be available for the commercial driver's license information system modernization program

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

MOTOR CARRIER SAFETY

(HIGHWAY TRUST FUND)

(RESCISSION)

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

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this hearing in prior appropriations Act, $5,212,858 in unobligated balances are rescinded.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 130. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28, including that the Secretary submit a report to the House and Senate Appropriations Committees

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

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $124,406,000, of which $26,156,000 shall remain available until September 30, 2010: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

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

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

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

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

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

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

or execution of programs the total obligations for which, in fiscal year 2008, are in excess of $599,250,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $225,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402; $25,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405; $124,500,000 shall be for "Safety Belt Performance Grants" under 23 U.S.C. 406; $34,500,000 shall be for "State Traffic Safety Information System Improvements" under 23 U.S.C. 408; $131,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Incentive Grant Program" under 23 U.S.C. 410; $18,250,000 shall be for "Administrative Expenses" under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for "High Visibility Enforcement Program" under section 2009 of Public Law 109–59; $6,000,000 shall be for "Motorcyclist Safety" under section 2010 of Public Law 109–59; and $6,000,000 shall be for "Child Safety and Child Booster Seat Safety Incentive Grants" under section 2011 of Public Law 109–59: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: Provided further, That not to exceed $500,000 of the funds made available for section 410 "Alco-

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

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (INCLUDING RESCISSIONS)

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

SEC. 141. Of the amounts made available under the heading "Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, $12,197,113.60 in unobligated balances are rescinded.

SEC. 142. Of the amounts made available under the heading "National Driver Register (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway

Trust Fund)" in prior appropriations Acts, $119,914.61 in unobligated balances are rescinded.

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

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $151,186,000, of which $12,268,890 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $36,250,000, to remain available until expended.

CAPITAL ASSISTANCE TO STATES—INTERCITY PASSENGER RAIL SERVICE

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

Secretary shall establish and publish criteria for project selection, set a deadline for grant applications, and provide a schedule for project selection: Provided further, That the provisions of section 24312 of title 49, United States Code, shall apply to grantees assisted under this paragraph: Provided further, That to be eligible for this assistance, States must include intercity passenger rail service as an integral part of statewide transportation planning as required under section 135 of title 23, United States Code: Provided further, That the specific project must be on the Statewide Transportation Improvement Plan at the time of the application to qualify: Provided further, That the Secretary give priority to applications for projects that improve the safety and reliability of intercity passenger trains, involve a commitment by freight railroads to an enforceable on-time performance of passenger trains of 80 percent or greater, involve a commitment by freight railroads of financial resources commensurate with the benefit expected to their operations, improve or extend service on a route that requires little or no Federal assistance for its operations, involve a commitment by States or railroads of financial resources to improve the safety of highway/rail grade crossings over which the passenger service operates.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

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

pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2008.

OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for operation of intercity passenger rail, $485,000,000 to remain available until expended: Provided, That the Secretary of Transportation shall approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: Provided further, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: Provided further, That the Corporation is directed to achieve savings through operating efficiencies including, but not limited to,

modifications to food and beverage service and first class service: Provided further, That the Inspector General of the Department of Transportation shall report to the House and Senate Committees on Appropriations beginning three months after the date of the enactment of this Act and quarterly thereafter with estimates of the savings accrued as a result of all operational reforms instituted by the Corporation: Provided further, That not later than 120 days after enactment of this Act, the Corporation shall transmit to the House and Senate Committees on Appropriations the status of its plan to improve the financial performance of food and beverage service and its plan to improve the financial performance of first class service (including sleeping car service): Provided further, That the Corporation shall report quarterly to the House and Senate Committees on Appropriations on its progress against the milestones and target dates contained in the plan provided in fiscal year 2007 and quantify savings realized to date on a monthly basis compared to those projected in the plan, identify any changes in the plan or delays in implementing these plans, and identify the causes of delay and proposed corrective measures: Provided further, That not later than 90 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the House and Senate Committees on Appropriations, the House Committee on

Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a comprehensive business plan approved by the Board of Directors for fiscal year 2008 under section 24104(a) of title 49, United States Code: Provided further, That the business plan shall include, as applicable, targets for ridership, revenues, and capital and operating expenses: Provided further, That the plan shall also include a separate accounting of such targets for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: Provided further, That the business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: Provided further, That the Corporation shall continue to provide monthly reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: Provided further, That the Corporation's business plan and all subsequent supplemental plans shall be displayed on the Corporation's

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

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the maintenance and repair of capital infrastructure owned by the Corporation, including railroad equipment, rolling stock, legal mandates and other services, $885,000,000, to remain available until expended, of which not to exceed $285,000,000 shall be for debt service obligations: Provided, That the Secretary may retain up to one-quarter of one percent of the funds under this heading to fund the oversight by the Federal Railroad Administration of the design and implementation of capital projects funded

by grants made under this heading: Provided further, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital grant justifying the Federal support to the Secretary's satisfaction: Provided further, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: Provided further, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2008 business plan: Provided further, That $35,000,000 of amounts made available under this heading shall be available until expended for capital improvements if the Corporation demonstrates to the Secretary's satisfaction that the Corporation has achieved operational savings and met ridership and revenue targets as defined in the Corporation's business plan: Provided further, That of the funds provided under this section, not less than $5,000,000 shall be expended for the development and implementation of a managerial cost accounting system, which includes average and marginal unit cost capability: Provided further, That within 90 days of enactment, the Department of Transportation Inspector General shall review and comment to the Secretary of Transportation and the House and Senate

