

1 DIVISION I—TRANSPORTATION, HOUSING AND
2 URBAN DEVELOPMENT, AND RELATED
3 AGENCIES APPROPRIATIONS ACT, 2009

4 TITLE I

5 DEPARTMENT OF TRANSPORTATION

6 OFFICE OF THE SECRETARY

7 SALARIES AND EXPENSES

8 For necessary expenses of the Office of the Secretary,
9 \$98,248,000, of which not to exceed \$2,400,000 shall be
10 available for the immediate Office of the Secretary; not
11 to exceed \$759,000 shall be available for the immediate
12 Office of the Deputy Secretary; not to exceed \$19,838,000
13 shall be available for the Office of the General Counsel;
14 not to exceed \$10,107,000 shall be available for the Office
15 of the Under Secretary of Transportation for Policy; not
16 to exceed \$10,200,000 shall be available for the Office of
17 the Assistant Secretary for Budget and Programs; not to
18 exceed \$2,400,000 shall be available for the Office of the
19 Assistant Secretary for Governmental Affairs; not to ex-
20 ceed \$26,000,000 shall be available for the Office of the
21 Assistant Secretary for Administration; not to exceed
22 \$2,020,000 shall be available for the Office of Public Af-
23 fairs; not to exceed \$1,595,000 shall be available for the
24 Office of the Executive Secretariat; not to exceed
25 \$1,369,000 shall be available for the Office of Small and

1 Disadvantaged Business Utilization; not to exceed
2 \$8,675,000 for the Office of Intelligence, Security, and
3 Emergency Response; and not to exceed \$12,885,000 shall
4 be available for the Office of the Chief Information Offi-
5 cer: *Provided*, That the Secretary of Transportation is au-
6 thorized to transfer funds appropriated for any office of
7 the Office of the Secretary to any other office of the Office
8 of the Secretary: *Provided further*, That no appropriation
9 for any office shall be increased or decreased by more than
10 5 percent by all such transfers: *Provided further*, That no-
11 tice of any change in funding greater than 5 percent shall
12 be submitted for approval to the House and Senate Com-
13 mittees on Appropriations: *Provided further*, That not to
14 exceed \$60,000 shall be for allocation within the Depart-
15 ment for official reception and representation expenses as
16 the Secretary may determine: *Provided further*, That not-
17 withstanding any other provision of law, excluding fees au-
18 thorized in Public Law 107-71, there may be credited to
19 this appropriation up to \$2,500,000 in funds received in
20 user fees: *Provided further*, That none of the funds pro-
21 vided in this Act shall be available for the position of As-
22 sistant Secretary for Public Affairs: *Provided further*, That
23 of the funds provided under this heading, \$100,000 shall
24 be provided through reimbursement to the Department of

1 Transportation's Office of Inspector General to audit the
2 Working Capital Fund's financial statements.

3 FINANCIAL MANAGEMENT CAPITAL

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

8 OFFICE OF CIVIL RIGHTS

9 For necessary expenses of the Office of Civil Rights,
10 \$9,384,000.

11 TRANSPORTATION PLANNING, RESEARCH, AND
12 DEVELOPMENT

13 For necessary expenses for conducting transportation
14 planning, research, systems development, development ac-
15 tivities, and making grants, to remain available until ex-
16 pended, \$18,300,000.

17 WORKING CAPITAL FUND

18 Necessary expenses for operating costs and capital
19 outlays of the Working Capital Fund, not to exceed
20 \$128,094,000, shall be paid from appropriations made
21 available to the Department of Transportation: *Provided,*
22 That such services shall be provided on a competitive basis
23 to entities within the Department of Transportation: *Pro-*
24 *vided further,* That the above limitation on operating ex-
25 penses shall not apply to non-DOT entities: *Provided fur-*
26 *ther,* That no funds appropriated in this Act to an agency

1 of the Department shall be transferred to the Working
2 Capital Fund without the approval of the agency modal
3 administrator: *Provided further*, That no assessments may
4 be levied against any program, budget activity, subactivity
5 or project funded by this Act unless notice of such assess-
6 ments and the basis therefor are presented to the House
7 and Senate Committees on Appropriations and are ap-
8 proved by such Committees.

9 MINORITY BUSINESS RESOURCE CENTER PROGRAM

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

19 MINORITY BUSINESS OUTREACH

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

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

4 In addition to funds made available from any other
5 source to carry out the essential air service program under
6 49 U.S.C. 41731 through 41742, ~~\$70,000,000~~, to be de- ^(473,013,000)
7 rived from the Airport and Airway Trust Fund, to remain
8 available until expended: *Provided*, That, in determining
9 between or among carriers competing to provide service
10 to a community, the Secretary may consider the relative
11 subsidy requirements of the carriers: *Provided further*,
12 That, if the funds under this heading are insufficient to
13 meet the costs of the essential air service program in the
14 current fiscal year, the Secretary shall transfer such sums
15 as may be necessary to carry out the essential air service
16 program from any available amounts appropriated to or
17 directly administered by the Office of the Secretary for
18 such fiscal year.

19 COMPENSATION FOR AIR CARRIERS
20 (RESCISSION)

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

1 ADMINISTRATIVE PROVISIONS—OFFICE OF THE
2 SECRETARY OF TRANSPORTATION

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

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

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

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

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

4 For necessary expenses of the Federal Aviation Ad-
5 ministration, not otherwise provided for, including oper-
6 ations and research activities related to commercial space
7 transportation, administrative expenses for research and
8 development, establishment of air navigation facilities, the
9 operation (including leasing) and maintenance of aircraft,
10 subsidizing the cost of aeronautical charts and maps sold
11 to the public, lease or purchase of passenger motor vehi-
12 cles for replacement only, in addition to amounts made
13 available by Public Law 108-176, \$9,042,467,000, of
14 which \$5,238,005,000 shall be derived from the Airport
15 and Airway Trust Fund, of which not to exceed
16 \$7,099,019,000 shall be available for air traffic organiza-
17 tion activities; not to exceed \$1,164,597,000 shall be avail-
18 able for aviation safety activities; not to exceed
19 \$14,094,000 shall be available for commercial space trans-
20 portation activities; not to exceed \$111,004,000 shall be
21 available for financial services activities; not to exceed
22 \$96,091,000 shall be available for human resources pro-
23 gram activities; not to exceed \$331,000,000 shall be avail-
24 able for region and center operations and regional coordi-
25 nation activities; not to exceed \$180,859,000 shall be
26 available for staff offices; and not to exceed \$46,500,000

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

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

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

8 FACILITIES AND EQUIPMENT

9 (AIRPORT AND AIRWAY TRUST FUND)

10 For necessary expenses, not otherwise provided for,
11 for acquisition, establishment, technical support services,
12 improvement by contract or purchase, and hire of air navi-
13 gation and experimental facilities and equipment, as au-
14 thorized under part A of subtitle VII of title 49, United
15 States Code, including initial acquisition of necessary sites
16 by lease or grant; engineering and service testing, includ-
17 ing construction of test facilities and acquisition of nec-
18 essary sites by lease or grant; construction and furnishing
19 of quarters and related accommodations for officers and
20 employees of the Federal Aviation Administration sta-
21 tioned at remote localities where such accommodations are
22 not available; and the purchase, lease, or transfer of air-
23 craft from funds available under this heading, including
24 aircraft for aviation regulation and certification; to be de-
25 rived from the Airport and Airway Trust Fund,
26 \$2,742,095,000, of which \$2,281,595,000 shall remain

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

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

3 RESEARCH, ENGINEERING, AND DEVELOPMENT
4 (AIRPORT AND AIRWAY TRUST FUND)

5 For necessary expenses, not otherwise provided for,
6 for research, engineering, and development, as authorized
7 under part A of subtitle VII of title 49, United States
8 Code, including construction of experimental facilities and
9 acquisition of necessary sites by lease or grant,
10 \$171,000,000, to be derived from the Airport and Airway
11 Trust Fund and to remain available until September 30,
12 2011: *Provided*, That there may be credited to this appro-
13 priation as offsetting collections, funds received from
14 States, counties, municipalities, other public authorities,
15 and private sources, which shall be available for expenses
16 incurred for research, engineering, and development.

17 GRANTS-IN-AID FOR AIRPORTS
18 (LIQUIDATION OF CONTRACT AUTHORIZATION)
19 (LIMITATION ON OBLIGATIONS)
20 (AIRPORT AND AIRWAY TRUST FUND)

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

1 and commissioning of runway incursion prevention devices
2 and systems at airports of such title; for grants authorized
3 under section 41743 of title 49, United States Code; and
4 for inspection activities and administration of airport safe-
5 ty programs, including those related to airport operating
6 certificates under section 44706 of title 49, United States
7 Code, \$3,600,000,000 to be derived from the Airport and
8 Airway Trust Fund and to remain available until ex-
9 pended: *Provided*, That none of the funds under this head-
10 ing shall be available for the planning or execution of pro-
11 grams the obligations for which are in excess of
12 \$3,514,500,000 in fiscal year 2009, notwithstanding sec-
13 tion 47117(g) of title 49, United States Code: *Provided*
14 *further*, That none of the funds under this heading shall
15 be available for the replacement of baggage conveyor sys-
16 tems, reconfiguration of terminal baggage areas, or other
17 airport improvements that are necessary to install bulk ex-
18 plosive detection systems: *Provided further*, That notwith-
19 standing any other provision of law, of funds limited under
20 this heading, not more than \$87,454,000 shall be obli-
21 gated for administration, not less than \$15,000,000 shall
22 be available for the airport cooperative research program,
23 not less than \$19,348,000 shall be for Airport Technology
24 Research, and \$8,000,000, to remain available until ex-
25 pended, shall be available and transferred to "Office of

1 the Secretary, Salaries and Expenses” to carry out the
2 Small Community Air Service Development Program.

3 (RESCISSION)

4 Of the amounts authorized under sections 48103 and
5 48112 of title 49, United States Code, \$80,000,000 are
6 permanently rescinded from amounts authorized for the
7 fiscal year ending September 30, 2009.

8 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

9 ADMINISTRATION

10 SEC. 110. None of the funds in this Act may be used
11 to compensate in excess of 600 technical staff-years under
12 the federally funded research and development center con-
13 tract between the Federal Aviation Administration and the
14 Center for Advanced Aviation Systems Development dur-
15 ing fiscal year 2009.

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

1 land without cost to the FAA for air traffic control facili-
2 ties.

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

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

16 SEC. 114. None of the funds appropriated or limited
17 by this Act may be used to change weight restrictions or
18 prior permission rules at Teterboro airport in Teterboro,
19 New Jersey.

20 SEC. 115. (a) No funds provided in this Act may be
21 used by the Secretary of Transportation to promulgate
22 regulations or take any action regarding the scheduling
23 of airline operations at any commercial airport in the
24 United States if such regulation or action involves:

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

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

7 (3) either:

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

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

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

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

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

24 (1) prohibit the Secretary or the Administrator
25 from imposing per-operation limitations on airports

1 for the purpose of alleviating congestion at such air-
2 ports,

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

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

11 SEC. 116. None of the funds limited by this Act for
12 grants under the Airport Improvement Program shall be
13 made available to the sponsor of a commercial service air-
14 port if such sponsor fails to agree to a request from the
15 Secretary of Transportation for cost-free space in a non-
16 revenue producing, public use area of the airport terminal
17 or other airport facilities for the purpose of carrying out
18 a public service air passenger rights and consumer out-
19 reach campaign.

20 SEC. 117. Within 60 days of the publication date of
21 any Government Accountability Office report reviewing
22 the Federal Aviation Administration's project to redesign
23 the airspace over the New York, New Jersey, and Phila-
24 delphia region, the Administrator of the Federal Aviation
25 Administration shall report in writing to the Committee

1 on Appropriations and the Committee on Commerce,
2 Science, and Transportation, on actions the agency in-
3 tends to take in order to address any concerns and rec-
4 ommendations identified in the Government Account-
5 ability Office report.

6 SEC. 118. The Secretary shall apportion to the spon-
7 sor of an airport that received scheduled or unscheduled
8 air service from a large certified air carrier (as defined
9 in part 241 of title 14 Code of Federal Regulations, or
10 such other regulations as may be issued by the Secretary
11 under the authority of section 41709) ~~and~~ amount equal ^{e (an}
12 to the minimum apportionment specified in 49 U.S.C.
13 47114(c), if the Secretary determines that airport had
14 more than 10,000 passenger boardings in the preceding
15 calendar year, based on data submitted to the Secretary
16 under part 241 of title 14, Code of Federal Regulations.

17 FEDERAL HIGHWAY ADMINISTRATION

18 LIMITATION ON ADMINISTRATIVE EXPENSES

19 (INCLUDING TRANSFER OF FUNDS)

20 Not to exceed \$390,000,000, together with advances
21 and reimbursements received by the Federal Highway Ad-
22 ministration, shall be paid in accordance with law from
23 appropriations made available by this Act to the Federal
24 Highway Administration for necessary expenses for ad-
25 ministration and operation. In addition, not to exceed
26 \$3,524,000 shall be paid from appropriations made avail-

1 able by this Act and transferred to the Department of
2 Transportation's Office of Inspector General for costs as-
3 sociated with audits and investigations of projects and
4 programs of the Federal Highway Administration, and not
5 to exceed \$300,000 shall be paid from appropriations
6 made available by this Act and provided to that office
7 through reimbursement to conduct the annual audits of
8 financial statements in accordance with section 3521 of
9 title 31, United States Code. In addition, not to exceed
10 \$3,124,000 shall be paid from appropriations made avail-
11 able by this Act and transferred to the Appalachian Re-
12 gional Commission in accordance with section 104 of title
13 23, United States Code.

14

FEDERAL-AID HIGHWAYS

15

(LIMITATION ON OBLIGATIONS)

16

(HIGHWAY TRUST FUND)

17

18 None of the funds in this Act shall be available for
19 the implementation or execution of programs, the obliga-
20 tions for which are in excess of \$40,700,000,000 for Fed-
21 eral-aid highways and highway safety construction pro-
22 grams for fiscal year 2009: *Provided*, That within the
23 \$40,700,000,000 obligation limitation on Federal-aid
24 highways and highway safety construction programs, not
25 more than \$429,800,000 shall be available for the imple-
26 mentation or execution of programs for transportation re-
search (chapter 5 of title 23, United States Code; sections

1 111, 5505, and 5506 of title 49, United States Code; and
2 title 5 of Public Law 109-59) for fiscal year 2009: *Pro-*
3 *vided further*, That this limitation on transportation re-
4 search programs shall not apply to any authority pre-
5 viously made available for obligation: *Provided further*,
6 That the Secretary may, as authorized by section 605(b)
7 of title 23, United States Code, collect and spend fees to
8 cover the costs of services of expert firms, including coun-
9 sel, in the field of municipal and project finance to assist
10 in the underwriting and servicing of Federal credit instru-
11 ments and all or a portion of the costs to the Federal Gov-
12 ernment of servicing such credit instruments: *Provided*
13 *further*, That such fees are available until expended to pay
14 for such costs: *Provided further*, That such amounts are
15 in addition to administrative expenses that are also avail-
16 able for such purpose, and are not subject to any obliga-
17 tion limitation or the limitation on administrative expenses
18 under section 608 of title 23, United States Code.

19 (LIQUIDATION OF CONTRACT AUTHORIZATION)

20 (HIGHWAY TRUST FUND)

21 For carrying out the provisions of title 23, United
22 States Code, that are attributable to Federal-aid high-
23 ways, not otherwise provided, including reimbursement for
24 sums expended pursuant to the provisions of 23 U.S.C.
25 308, \$41,439,000,000 or so much thereof as may be avail-
26 able in and derived from the Highway Trust Fund (other

1 than the Mass Transit Account), to remain available until
2 expended.

3 (RESCISSION)

4 (HIGHWAY TRUST FUND)

5 Of the unobligated balances of funds apportioned to
6 each State under chapter 1 of title 23, United States
7 Code, \$3,150,000,000 are permanently rescinded: *Pro-*
8 *vided*, That such rescission shall not apply to the funds
9 distributed in accordance with sections 130(f) and
10 104(b)(5) of title 23, United States Code; sections
11 133(d)(1) and 163 of such title, as in effect on the day
12 before the date of enactment of Public Law 109-59; and
13 the first sentence of section 133(d)(3)(A) of such title:
14 *Provided further*, That notwithstanding section 1132 of
15 Public Law 110-140, in administering the rescission re-
16 quired under this heading, the Secretary of Transpor-
17 tation shall allow each State to determine the amount of
18 the required rescission to be drawn from the programs to
19 which the rescission applies.

20 APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

21 For necessary expenses for West Virginia corridor H
22 of the Appalachian Development Highway System as au-
23 thorized under section 1069(y) of Public Law 102-240,
24 as amended, \$9,500,000, to remain available until ex-
25 pended.

1 DENALI ACCESS SYSTEM PROGRAM

2 For necessary expenses for the Denali Access System
3 Program as authorized under section 1960 of Public Law
4 109-59, \$5,700,000, to remain available until expended.

5 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

6 ADMINISTRATION

7 (INCLUDING RESCISSIONS)

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

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

21 (2) not distribute an amount from the obliga-
22 tion limitation for Federal-aid highways that is equal
23 to the unobligated balance of amounts made avail-
24 able from the Highway Trust Fund (other than the
25 Mass Transit Account) for Federal-aid highways and

1 highway safety programs for previous fiscal years
2 the funds for which are allocated by the Secretary;

3 (3) determine the ratio that—

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

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

20 (4)(A) distribute the obligation limitation for
21 Federal-aid highways, less the aggregate amounts
22 not distributed under paragraphs (1) and (2), for
23 sections 1301, 1302, and 1934 of the Safe, Account-
24 able, Flexible, Efficient Transportation Equity Act:
25 A Legacy for Users; sections 117 (but individually

1 for each project numbered 1 through 3676 listed in
2 the table contained in section 1702 of the Safe, Ac-
3 countable, Flexible, Efficient Transportation Equity
4 Act: A Legacy for Users) and section 144(g) of title
5 23, United States Code; and section 14501 of title
6 40, United States Code, so that the amount of obli-
7 gation authority available for each of such sections
8 is equal to the amount determined by multiplying
9 the ratio determined under paragraph (3) by the
10 sums authorized to be appropriated for that section
11 for the fiscal year; and

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

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

1 (6) distribute the obligation limitation provided
2 for Federal-aid highways, less the aggregate
3 amounts not distributed under paragraphs (1) and
4 (2) and amounts distributed under paragraphs (4)
5 and (5), for Federal-aid highways and highway safe-
6 ty construction programs (other than the amounts
7 apportioned for the equity bonus program, but only
8 to the extent that the amounts apportioned for the
9 equity bonus program for the fiscal year are greater
10 than \$2,639,000,000, and the Appalachian develop-
11 ment highway system program) that are apportioned
12 by the Secretary under the Safe, Accountable, Flexi-
13 ble, Efficient Transportation Equity Act: A Legacy
14 for Users and title 23, United States Code, in the
15 ratio that—

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

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

22 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—

23 The obligation limitation for Federal-aid highways shall
24 not apply to obligations: (1) under section 125 of title 23,
25 United States Code; (2) under section 147 of the Surface

1 Transportation Assistance Act of 1978; (3) under section
2 9 of the Federal-Aid Highway Act of 1981; (4) under sub-
3 sections (b) and (j) of section 131 of the Surface Trans-
4 portation Assistance Act of 1982; (5) under subsections
5 (b) and (c) of section 149 of the Surface Transportation
6 and Uniform Relocation Assistance Act of 1987; (6) under
7 sections 1103 through 1108 of the Intermodal Surface
8 Transportation Efficiency Act of 1991; (7) under section
9 157 of title 23, United States Code, as in effect on the
10 day before the date of the enactment of the Transpor-
11 tation Equity Act for the 21st Century; (8) under section
12 105 of title 23, United States Code, as in effect for fiscal
13 years 1998 through 2004, but only in an amount equal
14 to \$639,000,000 for each of those fiscal years; (9) for
15 Federal-aid highway programs for which obligation au-
16 thority was made available under the Transportation Eq-
17 uity Act for the 21st Century or subsequent public laws
18 for multiple years or to remain available until used, but
19 only to the extent that the obligation authority has not
20 lapsed or been used; (10) under section 105 of title 23,
21 United States Code, but only in an amount equal to
22 \$639,000,000 for each of fiscal years 2005 through 2008; ~~2008~~ (2009)
23 and (11) under section 1603 of the Safe, Accountable,
24 Flexible, Efficient Transportation Equity Act: A Legacy
25 for Users, to the extent that funds obligated in accordance

1 with that section were not subject to a limitation on obli-
2 gations at the time at which the funds were initially made
3 available for obligation.

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

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

1 obligations for Federal-aid highway and highway safety
2 construction programs for future fiscal years.

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

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

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

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

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

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

24 (f) SPECIAL LIMITATION CHARACTERISTICS.—Obli-
25 gation limitation distributed for a fiscal year under sub-

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

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

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

9 (g) HIGH PRIORITY PROJECT FLEXIBILITY.—

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

18 (2) RESTORATION.—Obligation authority used
19 as described in paragraph (1) shall be restored to
20 the original purpose on the date on which obligation
21 authority is distributed under this section for the
22 next fiscal year following obligation under paragraph
23 (1).

24 (h) LIMITATION ON STATUTORY CONSTRUCTION.—

25 Nothing in this section shall be construed to limit the dis-

1 tribution of obligation authority under subsection
2 (a)(4)(A) for each of the individual projects numbered
3 greater than 3676 listed in the table contained in section
4 1702 of the Safe, Accountable, Flexible, Efficient Trans-
5 portation Equity Act: A Legacy for Users.

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

14 SEC. 122. In addition to amounts provided in this
15 or any other Act for fiscal year 2009, \$143,031,303, to
16 be derived from the Highway Trust Fund (other than the
17 Mass Transit Account), shall be available for the Trans-
18 portation, Community, and System Preservation Program
19 under section 1117 of the Safe, Accountable, Flexible, Ef-
20 ficient Transportation Equity Act: A Legacy for Users
21 (Pub. L. 109-59; 119 Stat. 1144, 1177-1179): *Provided*,
22 That all funds made available under this section shall be
23 subject to any limitation on obligations for Federal-aid
24 highways and highway safety construction programs set
25 forth in this Act or any other Act: *Provided further*, That

1 such funds shall be administered in accordance with sec-
2 tion 1117(g)(2) of the Safe, Accountable, Flexible, Effi-
3 cient Transportation Equity Act: A Legacy for Users.