Committees on Appropriations upon the strengths and weaknesses of the system being developed by the Corporation and how it best can be implemented to improve decision making by the Board of Directors and management of the Corporation: Provided further, That not later than 180 days after the enactment of this Act, the Secretary, in consultation with the Corporation and the States on the Northeast Corridor, shall establish a common definition of what is determined to be a "state of good repair" on the Northeast Corridor and report its findings, including definitional areas of disagreement, to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. Notwithstanding any other provision of this Act, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word "services" shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 151. Not later than January 1, 2008, the Federal Railroad Administrator shall submit a report, and quarterly reports thereafter, to the House and Senate Committees on Appropriations detailing the Administrator's efforts at improving the on-time performance of Amtrak intercity rail service operating on non-Amtrak owned property. Such reports shall compare the most recent actual on-time performance data to pre-established on-time performance goals that the Administrator shall set for each rail service, identified by route. Such reports shall also include whatever other information and data regarding the on-time performance of Amtrak trains the Administrator deems to be appropriate.

SEC. 152. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: Provided, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

SEC. 153. Hereafter, any lease or contract entered into between the National Railroad Passenger Corporation and the State of Maryland or any department or agency of the State of Maryland, after the date of the enactment of this Act, shall be governed by the laws of the District of Columbia.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $88,795,000: Provided, That of the funds available under this heading, not to exceed $910,239 shall be available for the Office of the Administrator; not to exceed $6,353,739 shall be available for the Office of Administration; not to exceed $4,545,039 shall be available for the Office of the Chief Counsel; not to exceed $1,480,289 shall be available for the Office of Communication and Congressional Affairs; not to exceed $8,741,339 shall be available for the Office of Program Management; not to exceed $10,857,698 shall be available for the Office of Budget and Policy; not to exceed $4,943,589 shall be available for the Office of Research, Demonstration and Innovation; not to exceed $3,234,489 shall be available for the Office of Civil Rights; not to exceed $4,458,289 shall be available for the Office of Planning; not to exceed $22,551,290 shall be available for regional offices; and not to exceed $20,719,000 shall be available for the central account: Provided further, That the Administrator is authorized to transfer funds appropriated for an office of the Federal Transit Administration: Provided further, That no appropriation for an office shall be increased or decreased by

more than a total of 5 percent during the fiscal year by all such transfers: Provided further, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: Provided further, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: Provided further, That upon submission to the Congress of the fiscal year 2009 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2009.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

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

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

RESEARCH AND UNIVERSITY RESEARCH CENTERS

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

CAPITAL INVESTMENT GRANTS

(INCLUDING RESCISSION)

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

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

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

For the following sections of Public Law 109–59:

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

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

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

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

Section 3043(b)(1), $13,000,000;

Section 3043(b)(15), $65,000,000;

Section 3043(b)(21), $125,000,000;

Section 3043(b)(23), $20,000,000;

Section 3043(b)(22), $35,000,000;

Section 3043(c)(231), $30,000,000;

Section 3043(a)(19), $90,000,000;

Section 3043(a)(9), $70,000,000;

Section 3043(a)(7), $51,560,484;

Section 3043(a)(5), $36,500,000;

Section 3043(a)(31), $35,000,000;

Section 3043(a)(16), $55,192,995;

Section 3043(b)(20), $200,000,000;

Section 3043(b)(27), $80,000,000;

Section 3043(a)(20), $33,516,444;

Section 3043(b)(5), $86,250,000;

Section 3043(b)(30), $80,000,000;

Section 3043(a)(30), $70,000,000;

Section 3043(c)(134), $35,000,000;

Section 3043(b)(23), $21,200,000;

Section 3043(d)(39), $3,000,000;

Section 3043(b)(14), $500,000;

Section 3043(c)(86), $20,000,000;

Section 3043(c)(43), $5,000,000;

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

Section 3043(c)(258), $5,000,000.

For the Jacksonville Rapid Transit System Phase 1, Florida, $9,870,000;

For North Corridor BRT, Houston and Southeast Corridor BRT, Texas, $15,000,000;

For San Francisco Muni Third Street Light Rail, California, $10,000,000;

For Mid-Jordan Light Rail Extension, $20,000,000; and

For METRA Connects, Illinois, $1,300,000:

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

For the following sections of Public Law 109–59:

Section 3043(c)(201), $3,000,000;

Section 3043(c)(177), $3,000,000;

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

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

Section 3043(c)(79), $2,000,000;

Section 3043(c)(197), $6,000,000;

Section 3043(c)(173), $1,000,000; and

Section 3043(c)(95), $14,250,000.

For State Avenue Corridor BRT, Wyandotte County, Kansas, $1,500,000; and

For Troost Corridor BRT, Missouri, $6,260,000.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds made available by this Act under "Federal Transit Administration, Capital investment grants" and bus and bus facilities under "Federal Transit Administration, Formula and bus grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2010, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

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

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for a new fixed guideway systems projects under the heading "Federal Transit Administration, Capital Investment Grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. In regard to the Central Link Initial Segment Project, to the extent that funds remain available within the current budget for the project, the Secretary shall amend the Full Funding Grant Agreement for said project to allow remaining funds to be used to support completion of the Airport Link extension of said project.