4 SEC. 123. Of the amounts made available under sec-
5 tion 104(a) of title 23, United States Code, \$33,401,492
6 are permanently rescinded.

7 SEC. 124. Of the unobligated balances of funds made
8 available in fiscal year 2005 and prior fiscal years for the
9 implementation or execution of programs for transpor-
10 tation research, training and education, and technology
11 deployment including intelligent transportation systems,
12 \$11,756,527 are permanently rescinded.

13 SEC. 125. There is hereby appropriated to the Sec-
14 retary of Transportation \$161,326,625 for surface trans-
15 portation priorities: *Provided*, That the amount provided
16 by this section shall be made available for the programs,
17 projects and activities identified under this section in the
18 explanatory statement accompanying this Act: *Provided*
19 *further*, That funds provided by this section, at the request
20 of a State, shall be transferred by the Secretary to another
21 Federal agency: *Provided further*, That the Federal share
22 payable on account of any program, project, or activity
23 carried out with funds set aside by this section shall be
24 100 percent: *Provided further*, That the sums set aside by
25 this section shall remain available until expended: *Pro-*

1 *vided further*, That none of the funds set aside by this
2 section shall be subject to any limitation on obligations
3 for Federal-aid highways and highway safety construction
4 programs set forth in this Act or any other Act.

5 SEC. 126. Not less than 15 days prior to waiving,
6 under his or her statutory authority, any Buy America re-
7 quirement for Federal-aid highway projects, the Secretary
8 of Transportation shall make an informal public notice
9 and comment opportunity on the intent to issue such waiv-
10 er and the reasons therefor: *Provided*, That the Secretary
11 shall provide an annual report to the Appropriations Com-
12 mittees of the Congress on any waivers granted under the
13 Buy America requirements.

14 SEC. 127. Notwithstanding any other provision of
15 law, funds made available in Public Law 110-161 for
16 "Bridge over Broadway, Missoula to Rattlesnake National
17 Recreation Area, MT" shall be available for a new pedes-
18 trian and bicycle-friendly at-grade crossing of East Broad-
19 way Street in Missoula, Montana.

20 SEC. 128. (a) IN GENERAL.—Except as provided in
21 subsection (b), none of the funds made available, limited,
22 or otherwise affected by this Act shall be used to approve
23 or otherwise authorize the imposition of any toll on any
24 segment of highway located on the Federal-aid system in
25 the State of Texas that—

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

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

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

7 (b) EXCEPTIONS.—

8 (1) NUMBER OF TOLL LANES.—Subsection (a)
9 shall not apply to any segment of highway on the
10 Federal-aid system described in that subsection that,
11 as of the date on which a toll is imposed on the seg-
12 ment, will have the same number of non-toll lanes as
13 were in existence prior to that date.

14 (2) HIGH-OCCUPANCY VEHICLE LANES.—A
15 high-occupancy vehicle lane that is converted to a
16 toll lane shall not be subject to this section, and
17 shall not be considered to be a non-toll lane for pur-
18 poses of determining whether a highway will have
19 fewer non-toll lanes than prior to the date of imposi-
20 tion of the toll, if—

21 (A) high-occupancy vehicles occupied by
22 the number of passengers specified by the enti-
23 ty operating the toll lane may use the toll lane
24 without paying a toll, unless otherwise specified
25 by the appropriate county, town, municipal or

1 other local government entity, or public toll
2 road or transit authority; or

3 (B) each high-occupancy vehicle lane that
4 was converted to a toll lane was constructed as
5 a temporary lane to be replaced by a toll lane
6 under a plan approved by the appropriate coun-
7 ty, town, municipal or other local government
8 entity, or public toll road or transit authority.

9 SEC. 129. (a) In the explanatory statement ref-
10 erenced in section 129 of division K of Public Law 110-
11 161 (121 Stat. 2388), the item relating to "Route 116
12 and Bay Road Intersection and Road Improvements, Am-
13 herst, MA" in the table of projects for such section 129
14 is deemed to be amended by inserting ", including Bike,
15 Pedestrian, or Other Off Road Paths" after "Improve-
16 ments".

17 (b) In the explanatory statement referenced in section
18 129 of division K of Public Law 110-161 (121 Stat.
19 2388), the item relating to "Highway 77 Rail Grade Sepa-
20 ration, Marion, AR", in the table of projects for such sec-
21 tion 129 is deemed to be amended by striking "Highway
22 77 Rail Grade Separation, Marion, AR" and inserting
23 "BNSF main line overpass within the Marion, Arkansas,
24 planning jurisdiction".

1 (c) In the explanatory statement referenced in section
2 186 of division K of Public Law 110-161 (121 Stat.
3 2406), in the table of projects under the heading "Federal
4 Highway Administration—Federal-Aid Highways (Limitation on Obligations)—Federal Lands" in division K of
5 such explanatory statement, the item relating to "U.S.
6 Forest Highway 4, Winston County, Alabama" is deemed
7 to be amended by striking "Highway 4" and inserting
8 "Highway 9".

10 (d) In the explanatory statement referenced in section
11 186 of division K of Public Law 110-161 (121 Stat.
12 2406), the item relating to "Street Improvements in
13 Burnham, IL" in the table of projects under the heading
14 "Transportation, Community and System Preservation
15 Program" is deemed to be amended by striking "Street
16 Improvements in Burnham, IL" and inserting "Repair of
17 Side Streets and Relocation of Water Mains resulting
18 from rerouting of traffic and reconstruction of 159th
19 Street in Harvey, IL".

20 (e) In the explanatory statement referenced in section
21 186 of division K of Public Law 110-161 (121 Stat.
22 2406), the item relating to "Street Improvements in
23 Thornton, IL" in the table of projects under the heading
24 "Transportation, Community and System Preservation
25 Program" is deemed to be amended by striking "Street

1 Improvements in Thornton, IL” and inserting “Engineer-
2 ing, Right-of-Way, and Construction of Joe Orr Road Ex-
3 tension and Main Street Project in Lynwood, IL”.

4 (f) Funds made available from the amount appro-
5 priated under the heading “Federal Highway Administra-
6 tion—Highway Demonstration Projects” of title I of the
7 Department of Transportation and Related Agencies Ap-
8 propriations Act, 1992 (Public Law 102–143) for the Mil-
9 ler Highway from 59th Street to 72nd Street, west side
10 of Manhattan, New York, and from the amount appro-
11 priated under the heading “Federal Highway Administra-
12 tion—Highway Projects” of title I of the Department of
13 Transportation and Related Agencies Appropriations Act,
14 1993 (Public Law 102–388) for design improvements on
15 Miller Highway, New York City, New York, shall be made
16 available for the project specified in item 4599 of section
17 1702 of SAFETEA-LU (Public Law 109–59), as amend-
18 ed by the SAFETEA-LU Technical Corrections Act of
19 2008 (Public Law 110–244).

20 SEC. 130. Notwithstanding any other provision of
21 law, any unexpended amounts available for obligation for
22 item number 48 under section 1106(b) of Public Law
23 102–240 (105 Stat. 2046) for the Southern State Park-
24 way Improvement project shall be available for obligation
25 and expenditure on the I–90 connector, Rensselaer Coun-

1 ty, New York, including reimbursement for expenses in-
2 curred on such connector prior to the date of enactment
3 of this section.

4 SEC. 131. (a) The table contained in section 1702
5 of the Safe, Accountable, Flexible, Efficient Transpor-
6 tation Equity Act: A Legacy for Users (119 Stat. 1256)
7 is amended by striking the project description for item
8 number 189 and inserting the following: "Planning, de-
9 sign, engineering, environmental analysis, acquisition of
10 rights-of-way, and construction for the Long Valley By-
11 pass".

12 (b) The table contained in section 1702 of the Safe,
13 Accountable, Flexible, Efficient Transportation Equity
14 Act: A Legacy for Users (119 Stat. 1256) is amended by
15 striking the project description for item number 3546 and
16 inserting the following: "Port of Coos Bay to acquire and
17 repair the Coos Bay Line".

18 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

19 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

20 (LIQUIDATION OF CONTRACT AUTHORIZATION)

21 (LIMITATION ON OBLIGATIONS)

22 (HIGHWAY TRUST FUND)

23 (INCLUDING RESCISSION)

24 For payment of obligations incurred for administra-
25 tion of motor carrier safety operations and programs pur-
26 suant to section 31104(i) of title 49, United States Code,

1 and sections 4127 and 4134 of Public Law 109-59,
2 \$234,000,000, to be derived from the Highway Trust
3 Fund (other than the Mass Transit Account), together
4 with advances and reimbursements received by the Fed-
5 eral Motor Carrier Safety Administration, the sum of
6 which shall remain available until expended: *Provided*,
7 That none of the funds derived from the Highway Trust
8 Fund in this Act shall be available for the implementation,
9 execution or administration of programs, the obligations
10 for which are in excess of \$234,000,000, for "Motor Car-
11 rier Safety Operations and Programs", of which
12 \$8,500,000, to remain available for obligation until Sep-
13 tember 30, 2011, is for the research and technology pro-
14 gram and \$1,000,000 shall be available for commercial
15 motor vehicle operator's grants to carry out section 4134
16 of Public Law 109-59: *Provided further*, That notwith-
17 standing any other provision of law, none of the funds
18 under this heading for outreach and education shall be
19 available for transfer: *Provided further*, That the Federal
20 Motor Carrier Safety Administration shall transmit to
21 Congress a report on March 30, 2009 and September 30,
22 2009 on the agency's ability to meet its requirement to
23 conduct compliance reviews on high-risk carriers: *Provided*
24 *further*, That \$4,839,259 in unobligated balances are per-
25 manently rescinded.

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

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

1 available for the commercial vehicle information systems
 2 and networks deployment program to carry out section
 3 4126 of Public Law 109-59; \$3,000,000 shall be available
 4 for the safety data improvement program to carry out sec-
 5 tion 4128 of Public Law 109-59; and \$8,000,000 shall
 6 be available for the commercial driver's license information
 7 system modernization program to carry out section
 8 31309(e) of title 49, United States Code: *Provided further,*
 9 That of the funds made available for the motor carrier
 10 safety assistance program, \$29,000,000 shall be available
 11 for audits of new entrant motor carriers: *Provided further,*
 12 That \$6,502,558 in unobligated balances are permanently
 13 rescinded.

14 MOTOR CARRIER SAFETY

15 (HIGHWAY TRUST FUND)

16 (RESCISSION)

17 Of the amounts made available under this heading
 18 in prior appropriations Acts, \$2,231,259 in unobligated
 19 balances are permanently rescinded.

20 NATIONAL MOTOR CARRIER SAFETY PROGRAM

21 (HIGHWAY TRUST FUND)

22 (RESCISSION)

23 Of the amounts made available under this heading
 24 in prior appropriations Act, \$19,571,910 in unobligated
 25 balances are permanently rescinded.

(5)

1 ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR

2 CARRIER SAFETY ADMINISTRATION

3 SEC. 135. Funds appropriated or limited in this Act
4 shall be subject to the terms and conditions stipulated in
5 section 350 of Public Law 107-87 and section 6901 of
6 Public Law 110-28, including that the Secretary submit
7 a report to the House and Senate Appropriations Commit-
8 tees annually on the safety and security of transportation
9 into the United States by Mexico-domiciled motor carriers.

10 SEC. 136. None of the funds appropriated or other-
11 wise made available under this Act may be used, directly
12 or indirectly, to establish, implement, continue, promote,
13 or in any way permit a cross-border motor carrier dem-
14 onstration program to allow Mexican-domiciled motor car-
15 riers to operate beyond the commercial zones along the
16 international border between the United States and Mex-
17 ico, including continuing, in whole or in part, any such
18 program that was initiated prior to the date of the enact-
19 ment of this Act.

20 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

21 OPERATIONS AND RESEARCH

22 For expenses necessary to discharge the functions of
23 the Secretary, with respect to traffic and highway safety
24 under subtitle C of title X of Public Law 109-59 and
25 chapter 301 and part C of subtitle VI of title 49, United

1 States Code, \$127,000,000, of which \$31,670,000 shall
2 remain available until September 30, 2010: *Provided*,
3 That none of the funds appropriated by this Act may be
4 obligated or expended to plan, finalize, or implement any
5 rulemaking to add to section 575.104 of title 49 of the
6 Code of Federal Regulations any requirement pertaining
7 to a grading standard that is different from the three
8 grading standards (treadwear, traction, and temperature
9 resistance) already in effect.

10 OPERATIONS AND RESEARCH

11 (LIQUIDATION OF CONTRACT AUTHORIZATION)

12 (LIMITATION ON OBLIGATIONS)

13 (HIGHWAY TRUST FUND)

14 For payment of obligations incurred in carrying out
15 the provisions of 23 U.S.C. 403, \$105,500,000 to be de-
16 rived from the Highway Trust Fund (other than the Mass
17 Transit Account) and to remain available until expended:
18 *Provided*, That none of the funds in this Act shall be avail-
19 able for the planning or execution of programs the total
20 obligations for which, in fiscal year 2009, are in excess
21 of \$105,500,000 for programs authorized under 23 U.S.C.
22 403: *Provided further*, That within the \$105,500,000 obli-
23 gation limitation for operations and research, \$26,908,000
24 shall remain available until September 30, 2010 and shall
25 be in addition to the amount of any limitation imposed
26 on obligations for future years.

1 NATIONAL DRIVER REGISTER
2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
3 (LIMITATION ON OBLIGATIONS)
4 (HIGHWAY TRUST FUND)

5 For payment of obligations incurred in carrying out
6 chapter 303 of title 49, United States Code, \$4,000,000,
7 to be derived from the Highway Trust Fund (other than
8 the Mass Transit Account) and to remain available until
9 expended: *Provided*, That none of the funds in this Act
10 shall be available for the implementation or execution of
11 programs the total obligations for which, in fiscal year
12 2009, are in excess of \$4,000,000 for the National Driver
13 Register authorized under such chapter.

14 HIGHWAY TRAFFIC SAFETY GRANTS
15 (LIQUIDATION OF CONTRACT AUTHORIZATION)
16 (LIMITATION ON OBLIGATIONS)
17 (HIGHWAY TRUST FUND)

18 For payment of obligations incurred in carrying out
19 the provisions of 23 U.S.C. 402, 405, 406, 408, and 410
20 and sections 2001(a)(11), 2009, 2010, and 2011 of Public
21 Law 109-59, to remain available until expended,
22 \$619,500,000 to be derived from the Highway Trust Fund
23 (other than the Mass Transit Account): *Provided*, That
24 none of the funds in this Act shall be available for the
25 planning or execution of programs the total obligations for
26 which, in fiscal year 2009, are in excess of \$619,500,000

1 for programs authorized under 23 U.S.C. 402, 405, 406,
2 408, and 410 and sections 2001(a)(11), 2009, 2010, and
3 2011 of Public Law 109-59, of which \$235,000,000 shall
4 be for "Highway Safety Programs" under 23 U.S.C. 402;
5 \$25,000,000 shall be for "Occupant Protection Incentive
6 Grants" under 23 U.S.C. 405; \$124,500,000 shall be for
7 "Safety Belt Performance Grants" under 23 U.S.C. 406,
8 and such obligation limitation shall remain available until
9 September 30, 2010 in accordance with subsection (f) of
10 such section 406 and shall be in addition to the amount
11 of any limitation imposed on obligations for such grants
12 for future fiscal years; \$34,500,000 shall be for "State
13 Traffic Safety Information System Improvements" under
14 23 U.S.C. 408; \$139,000,000 shall be for "Alcohol-Im-
15 paired Driving Countermeasures Incentive Grant Pro-
16 gram" under 23 U.S.C. 410; \$18,500,000 shall be for
17 "Administrative Expenses" under section 2001(a)(11) of
18 Public Law 109-59; \$29,000,000 shall be for "High Visi-
19 bility Enforcement Program" under section 2009 of Pub-
20 lic Law 109-59; \$7,000,000 shall be for "Motorcyclist
21 Safety" under section 2010 of Public Law 109-59; and
22 \$7,000,000 shall be for "Child Safety and Child Booster
23 Seat Safety Incentive Grants" under section 2011 of Pub-
24 lic Law 109-59: *Provided further*, That none of these
25 funds shall be used for construction, rehabilitation, or re-

1 modeling costs, or for office furnishings and fixtures for
2 State, local or private buildings or structures: *Provided*
3 *further*, That not to exceed \$500,000 of the funds made
4 available for section 410 "Alcohol-Impaired Driving Coun-
5 termeasures Grants" shall be available for technical assist-
6 ance to the States: *Provided further*, That not to exceed
7 \$750,000 of the funds made available for the "High Visi-
8 bility Enforcement Program" shall be available for the
9 evaluation required under section 2009(f) of Public Law
10 109-59.

11 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

12 TRAFFIC SAFETY ADMINISTRATION

13 (INCLUDING RESCISSIONS)

14 SEC. 140. Notwithstanding any other provision of law
15 or limitation on the use of funds made available under
16 section 403 of title 23, United States Code, an additional
17 \$130,000 shall be made available to the National Highway
18 Traffic Safety Administration, out of the amount limited
19 for section 402 of title 23, United States Code, to pay
20 for travel and related expenses for State management re-
21 views and to pay for core competency development train-
22 ing and related expenses for highway safety staff.

23 SEC. 141. Of the amounts made available under the
24 heading "Operations and Research (Liquidation of Con-
25 tract Authorization) (Limitation on Obligations) (High-
26 way Trust Fund)" in prior appropriations Acts,

1 \$10,900,000 in unobligated balances are permanently re-
2 scinded.

3 SEC. 142. Of the amounts made available under the
4 heading "National Driver Register (Liquidation of Con-
5 tract Authorization) (Limitation on Obligations) (High-
6 way Trust Fund)" in prior appropriations Acts, \$544,000
7 in unobligated balances are permanently rescinded.

8 SEC. 143. Of the amounts made available under the
9 heading "Highway Traffic Safety Grants (Liquidation of
10 Contract Authorization) (Limitation on Obligations)
11 (Highway Trust Fund)" in prior appropriations Acts,
12 \$60,200,000 in unobligated balances are permanently re-
13 scinded.

14 FEDERAL RAILROAD ADMINISTRATION

15 SAFETY AND OPERATIONS

16 For necessary expenses of the Federal Railroad Ad-
17 ministration, not otherwise provided for, \$159,445,000, of
18 which \$12,268,890 shall remain available until expended.

19 RAILROAD RESEARCH AND DEVELOPMENT

20 For necessary expenses for railroad research and de-
21 velopment, \$33,950,000, to remain available until ex-
22 pended.

23 CAPITAL ASSISTANCE TO STATES—INTERCITY

24 PASSENGER RAIL SERVICE

25 To enable the Federal Railroad Administrator to
26 make grants to States for the capital costs of improving

1 existing intercity passenger rail service and providing new
2 intercity passenger rail service, \$90,000,000, to remain
3 available until expended: *Provided*, That grants shall be
4 provided to a State only on a reimbursable basis: *Provided*
5 *further*, That grants cover no more than 50 percent of the
6 total capital cost of a project selected for funding: *Pro-*
7 *vided further*, That no more than 10 percent of funds
8 made available under this program may be used for plan-
9 ning activities that lead directly to the development of a
10 passenger rail corridor investment plan consistent with the
11 requirements established by the Administrator: *Provided*
12 *further*, That no later than eight months following enact-
13 ment of this Act, the Secretary shall establish and publish
14 criteria for project selection, set a deadline for grant appli-
15 cations, and provide a schedule for project selection: *Pro-*
16 *vided further*, That to be eligible for this assistance, States
17 must include intercity passenger rail service as an integral
18 part of statewide transportation planning as required
19 under section 135 of title 23, United States Code: *Pro-*
20 *vided further*, That to be eligible for capital assistance the
21 specific project must be on the Statewide Transportation
22 Improvement Plan at the time of the application to qual-
23 ify: *Provided further*, That the Secretary give priority to
24 capital and planning applications for projects that improve
25 the safety and reliability of intercity passenger trains, in-

1 involve a commitment by freight railroads to an enforceable
2 on-time performance of passenger trains of 80 percent or
3 greater, involve a commitment by freight railroads of fi-
4 nancial resources commensurate with the benefit expected
5 to their operations, improve or extend service on a route
6 that requires little or no Federal assistance for its oper-
7 ations, and involve a commitment by States or railroads
8 of financial resources to improve the safety of highway/
9 rail grade crossings over which the passenger service oper-
10 ates: *Provided further*, That the Administrator is directed
11 to report to the Committees on Appropriations not later
12 than 180 days upon enactment of this Act detailing the
13 recipients and outcomes of grants issued pursuant to Pub-
14 lic Law 110-116, under this heading, the Capital Assist-
15 ance to States Program, any and all usage and perform-
16 ance fees paid to a freight railroad for access to the right
17 of way: *Provided further*, That the Administrator may re-
18 tain up to one-quarter of 1 percent of the funds provided
19 under this heading to fund the award and oversight by
20 the Administrator of grants made under this heading.

21 RAILROAD REHABILITATION AND IMPROVEMENT

22 FINANCING PROGRAM

23 The Secretary of Transportation is authorized to
24 issue to the Secretary of the Treasury notes or other obli-
25 gations pursuant to section 512 of the Railroad Revitaliza-
26 tion and Regulatory Reform Act of 1976 (Public Law 94-

1 210), as amended, in such amounts and at such times as
2 may be necessary to pay any amounts required pursuant
3 to the guarantee of the principal amount of obligations
4 under sections 511 through 513 of such Act, such author-
5 ity to exist as long as any such guaranteed obligation is
6 outstanding: *Provided*, That pursuant to section 502 of
7 such Act, as amended, no new direct loans or loan guar-
8 antee commitments shall be made using Federal funds for
9 the credit risk premium during fiscal year 2009.

10 RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

11 For necessary expenses of carrying out section 20154
12 of title 49, United States Code, as authorized by section
13 9002 of Public Law 109-59, \$25,000,000, to remain
14 available until expended.