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

SEC. 166. Any unobligated amounts made available for the Commuter Rail, Albuquerque to Santa Fe, New Mexico under the heading "Capital Investment Grants" under the heading "Federal Transit Administration" in title I of division A of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2418) shall be made available for public transportation buses, equipment and facili-

ties related to such buses, and intermodal terminal in Albuquerque and Santa Fe, New Mexico, subject to the requirements under section 5309 of title 49, United States Code.

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

SEC. 168. The Administrator of the Federal Transit Administration may conduct a study of the public transportation agencies in the urbanized areas described in section 5337(a) of title 49, United States Code (referred to in this section as "agencies").

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

(1) analyze the state of repair of the agencies' rail infrastructure, including bridges, ties, and rail cars;

(2) calculate the amount of Federal funding received by the agencies during the 9-year period ending September 30, 2007, pursuant to—

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

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

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

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

(4) determine the changes to the rail modernization formula program that would be required to bring all of the infrastructure described in paragraph (1) into a state of good repair.

(b) Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that contains the results of the study conducted under this section.

SEC. 169. The second sentence of section 321 of the Department of Transportation and Related Agencies Appropriations Act, 1986 (99 Stat. 1287) is repealed.

SEC. 170. None of the funds provided or limited under this Act may be used to issue a final regulation under section 5309 of title 49, United States Code.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

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

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $17,392,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

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

of the United States, $156,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $122,890,545, of which $24,720,000 shall remain available until September 30, 2008, for salaries and benefits of employees of the United States Merchant Marine Academy; of which $13,850,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and of which $10,500,000 shall remain available until expended for maintenance and repair of Schoolships at State Maritime Schools.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $18,000,000, to remain available until expended.

ASSISTANCE TO SMALL SHIPYARDS

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

qualified shipyard shall submit an application for assistance no later than 60 days after enactment of this Act: Provided further, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines: Provided further, That not to exceed 2 percent of the funds appropriated under this heading shall be available for necessary costs of grant administration.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

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

merged with the appropriation for "Operations and Training", Maritime Administration.

SHIP CONSTRUCTION

(RESCISSION)

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

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

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

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

ADMINISTRATIVE EXPENSES

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

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $27,003,000, of which $1,761,000 shall remain available until September 30, 2010: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

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

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

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

ligation by individuals other than the Secretary of Transportation, or her designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

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

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

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

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

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $25,000,000: Provided, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2008, to result in a final appropriation from the general fund estimated at no more than $23,750,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

(INCLUDING TRANSFERS OF FUNDS)

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

of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

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

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

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

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

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

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Research and University Research Centers" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 187. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of

intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 188. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

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

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

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 190. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: Provided, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 191. Out of funds appropriated or otherwise made available under this Act to the Surface Transportation Board of the Department of Transportation, when considering cases, matters, or declaratory orders before the Board involving a railroad, or an entity claiming or seeking authority to operate as a railroad, and the transportation of solid waste (as defined in section 1004 of 42 U.S.C. 6903), the Board shall consider any activity involving the receipt, delivery, sorting, handling or transfer in-transit outside of a sealed container, storage other than inside a sealed container, or other processing of solid waste to be an activity over which the Board does not have jurisdiction.

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

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

(1) conduct an investigation of rail service disruptions since 2004 and incidents since 2004 in which rail carriers failed to timely deliver various commodities, such as coal, wheat, ethanol, potatoes, specialty crops, and lumber; and

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

(A) the Committee on Appropriations of the Senate;

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

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

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

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

SEC. 195. Not later than 30 days after the date of enactment of this Act, the Secretary of Transportation shall establish and maintain on the homepage of the Internet website of the Department of Transportation—

(1) a direct link to the Internet website of the Office of Inspector General of the Department of Transportation; and

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

SEC. 196. PROHIBITION ON IMPOSITION AND COLLECTION OF TOLLS ON CERTAIN HIGHWAYS CONSTRUCTED USING FEDERAL FUNDS. (a) DEFINITIONS.—In this section:

(1) FEDERAL HIGHWAY FACILITY.—

(A) IN GENERAL.—The term "Federal highway facility" means—

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

(ii) any United States highway.

(B) EXCLUSION.—The term "Federal highway facility" does not include any right-of-way for any highway, bridge, or tunnel described in subparagraph (A).

(2) TOLLING PROVISION.—The term "tolling provision" means section 1216(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 212);

(b) PROHIBITION.—

(1) IN GENERAL.—None of the funds made available by this Act shall be used to consider or approve an application to permit the imposition or collection of any toll on any portion of a Federal highway facility in the State of Texas—

(A)(i) that is in existence on the date of enactment of this Act; and

(ii) on which no toll is imposed or collected under a tolling provision on that date of enactment; or

(B) that would result in the Federal highway facility having fewer non-toll lanes than be-

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

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

(A) on which a toll is imposed or collected under a tolling provision on the date of enactment of this Act; or

(B) that is constructed, under construction, or the subject of an application for construction submitted to the Secretary, after the date of enactment of this Act.

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

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

This title may be cited as the "Department of Transportation Appropriations Act, 2008".

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

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

EXECUTIVE OPERATIONS

OFFICE OF HEARINGS AND APPEALS

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

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

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

OFFICE OF THE CHIEF FINANCIAL OFFICER

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

OFFICE OF THE GENERAL COUNSEL

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

OFFICE OF THE CHIEF PROCUREMENT OFFICER

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

CENTER FOR FAITH-BASED AND COMMUNITY INITIATIVES

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

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL AND INTERGOVERNMENTAL RELATIONS

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional and Intergovernmental Relations, $2,670,000: Provided, That the Secretary shall provide the Committee on Appropriations quarterly written notification regarding the status of pending congressional reports.

OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC AFFAIRS

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

OFFICE OF DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY

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

ADMINISTRATIVE ACTIVITIES

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

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

ADMINISTRATION SALARIES AND EXPENSES

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

OFFICE OF DEPARTMENTAL OPERATIONS AND COORDINATION

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

OFFICE OF FIELD POLICY AND MANAGEMENT

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

PUBLIC AND INDIAN HOUSING

OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC AND INDIAN HOUSING

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

PUBLIC AND INDIAN HOUSING SALARIES AND EXPENSES

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

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

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

(1) $14,936,200,000 for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act): Provided, That notwithstanding any other provision of law, from amounts

provided under this paragraph, the Secretary for the calendar year 2008 funding cycle shall provide renewal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the most recently completed period of 12 consecutive months for which the Secretary determines the data is verifiable and complete and by applying the 2008 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with the first-time renewal of tenant protection or HOPE VI vouchers or vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act: Provided further, That notwithstanding the first proviso, except for applying the 2008 Annual Adjustment Factor and making any other specified adjustments, public housing agencies specified in category 1 below shall receive funding for calendar year 2008 based on the higher of the amounts the agencies would receive under the first proviso or the amounts the agencies received in calendar year 2007, and public housing agencies specified in categories 2 and 3 below shall receive funding for calendar year 2008 equal to the amounts the agencies received in calendar year 2007, except that public

housing agencies specified in categories 1 and 2 below shall receive funding under this proviso only if, and to the extent that, any such public housing agency submits a plan, approved by the Secretary, that demonstrates that the agency can effectively use within 12 months the funding that the agency would receive under this proviso that is in addition to the funding that the agency would receive under the first proviso: (1) public housing agencies that are eligible for assistance under section 901 in Public Law 109–148 (119 Stat. 2781) or are located in the same counties as those eligible under section 901 and operate voucher programs under section 8(o) of the United States Housing Act of 1937 but do not operate public housing under section 9 of such Act, and any public housing agency that otherwise qualifies under this category must demonstrate that they have experienced a loss of rental housing stock as a result of the 2005 hurricanes; (2) public housing agencies that would receive less funding under the first proviso than they would receive under this proviso and that have been placed in receivership within the 24 months preceding the date of enactment of this Act; and (3) public housing agencies that spent more in calendar year 2007 than the total of the amounts of any such public hous-

ing agency's allocation amount for calendar year 2007 and the amount of any such public housing agency's available housing assistance payments undesignated funds balance from calendar year 2006 and the amount of any such public housing agency's available administrative fees undesignated funds balance through calendar year 2007: Provided further, That up to $100,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs resulting from unforeseen circumstances or from portability under section 8(r) of the Act of tenant-based rental assistance; and (2) for adjustments for public housing agencies that could experience a significant decrease in voucher funding that could result in the risk of loss of voucher units due to the use of VMS data based on a 12-month period: Provided further, That none of the funds provided under the first proviso in this section may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract: Provided further, That the Secretary shall, to the extent necessary to stay within the amount provided under

this paragraph, pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: Provided further, That except as provided in the following proviso, the entire amount provided under this paragraph shall be obligated to the public housing agencies based on the allocation and pro rata method described above and the Secretary shall notify public housing agencies of their annual budget not later than 90 days after enactment of this Act: Provided further, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous proviso;

(2) $150,000,000 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision

of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance: Provided, That the Secretary shall provide replacement vouchers for all units that cease to be available as assisted housing due to demolition, disposition, or conversion, subject only to the availability of funds;

(3) $50,000,000 for family self-sufficiency coordinators under section 23 of the Act;

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

(5) $1,351,000,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $5,000,000 shall be available as an incentive bonus as determined by the Secretary for administrative expenses for PHAs that voluntarily consolidate, and which up to $35,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, with up to $30,000,000 to be for fees associated with section 8 tenant protection rental assistance: Provided, That no less than $1,311,000,000 of the amount provided in this para-

graph shall be allocated for the calendar year 2008 funding cycle on a basis to public housing agencies as provided in section 8(q) of the Act as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): Provided further, That if the amounts made available under this paragraph are insufficient to pay the amounts required by this paragraph, the Secretary may decrease the amounts allocated to agencies by a uniform prorated percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts required under this paragraph, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing", the heading "Housing Certificate Fund", and the heading "Project-based rental assistance", for fiscal year 2007 and prior years, notwithstanding the purposes for which such amounts were appropriated: Provided further, That all amounts provided under this paragraph shall be only for activities related to the provision of tenant-

based rental assistance authorized under section 8, including related development activities;

(6) $30,000,000 for incremental voucher assistance through the Family Unification Program; and

(7) $75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: Provided, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 305 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: Provided further, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of

Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: Provided further, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turnover.