15 OPERATING GRANTS TO THE NATIONAL RAILROAD

16 PASSENGER CORPORATION

17 To enable the Secretary of Transportation to make
18 quarterly grants to the National Railroad Passenger Cor-
19 poration for operation of intercity passenger rail,
20 \$550,000,000, to remain available until expended: *Pro-*
21 *vided*, That the Secretary shall withhold such sums as
22 shall be necessary for the costs associated with the second
23 retroactive wage payment to Amtrak employees and shall
24 transmit such funding to the corporation for the sole and
25 exclusive purpose of making such payments only at such
26 time as said payments are due: *Provided further*, That

1 such remaining amounts available under this paragraph
2 shall be available for the Secretary to approve funding to
3 cover operating losses for the Corporation only after re-
4 ceiving and reviewing a grant request for each specific
5 train route: *Provided further*, That each such grant re-
6 quest shall be accompanied by a detailed financial anal-
7 ysis, revenue projection, and capital expenditure projection
8 justifying the Federal support to the Secretary's satisfac-
9 tion: *Provided further*, That the Corporation is directed
10 to achieve savings through operating efficiencies including,
11 but not limited to, modifications to food and beverage
12 service and first class service: *Provided further*, That the
13 Inspector General of the Department of Transportation
14 shall report to the House and Senate Committees on Ap-
15 propriations beginning 3 months after the date of the en-
16 actment of this Act and quarterly thereafter with esti-
17 mates of the savings accrued as a result of all operational
18 reforms instituted by the Corporation: *Provided further*,
19 That not later than 120 days after enactment of this Act,
20 the Corporation shall transmit to the House and Senate
21 Committees on Appropriations the status of its plan to
22 improve the financial performance of food and beverage
23 service and its plan to improve the financial performance
24 of first class service (including sleeping car service): *Pro-*
25 *vided further*, That the Corporation shall report quarterly

1 to the House and Senate Committees on Appropriations
2 on its progress against the milestones and target dates
3 contained in the plan provided in fiscal year 2008 and
4 quantify savings realized to date on a monthly basis com-
5 pared to those projected in the plan, identify any changes
6 in the plan or delays in implementing these plans, and
7 identify the causes of delay and proposed corrective meas-
8 ures: *Provided further*, That not later than 90 days after
9 enactment of this Act, the Corporation shall transmit, in
10 electronic format, to the Secretary, the House and Senate
11 Committees on Appropriations, the House Committee on
12 Transportation and Infrastructure and the Senate Com-
13 mittee on Commerce, Science, and Transportation a com-
14 prehensive business plan approved by the Board of Direc-
15 tors for fiscal year 2009 under section 24104(a) of title
16 49, United States Code: *Provided further*, That the busi-
17 ness plan shall include, as applicable, targets for ridership,
18 revenues, and capital and operating expenses: *Provided*
19 *further*, That the plan shall also include a separate ac-
20 counting of such targets for the Northeast Corridor; com-
21 muter service; long-distance Amtrak service; State-sup-
22 ported service; each intercity train route, including Auto-
23 train; and commercial activities including contract oper-
24 ations: *Provided further*, That the business plan shall in-
25 clude a description of the work to be funded, along with

1 cost estimates and an estimated timetable for completion
2 of the projects covered by this business plan: *Provided fur-*
3 *ther*, That the Corporation shall continue to provide
4 monthly reports in electronic format regarding the pend-
5 ing business plan, which shall describe the work completed
6 to date, any changes to the business plan, and the reasons
7 for such changes, and shall identify all sole source contract
8 awards which shall be accompanied by a justification as
9 to why said contract was awarded on a sole source basis:
10 *Provided further*, That the Corporation's business plan
11 and all subsequent supplemental plans shall be displayed
12 on the Corporation's website within a reasonable time-
13 frame following their submission to the appropriate enti-
14 ties: *Provided further*, That none of the funds under this
15 heading may be obligated or expended until the Corpora-
16 tion agrees to continue abiding by the provisions of para-
17 graphs 1, 2, 5, 9, and 11 of the summary of conditions
18 for the direct loan agreement of June 28, 2002, in the
19 same manner as in effect on the date of enactment of this
20 Act: *Provided further*, That none of the funds provided in
21 this Act may be used after March 1, 2006, to support any
22 route on which Amtrak offers a discounted fare of more
23 than 50 percent off the normal, peak fare: *Provided fur-*
24 *ther*, That the preceding proviso does not apply to routes
25 where the operating loss as a result of the discount is cov-

1 ered by a State and the State participates in the setting
2 of fares: *Provided further*, That of the amounts made
3 available under this heading not less than \$18,500,000
4 shall be available for the Amtrak Office of Inspector Gen-
5 eral.

6 CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL
7 RAILROAD PASSENGER CORPORATION

8 To enable the Secretary of Transportation to make
9 quarterly grants to the National Railroad Passenger Cor-
10 poration for the maintenance and repair of capital infra-
11 structure owned by the Corporation, including railroad
12 equipment, rolling stock, legal mandates and other serv-
13 ices, \$940,000,000, to remain available until expended, of
14 which not to exceed \$285,000,000 shall be for debt service
15 obligations: *Provided*, That the Secretary may retain up
16 to one-quarter of 1 percent of the funds under this head-
17 ing to fund the oversight by the Federal Railroad Adminis-
18 tration of the design and implementation of capital
19 projects funded by grants made under this heading: *Pro-*
20 *vided further*, That the Secretary shall approve funding
21 for capital expenditures, including advance purchase or-
22 ders of materials, for the Corporation only after receiving
23 and reviewing a grant request for each specific capital
24 grant justifying the Federal support to the Secretary's
25 satisfaction: *Provided further*, That none of the funds
26 under this heading may be used to subsidize operating

1 losses of the Corporation: *Provided further*, That none of
2 the funds under this heading may be used for capital
3 projects not approved by the Secretary of Transportation
4 or on the Corporation's fiscal year 2009 business plan:
5 *Provided further*, That, the business plan shall be accom-
6 panied by a comprehensive fleet plan for all Amtrak rolling
7 stock which shall address the corporation's detailed plans C
8 and timeframes for the maintenance, refurbishment, re-
9 placement and expansion of the Amtrak fleet: *Provided*
10 *further*, That said fleet plan shall establish year-specific
11 goals and milestones and discuss potential, current, and
12 preferred financing options for all such activities.

13 EFFICIENCY INCENTIVE GRANTS TO THE NATIONAL
14 RAILROAD PASSENGER CORPORATION
15 (RESCISSION)

16 Of the amounts made available under this heading
17 in Public Laws 109-115 and 110-5, all unobligated bal-
18 ances as of the date of enactment of this provision are
19 hereby rescinded.

20 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD
21 ADMINISTRATION

22 SEC. 151. The Secretary may purchase promotional
23 items of nominal value for use in public outreach activities
24 to accomplish the purposes of 49 U.S.C. 20134: *Provided*,
25 That the Secretary shall prescribe guidelines for the ad-
26 ministration of such purchases and use.

1 SEC. 152. Hereafter, notwithstanding any other pro-
2 vision of law, funds provided in this Act for the National
3 Railroad Passenger Corporation shall immediately cease
4 to be available to said Corporation in the event that the
5 Corporation contracts to have services provided at or from
6 any location outside the United States. For purposes of
7 this section, the word "services" shall mean any service
8 that was, as of July 1, 2006, performed by a full-time
9 or part-time Amtrak employee whose base of employment
10 is located within the United States.

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

24 SEC. 154. The Federal Railroad Administrator shall
25 submit a quarterly report on April 1, 2009, and quarterly

1 reports thereafter, to the House and Senate Committees
2 on Appropriations detailing the Administrator's efforts at
3 improving the on-time performance of Amtrak intercity
4 rail service operating on non-Amtrak owned property.
5 Such reports shall compare the most recent actual on-time
6 performance data to pre-established on-time performance
7 goals that the Administrator shall set for each rail service,
8 identified by route. Such reports shall also include what-
9 ever other information and data regarding the on-time
10 performance of Amtrak trains the Administrator deems to
11 be appropriate. The amounts made available in this title
12 under the heading "Office of the Secretary, Salaries and
13 Expenses" shall be reduced \$100,000 for each day after
14 the first day of each quarter that the quarterly reports
15 required by this section are not submitted to the Congress.

16 FEDERAL TRANSIT ADMINISTRATION

17 ADMINISTRATIVE EXPENSES

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary administrative expenses of the Federal
20 Transit Administration's programs authorized by chapter
21 53 of title 49, United States Code, \$94,413,000: *Provided*,
22 That of the funds available under this heading, not to ex-
23 ceed \$1,800,000 shall be available for travel and not to
24 exceed \$23,322,000 shall be available for the central ac-
25 count: *Provided further*, That any funding transferred
26 from the central account shall be submitted for approval

1 to the House and Senate Committees on Appropriations:
2 *Provided further*, That none of the funds provided or lim-
3 ited in this Act may be used to create a permanent office
4 of transit security under this heading: *Provided further*,
5 That of the funds in this Act available for the execution
6 of contracts under section 5327(c) of title 49, United
7 States Code, \$2,000,000 shall be transferred to the De-
8 partment of Transportation's Office of Inspector General
9 for costs associated with audits and investigations of tran-
10 sit-related issues, including reviews of new fixed guideway
11 systems: *Provided further*, That upon submission to the
12 Congress of the fiscal year 2010 President's budget, the
13 Secretary of Transportation shall transmit to Congress
14 the annual report on new starts, including proposed alloca-
15 tions of funds for fiscal year 2010.

16 FORMULA AND BUS GRANTS

17 (LIQUIDATION OF CONTRACT AUTHORITY)

18 (LIMITATION ON OBLIGATIONS)

19 (HIGHWAY TRUST FUND)

20 For payment of obligations incurred in carrying out
21 the provisions of 49 U.S.C. 5305, 5307, 5308, 5309,
22 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and
23 section 3038 of Public Law 105-178, as amended,
24 \$8,670,000,000 to be derived from the Mass Transit Ac-
25 count of the Highway Trust Fund and to remain available
26 until expended: *Provided*, That funds available for the im-

1 plementation or execution of programs authorized under
2 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316,
3 5317, 5320, 5335, 5339, and 5340 and section 3038 of
4 Public Law 105-178, as amended, shall not exceed total
5 obligations of \$8,260,565,000 in fiscal year 2009.

6 RESEARCH AND UNIVERSITY RESEARCH CENTERS

7 For necessary expenses to carry out 49 U.S.C. 5306,
8 5312-5315, 5322, and 5506, \$67,000,000, to remain
9 available until expended: *Provided*, That \$10,000,000 is
10 available to carry out the transit cooperative research pro-
11 gram under section 5313 of title 49, United States Code,
12 \$4,300,000 is available for the National Transit Institute
13 under section 5315 of title 49, United States Code, and
14 \$7,000,000 is available for university transportation cen-
15 ters program under section 5506 of title 49, United States
16 Code: *Provided further*, That \$45,700,000 is available to
17 carry out national research programs under sections 5312,
18 5313, 5314, and 5322 of title 49, United States Code.

19 CAPITAL INVESTMENT GRANTS

20 For necessary expenses to carry out section 5309 of
21 title 49, United States Code, \$1,809,250,000, to remain
22 available until expended, of which no less than
23 \$200,000,000 is for section 5309(e) of such title: *Pro-*
24 *vided*, That of the funds available under this heading,
25 amounts are to be made available as follows:

- 1 AC Transit BRT Corridor, California,
- 2 \$4,000,000.
- 3 Bellevue-Redmond BRT, King County, Wash-
- 4 ington, \$10,952,330.
- 5 BRT, Potomac Yard-Crystal City, City of Alex-
- 6 andria and Arlington County, Virginia, \$1,000,000.
- 7 BRT, State Avenue Corridor, Wyandotte Coun-
- 8 ty, Kansas, \$1,500,000.
- 9 Central Corridor Light Rail Transit Project,
- 10 Minnesota, \$20,000,000.
- 11 Central Florida Commuter Rail, Florida,
- 12 \$13,000,000.
- 13 Central Link Initial Segment, Seattle, Wash-
- 14 ington, \$25,962,062.
- 15 Central Phoenix/East Valley Light Rail, Ari-
- 16 zona, \$91,800,000.
- 17 Charlotte Rapid Transit Extension, North
- 18 Carolina, \$20,500,000.
- 19 Commuter Rail Improvements, Fitchburg, Mas-
- 20 sachusetts, \$30,000,000.
- 21 Commuter Rail Study—Phoenix to Tucson, Ari-
- 22 zona, \$3,500,000.
- 23 CTA Brown Line (Ravenswood), Illinois,
- 24 \$30,474,404.
- 25 CTA Circle Line, Illinois, \$6,000,000.

- 1 Dallas Area Rapid Transit Northwest/Southeast
2 Light Rail MOS, Texas, \$87,974,716.
- 3 Downtown Orlando East-West Circulator Sys-
4 tem, Florida, \$8,000,000.
- 5 Dulles Corridor Metrorail, Virginia,
6 \$29,100,000.
- 7 Honolulu High Capacity Transit Corridor
8 Project, Hawaii, \$20,000,000.
- 9 Houston Metropolitan Transit Authority Ad-
10 vanced Transit Program/METRO Solutions Phase 2,
11 Texas, \$15,000,000.
- 12 Hudson-Bergen MOS-2, Northern, New Jersey,
13 \$1,103,860.
- 14 I-69 HOV/BRT, Mississippi, \$7,650,000.
- 15 Improvements to the Rosslyn Metro Station,
16 Virginia, \$2,000,000.
- 17 JTA BRT System, Jacksonville, Florida,
18 \$1,280,000.
- 19 Largo Metrorail Extension, District of Colum-
20 bia/Maryland, \$34,700,000.
- 21 Livermore-Amador BRT, Livermore, California,
22 \$7,990,000.
- 23 Long Island Rail Road East Side Access, New
24 York, \$209,623,898.

- 1 Mason Corridor BRT, Fort Collins, Colorado,
- 2 \$11,182,000.
- 3 MARC Capacity Improvements, Maryland,
- 4 \$13,000,000.
- 5 Metra, Illinois, \$24,000,000.
- 6 Metro Gold Line Eastside Extension, Los Ange-
- 7 les, California, \$81,600,000.
- 8 Metrorail Orange Line Extension Project, Flor-
- 9 ida, \$20,000,000.
- 10 Metro Rapid Bus System Gap Closure, Los An-
- 11 geles, California, \$332,620.
- 12 Mid-City Rapid, San Diego, California,
- 13 \$19,485,000.
- 14 Mid Jordan Light Rail Extension, Utah,
- 15 \$20,000,000.
- 16 Mountain Links BRT, Flagstaff, Arizona,
- 17 \$5,614,200.
- 18 Norfolk LRT, Virginia, \$53,592,108.
- 19 North Shore LRT Connector, Pennsylvania,
- 20 \$670,885.
- 21 Northern Indiana Commuter Transit District,
- 22 Indiana, \$5,000,000.
- 23 Northstar Corridor Rail, Minnesota,
- 24 \$71,166,060.

1 Pacific Highway South BRT, King County,
2 Washington, \$281,520.

3 Perris Valley Line, Riverside, California,
4 \$45,000,000.

5 Pioneer Parkway EmX BRT, Springfield, Or-
6 egon, \$296,000.

7 San Francisco Muni Third Street Light Rail—
8 Central Subway Project, California, \$10,000,000.

9 Second Avenue Subway Phase 1, New York,
10 \$277,697,000.

11 South Corridor BRT, Kent County, Michigan,
12 \$600,000.

13 South Corridor I-205/Portland Mall LRT, Or-
14 egon, \$81,600,000.

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

17 South Sacramento Light Rail Extension, Cali-
18 fornia, \$7,000,000.

19 Southeast Corridor, LRT, Colorado,
20 \$1,031,210.

21 Stamford Urban Transitway, Connecticut,
22 \$3,650,000.

23 Streetcar Loop, Portland, Oregon, \$45,000,000.

24 Trans-Hudson Midtown Corridor, New Jersey,
25 \$48,000,000.

1 Troost Corridor BRT, Kansas City, Missouri,
2 \$125,200.

3 Tucson Modern Streetcar/Light Rail Transit
4 System, Tucson, Arizona, \$2,000,000.

5 University Link LRT Extension, Washington,
6 \$100,000,000.

7 Van Ness BRT Project, San Francisco, Cali-
8 fornia, \$400,000.

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

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

12 West Corridor LRT, Colorado, \$60,000,000.

13 Wilshire Boulevard Bus-Only Lane, Los Ange-
14 les, California, \$9,857,097.

15 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

16 ADMINISTRATION

17 SEC. 160. The limitations on obligations for the pro-
18 grams of the Federal Transit Administration shall not
19 apply to any authority under 49 U.S.C. 5338, previously
20 made available for obligation, or to any other authority
21 previously made available for obligation.

22 SEC. 161. Notwithstanding any other provision of
23 law, funds appropriated or limited by this Act under the
24 Federal Transit Administration, Capital Investment
25 Grants account and for bus and bus facilities under the
26 Federal Transit Administration, Formula and Bus Grants

(Including Rescission)
SC

1 account for projects specified in this Act or identified in
2 reports accompanying this Act not obligated by September
3 30, 2011, and other recoveries, shall be directed to
4 projects eligible to use the funds for the purposes for
5 which they were originally provided.

6 SEC. 162. Notwithstanding any other provision of
7 law, any funds appropriated before October 1, 2008, under
8 any section of chapter 53 of title 49, United States Code,
9 that remain available for expenditure, may be transferred
10 to and administered under the most recent appropriation
11 heading for any such section.

12 SEC. 163. Notwithstanding any other provision of
13 law, unobligated funds made available for new fixed guide-
14 way system projects under the heading "Federal Transit
15 Administration, Capital investment grants" in any appro-
16 priations Act prior to this Act may be used during this
17 fiscal year to satisfy expenses incurred for such projects.

18 SEC. 164. During fiscal year 2009, each Federal
19 Transit Administration grant for a project that involves
20 the acquisition or rehabilitation of a bus to be used in pub-
21 lic transportation shall be funded for 90 percent of the
22 net capital costs of a biodiesel bus or a factory-installed
23 or retrofitted hybrid electric propulsion system and any
24 equipment related to such a system: *Provided*, That the
25 Secretary shall have the discretion to determine, through

1 practicable administrative procedures, the costs attrib-
2 utable to the system and related-equipment.

3 SEC. 165. Notwithstanding any other provision of
4 law, in regard to the Central Link Initial Segment Project,
5 to the extent that Federal funds remain available within
6 the current budget for the project, the Secretary shall, im-
7 mediately upon the date of enactment of this Act, amend
8 the Full Funding Grant Agreement for said project to
9 allow remaining Federal funds to be used to support com-
10 pletion of the Airport Link extension of said project.

11 SEC. 166. Any unexpended funds in Federal Transit
12 Administration grant numbers KS-03-0018 and KS-03-
13 0032 shall be made available, at the request of the State,
14 for a bus rapid transit project and related capital pur-
15 chases and facility improvements, in Johnson County,
16 Kansas City, KS under the terms and conditions required
17 to carry out section 5309(b)(3) of title 49, United States
18 Code to the extent applicable.

19 SEC. 167. Of the balances available for this fiscal
20 year to carry out 49 U.S.C. 5309(b) left to the discretion
21 of the Secretary of Transportation, \$100,000,000 are per-
22 manently rescinded.

23 SEC. 168. None of the funds provided or limited
24 under this Act may be used to issue a final regulation
25 under section 5309 of title 49, United States Code, except

1 that the Federal Transit Administration may continue to
2 review comments received on the proposed rule (Docket
3 No. FTA-2006-25737).

4 SEC. 169. Funds made available for Alaska or Hawaii
5 ferry boats or ferry terminal facilities pursuant to 49
6 U.S.C. 5309(m)(2)(B) may be used to construct new ves-
7 sels and facilities, or to improve existing vessels and facili-
8 ties, including both the passenger and vehicle-related ele-
9 ments of such vessels and facilities, and for repair facili-
10 ties: *Provided*, That not more than \$4,000,000 of the
11 funds made available pursuant to 49 U.S.C.
12 5309(m)(2)(B) may be used by the City and County of
13 Honolulu to operate a passenger ferry boat service dem-
14 onstration project to test the viability of different intra-
15 island ferry boat routes and technologies.

16 SEC. 170. Notwithstanding any other provision of
17 law, unobligated funds or recoveries under section 5309
18 of title 49, United States Code, that are available to the
19 Secretary of Transportation for reallocation shall be di-
20 rected to projects eligible to use the funds for the purposes
21 for which they were originally provided.

22 SEC. 171. Notwithstanding any other provision of
23 law, the \$2,695,000 appropriated for the Charlotte Rapid
24 Transit Extension—Northeast Corridor Light Rail
25 Project, North Carolina under the Alternatives Analysis

1 Account in division K of the Consolidated Appropriations
2 Act, 2008 (Public Law 110-161) shall be used for the
3 Charlotte Rapid Transit Extension—Northeast Corridor
4 to carry out new fixed guideway or extension to existing
5 fixed guideway activities described in section 5309 of title
6 49, United States Code.

7 SAINT LAWRENCE SEAWAY DEVELOPMENT
8 CORPORATION

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

18 OPERATIONS AND MAINTENANCE
19 (HARBOR MAINTENANCE TRUST FUND)

20 For necessary expenses for operations, maintenance,
21 and capital asset renewal of those portions of the Saint
22 Lawrence Seaway owned, operated, and maintained by the
23 Saint Lawrence Seaway Development Corporation,
24 \$31,842,000, to be derived from the Harbor Maintenance
25 Trust Fund, pursuant to Public Law 99-662.