HOUSING CERTIFICATE FUND

(RESCISSION)

Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual contributions for assisted housing", the heading "Tenant-based rental assistance", and the heading "Project-based rental assistance", for fiscal year 2007 and prior years, $1,100,000,000 are rescinded, to be effected by the Secretary no later than September 30, 2008: Provided, That, if insufficient funds exist under these headings, the remaining balance may be derived from any other heading under this title: Provided further, That the

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

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, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, $5,813,000,000, to remain available until expended: Provided, That the amounts made available under this heading are provided as follows:

(1) up to $5,522,810,000 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, 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 Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) not to exceed $286,230,000 for performance-based contract administrators for section 8 project-based assistance: Provided, That the Secretary may also use such amounts for performance-based contract administrators for: 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, as amended (12 U.S.C. 1701q, 1701q–1); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act; project assistance contracts pursuant to section 202(h) of the Housing Act of 1959

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

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

(4) amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or the heading "Housing Certificate Fund" may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

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

That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: Provided further, That of the total amount provided under this heading, up to $14,890,000 shall be for carrying out activities under section 9(h) of such Act; not to exceed $16,847,000 may be transferred to the Working Capital Fund; and up to $15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the total amount provided under this heading, not to exceed $20,000,000 may be available for the Secretary of Housing and Urban Development to make grants, notwithstanding section 305 of this Act, to public housing agencies for emergency capital needs resulting from unforeseen or unpreventable emergencies and natural disasters occurring in fiscal year 2008: Provided further, That of the total amount provided under this heading, $40,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act and the Native American Housing Assistance and Self-Determination Act of

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

PUBLIC HOUSING OPERATING FUND

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

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, $100,000,000, to remain available until September 30, 2008, of which not to exceed $1,980,000 may be used for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS (INCLUDING TRANSFER OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $630,000,000, to remain available until expended: Provided, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the

allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: Provided further, That of the amounts made available under this heading, $2,000,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; and $4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to $300,000 for related travel: Provided further, That of the amount provided under this heading, $1,980,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount

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

NATIVE HAWAIIAN HOUSING BLOCK GRANT

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

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

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

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act

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

COMMUNITY PLANNING AND DEVELOPMENT

OFFICE OF THE ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT

SALARIES AND EXPENSES

For necessary salaries and expenses of the Office of the Assistant Secretary for Community Planning and Development, $1,520,000.

COMMUNITY PLANNING AND DEVELOPMENT SALARIES AND EXPENSES

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

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (INCLUDING TRANSFER OF FUNDS)

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $300,100,000, to remain available until September 30, 2009, except that amounts allocated pursuant to section

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

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $17,000,000, to remain available until expended, which amount shall be competitively awarded by September 1, 2008, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,060,000,000, to

remain available until September 30, 2010, unless otherwise specified: Provided, That of the amount provided, $3,705,430,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): Provided further, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: Provided further, That not to exceed $1,570,000 may be transferred to the Working Capital Fund: Provided further, That $3,000,000 is for technical assistance as authorized by section 107(b)(4) of such Act: Provided further, That $62,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 305 of this Act), up to $3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, $248,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments: Provided, That none of the

funds provided under this paragraph may be used for program operations: Provided further, That, for fiscal years 2006, 2007, and 2008, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, $40,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

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

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

BROWNFIELDS REDEVELOPMENT

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

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,970,000,000, to remain available until September 30, 2010, of which not to exceed $3,465,000 may be transferred to the Working Capital Fund: Provided, That up to $15,000,000 shall be available for technical assistance: Provided further, That of the total amount provided in this paragraph, up to $150,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968: Provided further, That, from amounts appropriated or otherwise made available under this heading, $25,000,000 may be made available to promote broader participation in homeownership through the American

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

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

(1) The Secretary of Housing and Urban Development ("Secretary, "the Department") is authorized to provide, or contract with public, private or non-profit entities (including the Neighborhood Reinvestment Corporation and Housing Finance Agencies) to make awards (with up to a 25 percent match by an entity of the amount made available to such entity) (except for the match, some or all of the award may be repayable by the contractor to the Secretary, upon terms determined by the Secretary) to provide mitigation assistance to eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure, including mortgages known as subprime mortgages;

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

mortgage retained pursuant to such activity; No Federal funds made available under this paragraph may be provided directly to lenders or homeowners for foreclosure mitigation assistance. An entity may use its own funds (including its match contribution) for foreclosure mitigation assistance subject to repayment requirements and the regulations issued by the Secretary;

(3) Loss mitigation activities shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, the possible purchase of the mortgage, refinancing opportunities or the approval of a work-out strategy by all interested parties, and an assessment of the feasibility of the following measures, including:

(I) waiver of any late payment change or, as applicable, penalty interest;

(II) forbearance pursuant to the written agreement between the borrower and servicer providing for a temporary reduction in monthly payments followed by a reamortization and new payment schedule that includes any arrearage;

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

that changes the mortgage rate, including the possible elimination of the adjustable rate mortgage requirements, forgiving the payment of principal and interest, extending the final maturity rate of such mortgage, or beginning to include an escrow for taxes and insurance;

(IV) acceptance of payment from the homebuyer of an amount less than the stated principal balance in financial satisfaction of such mortgage;

(V) assumption;

(VI) pre-foreclosure sale;

(VII) deed in lieu of foreclosure; and

(VIII) such other measures, or combination of measures, to make the mortgage both feasible and reasonable to ensure the long-term affordability of any mortgage retained pursuant to such activity.

(4) Activities described in subclasses (V)(VI)(VII) shall be only pursued after a reasonable evaluation of the feasibility of the activities described in subclasses (I), (II), (III), (IV) and (VIII), based on the homeowner's circumstances.

(5) The Secretary shall develop a listing of mortgage foreclosure mitigation entities with which it has

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

(6) Any mitigation funds recovered by the Department of Housing and Urban Development shall be revolved back into the overall mitigation fund or for other counseling activities, maintained by the Department and revolved back into mitigation and counseling activities.

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

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

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

portunity Program Extension Act of 1996, as amended: Provided further, That $33,500,000 shall be made available for the first four capacity building activities authorized under section 4(b)(3) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997 and of which up to $5,000,000 may be made available for rural capacity building activities: Provided further, That of the total amount made available under this heading; $3,000,000 shall be made available to the Housing Assistance Council; $2,000,000 shall be made available to the National American Indian Housing Council; $3,000,000 shall be made available as a grant to the Raza Development Fund of La Raza for the HOPE Fund, of which $500,000 is for technical assistance and fund management, and $2,500,000 is for investments in the HOPE Fund and financing to affiliated organizations; and $2,000,000 shall be made available as a grant to the Housing Partnership Network for operating expenses and a program of affordable housing acquisition and rehabilitation.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room

occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,585,990,000, of which $1,580,990,000 shall remain available until September 30, 2010, and of which $5,000,000 shall remain available until expended for rehabilitation projects with ten-year grant terms: Provided, That of the amounts provided, $25,000,000 shall be set aside to conduct a demonstration program for the rapid re-housing of homeless families: Provided further, That of amounts made available in the preceding proviso, not to exceed $3,000,000 may be used to conduct an evaluation of this demonstration program: Provided further, That funding made available for this demonstration program shall be used by the Secretary, expressly for the purposes of providing housing and services to homeless families in order to evaluate the effectiveness of the rapid re-housing approach in addressing the needs of homeless families: Provided further, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing for individuals and families: Provided further, That all funds awarded for services shall be matched by 25

percent in funding by each grantee: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That up to $8,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: Provided further, That not to exceed $2,475,000 of the funds appropriated under this heading may be transferred to the Working Capital Fund: Provided further, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this ac-

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

HOUSING PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR HOUSING, FEDERAL HOUSING COMMISSIONER

SALARIES AND EXPENSES

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

HOUSING SALARIES AND EXPENSES

For necessary salaries and expenses of the Office of Housing, $351,560,000: Provided, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area.

HOUSING FOR THE ELDERLY

(INCLUDING TRANSFER OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $735,000,000, to remain available until September 30,

2011, of which up to $603,900,000 shall be for capital advance and project-based rental assistance awards: Provided, That, of the amount provided under this heading, up to $60,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to $24,750,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for emergency capital repairs as determined by the Secretary: Provided further, That of the amount made available under this heading, $20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): Provided further, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: Provided further, That not to exceed $1,400,000 of the total amount made available under this heading may be transferred to the Working Capital Fund:

Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING TRANSFER OF FUNDS)

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, $237,000,000, to remain available until September 30, 2011: Provided, That not to exceed $600,000 may be transferred to the Working Capital Fund: Provided further, That, of the amount provided under this heading $74,745,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment

authorized for any such contract): Provided further, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: Provided further, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That amounts made available under this heading shall be available for Real Estate Assessment Center Inspections and inspection-related activities associated with section 811 Capital Advance Projects.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

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

(RESCISSION)

Of the amounts made available under the heading "Rent Supplement" in Public Law 98–63 for amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–

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

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2007, and any collections made during fiscal year 2008 and all subsequent fiscal years, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), up to $16,000,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2008 so as to result in a final fiscal year 2008 appropriation from the general fund estimated at not more than $0 and fees pursuant to such

section 620 shall be modified as necessary to ensure such a final fiscal year 2008 appropriation: Provided further, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: Provided further, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: Provided further, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

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

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

tion with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

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

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $8,600,000, to remain available until expended: Provided, That commitments to guarantee loans shall not exceed $45,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

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

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

U.S.C. 1713(l), 1715z–11), section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11), or section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a), and for discount loan sales under section 207(k) of the National Housing Act (12 U.S.C. 1713(k)), section 203(k) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11(k)), or section 204(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Act, 1997 (12 U.S.C. 1715z–11a(a)), $5,000,000, to remain available until September 30, 2009.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SALARIES AND EXPENSES

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

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

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

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

POLICY DEVELOPMENT AND RESEARCH

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY DEVELOPMENT AND RESEARCH

SALARIES AND EXPENSES

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

POLICY DEVELOPMENT AND RESEARCH SALARIES AND EXPENSES

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

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $61,440,000, to remain available until September 30, 2009: Provided, That of the total amount provided under this heading, $5,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative: Provided further, That of the funds made available under this

heading, $20,600,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974, as amended, as follows: $3,000,000 to support Alaska Native serving institutions and Native Hawaiian serving institutions as defined under the Higher Education Act, as amended; $5,000,000 for tribal colleges and universities to build, expand, renovate, and equip their facilities and to expand the role of the colleges into the community through the provision of needed services such as health programs, job training and economic development activities; $9,000,000 for the Historically Black Colleges and Universities program, of which up to $2,000,000 may be used for technical assistance; and $6,000,000 for the Hispanic Serving Institutions Program.