1 MARITIME ADMINISTRATION

2 MARITIME SECURITY PROGRAM

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

7 OPERATIONS AND TRAINING

8 For necessary expenses of operations and training ac-
9 tivities authorized by law, \$123,360,000, of which
10 \$10,500,000 shall remain available until expended for
11 maintenance and repair of Schoolships at State Maritime
12 Schools, of which \$8,150,000 shall remain available until
13 expended for capital improvements at the United States
14 Merchant Marine Academy, and of which \$53,208,000
15 shall be available for operations at the United States Mer-
16 chant Marine Academy: *Provided*, That amounts appor-
17 tioned for the United States Merchant Marine Academy
18 shall be available only upon allotments made personally
19 by the Secretary of Transportation and not a designee:
20 *Provided further*, That the Superintendent, Deputy Super-
21 intendent and the Director of the Office of Resource Man-
22 agement of the United States Merchant Marine Academy
23 may not be allotment holders for the United States Mer-
24 chant Marine Academy, and the Administrator of Mari-
25 time Administration shall hold all allotments made by the
26 Secretary of Transportation under the previous proviso:

1 *Provided further*, That 50 percent of the funding made
2 available for the United States Merchant Marine Academy
3 under this heading shall be available only after the Sec-
4 retary, in consultation with the Maritime Administration,
5 completes a plan detailing by program or activity and by
6 object class how such funding will be expended at the
7 Academy, and this plan is submitted to the House and
8 Senate Committees on Appropriations.

9 SHIP DISPOSAL

10 For necessary expenses related to the disposal of ob-
11 solete vessels in the National Defense Reserve Fleet of the
12 Maritime Administration, \$15,000,000, to remain avail-
13 able until expended.

14 ASSISTANCE TO SMALL SHIPYARDS

15 To make grants to qualified shipyards as authorized
16 under section 3506 of Public Law 109-163 or section
17 54101 of title 46, United States Code, \$17,500,000, to
18 remain available until expended: *Provided*, That to be con-
19 sidered for assistance, a qualified shipyard shall submit
20 an application for assistance no later than 60 days after
21 enactment of this Act: *Provided further*, That from appli-
22 cations submitted under the previous proviso, the Sec-
23 retary of Transportation shall make grants no later than
24 120 days after enactment of this Act in such amounts as
25 the Secretary determines: *Provided further*, That not to
26 exceed 2 percent of the funds appropriated under this

1 heading shall be available for necessary costs of grant ad-
2 ministration.

3 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM
4 ACCOUNT
5 (INCLUDING TRANSFER OF FUNDS)

6 For administrative expenses to carry out the guaran-
7 teed loan program, not to exceed \$3,531,000, which shall
8 be transferred to and merged with the appropriation for
9 "Operations and Training", Maritime Administration.

10 SHIP CONSTRUCTION
11 (RESCISSION)

12 Of the unobligated balances available under this
13 heading, \$1,382,554 are rescinded.

14 ADMINISTRATIVE PROVISIONS—MARITIME
15 ADMINISTRATION

16 SEC. 175. Notwithstanding any other provision of
17 this Act, the Maritime Administration is authorized to fur-
18 nish utilities and services and make necessary repairs in
19 connection with any lease, contract, or occupancy involving
20 Government property under control of the Maritime Ad-
21 ministration, and payments received therefor shall be cred-
22 ited to the appropriation charged with the cost thereof:
23 *Provided*, That rental payments under any such lease, con-
24 tract, or occupancy for items other than such utilities,
25 services, or repairs shall be covered into the Treasury as
26 miscellaneous receipts.

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

7 SEC. 177. Section 51509 of title 46, United States
8 Code, is amended in subsection (b) by deleting "\$4,000"
9 and inserting in lieu thereof "\$8,000" and by inserting
10 "tuition," after "uniforms,".

11 PIPELINE AND HAZARDOUS MATERIALS SAFETY

12 ADMINISTRATION

13 ADMINISTRATIVE EXPENSES

14 (PIPELINE SAFETY FUND)

15 For necessary operational expenses of the Pipeline
16 and Hazardous Materials Safety Administration,
17 \$19,130,000, of which \$639,000 shall be derived from the
18 Pipeline Safety Fund: *Provided*, That \$1,000,000 shall be
19 transferred to "Pipeline Safety" in order to fund "Pipeline
20 safety information grants to communities" as authorized
21 in section 60130 of title 49, United States Code: *Provided*
22 *further*, That grants described under the previous proviso
23 shall be awarded within 120 days of enactment of this Act.

24 HAZARDOUS MATERIALS SAFETY

25 For expenses necessary to discharge the hazardous
26 materials safety functions of the Pipeline and Hazardous

1 Materials Safety Administration, \$32,000,000, of which
2 \$3,302,000 shall remain available until September 30,
3 2011: *Provided*, That up to \$800,000 in fees collected
4 under 49 U.S.C. 5108(g) shall be deposited in the general
5 fund of the Treasury as offsetting receipts: *Provided fur-*
6 *ther*, That there may be credited to this appropriation, to
7 be available until expended, funds received from States,
8 counties, municipalities, other public authorities, and pri-
9 vate sources for expenses incurred for training, for reports
10 publication and dissemination, and for travel expenses in-
11 curred in performance of hazardous materials exemptions
12 and approvals functions.

13 PIPELINE SAFETY

14 (PIPELINE SAFETY FUND)

15 (OIL SPILL LIABILITY TRUST FUND)

16 For expenses necessary to conduct the functions of
17 the pipeline safety program, for grants-in-aid to carry out
18 a pipeline safety program, as authorized by 49 U.S.C.
19 60107, and to discharge the pipeline program responsibil-
20 ities of the Oil Pollution Act of 1990, \$93,291,000, of
21 which \$18,810,000 shall be derived from the Oil Spill Li-
22 ability Trust Fund and shall remain available until Sep-
23 tember 30, 2011; and of which \$74,481,000 shall be de-
24 rived from the Pipeline Safety Fund, of which
25 \$40,081,000 shall remain available until September 30,
26 2011: *Provided*, That not less than \$1,043,000 of the

1 funds provided under this heading shall be for the one-
2 call State grant program.

3 EMERGENCY PREPAREDNESS GRANTS
4 (EMERGENCY PREPAREDNESS FUND)

5 For necessary expenses to carry out 49 U.S.C.
6 5128(b), \$188,000, to be derived from the Emergency
7 Preparedness Fund, to remain available until September
8 30, 2010: *Provided*, That not more than \$28,318,000 shall
9 be made available for obligation in fiscal year 2009 from
10 amounts made available by 49 U.S.C. 5116(i) and
11 5128(b)–(c): *Provided further*, That none of the funds
12 made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c)
13 shall be made available for obligation by individuals other
14 than the Secretary of Transportation, or his or her des-
15 ignee.

16 RESEARCH AND INNOVATIVE TECHNOLOGY
17 ADMINISTRATION
18 RESEARCH AND DEVELOPMENT

19 For necessary expenses of the Research and Innova-
20 tive Technology Administration, \$12,900,000, of which
21 \$6,936,000 shall remain available until September 30,
22 2011: *Provided*, That there may be credited to this appro-
23 priation, to be available until expended, funds received
24 from States, counties, municipalities, other public authori-
25 ties, and private sources for expenses incurred for train-
26 ing.

1 OFFICE OF INSPECTOR GENERAL

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Inspector
4 General to carry out the provisions of the Inspector Gen-
5 eral Act of 1978, as amended, \$71,400,000: *Provided*,
6 That the Inspector General shall have all necessary au-
7 thority, in carrying out the duties specified in the Inspec-
8 tor General Act, as amended (5 U.S.C. App. 3), to inves-
9 tigate allegations of fraud, including false statements to
10 the government (18 U.S.C. 1001), by any person or entity
11 that is subject to regulation by the Department: *Provided*
12 *further*, That the funds made available under this heading
13 shall be used to investigate, pursuant to section 41712 of
14 title 49, United States Code: (1) unfair or deceptive prac-
15 tices and unfair methods of competition by domestic and
16 foreign air carriers and ticket agents; and (2) the compli-
17 ance of domestic and foreign air carriers with respect to
18 item (1) of this proviso.

19 SURFACE TRANSPORTATION BOARD

20 SALARIES AND EXPENSES

21 For necessary expenses of the Surface Transpor-
22 tation Board, including services authorized by 5 U.S.C.
23 3109, \$26,847,000: *Provided*, That notwithstanding any
24 other provision of law, not to exceed \$1,250,000 from fees
25 established by the Chairman of the Surface Transpor-

1 tation Board shall be credited to this appropriation as off-
2 setting collections and used for necessary and authorized
3 expenses under this heading: *Provided further*, That the
4 sum herein appropriated from the general fund shall be
5 reduced on a dollar-for-dollar basis as such offsetting col-
6 lections are received during fiscal year 2009, to result in
7 a final appropriation from the general fund estimated at
8 no more than \$25,597,000.

9 GENERAL PROVISIONS—DEPARTMENT OF
10 TRANSPORTATION

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

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

24 SEC. 182. None of the funds in this Act shall be avail-
25 able for salaries and expenses of more than 110 political

1 and Presidential appointees in the Department of Trans-
2 portation: *Provided*, That none of the personnel covered
3 by this provision may be assigned on temporary detail out-
4 side the Department of Transportation.

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

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

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

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

1 "Safety and Operations" account, except for State rail
2 safety inspectors participating in training pursuant to 49
3 U.S.C. 20105.

4 SEC. 186. Funds provided or limited in this Act
5 under the appropriate accounts within the Federal High-
6 way Administration, the Federal Railroad Administration
7 and the Federal Transit Administration shall be for the
8 eligible programs, projects and activities in the cor-
9 responding amounts identified in the explanatory state-
10 ment accompanying this Act for "Ferry Boats and Ferry
11 Terminal Facilities", "Federal Lands", "Interstate Main-
12 tenance Discretionary", "Transportation, Community and
13 System Preservation Program", "Delta Region Transpor-
14 tation Development Program", "Rail Line Relocation and
15 Improvement Program", "Rail-highway crossing hazard
16 eliminations", "Alternatives analysis", and "Bus and bus
17 facilities".

18 SEC. 187. Notwithstanding any other provisions of
19 law, rule or regulation, the Secretary of Transportation
20 is authorized to allow the issuer of any preferred stock
21 heretofore sold to the Department to redeem or repur-
22 chase such stock upon the payment to the Department of
23 an amount determined by the Secretary.

24 SEC. 188. None of the funds in this Act to the De-
25 partment of Transportation may be used to make a grant

1 unless the Secretary of Transportation notifies the House
2 and Senate Committees on Appropriations not less than
3 3 full business days before any discretionary grant award,
4 letter of intent, or full funding grant agreement totaling
5 \$500,000 or more is announced by the department or its
6 modal administrations from: (1) any discretionary grant
7 program of the Federal Highway Administration including
8 the emergency relief program; (2) the airport improvement
9 program of the Federal Aviation Administration; (3) any
10 grant from the Federal Railroad Administration; or (4)
11 any program of the Federal Transit Administration other
12 than the formula grants and fixed guideway modernization
13 programs: *Provided*, That the Secretary gives concurrent
14 notification to the House and Senate Committees on Ap-
15 propriations for any "quick release" of funds from the
16 emergency relief program: *Provided further*, That no noti-
17 fication shall involve funds that are not available for obli-
18 gation.

19 SEC. 189. Rebates, refunds, incentive payments,
20 minor fees and other funds received by the Department
21 of Transportation from travel management centers,
22 charge card programs, the subleasing of building space,
23 and miscellaneous sources are to be credited to appropria-
24 tions of the Department of Transportation and allocated
25 to elements of the Department of Transportation using

1 fair and equitable criteria and such funds shall be avail-
2 able until expended.

3 SEC. 190. Amounts made available in this or any
4 other Act that the Secretary determines represent im-
5 proper payments by the Department of Transportation to
6 a third party contractor under a financial assistance
7 award, which are recovered pursuant to law, shall be avail-
8 able—

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

12 (2) to pay contractors for services provided in
13 recovering improper payments or contractor support
14 in the implementation of the Improper Payments In-
15 formation Act of 2002: *Provided*, That amounts in
16 excess of that required for paragraphs (1) and (2)—

17 (A) shall be credited to and merged with
18 the appropriation from which the improper pay-
19 ments were made, and shall be available for the
20 purposes and period for which such appropria-
21 tions are available; or

22 (B) if no such appropriation remains avail-
23 able, shall be deposited in the Treasury as mis-
24 cellaneous receipts: *Provided further*, That prior
25 to the transfer of any such recovery to an ap-

1 proprations account, the Secretary shall notify
2 the House and Senate Committees on Appro-
3 priations of the amount and reasons for such
4 transfer: *Provided further*, That for purposes of
5 this section, the term "improper payments",
6 has the same meaning as that provided in sec-
7 tion 2(d)(2) of Public Law 107-300.

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

20 SEC. 192. (a) None of the funds appropriated or oth-
21 erwise made available under this Act to the Surface Trans-
22 portation Board of the Department of Transportation may
23 be used to take any action to allow any activity described
24 in subsection (b) in a case, matter, or declaratory order
25 involving a railroad, or an entity claiming or seeking au-

1 thority to operate as a railroad, unless the Board receives
2 written assurance from the Governor, or the Governor's
3 designee, of the State in which such activity will occur that
4 such railroad or entity has agreed to comply with State
5 and local regulations that establish public health, safety,
6 and environmental standards for the activities described
7 in subsection (b), other than zoning laws or regulations.

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

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

15 (2) the separation or processing of solid waste
16 (including baling, crushing, compacting, and shred-
17 ding).

18 SEC. 193. None of the funds appropriated or other-
19 wise made available under this Act may be used by the
20 Surface Transportation Board of the Department of
21 Transportation to charge or collect any filing fee for rate
22 complaints filed with the Board in an amount in excess
23 of the amount authorized for district court civil suit filing
24 fees under section 1914 of title 28, United States Code.

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

15 SEC. 195. Of the funds available for Ferry Boats and
16 Ferry Terminal Facilities, \$950,000 shall be for Missouri
17 River, Route 240, Saline and Howard Counties for ex-
18 penses, including reimbursement of previously incurred ex-
19 penses, for alternative transportation (including ferryboat
20 service) during bridge replacement.

21 SEC. 196. Notwithstanding any other provision of
22 law, the State of New Mexico may use funds apportioned
23 to the State under section 104(b)(2) of title 23, United
24 States Code, for the congestion mitigation and air quality
25 improvement program under section 149 of title 23,

1 United States Code, to support the operation of commuter
2 rail service between Belen and Bernalillo, New Mexico.

3 SEC. 197. Notwithstanding any other provision of
4 law, funds made available in fiscal years 2006 through
5 2009 for item number 598 in section 3044(a) of Public
6 Law 109-59 that are unobligated or unexpended in a
7 grant shall be made available to OATS, Incorporated for
8 buses and bus-related facilities.

9 SEC. 198. Notwithstanding any other provision of
10 law, funds made available in fiscal years 2006 through
11 2009 for item number 1152 in section 1702 of Public Law
12 109-59 that are unobligated or unexpended shall be made
13 available for maintenance, repair and reconstruction of the
14 Tucker Bridge in the City of St. Louis, Missouri.

15 SEC. 199. Notwithstanding any other provision of
16 law, section 198 of division K of Public Law 110-161 shall
17 continue in effect during fiscal year 2009.

18 This title may be cited as the "Department of Trans-
19 portation Appropriations Act, 2009".

1 TITLE II
2 DEPARTMENT OF HOUSING AND URBAN
3 DEVELOPMENT
4 MANAGEMENT AND ADMINISTRATION
5 EXECUTIVE DIRECTION
6 For necessary salaries and expenses for Executive Di-
7 rection, \$23,799,456, of which not to exceed \$3,885,581
8 shall be available for the immediate Office of the Secretary
9 and Deputy Secretary; not to exceed \$1,613,898 shall be
10 available for the Office of Hearings and Appeals; not to
11 exceed \$544,552 shall be available for the Office of Small
12 and Disadvantaged Business Utilization; not to exceed
13 \$720,343 shall be available for the immediate Office of
14 the Chief Financial Officer; not to exceed \$1,516,800 shall
15 be available for the immediate Office of the General Coun-
16 sel; not to exceed \$2,715,488 shall be available to the Of-
17 fice of the Assistant Secretary for Congressional and
18 Intergovernmental Relations; not to exceed \$2,586,721
19 shall be available for the Office of the Assistant Secretary
20 for Public Affairs; not to exceed \$1,005,120 shall be avail-
21 able for the Office of the Assistant Secretary for Adminis-
22 tration; not to exceed \$1,602,655 shall be available to the
23 Office of the Assistant Secretary for Public and Indian
24 Housing; not to exceed \$1,707,499 shall be available to
25 the Office of the Assistant Secretary for Community Plan-

1 ning and Development; not to exceed \$3,778,560 shall be
2 available to the Office of the Assistant Secretary for Hous-
3 ing, Federal Housing Commissioner; not to exceed
4 \$1,431,212 shall be available to the Office of the Assistant
5 Secretary for Policy Development and Research; and not
6 to exceed \$691,027 shall be available to the Office of the
7 Assistant Secretary for Fair Housing and Equal Oppor-
8 tunity: *Provided*, That the Secretary of the Department
9 of Housing and Urban Development is authorized to
10 transfer funds appropriated for any office funded under
11 this heading to any other office funded under this heading
12 following the written notification to the House and Senate
13 Committees on Appropriations: *Provided further*, That no
14 appropriation for any office shall be increased or de-
15 creased by more than 5 percent by all such transfers: *Pro-*
16 *vided further*, That notice of any change in funding greater
17 than 5 percent shall be submitted for prior approval to
18 the House and Senate Committees on Appropriations:
19 *Provided further*, That the Secretary shall provide the
20 Committees on Appropriations quarterly written notifica-
21 tion regarding the status of pending congressional reports:
22 *Provided further*, That the Secretary shall provide all
23 signed reports required by Congress electronically: *Pro-*
24 *vided further*, That not to exceed \$25,000 of the amount
25 made available under this paragraph for the immediate

1 Office of the Secretary shall be available for official recep-
2 tion and representation expenses as the Secretary may de-
3 termine.

4 ADMINISTRATION, OPERATIONS AND MANAGEMENT

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

1 pensation and benefits for the Center for Faith-Based and
2 Community Initiatives; and not to exceed \$255,497,390
3 shall be available for non-personnel expenses of the De-
4 partment of Housing and Urban Development: *Provided,*
5 That, funds provided under this heading may be used for
6 necessary administrative and non-administrative expenses
7 of the Department of Housing and Urban Development,
8 not otherwise provided for, including purchase of uni-
9 forms, or allowances therefor, as authorized by 5 U.S.C.
10 5901-5902; hire of passenger motor vehicles; services as
11 authorized by 5 U.S.C. 3109: *Provided further,* That not-
12 withstanding any other provision of law, funds appro-
13 priated under this heading may be used for advertising
14 and promotional activities that support the housing mis-
15 sion area: *Provided further,* That the Secretary of Housing
16 and Urban Development is authorized to transfer funds
17 appropriated for any office included in Administration,
18 Operations and Management to any other office included
19 in Administration, Operations and Management only after
20 such transfer has been submitted to, and received prior
21 written approval by, the House and Senate Committees
22 on Appropriations: *Provided further,* That no appropria-
23 tion for any office shall be increased or decreased by more
24 than 10 percent by all such transfers.

1 PERSONNEL COMPENSATION AND BENEFITS

2 PUBLIC AND INDIAN HOUSING

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

6 COMMUNITY PLANNING AND DEVELOPMENT

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

10 HOUSING

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

13 OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE

14 ASSOCIATION

15 ~~PERSONNEL COMPENSATION AND BENEFITS~~

16 For necessary personnel compensation and benefits
17 expenses of the Office of the Government National Mort-
18 gage Association, \$10,000,000, to be derived from the
19 GNMA guarantees of mortgage backed securities guaran-
20 teed loan receipt account.

21 POLICY DEVELOPMENT AND RESEARCH

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

1 FAIR HOUSING AND EQUAL OPPORTUNITY

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

5 OFFICE OF HEALTHY HOMES AND LEAD HAZARD

6 CONTROL

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

10 PUBLIC AND INDIAN HOUSING

11 TENANT-BASED RENTAL ASSISTANCE

12 (INCLUDING TRANSFER OF FUNDS)

13 For activities and assistance for the provision of ten-
14 ant-based rental assistance authorized under the United
15 States Housing Act of 1937, as amended (42 U.S.C. 1437
16 et seq.) ("the Act" herein), not otherwise provided for,
17 \$16,817,000,000, to remain available until expended, of
18 which \$12,817,000,000 shall be available on October 1,
19 2008, and \$4,000,000,000 shall be available on October
20 1, 2009: *Provided*, That the amounts made available under
21 this heading are provided as follows:

22 (1) \$15,034,071,000 shall be available for re-
23 newals of expiring section 8 tenant-based annual
24 contributions contracts (including renewals of en-
25 hanced vouchers under any provision of law author-
26 izing such assistance under section 8(t) of the Act)

1 and including renewal of other designated housing
2 vouchers initially funded in fiscal year 2008 (such as
3 Family Unification, Veterans Affairs Supportive
4 Housing Vouchers and Non-elderly Disabled Vouch-
5 ers): *Provided*, That notwithstanding any other pro-
6 vision of law, from amounts provided under this
7 paragraph and any carryover, the Secretary for the
8 calendar year 2009 funding cycle shall provide re-
9 newal funding for each public housing agency based
10 on voucher management system (VMS) leasing and
11 cost data for the most recent Federal fiscal year and
12 by applying the 2009 Annual Adjustment Factor as
13 established by the Secretary, and by making any
14 necessary adjustments for the costs associated with
15 deposits to family self-sufficiency program escrow
16 accounts or first-time renewals including tenant pro-
17 tection or HOPE VI vouchers: *Provided further*,
18 That none of the funds provided under this para-
19 graph may be used to ~~support~~ a total number of unit (fund)
20 months under lease which exceeds a public housing
21 agency's authorized level of units under contract:
22 *Provided further*, That the Secretary shall, to the ex-
23 tent necessary to stay within the amount specified
24 under this paragraph (except as otherwise modified
25 under this Act), pro rate each public housing agen-

1 cy's allocation otherwise established pursuant to this
2 paragraph: *Provided further*, That except as provided
3 in the last two provisos, the entire amount specified
4 under this paragraph (except as otherwise modified
5 under this Act) shall be obligated to the public hous-
6 ing agencies based on the allocation and pro rata
7 method described above and the Secretary shall no-
8 tify public housing agencies of their annual budget
9 not later than 60 days after enactment of this Act:
10 *Provided further*, That the Secretary may extend the
11 60-day notification period with the written approval
12 of the House and Senate Committees on Appropria-
13 tions: *Provided further*, That public housing agencies
14 participating in the Moving to Work demonstration
15 shall be funded pursuant to their Moving to Work
16 agreements and shall be subject to the same pro
17 rata adjustments under the previous provisos: *Pro-*
18 *vided further*, That up to \$100,000,000 shall be
19 available only: (1) to adjust the allocations for public
20 housing agencies, after application for an adjust-
21 ment by a public housing agency that experienced a
22 significant increase, as determined by the Secretary,
23 in renewal costs of tenant-based rental assistance re-
24 sulting from unforeseen circumstances or from port-
25 ability under section 8(r) of the Act; (2) for adjust-

1 ments for public housing agencies with voucher leasing
2 ing rates at the end of the calendar year that exceed
3 the average leasing for the 12-month period used to
4 establish the allocation; (3) for adjustments for the
5 costs associated with VASH vouchers; and (4) for
6 vouchers that were not in use during the 12-month
7 period in order to be available to meet a commitment
8 pursuant to section 8(o)(13) of the Act.

9 (2) \$150,000,000 for section 8 rental assistance
10 for relocation and replacement of housing units that
11 are demolished or disposed of pursuant to the Omnibus
12 Consolidated Rescissions and Appropriations Act
13 of 1996 (Public Law 104-134), conversion of section
14 23 projects to assistance under section 8, the family
15 unification program under section 8(x) of the Act,
16 relocation of witnesses in connection with efforts to
17 combat crime in public and assisted housing pursuant
18 to a request from a law enforcement or prosecution
19 agency, enhanced vouchers under any provision
20 of law authorizing such assistance under section 8(t)
21 of the Act, HOPE VI vouchers, mandatory and voluntary
22 conversions, and tenant protection assistance
23 including replacement and relocation assistance or
24 for project based assistance to prevent the displacement
25 of unassisted elderly tenants currently residing

1 in section 202 properties financed between 1959 and
2 1974 that are refinanced pursuant to Public Law
3 106-569, as amended or under the authority as pro-
4 vided under this Act: *Provided*, That the Secretary
5 shall provide replacement vouchers for all units that
6 were occupied within the previous 24 months that
7 cease to be available as assisted housing, subject
8 only to the availability of funds.

9 (3) Not to exceed \$7,929,000 provided under
10 this heading may be transferred to the Working
11 Capital Fund: *Provided*, That funding made avail-
12 able under this section shall not be transferred to
13 the Working Capital Fund until the voucher man-
14 agement system leasing and cost data is made avail-
15 able to the public on the Department of Housing
16 and Urban Development website.

17 (4) \$1,500,000,000 for administrative and
18 other expenses of public housing agencies in admin-
19 istering the section 8 tenant-based rental assistance
20 program and which up to \$50,000,000 shall be
21 available to the Secretary to allocate to public hous-
22 ing agencies that need additional funds to admin-
23 ister their section 8 programs, including fees associ-
24 ated with section 8 tenant protection rental assist-
25 ance, the administration of disaster related vouchers,

1 Veterans Affairs Supportive Housing vouchers, and
2 other incremental vouchers: *Provided*, That no less
3 than \$1,400,000,000 of the amount provided in this
4 paragraph shall be allocated to public housing agen-
5 cies for the calendar year 2009 funding cycle based
6 on section 8(q) of the Act (and related Appropria-
7 tion Act provisions) as in effect immediately before
8 the enactment of the Quality Housing and Work Re-
9 sponsibility Act of 1998 (Public Law 105-276): *Pro-*
10 *vided further*, That if the amounts made available
11 under this paragraph are insufficient to pay the
12 amounts determined under the previous proviso, the
13 Secretary may decrease the amounts allocated to
14 agencies by a uniform percentage applicable to all
15 agencies receiving funding under this paragraph or
16 may, to the extent necessary to provide full payment
17 of amounts determined under the previous proviso,
18 utilize unobligated balances, including recaptures
19 and carryovers, remaining from funds appropriated
20 to the Department of Housing and Urban Develop-
21 ment under this heading, for fiscal year 2008 and
22 prior fiscal years, notwithstanding the purposes for
23 which such amounts were appropriated: *Provided*
24 *further*, That amounts provided under this para-
25 graph shall be only for activities related to the provi-

1 sion of tenant-based rental assistance authorized
2 under section 8, including related development ac-
3 tivities: *Provided further*, That of the total amount
4 provided under this paragraph, \$50,000,000 shall be
5 made available for family self-sufficiency coordina-
6 tors under section 23 of the Act.

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

17 (6) \$75,000,000 for incremental rental voucher
18 assistance for use through a supported housing pro-
19 gram administered in conjunction with the Depart-
20 ment of Veterans Affairs as authorized under section
21 8(o)(19) of the United States Housing Act of 1937:

22 *Provided further*, That the Secretary of Housing and
23 Urban Development shall make such funding avail-
24 able, notwithstanding section 204 (competition pro-
25 vision) of this title, to public housing agencies that

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

1 (7) \$30,000,000 for incremental vouchers under
2 section 8 of the Act for nonelderly disabled families
3 ~~affected by the designation of a public housing devel-~~
4 ~~opment under section 7 of the Act, the establishment~~
5 ~~of preferences in accordance with section 651 of the~~
6 ~~Housing and Community Development Act of 1992~~
7 ~~(42 U.S.C. 13611), or the restriction of occupancy~~
8 ~~to elderly families in accordance with section 658 of~~
9 ~~such Act (42 U.S.C. 13618), and to the extent the~~
10 ~~Secretary determines that such amount is not need-~~
11 ~~ed to fund applications for such affected families, for~~
12 ~~other nonelderly disabled families: *Provided*, That~~
13 assistance made available under this paragraph shall
14 continue to remain available for the same population
15 upon turnover: *Provided further*, That the Secretary
16 of Housing and Urban Development shall make such
17 funding available, notwithstanding section 204 (com-
18 petition provision) of this title, to entities with dem-
19 onstrated experience and resources for supportive
20 services.

21 HOUSING CERTIFICATE FUND

22 Of the unobligated balances, including recaptures and
23 carryover, remaining from funds appropriated to the De-
24 partment of Housing and Urban Development under this
25 heading, the heading "Annual Contributions for Assisted
26 Housing" and the heading "Project-Based Rental Assist-

1 ance”, for fiscal year 2009 and prior years may be used
2 for renewal of or amendments to section 8 project-based
3 contracts and for performance-based contract administra-
4 tors, notwithstanding the purposes for which such funds
5 were appropriated: *Provided*, That any obligated balances
6 of contract authority from fiscal year 1974 and prior that
7 have been terminated shall be cancelled.

8 PUBLIC HOUSING CAPITAL FUND

9 (INCLUDING TRANSFER OF FUNDS)

10 For the Public Housing Capital Fund Program to
11 carry out capital and management activities for public
12 housing agencies, as authorized under section 9 of the
13 United States Housing Act of 1937 (42 U.S.C. 1437g)
14 (the “Act”) \$2,450,000,000, to remain available until
15 September 30, 2012: *Provided*, That notwithstanding any
16 other provision of law or regulation, during fiscal year
17 2009 the Secretary of Housing and Urban Development
18 may not delegate to any Department official other than
19 the Deputy Secretary and the Assistant Secretary for
20 Public and Indian Housing any authority under paragraph
21 (2) of section 9(j) regarding the extension of the time peri-
22 ods under such section: *Provided further*, That for pur-
23 poses of such section 9(j), the term “obligate” means, with
24 respect to amounts, that the amounts are subject to a
25 binding agreement that will result in outlays, immediately

1 or in the future: *Provided further*, That of the total
2 amount provided under this heading, up to \$10,000,000
3 shall be for carrying out activities under section 9(h) of
4 such Act; not to exceed \$14,577,000 may be transferred
5 to the Working Capital Fund; and up to \$15,345,000 shall
6 be to support the ongoing Public Housing Financial and
7 Physical Assessment activities of the Real Estate Assess-
8 ment Center (REAC): *Provided further*, That no funds
9 may be used under this heading for the purposes specified
10 in section 9(k) of the Act: *Provided further*, That of the
11 total amount provided under this heading, not to exceed
12 \$20,000,000 shall be available for the Secretary to make
13 grants, notwithstanding section 204 of this Act, to public
14 housing agencies for emergency capital needs including
15 safety and security measures necessary to address crime
16 and drug-related activity as well as needs resulting from
17 unforeseen or unpreventable emergencies and natural dis-
18 asters excluding Presidentially declared disasters occur-
19 ring in fiscal year 2009: *Provided further*, That of the total
20 amount provided under this heading, \$40,000,000 shall be
21 for supportive services, service coordinators and con-
22 gregate services as authorized by section 34 of the Act
23 (42 U.S.C. 1437z-6) and the Native American Housing
24 Assistance and Self-Determination Act of 1996 (25 U.S.C.
25 4101 et seq.): *Provided further*, That of the total amount

1 provided under this heading up to \$8,820,000 is to sup-
2 port the costs of administrative and judicial receiverships:
3 *Provided further*, That from the funds made available
4 under this heading, the Secretary shall provide bonus
5 awards in fiscal year 2009 to public housing agencies that
6 are designated high performers.

7 PUBLIC HOUSING OPERATING FUND

8 For 2009 payments to public housing agencies for the
9 operation and management of public housing, as author-
10 ized by section 9(e) of the United States Housing Act of
11 1937 (42 U.S.C. 1437g(e)), \$4,455,000,000; of which
12 \$5,940,000 shall be for competitive grants and contracts
13 to third parties for the provision of technical assistance
14 to public housing agencies related to the transition and
15 implementation of asset-based management in public
16 housing: *Provided*, That, in fiscal year 2009 and all fiscal
17 years hereafter, no amounts under this heading in any ap-
18 propriations Act may be used for payments to public hous-
19 ing agencies for the costs of operation and management
20 of public housing for any year prior to the current year
21 of such Act: *Provided further*, That no funds may be used
22 under this heading for the purposes specified in section
23 9(k) of the United States Housing Act of 1937.

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

3 For grants to public housing agencies for demolition,
4 site revitalization, replacement housing, and tenant-based
5 assistance grants to projects as authorized by section 24
6 of the United States Housing Act of 1937 (42 U.S.C.
7 1437v), \$120,000,000, to remain available until Sep-
8 tember 30, 2010, of which the Secretary of Housing and
9 Urban Development shall use \$2,400,000 for technical as-
10 sistance and contract expertise, to be provided directly or
11 indirectly by grants, contracts or cooperative agreements,
12 including training and cost of necessary travel for partici-
13 pants in such training, by or to officials and employees
14 of the department and of public housing agencies and to
15 residents: *Provided*, That none of such funds shall be used
16 directly or indirectly by granting competitive advantage in
17 awards to settle litigation or pay judgments, unless ex-
18 pressly permitted herein.

19 NATIVE AMERICAN HOUSING BLOCK GRANTS

20 For the Native American Housing Block Grants pro-
21 gram, as authorized under title I of the Native American
22 Housing Assistance and Self-Determination Act of 1996
23 (NAHASDA) (25 U.S.C. 4111 et seq.), \$645,000,000, to
24 remain available until expended: *Provided*, That, notwith-
25 standing the Native American Housing Assistance and
26 Self-Determination Act of 1996, to determine the amount

1 of the allocation under title I of such Act for each Indian
2 tribe, the Secretary shall apply the formula under section
3 302 of such Act with the need component based on single-
4 race Census data and with the need component based on
5 multi-race Census data, and the amount of the allocation
6 for each Indian tribe shall be the greater of the two result-
7 ing allocation amounts: *Provided further*, That of the
8 amounts made available under this heading, \$3,500,000
9 shall be contracted for assistance for a national organiza-
10 tion representing Native American housing interests for
11 providing training and technical assistance to Indian hous-
12 ing authorities and tribally designated housing entities as
13 authorized under NAHASDA; and \$4,250,000 shall be to
14 support the inspection of Indian housing units, contract
15 expertise, training, and technical assistance in the train-
16 ing, oversight, and management of such Indian housing
17 and tenant-based assistance, including up to \$300,000 for
18 related travel: *Provided further*, That of the amount pro-
19 vided under this heading, \$2,000,000 shall be made avail-
20 able for the cost of guaranteed notes and other obligations,
21 as authorized by title VI of NAHASDA: *Provided further*,
22 That such costs, including the costs of modifying such
23 notes and other obligations, shall be as defined in section
24 502 of the Congressional Budget Act of 1974, as amend-
25 ed: *Provided further*, That these funds are available to sub-

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

4 NATIVE HAWAIIAN HOUSING BLOCK GRANT

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

13 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

14 ACCOUNT

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

1 NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND
2 PROGRAM ACCOUNT

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

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

15 For carrying out the Housing Opportunities for Per-
16 sons with AIDS program, as authorized by the AIDS
17 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
18 \$310,000,000, to remain available until September 30,
19 2010, except that amounts allocated pursuant to section
20 854(c)(3) of such Act shall remain available until Sep-
21 tember 30, 2011: *Provided*, That the Secretary shall renew
22 all expiring contracts for permanent supportive housing
23 that were funded under section 854(c)(3) of such Act that
24 meet all program requirements before awarding funds for
25 new contracts and activities authorized under this section:
26 *Provided further*, That the Secretary may use not to ex-

1 exceed \$1,485,000 of the funds under this heading for train-
2 ing, oversight, and technical assistance activities; and not
3 to exceed \$1,750,000 may be transferred to the Working
4 Capital Fund.

5 RURAL HOUSING AND ECONOMIC DEVELOPMENT

6 For the Office of Rural Housing and Economic De-
7 velopment in the Department of Housing and Urban De-
8 velopment, \$26,000,000, to remain available until ex-
9 pended, which amount shall be competitively awarded by
10 September 1, 2009, to Indian tribes, State housing finance
11 agencies, State community and/or economic development
12 agencies, local rural nonprofits and community develop-
13 ment corporations to support innovative housing and eco-
14 nomic development activities in rural areas: *Provided,*
15 That of the total amount made available under this head-
16 ing, not less than \$5,000,000 shall be made available to
17 promote economic development and entrepreneurship for
18 federally recognized Indian Tribes, through activities in-
19 cluding the capitalization of revolving loan programs and
20 business planning and development, funding is also made
21 available for technical assistance to increase capacity
22 through training and outreach activities.

23 COMMUNITY DEVELOPMENT FUND

24 (INCLUDING TRANSFER OF FUNDS)

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

1 development activities, and for other purposes,
2 \$3,900,000,000, to remain available until September 30,
3 2011, unless otherwise specified: *Provided*, That of the
4 total amount provided, \$3,641,966,875 is for carrying out
5 the community development block grant program under
6 title I of the Housing and Community Development Act
7 of 1974, as amended (the "Act" herein) (42 U.S.C. 5301
8 et seq.): *Provided further*, That unless explicitly provided
9 for under this heading (except for planning grants pro-
10 vided in the second paragraph and amounts made avail-
11 able under the third paragraph), not to exceed 20 percent
12 of any grant made with funds appropriated under this
13 heading shall be expended for planning and management
14 development and administration: *Provided further*, That of
15 the total amount made available under this heading, not
16 to exceed \$3,175,000 may be transferred to the Working
17 Capital Fund: *Provided further*, That \$5,000,000 is for
18 technical assistance as authorized by section 107(b)(4) of
19 such Act: *Provided further*, That \$65,000,000 shall be for
20 grants to Indian tribes notwithstanding section 106(a)(1)
21 of such Act, of which, notwithstanding any other provision
22 of law (including section 204 of this Act), up to
23 \$3,960,000 may be used for emergencies that constitute
24 imminent threats to health and safety.

1 Of the amount made available under this heading,
2 \$165,310,875 shall be available for grants for the Eco-
3 nomic Development Initiative (EDI) to finance a variety
4 of targeted economic investments in accordance with the
5 terms and conditions specified in the explanatory state-
6 ment accompanying this Act: *Provided*, That none of the
7 funds provided under this paragraph may be used for pro-
8 gram operations: *Provided further*, That, for fiscal years
9 2007, 2008 and 2009, no unobligated funds for EDI
10 grants may be used for any purpose except acquisition,
11 planning, design, purchase of equipment, revitalization, re-
12 development or construction.

13 Of the amount made available under this heading,
14 \$19,546,250 shall be available for neighborhood initiatives
15 that are utilized to improve the conditions of distressed
16 and blighted areas and neighborhoods, to stimulate invest-
17 ment, economic diversification, and community revitaliza-
18 tion in areas with population outmigration or a stagnating
19 or declining economic base, or to determine whether hous-
20 ing benefits can be integrated more effectively with welfare
21 reform initiatives: *Provided*, That amounts made available
22 under this paragraph shall be provided in accordance with
23 the terms and conditions specified in the explanatory
24 statement accompanying this Act.

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

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

18 The referenced explanatory statement under this
19 heading in Public Law 110-161 is deemed to be amended
20 with respect to the fourth item included in the table found
21 on page 2439 with respect to amounts made available for
22 the Springfield Boys and Girls Club by striking "Spring-
23 field Boys and Girls Club; Community Center; Springfield,
24 IL; Planning, development, land acquisition, and construc-
25 tion costs for a new community center in Springfield." and

1 inserting "City of Springfield for capital costs associated
2 with the Edwin Watts Southwind Park", _____ (O)

3 The referenced statement of managers under the
4 heading "Community Development Fund" in title II of di-
5 vision K of Public Law 110-161 is deemed to be amended
6 by striking: "City of Charlotte, NC for land acquisition
7 in the development of the Belvedere Business Park" and
8 inserting "City of Charlotte, NC for development of the
9 Belvedere Business Park".

10 COMMUNITY DEVELOPMENT LOAN GUARANTEES

11 PROGRAM ACCOUNT

12 For the cost of guaranteed loans, \$6,000,000, to re-
13 main available until September 30, 2010, as authorized
14 by section 108 of the Housing and Community Develop-
15 ment Act of 1974 (42 U.S.C. 5308): *Provided*, That such
16 costs, including the cost of modifying such loans, shall be
17 as defined in section 502 of the Congressional Budget Act
18 of 1974: *Provided further*, That these funds are available
19 to subsidize total loan principal, any part of which is to
20 be guaranteed, not to exceed \$275,000,000, notwith-
21 standing any aggregate limitation on outstanding obliga-
22 tions guaranteed in section 108(k) of the Housing and
23 Community Development Act of 1974, as amended.

24 BROWNFIELDS REDEVELOPMENT

25 For competitive economic development grants, as au-
26 thorized by section 108(q) of the Housing and Community

1 Development Act of 1974, as amended, for Brownfields
2 redevelopment projects, \$10,000,000, to remain available
3 until September 30, 2010: *Provided*, That no funds made
4 available under this heading may be used to establish loan
5 loss reserves for the section 108 Community Development
6 Loan Guarantee program.

7 HOME INVESTMENT PARTNERSHIPS PROGRAM

8 (INCLUDING TRANSFER OF FUNDS)

9 For the HOME investment partnerships program, as
10 authorized under title II of the Cranston-Gonzalez Na-
11 tional Affordable Housing Act, as amended,
12 \$1,825,000,000, to remain available until September 30,
13 2011, of which not to exceed \$4,200,000 may be trans-
14 ferred to the Working Capital Fund: *Provided*, That up
15 to \$12,000,000 shall be available for technical assistance:
16 *Provided further*, That, in prior appropriations Acts for
17 Community Housing Development Organizations technical
18 assistance, and that still remain available, may be used
19 for HOME technical assistance notwithstanding the pur-
20 poses for which such amounts were appropriated.

21 SELF-HELP AND ASSISTED HOMEOWNERSHIP

22 OPPORTUNITY PROGRAM

23 For the Self-Help and Assisted Homeownership Op-
24 portunity Program, as authorized under section 11 of the
25 Housing Opportunity Program Extension Act of 1996, as
26 amended, \$64,000,000 to remain available until Sep-

1 tember 30, 2011: *Provided*, That of the total amount pro-
2 vided under this heading, \$26,500,000 shall be made
3 available to the Self-Help and Assisted Homeownership
4 Opportunity Program as authorized under section 11 of
5 the Housing Opportunity Program Extension Act of 1996,
6 as amended: *Provided further*, That \$34,000,000 shall be
7 made available for the second, third and fourth capacity
8 building activities authorized under section 4(a) of the
9 HUD Demonstration Act of 1993 (42 U.S.C. 9816 note),
10 of which not less than \$5,000,000 may be made available
11 for rural capacity building activities: *Provided further*,
12 That \$3,500,000 shall be made available for capacity
13 building activities as authorized in sections 6301 through
14 6305 of Public Law 110-246.