FAIR HOUSING AND EQUAL OPPORTUNITY

OFFICE OF THE ASSISTANT SECRETARY FOR FAIR HOUSING AND EQUAL OPPORTUNITY

SALARIES AND EXPENSES

For necessary salaries and expenses of the Office of the Assistant Secretary for Fair Housing and Equal Opportunity, $1,490,000.

FAIR HOUSING AND EQUAL OPPORTUNITY SALARIES AND EXPENSES

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

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $52,380,000, to remain available until September 30, 2009, of which $25,000,000 shall be to carry out activities pursuant to such section 561: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: Provided further, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan: Provided further, That of the funds made available under this heading, $380,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited english proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF LEAD HAZARD CONTROL

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

SALARIES AND EXPENSES

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

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $151,000,000, to remain available until September 30, 2009, of which $8,800,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further,

That of the total amount made available under this heading, $48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: Provided further, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a Notice of Funding Availability: Provided further, That of the total amount made available under this heading, $2,000,000 shall be available for the Big Buy Program to be managed by the Office of Healthy Homes and Lead Hazard Control.

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related development activities, $172,600,000, to remain available until September 30, 2009: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

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

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $66,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: Provided, That the Director shall submit a spending plan for the amounts provided under this heading no later than January 15, 2008: Provided further, That not less than 80 percent of the total amount made available under this heading shall be used only for examination, supervision, and capital oversight of the enterprises (as such term is defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502)) to ensure that the enterprises are operating in a financially safe and sound manner and complying with the capital requirements under Subtitle B of such Act:

Provided further, That not to exceed the amount provided herein shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured

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

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

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

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

(2) is not otherwise eligible for an allocation for fiscal year 2008 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2008 do not have the number of cases of acquired im-

munodeficiency syndrome (AIDS) required under such clause.

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

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2008 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter "metropolitan division") of the New York-Newark-Edison, NY–NJ–PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan

division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

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

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive

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

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

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

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the

limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2008 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

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

SEC. 209. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 210. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2008 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter "metropolitan division"), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42

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

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2008 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2008 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to

the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 211. The Secretary of Housing and Urban Development shall submit an annual report no later than August 30, 2008 and annually thereafter to the House and Senate Committees on Appropriations regarding the number of Federally assisted units under lease and the per unit cost of these units to the Department of Housing and Urban Development.

SEC. 212. The Department of Housing and Urban Development shall submit the Department's fiscal year 2009 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate using the identical structure provided under this Act and only in accordance with the direction specified in the report accompanying this Act.

SEC. 213. Incremental vouchers previously made available under the heading "Housing Certificate Fund" or renewed under the heading, "Tenant-Based Rental Assistance," for non-elderly disabled families shall, to the extent practicable, continue to be provided to non-elderly disabled families upon turnover.

SEC. 214. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

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

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

(1) the number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects;

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

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

(4) the owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials;

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

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

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

(8) if the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions;

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

(10) the Secretary determines that Federal liability with regard to this project will not be increased.

(c) For purposes of this section—

(1) the terms "low-income" and "very low-income" shall have the meanings provided by the statute

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

(2) the term "multifamily housing project" means housing that meets one of the following conditions—

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

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

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

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

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

(3) the term "project-based assistance" means—

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

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

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act; and,

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term "receiving project or projects" means the multifamily housing project or projects to which the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term "transferring project" means the multifamily housing project which is transferring the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project; and,

(6) the term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 216. The funds made available for Native Alaskans under the heading "Native American Housing Block Grants" in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 217. Incremental vouchers made available under this Act and previously made available under the heading, "Housing Certificate Fund" or renewed under the heading, "Tenant-Based Rental Assistance", for family unification shall, to the extent practicable, continue to be provided for family unification.

SEC. 218. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this subsection shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equip-

ment in connection with the automated track inspection program.

(ADDITIONAL OBLIGATION LIMITATION)

(HIGHWAY TRUST FUND)

For an additional amount of obligation limitation to be distributed for the purpose of section 144(e) of title 23, United States Code, $1,000,000,000: Provided, That such obligation limitation shall be used only for a purpose eligible for obligation with funds apportioned under such section and shall be distributed in accordance with the formula in such section: Provided further, That in distributing obligation authority under this paragraph, the Secretary shall ensure that such obligation limitation shall supplement and not supplant each State's planned obligations for such purposes.

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

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

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

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

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

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

(c) Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue final regulations to carry out the provisions of this section.

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

tifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 ("MAHRAA") and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After disposition of any multifamily property de-

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

SEC. 221. The National Housing Act is amended—

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

(A) by striking "140 percent" each place such term appears and inserting "170 percent"; and

(B) by striking "170 percent in high cost areas" each place such term appears and inserting "215 percent in high cost areas"; and

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

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

(1) in subsection (m)(1), by striking "2003" and inserting "2008"; and

(2) in subsection (o), by striking "September 30, 2007" and inserting "September 30, 2008".

SEC. 223. Public housing agencies that own and operate 500 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: Provided, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

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

SEC. 225. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on the status of all section 8 project-based housing, including the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Market program. The Secretary shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8 project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss any subsidized units in that housing marketplace, such as the impact of cost and the loss of available subsidized, low-income housing in areas with scare housing resources for low-income families.