15 HOMELESS ASSISTANCE GRANTS

16 (INCLUDING TRANSFER OF FUNDS)

17 For the emergency shelter grants program as author-
18 ized under subtitle B of title IV of the McKinney-Vento
19 Homeless Assistance Act, as amended; the supportive
20 housing program as authorized under subtitle C of title
21 IV of such Act; the section 8 moderate rehabilitation sin-
22 gle room occupancy program as authorized under the
23 United States Housing Act of 1937, as amended, to assist
24 homeless individuals pursuant to section 441 of the
25 McKinney-Vento Homeless Assistance Act; and the shelter
26 plus care program as authorized under subtitle F of title

1 IV of such Act, \$1,677,000,000, of which \$1,672,000,000
2 shall remain available until September 30, 2011, and of
3 which \$5,000,000 shall remain available until expended
4 for rehabilitation projects with 10-year grant terms: *Pro-*
5 *vided*, That of the amount provided, \$10,000,000 shall be
6 made available to conduct a demonstration program on the
7 prevention of homelessness among the Nation's veterans:
8 *Provided further*, That the Secretary shall work in coordi-
9 nation with the Department of Veterans Affairs and the
10 Department of Labor to select a limited number of urban
11 and rural sites in which to carry out this demonstration:
12 *Provided further*, That in selecting sites, the Secretary
13 shall evaluate the rate of homelessness among veterans in
14 the area, and the experience of the grantees in coordi-
15 nating with Department of Veterans Affairs and the De-
16 partment of Labor to enable veterans to access main-
17 stream programs: *Provided further*, That of the sites se-
18 lected, up to three shall have a high number of service
19 members separating from the military and transitioning
20 into civilian life: *Provided further*, That the Secretary shall
21 also select up to four sites located in rural areas to evalu-
22 ate how to effectively serve veterans in rural areas, many
23 of whom may have been part of the National Guard, may
24 have limited access to the Department of Veterans Affairs
25 medical centers, and may have dependent family members:

1 *Provided further*, That funding made available under this
2 demonstration shall be available for housing and appro-
3 priate services to prevent veterans and their families from
4 becoming homeless or reduce the length of time veterans
5 and their families are homeless: *Provided further*, That of
6 the amounts made available under this heading, not to ex-
7 ceed \$750,000 may be available for an evaluation of this
8 demonstration: *Provided further*, That not less than 30
9 percent of funds made available, excluding amounts pro-
10 vided for renewals under the shelter plus care program,
11 shall be used for permanent housing for individuals and
12 families: *Provided further*, That all funds awarded for
13 services shall be matched by not less than 25 percent in
14 funding by each grantee: *Provided further*, That for all
15 match requirements applicable to funds made available
16 under this heading for this fiscal year and prior years,
17 a grantee may use (or could have used) as a source of
18 match funds other funds administered by the Secretary
19 and other Federal agencies unless there is (or was) a spe-
20 cific statutory prohibition on any such use of any such
21 funds: *Provided further*, That the Secretary shall renew
22 on an annual basis expiring contracts or amendments to
23 contracts funded under the shelter plus care program if
24 the program is determined to be needed under the applica-
25 ble continuum of care and meets appropriate program re-

1 quirements and financial standards, as determined by the
2 Secretary: *Provided further*, That all awards of assistance
3 under this heading shall be required to coordinate and in-
4 tegrate homeless programs with other mainstream health,
5 social services, and employment programs for which home-
6 less populations may be eligible, including Medicaid, State
7 Children's Health Insurance Program, Temporary Assist-
8 ance for Needy Families, Food Stamps, and services fund-
9 ing through the Mental Health and Substance Abuse
10 Block Grant, Workforce Investment Act, and the Welfare-
11 to-Work grant program: *Provided further*, That up to
12 \$8,000,000 of the funds appropriated under this heading
13 shall be available for the national homeless data analysis
14 project and technical assistance: *Provided further*, That of
15 the total amount made available under this heading, not
16 to exceed \$2,675,000 may be transferred to the Working
17 Capital Fund: *Provided further*, That \$3,000,000 of the
18 funds appropriated under this heading shall be used to
19 conduct research on homeless issues, including homeless
20 prevention and youth homelessness: *Provided further*, That
21 all balances for Shelter Plus Care renewals previously
22 funded from the Shelter Plus Care Renewal account and
23 transferred to this account shall be available, if recap-
24 tured, for Shelter Plus Care renewals in fiscal year 2009:
25 This heading in the Department of Housing and Urban

↳ That

(ital)
Provided further,

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

8 HOUSING PROGRAMS

9 PROJECT-BASED RENTAL ASSISTANCE

10 (INCLUDING TRANSFER OF FUNDS)

11 For activities and assistance for the provision of
12 project-based subsidy contracts under the United States
13 Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the
14 Act”), not otherwise provided for, \$7,100,000,000, to re-
15 main available until expended, shall be available on Octo-
16 ber 1, 2008, and \$400,000,000, to remain available until
17 expended, shall be available on October 1, 2009: *Provided,*
18 *That the amounts made available under this heading are*
19 *provided as follows:*

20 (1) \$6,868,000,000 shall be available for expir-
21 ing or terminating section 8 project-based subsidy
22 contracts (including section 8 moderate rehabilita-
23 tion contracts), for amendments to section 8 project-
24 based subsidy contracts (including section 8 mod-
25 erate rehabilitation contracts), for contracts entered
26 into pursuant to section 441 of the McKinney-Vento

1 Homeless Assistance Act (42 U.S.C. 11401), for re-
2 newal of section 8 contracts for units in projects
3 that are subject to approved plans of action under
4 the Emergency Low Income Housing Preservation
5 Act of 1987 or the Low-Income Housing Preserva-
6 tion and Resident Homeownership Act of 1990, and
7 for administrative and other expenses associated
8 with project-based activities and assistance funded
9 under this paragraph.

10 (2) Up to \$232,000,000 shall be available for
11 performance-based contract administrators for sec-
12 tion 8 project-based assistance: *Provided*, That the
13 Secretary of Housing and Urban Development may
14 also use such amounts for performance-based con-
15 tract administrators for the administration of: inter-
16 est reduction payments pursuant to section 236(a)
17 of the National Housing Act (12 U.S.C. 1715z-
18 1(a)); rent supplement payments pursuant to section
19 101 of the Housing and Urban Development Act of
20 1965 (12 U.S.C. 1701s); section 236(f)(2) rental as-
21 sistance payments (12 U.S.C. 1715z-1(f)(2));
22 project rental assistance contracts for the elderly
23 under section 202(c)(2) of the Housing Act of 1959
24 (12 U.S.C. 1701q); project rental assistance con-
25 tracts for supportive housing for persons with dis-

1 abilities under section 811(d)(2) of the Cranston-
2 Gonzalez National Affordable Housing Act (42
3 U.S.C. 8013(d)(2)); project assistance contracts pur-
4 suant to section 202(h) of the Housing Act of 1959
5 (Public Law 86-372; 73 Stat. 667); and loans under
6 section 202 of the Housing Act of 1959 (Public Law
7 86-372; 73 Stat. 667).

8 (3) Not to exceed \$10,000,000 provided under
9 this heading may be transferred to the Working
10 Capital Fund.

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

18 HOUSING FOR THE ELDERLY

19 (INCLUDING TRANSFER OF FUNDS)

20 For capital advances, including amendments to cap-
21 ital advance contracts, for housing for the elderly, as au-
22 thorized by section 202 of the Housing Act of 1959, as
23 amended, and for project rental assistance for the elderly
24 under section 202(c)(2) of such Act, including amend-
25 ments to contracts for such assistance and renewal of ex-
26 piring contracts for such assistance for up to a 1-year

1 term, and for supportive services associated with the hous-
2 ing, \$765,000,000, to remain available until September
3 30, 2012, of which up to \$626,400,000 shall be for capital
4 advance and project-based rental assistance awards: *Pro-*
5 *vided*, That, of the amount provided under this heading,
6 up to \$90,000,000 shall be for service coordinators and
7 the continuation of existing congregate service grants for
8 residents of assisted housing projects, and of which up to
9 \$25,000,000 shall be for grants under section 202b of the
10 Housing Act of 1959 (12 U.S.C. 1701q-2) for conversion
11 of eligible projects under such section to assisted living
12 or related use and for substantial and emergency capital
13 repairs as determined by the Secretary: *Provided further*,
14 That of the amount made available under this heading,
15 \$20,000,000 shall be available to the Secretary of Housing
16 and Urban Development only for making competitive
17 grants to private nonprofit organizations and consumer
18 cooperatives for covering costs of architectural and engi-
19 neering work, site control, and other planning relating to
20 the development of supportive housing for the elderly that
21 is eligible for assistance under section 202 of the Housing
22 Act of 1959 (12 U.S.C. 1701q): *Provided further*, That
23 amounts under this heading shall be available for Real Es-
24 tate Assessment Center inspections and inspection-related
25 activities associated with section 202 capital advance

1 projects: *Provided further*, That up to \$2,000,000 of the
2 total amount made available under this heading shall be
3 for technical assistance to improve grant applications and
4 to facilitate the development of housing for the elderly
5 under section 202 of the Housing Act of 1959, and sup-
6 portive housing for persons with disabilities under section
7 811 of the Cranston-Gonzales National Affordable Hous-
8 ing Act: *Provided further*, That of the total amount made
9 available under this heading, not to exceed \$1,600,000
10 may be transferred to the Working Capital Fund: *Pro-*
11 *vided further*, That the Secretary may waive the provisions
12 of section 202 governing the terms and conditions of
13 project rental assistance, except that the initial contract
14 term for such assistance shall not exceed 5 years in dura-
15 tion.

16 HOUSING FOR PERSONS WITH DISABILITIES

17 (INCLUDING TRANSFER OF FUNDS)

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

1 services associated with the housing for persons with dis-
2 abilities as authorized by section 811(b)(1) of such Act,
3 and for tenant-based rental assistance contracts entered
4 into pursuant to section 811 of such Act, \$250,000,000,
5 of which up to \$161,300,000 shall be for capital advances
6 and project-based rental assistance contracts, to remain
7 available until September 30, 2012: *Provided*, That of the
8 total amount made available under this heading, not to
9 exceed \$1,600,000 may be transferred to the Working
10 Capital Fund: *Provided further*, That, of the amount pro-
11 vided under this heading, \$87,100,000 shall be for amend-
12 ments or renewal of tenant-based assistance contracts en-
13 tered into prior to fiscal year 2005 (only one amendment
14 authorized for any such contract): *Provided further*, That
15 all tenant-based assistance made available under this
16 heading shall continue to remain available only to persons
17 with disabilities: *Provided further*, That the Secretary may
18 waive the provisions of section 811 governing the terms
19 and conditions of project rental assistance and tenant-
20 based assistance, except that the initial contract term for
21 such assistance shall not exceed 5 years in duration: *Pro-*
22 *vided further*, That amounts made available under this
23 heading shall be available for Real Estate Assessment
24 Center ~~Inspections~~ and inspection-related activities associ-
25 ated with section 811 Capital Advance Projects.

(14)

1 HOUSING COUNSELING ASSISTANCE

2 For contracts, grants, and other assistance excluding
3 loans, as authorized under section 106 of the Housing and
4 Urban Development Act of 1968, as amended,
5 \$65,000,000, including up to \$2,000,000 for administra-
6 tive contract services, to remain available until September
7 30, 2010: *Provided*, That funds shall be used for providing
8 counseling and advice to tenants and homeowners, both
9 current and prospective, with respect to property mainte-
10 nance, financial management/literacy, and such other mat-
11 ters as may be appropriate to assist them in improving
12 their housing conditions, meeting their financial needs,
13 and fulfilling the responsibilities of tenancy or homeowner-
14 ship; for program administration; and for housing coun-
15 selor training.

16 OTHER ASSISTED HOUSING PROGRAMS

17 RENTAL HOUSING ASSISTANCE

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

122

1 RENT SUPPLEMENT
2 (RESCISSION)

3 Of the amounts recaptured from terminated con-
4 tracts under section 101 of the Housing and Urban Devel-
5 opment Act of 1965 (12 U.S.C. 1701s) and section 236
6 of the National Housing Act (12 U.S.C. 1715z-1)
7 \$37,600,000 are rescinded.

8 PAYMENT TO MANUFACTURED HOUSING FEES TRUST
9 FUND

10 For necessary expenses as authorized by the National
11 Manufactured Housing Construction and Safety Stand-
12 ards Act of 1974 (42 U.S.C. 5401 et seq.), up to
13 \$16,000,000, to remain available until expended, of which
14 \$10,600,000 is to be derived from the Manufactured
15 Housing Fees Trust Fund: *Provided*, That not to exceed
16 the total amount appropriated under this heading shall be
17 available from the general fund of the Treasury to the ex-
18 tent necessary to incur obligations and make expenditures
19 pending the receipt of collections to the Fund pursuant
20 to section 620 of such Act: *Provided further*, That the
21 amount made available under this heading from the gen-
22 eral fund shall be reduced as such collections are received
23 during fiscal year 2009 so as to result in a final fiscal
24 year 2009 appropriation from the general fund estimated
25 at not more than \$5,400,000 and fees pursuant to such
26 section 620 shall be modified as necessary to ensure such

1 a final fiscal year 2009 appropriation: *Provided further,*
 2 That for the dispute resolution and installation programs,
 3 the Secretary of Housing and Urban Development may
 4 assess and collect fees from any program participant: *Pro-*
 5 *vided further,* That such collections shall be deposited into
 6 the Fund, and the Secretary, as provided herein, may use
 7 such collections, as well as fees collected under section
 8 620, for necessary expenses of such Act: *Provided further,*
 9 That notwithstanding the requirements of section 620 of
 10 such Act, the Secretary may carry out responsibilities of
 11 the Secretary under such Act through the use of approved
 12 service providers that are paid directly by the recipients
 13 of their services.

14 FEDERAL HOUSING ADMINISTRATION
 15 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT
 16 (INCLUDING TRANSFERS OF FUNDS)

17 During fiscal year 2009, commitments to guarantee
 18 ~~loans to carry out the purposes of section 203(b) of the~~
 19 ~~National Housing Act, as amended, shall not exceed a loan~~
 20 principal of \$315,000,000,000. During fiscal year 2009,
 21 obligations to make direct loans to carry out the purposes
 22 of section 204(g) of the National Housing Act, as amend-
 23 ed, shall not exceed \$50,000,000: *Provided,* That the fore-
 24 going amount shall be for loans to nonprofit and govern-
 25 mental entities in connection with sales of single family
 26 real properties owned by the Secretary and formerly in-

single family
 loans insured
 under the
 Mutual
 Mortgage
 Insurance
 Fund

1 sured under the Mutual Mortgage Insurance Fund. For
2 administrative contract expenses, \$116,000,000, of which
3 at least \$46,794,000 shall, and up to \$58,492,500 may,
4 be transferred to the Working Capital Fund, and of which
5 up to \$7,500,000 shall be for education and outreach of
6 FHA single family loan products: *Provided further*, That
7 to the extent guaranteed loan commitments exceed
8 \$65,500,000,000 on or before April 1, 2009, an additional
9 \$1,400 for administrative contract expenses shall be avail-
10 able for each \$1,000,000 in additional guaranteed loan
11 commitments (including a pro rata amount for any
12 amount below \$1,000,000), but in no case shall funds
13 made available by this proviso exceed \$30,000,000.

14 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

15 For the cost of guaranteed loans, as authorized by
16 sections 238 and 519 of the National Housing Act (12
17 U.S.C. 1715z-3 and 1735c), including the cost of loan
18 guarantee modifications, as that term is defined in section
19 502 of the Congressional Budget Act of 1974, as amend-
20 ed, \$8,600,000, to remain available until expended: *Pro-*
21 *vided*, That commitments to guarantee loans shall not ex-
22 ceed \$45,000,000,000 in total loan principal, any part of
23 which is to be guaranteed. Gross obligations for the prin-
24 cipal amount of direct loans, as authorized by sections
25 204(g), 207(l), 238, and 519(a) of the National Housing
26 Act, shall not exceed \$50,000,000, of which not to exceed

1 \$30,000,000 shall be for bridge financing in connection
2 with the sale of multifamily real properties owned by the
3 Secretary and formerly insured under such Act; and of
4 which not to exceed \$20,000,000 shall be for loans to non-
5 profit and governmental entities in connection with the
6 sale of single-family real properties owned by the Sec-
7 retary and formerly insured under such Act. For adminis-
8 trative contract expenses necessary to carry out the guar-
9 anteed and direct loan programs, \$48,871,000, of which
10 at least \$47,871,000 shall be for administrative contracts
11 and up to \$1,000,000 shall be for consumer education and
12 outreach for FHA loan products.

13 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
14 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN
15 GUARANTEE PROGRAM ACCOUNT

16 New commitments to issue guarantees to carry out
17 the purposes of section 306 of the National Housing Act,
18 as amended (12 U.S.C. 1721(g)), shall not exceed
19 \$300,000,000,000, to remain available until September
20 30, 2010: *Provided*, That to the extent new guarantees
21 of mortgage-backed securities exceed \$75,000,000,000 on
22 or before April 1, 2009, an additional \$1,000 for adminis-
23 trative contract expenses shall be available for each
24 \$1,000,000 in additional guaranteed loan commitments
25 (including a pro rata amount for any amount below

1 \$1,000,000) but in no case shall funds made available by
2 this proviso exceed \$14,000,000.

3 POLICY DEVELOPMENT AND RESEARCH

4 RESEARCH AND TECHNOLOGY

5 For contracts, grants, and necessary expenses of pro-
6 grams of research and studies relating to housing and
7 urban problems, not otherwise provided for, as authorized
8 by title V of the Housing and Urban Development Act
9 of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying
10 out the functions of the Secretary of Housing and Urban
11 Development under section 1(a)(1)(i) of Reorganization
12 Plan No. 2 of 1968, \$58,000,000, to remain available
13 until September 30, 2010: *Provided*, That of the funds
14 made available under this heading, \$23,000,000 is for
15 grants pursuant to section 107 of the Housing and Com-
16 munity Development Act of 1974 (42 U.S.C. 5307): *Pro-*
17 *vided further*, That at least \$1,000,000 shall be available
18 for the Secretary to conduct a comprehensive study to be
19 managed by the Office of Policy Development and Re-
20 search, to analyze the administrative costs necessary to
21 carry-out the tenant-based voucher program: *Provided fur-*
22 *ther*, That of the total amount made available, \$2,000,000
23 may be made available for technology directly related to
24 disaster prone areas.

1 FAIR HOUSING AND EQUAL OPPORTUNITY

2 FAIR HOUSING ACTIVITIES

3 For contracts, grants, and other assistance, not oth-
4 erwise provided for, as authorized by title VIII of the Civil
5 Rights Act of 1968, as amended by the Fair Housing
6 Amendments Act of 1988, and section 561 of the Housing
7 and Community Development Act of 1987, as amended,
8 \$53,500,000, to remain available until September 30,
9 2010, of which \$27,500,000 shall be to carry out activities
10 pursuant to such section 561 of which up to \$2,000,000
11 shall be made available to carryout authorized activities
12 to protect the public from mortgage rescue scams: *Pro-*
13 *vided*, That notwithstanding 31 U.S.C. 3302, the Sec-
14 retary may assess and collect fees to cover the costs of
15 the Fair Housing Training Academy, and may use such
16 funds to provide such training: *Provided further*, That no
17 funds made available under this heading shall be used to
18 lobby the executive or legislative branches of the Federal
19 Government in connection with a specific contract, grant
20 or loan: *Provided further*, That of the funds made available
21 under this heading, \$500,000 shall be available to the Sec-
22 retary of Housing and Urban Development for the cre-
23 ation and promotion of translated materials and other pro-
24 grams that support the assistance of persons with limited

1 English proficiency in utilizing the services provided by
2 the Department of Housing and Urban Development.

3 OFFICE OF HEALTHY HOMES AND LEAD HAZARD
4 CONTROL
5 LEAD HAZARD REDUCTION

6 For the Lead Hazard Reduction Program, as author-
7 ized by section 1011 of the Residential Lead-Based Paint
8 Hazard Reduction Act of 1992, \$140,000,000, to remain
9 available until September 30, 2010, of which not less than
10 \$14,600,000 shall be for the Healthy Homes Initiative,
11 pursuant to sections 501 and 502 of the Housing and
12 Urban Development Act of 1970 that shall include re-
13 search, studies, testing, and demonstration efforts, includ-
14 ing education and outreach concerning lead-based paint
15 poisoning and other housing-related diseases and hazards:
16 *Provided*, That for purposes of environmental review, pur-
17 suant to the National Environmental Policy Act of 1969
18 (42 U.S.C. 4321 et seq.) and other provisions of law that
19 further the purposes of such Act, a grant under the
20 Healthy Homes Initiative, Operation Lead Elimination
21 Action Plan (LEAP), or the Lead Technical Studies pro-
22 gram under this heading or under prior appropriations
23 Acts for such purposes under this heading, shall be consid-
24 ered to be funds for a special project for purposes of sec-
25 tion 305(c) of the Multifamily Housing Property Disposi-

1 tion Reform Act of 1994: *Provided further*, That of the
2 total amount made available under this heading,
3 \$48,000,000 shall be made available on a competitive
4 basis for areas with the highest lead paint abatement
5 needs: *Provided further*, That each recipient of funds pro-
6 vided under the second proviso shall make a matching con-
7 tribution in an amount not less than 25 percent: *Provided*
8 *further*, That the Secretary may waive the matching re-
9 quirement cited in the preceding proviso on a case by case
10 basis if the Secretary determines that such a waiver is nec-
11 essary to advance the purposes of this program: *Provided*
12 *further*, That each applicant shall submit a detailed plan
13 and strategy that demonstrates adequate capacity that is
14 acceptable to the Secretary to carry out the proposed use
15 of funds pursuant to a notice of funding availability: *Pro-*
16 *vided further*, That amounts made available under this
17 heading in prior appropriations Acts, and that still remain
18 available, may be used for any purpose under this heading
19 notwithstanding the purpose for which such amounts were
20 appropriated: *Provided further*, That of the total amount
21 made available under this heading, \$250,000 shall be allo-
22 cated through the Office of Healthy Homes and Lead
23 Hazard Control to conduct communications and outreach
24 to potential applicants to the Lead Hazard Reduction
25 Demonstration Grant program.

1 MANAGEMENT AND ADMINISTRATION

2 WORKING CAPITAL FUND

3 ~~(INCLUDING TRANSFER OF FUNDS)~~

4 For additional capital for the Working Capital Fund
5 (42 U.S.C. 3535) for the development of, modifications
6 to, and infrastructure for Department-wide information
7 technology systems, for the continuing operation and
8 maintenance of both Department-wide and program-spe-
9 cific information systems, and for program-related devel-
10 opment activities, \$224,000,000, to remain available until
11 September 30, 2010, of which not less than \$4,000,000
12 shall be used for planning for modernizing, improving and
13 maintaining information technology applications and in-
14 frastructure supporting the FHA: *Provided*, That any
15 amounts transferred to this Fund under this Act shall re-
16 main available until expended: *Provided further*, That any
17 amounts transferred to this Fund from amounts appro-
18 priated by previously enacted appropriations Acts or from
19 within this Act may be used only for the purposes specified
20 under this Fund, in addition to the purposes for which
21 such amounts were appropriated: *Provided further*, That
22 up to \$15,000,000 may be transferred to this account
23 from all other accounts in this title (except for the Office
24 of the Inspector General account ~~and the Office of Federal~~
25 ~~Housing Enterprise Oversight account~~) that make funds
26 available for salaries and expenses.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary salaries and expenses of the Office of
3 Inspector General in carrying out the Inspector General
4 Act of 1978, as amended, \$120,000,000: *Provided*, That
5 the Inspector General shall have independent authority
6 over all personnel issues within this office.

7 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND
8 URBAN DEVELOPMENT

9 (INCLUDING RESCISSION OF FUNDS)

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

1 to the Treasury to provide project owners with incentives
2 to refinance their project at a lower interest rate.

3 SEC. 202. None of the amounts made available under
4 this Act may be used during fiscal year 2009 to investigate
5 or prosecute under the Fair Housing Act any otherwise
6 lawful activity engaged in by one or more persons, includ-
7 ing the filing or maintaining of a non-frivolous legal ac-
8 tion, that is engaged in solely for the purpose of achieving
9 or preventing action by a Government official or entity,
10 or a court of competent jurisdiction.

11 SEC. 203. (a) Notwithstanding section 854(c)(1)(A)
12 of the AIDS Housing Opportunity Act (42 U.S.C.
13 12903(c)(1)(A)), from any amounts made available under
14 this title for fiscal year 2009 that are allocated under such
15 section, the Secretary of Housing and Urban Development
16 shall allocate and make a grant, in the amount determined
17 under subsection (b), for any State that—

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

20 (2) is not otherwise eligible for an allocation for
21 fiscal year 2009 under such clause (ii) because the
22 areas in the State outside of the metropolitan statis-
23 tical areas that qualify under clause (i) in fiscal year
24 2009 do not have the number of cases of acquired

1 immunodeficiency syndrome (AIDS) required under
2 such clause.

3 (b) The amount of the allocation and grant for any
4 State described in subsection (a) shall be an amount based
5 on the cumulative number of AIDS cases in the areas of
6 that State that are outside of metropolitan statistical
7 areas that qualify under clause (i) of such section
8 854(c)(1)(A) in fiscal year 2009, in proportion to AIDS
9 cases among cities and States that qualify under clauses
10 (i) and (ii) of such section and States deemed eligible
11 under subsection (a).

12 (c) Notwithstanding any other provision of law, the
13 amount allocated for fiscal year 2009 under section 854(c)
14 of the AIDS Housing Opportunity Act (42 U.S.C.
15 12903(e)), to the City of New York, New York, on behalf
16 of the New York-Wayne-White Plains, New York-New
17 Jersey Metropolitan Division (hereafter "metropolitan di-
18 vision") of the New York-Newark-Edison, NY-NJ-PA
19 Metropolitan Statistical Area, shall be adjusted by the
20 Secretary of Housing and Urban Development by: (1) allo-
21 cating to the City of Jersey City, New Jersey, the propor-
22 tion of the metropolitan area's or division's amount that
23 is based on the number of cases of AIDS reported in the
24 portion of the metropolitan area or division that is located
25 in Hudson County, New Jersey, and adjusting for the pro-

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

17 (d) Notwithstanding any other provision of law, the
18 amount allocated for fiscal year 2009 under section 854(c)
19 of the AIDS Housing Opportunity Act (42 U.S.C.
20 12903(c)) to areas with a higher than average per capita
21 incidence of AIDS, shall be adjusted by the Secretary on
22 the basis of area incidence reported over a 3 year period.

23 SEC. 204. Except as explicitly provided in law, any
24 grant, cooperative agreement or other assistance made
25 pursuant to title II of this Act shall be made on a competi-

1 tive basis and in accordance with section 102 of the De-
2 partment of Housing and Urban Development Reform Act
3 of 1989 (42 U.S.C. 3545).

4 SEC. 205. Funds of the Department of Housing and
5 Urban Development subject to the Government Corpora-
6 tion Control Act or section 402 of the Housing Act of
7 1950 shall be available, without regard to the limitations
8 on administrative expenses, for legal services on a contract
9 or fee basis, and for utilizing and making payment for
10 services and facilities of the Federal National Mortgage
11 Association, Government National Mortgage Association,
12 Federal Home Loan Mortgage Corporation, Federal Fi-
13 nancing Bank, Federal Reserve banks or any member
14 thereof, Federal Home Loan banks, and any insured bank
15 within the meaning of the Federal Deposit Insurance Cor-
16 poration Act, as amended (12 U.S.C. 1811-1831).

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

23 SEC. 207. Corporations and agencies of the Depart-
24 ment of Housing and Urban Development which are sub-
25 ject to the Government Corporation Control Act, are here-

1 by authorized to make such expenditures, within the limits
2 of funds and borrowing authority available to each such
3 corporation or agency and in accordance with law, and to
4 make such contracts and commitments without regard to
5 fiscal year limitations as provided by section 104 of such
6 Act as may be necessary in carrying out the programs set
7 forth in the budget for 2009 for such corporation or agen-
8 cy except as hereinafter provided: *Provided*, That collec-
9 tions of these corporations and agencies may be used for
10 new loan or mortgage purchase commitments only to the
11 extent expressly provided for in this Act (unless such loans
12 are in support of other forms of assistance provided for
13 in this or prior appropriations Acts), except that this pro-
14 viso shall not apply to the mortgage insurance or guaranty
15 operations of these corporations, or where loans or mort-
16 gage purchases are necessary to protect the financial in-
17 terest of the United States Government.

18 SEC. 208. None of the funds provided in this title
19 for technical assistance, training, or management improve-
20 ments may be obligated or expended unless the Secretary
21 of Housing and Urban Development provides to the Com-
22 mittees on Appropriations a description of each proposed
23 activity and a detailed budget estimate of the costs associ-
24 ated with each program, project or activity as part of the
25 Budget Justifications. For fiscal year 2009, the Secretary

1 shall transmit this information to the Committees by
2 March 15, 2009 for 30 days of review.

3 SEC. 209. The Secretary of Housing and Urban De-
4 velopment shall provide quarterly reports to the House
5 and Senate Committees on Appropriations regarding all
6 uncommitted, unobligated, recaptured and excess funds in
7 each program and activity within the jurisdiction of the
8 Department and shall submit additional, updated budget
9 information to these Committees upon request.

10 SEC. 210. (a) Notwithstanding any other provision
11 of law, the amount allocated for fiscal year 2009 under
12 section 854(c) of the AIDS Housing Opportunity Act (42
13 U.S.C. 12903(c)), to the City of Wilmington, Delaware,
14 on behalf of the Wilmington, Delaware-Maryland-New
15 Jersey Metropolitan Division (hereafter "metropolitan di-
16 vision"), shall be adjusted by the Secretary of Housing
17 and Urban Development by allocating to the State of New
18 Jersey the proportion of the metropolitan division's
19 amount that is based on the number of cases of AIDS
20 reported in the portion of the metropolitan division that
21 is located in New Jersey, and adjusting for the proportion
22 of the metropolitan division's high incidence bonus if this
23 area in New Jersey also has a higher than average per
24 capita incidence of AIDS. The State of New Jersey shall
25 use amounts allocated to the State under this subsection

1 to carry out eligible activities under section 855 of the
2 AIDS Housing Opportunity Act (42 U.S.C. 12904) in the
3 portion of the metropolitan division that is located in New
4 Jersey.

5 (b) Notwithstanding any other provision of law, the
6 Secretary of Housing and Urban Development shall allo-
7 cate to Wake County, North Carolina, the amounts that
8 otherwise would be allocated for fiscal year 2009 under
9 section 854(c) of the AIDS Housing Opportunity Act (42
10 U.S.C. 12903(c)) to the City of Raleigh, North Carolina,
11 on behalf of the Raleigh-Cary, North Carolina Metropoli-
12 tan Statistical Area. Any amounts allocated to Wake
13 County shall be used to carry out eligible activities under
14 section 855 of such Act (42 U.S.C. 12904) within such
15 metropolitan statistical area.

16 (c) Notwithstanding section 854(c) of the AIDS
17 Housing Opportunity Act (42 U.S.C. 12903(c)), the Sec-
18 retary of Housing and Urban Development may adjust the
19 allocation of the amounts that otherwise would be allo-
20 cated for fiscal year 2009 under section 854(c) of such
21 Act, upon the written request of an applicant, in conjunc-
22 tion with the State(s), for a formula allocation on behalf
23 of a metropolitan statistical area, to designate the State
24 or States in which the metropolitan statistical area is lo-
25 cated as the eligible grantee(s) of the allocation. In the

1 case that a metropolitan statistical area involves more
2 than one State, such amounts allocated to each State shall
3 be in proportion to the number of cases of AIDS reported
4 in the portion of the metropolitan statistical area located
5 in that State. Any amounts allocated to a State under this
6 section shall be used to carry out eligible activities within
7 the portion of the metropolitan statistical area located in
8 that State.

9 SEC. 211. The President's formal budget request for
10 fiscal year 2010, as well as the Department of Housing
11 and Urban Development's congressional budget justifica-
12 tions to be submitted to the Committees on Appropriations
13 of the House of Representatives and the Senate, shall use
14 the identical account and sub-account structure provided
15 under this Act.

16 SEC. 212. A public housing agency or such other enti-
17 ty that administers Federal housing assistance for the
18 Housing Authority of the county of Los Angeles, Cali-
19 fornia, the States of Alaska, Iowa, and Mississippi shall
20 not be required to include a resident of public housing or
21 a recipient of assistance provided under section 8 of the
22 United States Housing Act of 1937 on the board of direc-
23 tors or a similar governing board of such agency or entity
24 as required under section (2)(b) of such Act. Each public
25 housing agency or other entity that administers Federal

1 housing assistance under section 8 for the Housing Au-
2 thority of the county of Los Angeles, California and the
3 States of Alaska, Iowa and Mississippi that chooses not
4 to include a resident of Public Housing or a recipient of
5 section 8 assistance on the board of directors or a similar
6 governing board shall establish an advisory board of not
7 less than six residents of public housing or recipients of
8 section 8 assistance to provide advice and comment to the
9 public housing agency or other administering entity on
10 issues related to public housing and section 8. Such advi-
11 sory board shall meet not less than quarterly.

12 SEC. 213. (a) Notwithstanding any other provision
13 of law, subject to the conditions listed in subsection (b),
14 for fiscal years 2008 and 2009, the Secretary of Housing
15 and Urban Development may authorize the transfer of
16 some or all project-based assistance, debt and statutorily
17 required low-income and very low-income use restrictions,
18 associated with one or more multifamily housing project
19 to another multifamily housing project or projects.

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

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

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

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

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

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

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

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

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

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

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

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

18 (c) For purposes of this section—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (4) the term "receiving project or projects"
13 means the multifamily housing project or projects to
14 which some or all of the project-based assistance,
15 debt, and statutorily required use low-income and
16 very low-income restrictions are to be transferred;

17 (5) the term "transferring project" means the
18 multifamily housing project which is transferring
19 some or all of the project-based assistance, debt and
20 the statutorily required low-income and very low-in-
21 come use restrictions to the receiving project or
22 projects; and

23 (6) the term "Secretary" means the Secretary
24 of Housing and Urban Development.

1 SEC. 214. The funds made available for Native Alas-
2 kans under the heading "Native American Housing Block
3 Grants" in title III of this Act shall be allocated to the
4 same Native Alaskan housing block grant recipients that
5 received funds in fiscal year 2005.

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

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

13 (1) is enrolled as a student at an institution of
14 higher education (as defined under section 102 of
15 the Higher Education Act of 1965 (20 U.S.C.
16 1002));

17 (2) is under 24 years of age;

18 (3) is not a veteran;

19 (4) is unmarried;

20 (5) does not have a dependent child;

21 (6) is not a person with disabilities, as such
22 term is defined in section 3(b)(3)(E) of the United
23 States Housing Act of 1937 (42 U.S.C.
24 1437a(b)(3)(E)) and was not receiving assistance
25 under such section 8 as of November 30, 2005; and

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

5 (b) For purposes of determining the eligibility of a
6 person to receive assistance under section 8 of the United
7 States Housing Act of 1937 (42 U.S.C. 1437f), any finan-
8 cial assistance (in excess of amounts received for tuition)
9 that an individual receives under the Higher Education
10 Act of 1965 (20 U.S.C. 1001 et seq.), from private
11 sources, or an institution of higher education (as defined
12 under the Higher Education Act of 1965 (20 U.S.C.
13 1002)), shall be considered income to that individual, ex-
14 cept for a person over the age of 23 with dependent chil-
15 dren.

16 SEC. 217. Notwithstanding the limitation in the first
17 sentence of section 255(g) of the National Housing Act
18 (12 U.S.C. 1715z-20(g)), the Secretary of Housing and
19 Urban Development may, until September 30, 2009, in-
20 sure and enter into commitments to insure mortgages
21 under section 255 of the National Housing Act (12 U.S.C.
22 1715z-20).

23 SEC. 218. Notwithstanding any other provision of
24 law, in fiscal year 2009, in managing and disposing of any
25 multifamily property that is owned or has a mortgage held

1 by the Secretary of Housing and Urban Development, the
2 Secretary shall maintain any rental assistance payments
3 under section 8 of the United States Housing Act of 1937
4 and other programs that are attached to any dwelling
5 units in the property. To the extent the Secretary deter-
6 mines, in consultation with the tenants and the local gov-
7 ernment, that such a multifamily property owned or held
8 by the Secretary is not feasible for continued rental assist-
9 ance payments under such section 8 or other programs,
10 based on consideration of (1) the costs of rehabilitating
11 and operating the property and all available Federal,
12 State, and local resources, including rent adjustments
13 under section 524 of the Multifamily Assisted Housing
14 Reform and Affordability Act of 1997 ("MAHRAA") and
15 (2) environmental conditions that cannot be remedied in
16 a cost-effective fashion, the Secretary may, in consultation
17 with the tenants of that property, contract for project-
18 based rental assistance payments with an owner or owners
19 of other existing housing properties, or provide other rent-
20 al assistance. The Secretary shall also take appropriate
21 steps to ensure that project-based contracts remain in ef-
22 fect prior to foreclosure, subject to the exercise of contrac-
23 tual abatement remedies to assist relocation of tenants for
24 imminent major threats to health and safety. After dis-
25 position of any multifamily property described under this

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

4 SEC. 219. During fiscal year 2009, in the provision
5 of rental assistance under section 8(o) of the United
6 States Housing Act of 1937 (42 U.S.C. 1437f(o)) in con-
7 nection with a program to demonstrate the economy and
8 effectiveness of providing such assistance for use in as-
9 sisted living facilities that is carried out in the counties
10 of the State of Michigan notwithstanding paragraphs (3)
11 and (18)(B)(iii) of such section 8(o), a family residing in
12 an assisted living facility in any such county, on behalf
13 of which a public housing agency provides assistance pur-
14 suant to section 8(o)(18) of such Act, may be required,
15 at the time the family initially receives such assistance,
16 to pay rent in an amount exceeding 40 percent of the
17 monthly adjusted income of the family by such a percent-
18 age or amount as the Secretary of Housing and Urban
19 Development determines to be appropriate.

20 SEC. 220. The Secretary of Housing and Urban De-
21 velopment shall report quarterly to the House of Rep-
22 resentatives and Senate Committees on Appropriations on
23 HUD's use of all sole source contracts, including terms
24 of the contracts, cost, and a substantive rationale for
25 using a sole source contract.

1 SEC. 221. Notwithstanding any other provision of
2 law, the recipient of a grant under section 202b of the
3 Housing Act of 1959 (12 U.S.C. 1701q-2) after Decem-
4 ber 26, 2000, in accordance with the unnumbered para-
5 graph at the end of section 202(b) of such Act, may, at
6 its option, establish a single-asset nonprofit entity to own
7 the project and may lend the grant funds to such entity,
8 which may be a private nonprofit organization described
9 in section 831 of the American Homeownership and Eco-
10 nomic Opportunity Act of 2000.

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

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

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

3 SEC. 223. Section 24 of the United States Housing
4 Act of 1937 (42 U.S.C. 1437v) is amended—

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

7 (2) in subsection (o), by striking “September
8 30, 2007” and inserting “September 30, 2009”.

9 SEC. 224. (a) REQUIRED SUBMISSIONS FOR FISCAL
10 YEARS 2008 AND 2009.—

11 (1) IN GENERAL.—Not later than 60 days after
12 the date of enactment of this Act, the Secretary of
13 Housing and Urban Development shall submit to the
14 relevant authorizing committees and to the Commit-
15 tees on Appropriations of the Senate and the House
16 of Representatives for fiscal years 2008 and 2009—

17 (A) a complete and accurate accounting of
18 the actual project-based renewal costs for
19 project-based assistance under section 8 of the
20 United States Housing Act of 1937 (42 U.S.C.
21 1437f);

22 (B) revised estimates of the funding need-
23 ed to fully fund all 12 months of all project-
24 based contracts under such section 8, including

1 project-based contracts that expire in fiscal year
2 2008 and fiscal year 2009; and

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

6 (2) UPDATED INFORMATION.—At any time
7 after the expiration of the 60-day period described
8 in paragraph (1), the Secretary may submit correc-
9 tions or updates to the information required under
10 paragraph (1), if upon completion of an audit of the
11 project-based assistance program under section 8 of
12 the United States Housing Act of 1937 (42 U.S.C.
13 1437f), such audit reveals additional information
14 that may provide Congress a more complete under-
15 standing of the Secretary's implementation of the
16 project-based assistance program under such section
17 8.

18 (b) REQUIRED SUBMISSIONS FOR FISCAL YEAR
19 2010.—As part of the Department of Housing and Urban
20 Development's budget request for fiscal year 2010, the
21 Secretary of Housing and Urban Development shall sub-
22 mit to the relevant authorizing committees and to the
23 Committees on Appropriations of the Senate and the
24 House of Representatives complete and detailed informa-
25 tion, including a project-by-project analysis, that verifies

1 that such budget request will fully fund all project-based
2 contracts under section 8 of the United States Housing
3 Act of 1937 (42 U.S.C. 1437f) in fiscal year 2010, includ-
4 ing expiring project-based contracts.

5 SEC. 225. Public housing agencies that own and oper-
6 ate 400 or fewer public housing units may elect to be ex-
7 empt from any asset management requirement imposed by
8 the Secretary of Housing and Urban Development in con-
9 nection with the operating fund rule: *Provided*, That an
10 agency seeking a discontinuance of a reduction of subsidy
11 under the operating fund formula shall not be exempt
12 from asset management requirements.

13 SEC. 226. With respect to the use of amounts pro-
14 vided in this Act and in future Acts for the operation, cap-
15 ital improvement and management of public housing as
16 authorized by sections 9(d) and 9(e) of the United States
17 Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the
18 Secretary shall not impose any requirement or guideline
19 relating to asset management that restricts or limits in
20 any way the use of capital funds for central office costs
21 pursuant to section 9(g)(1) or 9(g)(2) of the United States
22 Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Pro-*
23 *vided*, however, that a public housing agency may not use
24 capital funds authorized under section 9(d) for activities
25 that are eligible under section 9(e) for assistance with

1 amounts from the operating fund in excess of the amounts
2 permitted under section 9(g)(1) or 9(g)(2).

3 SEC. 227. The Secretary of Housing and Urban De-
4 velopment shall report quarterly to the House of Rep-
5 resentatives and Senate Committees on Appropriations on
6 the status of all section 8 project-based housing, including
7 the number of all project-based units by region as well
8 as an analysis of all federally subsidized housing being re-
9 financed under the Mark-to-Market program. The Sec-
10 retary shall in the report identify all existing units main-
11 tained by region as section 8 project-based units and all
12 project-based units that have opted out of section 8 or
13 have otherwise been eliminated as section 8 project-based
14 units. The Secretary shall identify in detail and by project
15 all the efforts made by the Department to preserve all sec-
16 tion 8 project-based housing units and all the reasons for
17 any units which opted out or otherwise were lost as section
18 8 project-based units. Such analysis shall include a review
19 of the impact of the loss of any subsidized units in that
20 housing marketplace, such as the impact of cost and the
21 loss of available subsidized, low-income housing in areas
22 with scarce housing resources for low-income families.

23 SEC. 228. Section 683(2) of the Housing and Com-
24 munity Development Act of 1992 (42 U.S.C. 13641(2))
25 is amended—

- 1 (1) in subparagraph (F), by striking “and”;
- 2 (2) in subparagraph (G) by striking the period
- 3 at the end and inserting “; and”; and
- 4 (3) by adding a new subparagraph (H) as fol-
- 5 lows:

6 “(H) housing that is assisted under section
7 811 of the Cranston-Gonzalez Affording Hous-
8 ing Act (42 U.S.C. 8013).”.

9 SEC. 229. The Home Investment Partnerships Act
10 (42 U.S.C. 12721 et seq.) is amended—

- 11 (1) in section 233(d)(1) by striking “20” and
- 12 inserting “40”;
- 13 (2) in section 233(e) by striking “40” and in-
- 14 serting “25”;
- 15 (3) in section 243(b), in the second sentence, by
- 16 striking “20” and inserting “40”; and
- 17 (4) in section 271(i) by striking “Act after De-
- 18 cember 31, 2007” and inserting “section after De-
- 19 cember 31, 2011”.

20 SEC. 230. No official or employee of the Department
21 of Housing and Urban Development shall be designated
22 as an allotment holder unless the Office of the Chief Fi-
23 nancial Officer has determined that such allotment holder
24 has implemented an adequate system of funds control and
25 has received training in funds control procedures and di-

1 rectives. The Chief Financial Officer shall ensure that, not
2 later than 90 days after the date of enactment of this Act,
3 a trained allotment holder shall be designated for each
4 HUD subaccount under the headings "Executive Direc-
5 tion" and "Administration, Operations, and Management"
6 as well as each account receiving appropriations for "per-
7 sonnel compensation and benefits" within the Department
8 of Housing and Urban Development.

9 SEC. 231. Payment of attorney fees in program-re-
10 lated litigation must be paid from individual program of-
11 fice personnel benefits and compensation funding. The an-
12 nual budget submission for program office personnel ben-
13 efit and compensation funding must include program-re-
14 lated litigation costs for attorney fees as a separate line
15 item request.

16 SEC. 232. Of the unobligated balances remaining
17 from funds appropriated under the heading "Tenant-
18 Based Rental Assistance" under the Department of Hous-
19 ing and Urban Development Appropriations Act, 2008,
20 \$750,000,000 are rescinded from the \$4,158,000,000
21 which are available on October 1, 2008. Such amount shall
22 be derived from reductions to public housing agencies' cal-
23 endar year 2009 allocations based on amounts in public
24 housing agencies' net restricted assets accounts (in ac-

1 cordance with VMS data in calendar year 2008 that is
2 verifiable and complete), as determined by the Secretary.