SEC. 226. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD's use of all sole source contracts, including terms of the con-

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

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

"(iv) EXISTING CONTRACTS.—The term of a contract described in clause (i) that, as of the date of enactment of this clause, is in repayment and has a term of not more than 12 years, may be extended to a term of not more than 20 years to permit additional energy conservation improvements without requiring the reprocurement of energy performance contractors.".

SEC. 228. The Secretary of Housing and Urban Development shall increase, pursuant to this section, the number of Moving-to-Work agencies authorized under section 204, title II, of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–281) by making the Alaska Public Housing Agency a Moving-to-Work Agency under such section 204.

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

with respect to item number 203 by striking "equipment" and inserting "renovation and construction".

(b) The referenced statement of managers under the heading "Community Development Fund" in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 696 by striking "a Small Business Development Center" and inserting "for revitalization costs at the College of Agriculture Biotechnology and Natural Resources".

(c) The referenced statement of managers under the heading "Community Development Fund" in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 460 by striking "Maine-Mawoshen One Country, Two Worlds Project" and inserting "Sharing Maine's Maritime Heritage Project—Construction and access to exhibits".

(d) The referenced statement of managers under the heading "Community Development Fund" in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 914 by striking "the Pastime Theatre in Bristol, Rhode Island for building improvements" and inserting "the Institute for the Study and Practice of Nonviolence in Providence, Rhode Island for building renovations".

(e) The referenced statement of managers under the heading "Community Development Fund" in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 918 by striking "South Kingstown" and inserting "Washington County".

(f) The referenced statement of managers under the heading "Community Development Fund" in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 624 by striking "for the construction of a new technology building" and inserting "for renovations to the Wheeling Community Center".

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

SEC. 231. Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may not rescind or take any adverse action with respect to the Moving-to-Work program designation for the Housing Authority of Baltimore City based on any alleged administrative or procedural errors in making such designation.

SEC. 232. Paragraph (4) of section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C.

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

SEC. 233. (a) The amounts provided under the subheading "Program Account" under the heading "Community Development Loan Guarantees" may be used to guarantee, or make commitments to guarantee, notes or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: Provided, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SEC. 234. Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall establish and maintain on the homepage

of the Internet website of the Department of Housing and Urban Development—

(1) a direct link to the Internet website of the Office of Inspector General of the Department of Housing and Urban Development; and

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

SEC. 235. Not later than 90 days after the date of enactment of this Act, the Secretary of Housing and Urban Development may—

(1) develop a formal, structured, and written plan that the Department of Housing and Urban Development shall use when monitoring for compliance with the specific relocation restrictions in—

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

(B) the Community Development Block Grant State program that receives economic development funds from the Department of Housing and Urban Development; and

(2) submit such plan to the Committee on Appropriations of both the Senate and the House of Representatives.

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

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development may submit to the relevant authorizing committees and to the Committees on Appropriations of the Senate and the House of Representatives for fiscal year 2007 and 2008—

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

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

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

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

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

(b) REQUIRED SUBMISSIONS FOR FISCAL YEAR 2009.—As part of the Department of Housing and Urban Development's budget request for fiscal year 2009, the Secretary of Housing and Urban Development shall submit to the relevant authorizing committees and to the Committees on Appropriations of the Senate and the House of Representatives complete and detailed information, including a project-by-project analysis, that verifies that such budget request will fully fund all project-based contracts under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) in fiscal year 2009, including expiring project-based contracts.

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

TITLE III

INDEPENDENT AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

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

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

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

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

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

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $119,800,000, of which $5,000,000 shall be for a multi-family rental housing program.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $2,300,000.

Title II of the McKinney-Vento Homeless Assistance Act, as amended, is amended in section 209 by striking "2007" and inserting "2008".

TITLE IV

GENERAL PROVISIONS THIS ACT

(INCLUDING TRANSFERS OF FUNDS)

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

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

intervening in regulatory or adjudicatory proceedings funded in this Act.

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

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

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

nied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the statement of the managers accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: Provided, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both

by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

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

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

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

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

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

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

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

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

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

power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: Provided further, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownsfield as defined in the Small Business Liability Relief and Brownsfield Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain: Provided further, That the Government Accountability Office, in consultation with the National Academy of Public Administration, organizations representing State and local governments, and property rights organizations, shall conduct a study to be submitted to the Congress within 12 months of the enactment of this Act on the nationwide use of eminent domain, including the procedures used and the results accomplished on a State-by-State basis as well as

the impact on individual property owners and on the affected communities.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

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

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

SEC. 414. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default or the assessment is the subject of a non-frivolous administrative or judicial appeal.

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

Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, a report detailing how the Federal Aviation Administration plans to alleviate air congestion and flight delays in the New York/New Jersey/Philadelphia Airspace by August 31, 2008.

SEC. 416. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Administrator of the Federal Aviation Administration to transfer the design and development functions of the FAA Academy in their entirety or to implement the Air Traffic Control Optimum Training Solution proposed by the Administrator in its entirety prior to September 30, 2008.

This Act may be cited as the "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2008".

Passed the House of Representatives July 24, 2007.

Attest: LORRAINE C. MILLER,
Clerk.

Passed the Senate September 12, 2007.

Attest: NANCY ERICKSON,
Secretary.