3 SEC. 233. The Secretary of the Department of Hous-
4 ing and Urban Development shall for Fiscal Year 2009
5 and thereafter, notify the public through the Federal Reg-
6 ister and other means, as determined appropriate, of the
7 issuance of a notice of the availability of assistance or no-
8 tice of funding availability (NOFA) for any program or
9 discretionary fund administered by the Secretary that is
10 to be competitively awarded. Notwithstanding any other
11 provision of law, for Fiscal Year 2009 and thereafter, the
12 Secretary may make the NOFA available only on the
13 Internet at the appropriate government website or
14 websites or through other electronic media, as determined
15 by the Secretary.

16 SEC. 234. PREPAYMENT AND REFINANCING. (a) AP-
17 PROVAL OF PREPAYMENT OF DEBT.—Upon request of the
18 project sponsor of a project assisted with a loan under
19 section 202 of the Housing Act of 1959 (as in effect before
20 the enactment of the Cranston-Gonzalez National Afford-
21 able Housing Act), for which the Secretary's consent to
22 prepayment is required, the Secretary shall approve the
23 prepayment of any indebtedness to the Secretary relating
24 to any remaining principal and interest under the loan as
25 part of a prepayment plan under which—

1 (1) the project sponsor agrees to operate the
2 project until the maturity date of the original loan
3 under terms at least as advantageous to existing and
4 future tenants as the terms required by the original
5 loan agreement or any project-based rental assist-
6 ance payments contract under section 8 of the
7 United States Housing Act of 1937 (or any other
8 project-based rental housing assistance programs of
9 the Department of Housing and Urban Develop-
10 ment, including the rent supplement program under
11 section 101 of the Housing and Urban Development
12 Act of 1965 (12 U.S.C. 1701(s)) or any successor
13 project-based rental assistance program, except as
14 provided by subsection (a)(2)(B); and

15 (2) the prepayment may involve refinancing of
16 the loan if such refinancing results —

17 (A) in a lower interest rate on the prin-
18 cipal of the loan for the project and in reduc-
19 tions in debt service related to such loan; or

20 (B) in the case of a project that is assisted
21 with a loan under such section 202 carrying an
22 interest rate of 6 percent or lower, a trans-
23 action under which

24 (i) the project owner shall address the
25 physical needs of the project;

1 (ii) the prepayment plan for the trans-
2 action, including the refinancing, shall
3 meet a cost benefit analysis, as established
4 by the Secretary, that the benefit of the
5 transaction outweighs the cost of the
6 transaction including any increases in rent
7 charged to unassisted tenants;

8 (iii) the overall cost for providing
9 rental assistance under section 8 for the
10 project (if any) is not increased, except,
11 upon approval by the Secretary to—

12 (I) mark-up-to-market contracts
13 pursuant to section 524(a)(3) of the
14 Multifamily Assisted Housing Reform
15 and Affordability Act (42 U.S.C.
16 1437f note), as such section is carried
17 out by the Secretary for properties
18 owned by nonprofit organizations; or

19 (II) mark-up-to-budget contracts
20 pursuant to section 524(a)(4) of the
21 Multifamily Assisted Housing Reform
22 and Affordability Act (42 U.S.C.
23 1437f note), as such section is carried
24 out by the Secretary for properties
25 owned by eligible owners (as such

1 term is defined in section 202(k) of
2 the Housing Act of 1959 (12 U.S.C.
3 1701q(k));

4 (iv), the project owner may charge
5 tenants rent sufficient to meet debt service
6 payments and operating cost requirements,
7 as approved by the Secretary, if project-
8 based rental assistance is not available or
9 is insufficient for the debt service and op-
10 erating cost of the project after refi-
11 nancing. Such approval by the Secretary—

12 (I) shall be the basis for the
13 owner to agree to terminate the
14 project-based rental assistance con-
15 tract that is insufficient for the debt
16 service and operating cost of the
17 project after refinancing; and

18 (II) shall be an eligibility event
19 for the project for purposes of section
20 8(t) of the United States Housing Act
21 of 1937 (42 U.S.C. 1437f(t));

22 (v) units to be occupied by tenants as-
23 sisted under section 8(t) of the United
24 States Housing Act of 1937 (42 U.S.C.
25 1437f(t)) shall, upon termination of the oc-

1 cupancy of such tenants, become eligible
2 for project-based assistance under section
3 8(o)(13) of the United States Housing Act
4 of 1937 (42 U.S.C. 1437f(o)(13)) without
5 regard to the percentage limitations pro-
6 vided in such section; and

7 (vi) there shall be a use agreement of
8 20 years from the date of the maturity
9 date of the original 202 loan for all units,
10 including units to be occupied by tenants
11 assisted under section 8(t) of the United
12 States Housing Act of 1937 (42 U.S.C.
13 1437f(t)).

14 SEC. 235. USE OF SURPLUS FEDERAL PROPERTY
15 FOR THE HOMELESS. No property identified by the Sec-
16 retary of Housing and Urban Development as surplus
17 Federal property for use to assist the homeless shall be
18 made available to any homeless group unless the group
19 is a member in good standing under any of HUD's home-
20 less assistance programs or is in good standing with any
21 other program which receives funds from any other Fed-
22 eral or State agency or entity: *Provided*, That an exception
23 may be made for an entity not involved with Federal
24 homeless programs to use surplus Federal property for the
25 homeless only after the Secretary or another responsible

1 Federal agency has fully and comprehensively reviewed all
2 relevant finances of the entity, the track record of the enti-
3 ty in assisting the homeless, the ability of the entity to
4 manage the property, including all costs, the ability of the
5 entity to administer homeless programs in a manner that
6 is effective to meet the needs of the homeless population
7 that is expected to use the property and any other related
8 issues that demonstrate a commitment to assist the home-
9 less: *Provided further*, That the Secretary shall not require
10 the entity to have cash in hand in order to demonstrate
11 financial ability but may rely on the entity's prior dem-
12 onstrated fundraising ability or commitments for in-kind
13 donations of goods and services: *Provided further*, That the
14 Secretary shall make all such information and its decision
15 regarding the award of the surplus property available to
16 the committees of jurisdiction, including a full justification
17 of the appropriateness of the use of the property to assist
18 the homeless as well as the appropriateness of the group
19 seeking to obtain the property to use such property to as-
20 sist the homeless: *Provided further*, That, this section shall
21 apply to properties in fiscal year 2008 and 2009 made
22 available as surplus Federal property for use to assist the
23 homeless.

24 SEC. 236. The Secretary of Housing and Urban De-
25 velopment shall increase, pursuant to this section, the

1 number of Moving-to-Work agencies authorized under sec-
2 tion 204, title II, of the Departments of Veterans Affairs
3 and Housing and Urban Development and Independent
4 Agencies Appropriations Act, 1996 (Public Law 104-134;
5 110 Stat. 1321-281) by adding to the program three Pub-
6 lic Housing Agencies that meet the following require-
7 ments: is a High Performing Agency under the Public
8 Housing Assessment System (PHAS) and is a HOPE VI
9 agency. No PHA shall be granted this designation through
10 this section that administers in excess of 5,000 aggregate
11 housing vouchers and public housing units. No PHA
12 granted this designation through this section shall receive
13 more funding than they otherwise would have received ab-
14 sent this designation.

15 SEC. 237. Of the unobligated balances remaining
16 from funds appropriated to the Department of Housing
17 and Urban Development under the fourth paragraph
18 under the heading "General and Special Risk Program
19 Account" in the Department of Housing and Urban De-
20 velopment Appropriations Act, 2008, \$5,000,000 are re-
21 scinded: *Provided*, That with respect to such discount sales
22 referenced under such paragraph, notwithstanding any
23 other provision of law, in determining the market value
24 of any multifamily real property or multifamily loan for
25 any noncompetitive sale to a State or local government,

1 the Secretary shall in fiscal year 2009 consider, but not
2 be limited to, industry standard appraisal practices, in-
3 cluding the cost of repairs needed to bring the property
4 into such condition as to satisfy minimum State and local
5 code standards and the cost of maintaining the afford-
6 ability restrictions imposed by the Secretary on the multi-
7 family real property or multifamily loan.

8 SEC. 238. The Secretary of the Department of Hous-
9 ing and Urban Development is authorized to transfer up
10 to 5 percent of funds appropriated for any account under
11 this title under the heading "Personnel Compensation and
12 Benefits" to any other account under this title under the
13 heading "Personnel Compensation and Benefits" only
14 after such transfer has been submitted to, and received
15 prior written approval by, the House and Senate Commit-
16 tees on Appropriations: *Provided*, That, no appropriation
17 for any such account shall be increased or decreased by
18 more than 10 percent by all such transfers.

19 SEC. 239. The Disaster Housing Assistance Pro-
20 grams, administered by the Department of Housing and
21 Urban Development, shall be considered a "program of
22 the Department of Housing and Urban Development"
23 under section 904 of the McKinney Act for the purpose
24 of income verifications and matching.

1 This title may be cited as the "Department of Hous-
2 ing and Urban Development Appropriations Act, 2009".

3 TITLE III

4 RELATED AGENCIES

5 ARCHITECTURAL AND TRANSPORTATION BARRIERS

6 COMPLIANCE BOARD

7 SALARIES AND EXPENSES

8 For expenses necessary for the Architectural and
9 Transportation Barriers Compliance Board, as authorized
10 by section 502 of the Rehabilitation Act of 1973, as
11 amended, \$6,550,000: *Provided*, That, notwithstanding
12 any other provision of law, there may be credited to this
13 appropriation funds received for publications and training
14 expenses.

15 FEDERAL MARITIME COMMISSION

16 SALARIES AND EXPENSES

17 For necessary expenses of the Federal Maritime
18 Commission as authorized by section 201(d) of the Mer-
19 chant Marine Act, 1936, as amended (46 U.S.C. App.
20 1111), including services as authorized by 5 U.S.C. 3109;
21 hire of passenger motor vehicles as authorized by 31
22 U.S.C. 1343(b); and uniforms or allowances therefor, as
23 authorized by 5 U.S.C. 5901-5902, \$22,800,000: *Pro-*
24 *vided*, That not to exceed \$2,000 shall be available for offi-
25 cial reception and representation expenses.

1 NATIONAL TRANSPORTATION SAFETY BOARD

2 SALARIES AND EXPENSES

3 For necessary expenses of the National Transpor-
4 tation Safety Board, including hire of passenger motor ve-
5 hicles and aircraft; services as authorized by 5 U.S.C.
6 3109, but at rates for individuals not to exceed the per
7 diem rate equivalent to the rate for a GS-15; uniforms,
8 or allowances therefor, as authorized by law (5 U.S.C.
9 5901-5902) \$91,000,000, of which not to exceed \$2,000
10 may be used for official reception and representation ex-
11 penses. The amounts made available to the National
12 Transportation Safety Board in this Act include amounts
13 necessary to make lease payments due in fiscal year 2009
14 only, on an obligation incurred in fiscal year 2001 for a
15 capital lease. Of the funds provided, up to \$100,000 shall
16 be provided through reimbursement to the Department of
17 Transportation's Office of Inspector General to audit the
18 National Transportation Safety Board's financial state-
19 ments.

20 (RESCISSION)

21 Of the available unobligated balances made available
22 under this heading in Public Law 106-246, \$671,275 are
23 rescinded.

1 NEIGHBORHOOD REINVESTMENT CORPORATION
2 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT
3 CORPORATION

4 For payment to the Neighborhood Reinvestment Cor-
5 poration for use in neighborhood reinvestment activities,
6 as authorized by the Neighborhood Reinvestment Corpora-
7 tion Act (42 U.S.C. 8101-8107), \$131,000,000, of which
8 \$5,000,000 shall be for a multi-family rental housing pro-
9 gram: *Provided*, That of the amounts made available
10 under this heading, \$6,000,000 shall be made available
11 to conduct a consumer mortgage public education cam-
12 paign: *Provided further*, That funding amounts provided
13 under the previous proviso shall be available for campaign
14 development, production, and outreach activities.

15 For an additional amount, \$50,000,000 shall be
16 made available until expended to the Neighborhood Rein-
17 vestment Corporation for mortgage foreclosure mitigation
18 activities, under the following terms and conditions:

19 (1) The Neighborhood Reinvestment Corpora-
20 tion ("NRC"), shall make grants to counseling inter-
21 mediaries approved by the Department of Housing
22 and Urban Development (HUD) (with match to be
23 determined by the NRC based on affordability and
24 the economic conditions of an area; a match also
25 may be waived by the NRC based on the aforemen-

1 tioned conditions) to provide mortgage foreclosure
2 mitigation assistance primarily to States and areas
3 with high rates of defaults and foreclosures pri-
4 marily in the subprime housing market to help elimi-
5 nate the default and foreclosure of mortgages of
6 owner-occupied single-family homes that are at risk
7 of such foreclosure. Other than areas with high rates
8 of defaults and foreclosures, grants may also be pro-
9 vided to approved counseling intermediaries based on
10 a geographic analysis of the Nation by the NRC
11 which determines where there is a prevalence of
12 subprime mortgages that are risky and likely to fail,
13 including any trends for mortgages that are likely to
14 default and face foreclosure. A State Housing Fi-
15 nance Agency may also be eligible where the State
16 Housing Finance Agency meets all the requirements
17 under this paragraph. A HUD-approved counseling
18 intermediary shall meet certain mortgage foreclosure
19 mitigation assistance counseling requirements, as de-
20 termined by the NRC, and shall be approved by
21 HUD or the NRC as meeting these requirements.

22 (2) Mortgage foreclosure mitigation assistance
23 shall only be made available to homeowners of
24 owner-occupied homes with mortgages in default or
25 in danger of default. These mortgages shall likely be

1 subject to a foreclosure action and homeowners will
2 be provided such assistance that shall consist of ac-
3 tivities that are likely to prevent foreclosures and re-
4 sult in the long-term affordability of the mortgage
5 retained pursuant to such activity or another posi-
6 tive outcome for the homeowner. No funds made
7 available under this paragraph may be provided di-
8 rectly to lenders or homeowners to discharge out-
9 standing mortgage balances or for any other direct
10 debt reduction payments.

11 (3) The use of Mortgage Foreclosure Mitigation
12 Assistance by approved counseling intermediaries
13 and State Housing Finance Agencies shall involve a
14 reasonable analysis of the borrower's financial situa-
15 tion, an evaluation of the current value of the prop-
16 erty that is subject to the mortgage, counseling re-
17 garding the assumption of the mortgage by another
18 non-Federal party, counseling regarding the possible
19 purchase of the mortgage by a non-Federal third
20 party, counseling and advice of all likely restruc-
21 turing and refinancing strategies or the approval of
22 a work-out strategy by all interested parties.

23 (4) NRC may provide up to 15 percent of the
24 total funds under this paragraph to its own charter
25 members with expertise in foreclosure prevention.

1 counseling, subject to a certification by the NRC
2 that the procedures for selection do not consist of
3 any procedures or activities that could be construed
4 as an unacceptable conflict of interest or have the
5 appearance of impropriety.

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

19 (6) Of the total amount made available under
20 this paragraph, up to \$5,000,000 may be made
21 available to build the mortgage foreclosure and de-
22 fault mitigation counseling capacity of counseling
23 intermediaries through NRC training courses with
24 HUD-approved counseling intermediaries and their
25 partners, except that private financial institutions

1 that participate in NRC training shall pay market
2 rates for such training.

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

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

10 (9) The NRC shall report bi-annually to the
11 House and Senate Committees on Appropriations as
12 well as the Senate Banking Committee and House
13 Financial Services Committee on its efforts to miti-
14 gate mortgage default. Such reports shall identify
15 successful strategies and methods for preserving
16 homeownership and the long-term affordability of at-
17 risk mortgages and shall include recommended ef-
18 forts that will or likely can assist in the success of
19 this program as well as an analysis of any policy and
20 procedures that failed to result in successful mort-
21 gage foreclosure mitigation. The report shall include
22 an analysis of the details and use of any post mitiga-
23 tion counseling of assisted borrowers designed to en-
24 sure the continued long-term affordability of the

1 mortgages which were the subject of the mortgage
2 foreclosure mitigation assistance.

3 UNITED STATES INTERAGENCY COUNCIL ON
4 HOMELESSNESS
5 OPERATING EXPENSES

6 For necessary expenses (including payment of sala-
7 ries, authorized travel, hire of passenger motor vehicles,
8 the rental of conference rooms, and the employment of ex-
9 perts and consultants under section 3109 of title 5, United
10 States Code) of the United States Interagency Council on
11 Homelessness in carrying out the functions pursuant to
12 title II of the McKinney-Vento Homeless Assistance Act,
13 as amended, \$2,333,000: *Provided*, That no funds may be
14 used to pay the salaries and benefits of any employee of
15 the United States Interagency Council on Homelessness
16 that spends more than 10 days outside of the United
17 States while not on annual leave.

18 Title II of the McKinney-Vento Homeless Assistance
19 Act, as amended, is amended in section 209 by striking
20 "2008" and inserting "2010".

21 TITLE IV
22 GENERAL PROVISIONS—THIS ACT

23 SEC. 401. Such sums as may be necessary for fiscal
24 year 2009 pay raises for programs funded in this Act shall

1 be absorbed within the levels appropriated in this Act or
2 previous appropriations Acts.

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

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

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

20 SEC. 405. Except as otherwise provided in this Act,
21 none of the funds provided in this Act, provided by pre-
22 vious appropriations Acts to the agencies or entities fund-
23 ed in this Act that remain available for obligation or ex-
24 penditure in fiscal year 2009, or provided from any ac-
25 counts in the Treasury derived by the collection of fees

1 and available to the agencies funded by this Act, shall be
2 available for obligation or expenditure through a re-
3 programming of funds that: (1) creates a new program;
4 (2) eliminates a program, project, or activity; (3) increases
5 funds or personnel for any program, project, or activity
6 for which funds have been denied or restricted by the Con-
7 gress; (4) proposes to use funds directed for a specific ac-
8 tivity by either the House or Senate Committees on Ap-
9 propriations for a different purpose; (5) augments existing
10 programs, projects, or activities in excess of \$5,000,000
11 or 10 percent, whichever is less; (6) reduces existing pro-
12 grams, projects, or activities by \$5,000,000 or 10 percent,
13 whichever is less; or (7) creates, reorganizes, or restruc-
14 tures a branch, division, office, bureau, board, commis-
15 sion, agency, administration, or department different from
16 the budget justifications submitted to the Committees on
17 Appropriations or the table accompanying the explanatory
18 statement accompanying this Act, whichever is more de-
19 tailed, unless prior approval is received from the House
20 and Senate Committees on Appropriations: *Provided*, That
21 not later than 60 days after the date of enactment of this
22 Act, each agency funded by this Act shall submit a report
23 to the Committees on Appropriations of the Senate and
24 of the House of Representatives to establish the baseline
25 for application of reprogramming and transfer authorities

1 for the current fiscal year: *Provided further*, That the re-
2 port shall include: (1) a table for each appropriation with
3 a separate column to display the President's budget re-
4 quest, adjustments made by Congress, adjustments due to
5 enacted rescissions, if appropriate, and the fiscal year en-
6 acted level; (2) a delineation in the table for each appro-
7 priation both by object class and program, project, and
8 activity as detailed in the budget appendix for the respec-
9 tive appropriation; and (3) an identification of items of
10 special congressional interest: *Provided further*, That the
11 amount appropriated or limited for salaries and expenses
12 for an agency shall be reduced by \$100,000 per day for
13 each day after the required date that the report has not
14 been submitted to the Congress.

15 SEC. 406. Except as otherwise specifically provided
16 by law, not to exceed 50 percent of unobligated balances
17 remaining available at the end of fiscal year 2009 from
18 appropriations made available for salaries and expenses
19 for fiscal year 2009 in this Act, shall remain available
20 through September 30, 2010, for each such account for
21 the purposes authorized: *Provided*, That a request shall
22 be submitted to the House and Senate Committees on Ap-
23 propriations for approval prior to the expenditure of such
24 funds: *Provided further*, That these requests shall be made

1 in compliance with reprogramming guidelines under sec-
2 tion 405 of this Act.

3 SEC. 407. All Federal agencies and departments that
4 are funded under this Act shall issue a report to the House
5 and Senate Committees on Appropriations on all sole
6 source contracts by no later than July 31, 2009. Such re-
7 port shall include the contractor, the amount of the con-
8 tract and the rationale for using a sole source contract.

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

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

15 (2) contains elements likely to induce high lev-
16 els of emotional response or psychological stress in
17 some participants;

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

21 (4) contains any methods or content associated
22 with religious or quasi-religious belief systems or
23 “new age” belief systems as defined in Equal Em-
24 ployment Opportunity Commission Notice N-
25 915.022, dated September 2, 1988; or

1 (5) is offensive to, or designed to change, par-
2 ticipants' personal values or lifestyle outside the
3 workplace.

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

7 SEC. 409. No funds in this Act may be used to sup-
8 port any Federal, State, or local projects that seek to use
9 the power of eminent domain, unless eminent domain is
10 employed only for a public use: *Provided*, That for pur-
11 poses of this section, public use shall not be construed to
12 include economic development that primarily benefits pri-
13 vate entities: *Provided further*, That any use of funds for
14 mass transit, railroad, airport, seaport or highway projects
15 as well as utility projects which benefit or serve the gen-
16 eral public (including energy-related, communication-re-
17 lated, water-related and wastewater-related infrastruc-
18 ture), other structures designated for use by the general
19 public or which have other common-carrier or public-util-
20 ity functions that serve the general public and are subject
21 to regulation and oversight by the government, and
22 projects for the removal of an immediate threat to public
23 health and safety or brownsfield as defined in the Small
24 Business Liability Relief and Brownsfield Revitalization

1 Act (Public Law 107-118) shall be considered a public
2 use for purposes of eminent domain.

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

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

21 SEC. 412. No funds appropriated pursuant to this
22 Act may be expended by an entity unless the entity agrees
23 that in expending the assistance the entity will comply
24 with sections 2 through 4 of the Act of March 3, 1933

1 (41 U.S.C. 10a-10c, popularly known as the “Buy Amer-
2 ican Act”).

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

7 This division may be cited as the “Transportation,
8 Housing and Urban Development, and Related Agencies
9 Appropriations Act, 2009”.