

H.R.3058

Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Enrolled as Agreed to or Passed by Both House and Senate)

Federal Transit Administration

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$80,000,000: *Provided*, That of the funds available under this heading, not to exceed \$925,000 shall be available for the Office of the Administrator; not to exceed \$7,325,000 shall be available for the Office of Administration; not to exceed \$4,058,200 shall be available for the Office of the Chief Counsel; not to exceed \$1,359,300 shall be available for the Office of Communication and Congressional Affairs; not to exceed \$7,985,900 shall be available for the Office of Program Management; not to exceed \$8,732,500 shall be available for the Office of Budget and Policy; not to exceed \$4,763,900 shall be available for the Office of Demonstration and Innovation; not to exceed \$3,153,100 shall be available for the Office of Civil Rights; not to exceed \$4,127,300 shall be available for the Office of Planning; not to exceed \$20,754,000 shall be available for regional offices; and not to exceed \$16,815,800 shall be available for the central account: *Provided further*, That the Administrator is authorized to transfer funds appropriated for an office of the Federal Transit Administration: *Provided further*, That no appropriation for an office shall be increased or decreased by more than a total of 5 percent during the fiscal year by all such transfers: *Provided further*, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, \$2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: *Provided further*, That upon submission to the Congress of the fiscal year 2007 President's budget, the

Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2007.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, \$1,500,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, shall not exceed total obligations of \$6,979,931,000 in fiscal year 2006: *Provided further*, That of the funds made available to carry out capital projects to modernize fixed guideway systems authorized under 49 U.S.C. 5309(b)(2), \$47,766,000 shall be transferred to the Capital Investment Grants account and made available to carry out new fixed guideway capital projects identified in this Act and in accordance with the applicable provisions of 49 U.S.C. 5309: *Provided further*, That except as provided in section 3044(b)(1) of Public Law 109-59, funds made available to carry out 49 U.S.C. 5308 shall instead be available to carry out 49 U.S.C. 5309(b)(3).

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312-5315, 5322, and 5506, \$75,200,000, to remain available until expended: *Provided*, That \$9,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, \$4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, \$7,000,000 is available for university transportation centers program under section

5506 of title 49, United States Code: *Provided further*, That \$54,200,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out section 5309 of title 49, United States Code, \$1,455,234,000, to remain available until expended as follows:

ACE Gap Closure San Joaquin County, California, \$5,000,000.
Alaska and Hawaii ferry projects, \$15,000,000.
Ann Arbor/Detroit Commuter Rail, Michigan, \$5,000,000.
Atlanta Beltline/C-Loop, Georgia, \$1,000,000.
Baltimore Central Light Rail Double Track Project, Maryland, \$12,420,000.
Baltimore Red Line and Green Line, Maryland, \$2,000,000.
Boston/Fitchburg, Massachusetts Rail Corridor, \$2,000,000.
Central Corridor/St. Paul--Minneapolis, Minnesota, \$2,000,000.
Central Florida Commuter Rail, \$11,000,000.
Central Phoenix/East Valley LRT, Arizona, \$90,000,000.
Charlotte South Corridor Light Rail Project, North Carolina, \$55,000,000.
City of Miami Streetcar, Florida, \$2,000,000.
City of Rock Hill Trolley Study, South Carolina, \$400,000.
Commuter Rail, Albuquerque to Santa Fe, New Mexico, \$500,000.
Commuter Rail, Utah, \$9,000,000.
CORRIDORone Regional Rail Project, Pennsylvania, \$1,500,000.
CTA Douglas Blue Line, Illinois, \$45,150,000.
CTA Ravenswood Brown Line, Illinois, \$40,000,000.
CTA Yellow Line, Illinois, \$1,000,000.
Dallas Northwest/Southeast Light Rail MOS, Texas, \$12,000,000.
Denali Commission, Alaska, \$5,000,000.
Detroit Center City Loop, Michigan, \$4,000,000.
Dulles Corridor Rapid Transit Project, Virginia, \$26,000,000.
East Corridor Commuter Rail, Nashville, Tennessee, \$6,000,000.
East Side Access Project, New York, \$340,000,000.
Euclid Corridor Transportation Project, Ohio, \$24,774,513.
Fort Lauderdale Downtown Rail Link, Florida, \$1,000,000.
Gainesville-Haymarket VRE Service Extension, Virginia, \$1,450,000.
Hartford-New Britain Busway, Connecticut, \$6,000,000.
Houston METRO, Texas, \$12,000,000.
Hudson-Bergen Light Rail MOS 2, New Jersey, \$100,000,000.
Kansas City, Missouri, Southtown BRT, \$12,300,000.

Metra, Illinois, \$42,180,000.
Metro Gold Line Eastside Light Rail Extension, California, \$80,000,000.
Miami Dade County Metrorail Extension, Florida, \$10,000,000.
Mid-Coast Light Rail Transit Extension, California, \$7,160,000.
Mid-Jordan Light Rail Transit Line, Utah, \$500,000.
Mission Valley East, California, \$7,700,000.
N. Indiana Commuter Transit District Recapitalization, \$5,000,000.
New Jersey Trans-Hudson Midtown Corridor, New Jersey, \$12,315,000.;
North Corridor Interstate MAX Light Rail Project, Oregon, \$18,110,000.
North Shore Connector, Pennsylvania, \$55,000,000.
North Shore Corridor and Blue Line Extension, Massachusetts, \$2,000,000.
Northeast Corridor Commuter Rail Project, Delaware, \$1,425,000.
Northern Branch Bergen County, New Jersey, \$2,500,000.
Northstar Corridor Commuter Rail Project, Minnesota, \$2,000,000.
Northwest New Jersey--Northeast Pennsylvania Passenger Rail, \$10,000,000.
Oceanside Escondido Rail Project, California, \$12,210,000.
Odgen Avenue Transit Corridor/Circle Line, Illinois, \$1,000,000.
Regional Fixed Guideway Project, Nevada, \$3,000,000.
Rhode Island Integrated Commuter Rail Project, Rhode Island, \$6,000,000.
San Francisco BART Extension to San Francisco International Airport, California, \$81,860,000.
San Francisco Muni Third Street Light Rail Project, California, \$25,000,000.
San Juan Tren Urbano, Puerto Rico, \$8,045,487.
Santa Barbara Coast Rail Track Improvement Project, California, \$1,000,000.
Schuylkill Valley Metro, Pennsylvania, \$4,000,000.
Seattle Sound Transit, Washington, \$80,000,000.
Second Avenue Subway, New York, \$25,000,000.
Silicon Valley Rapid Transit Corridor Project, Santa Clara County, California, \$6,500,000.
Silver Line Phase III, Massachusetts, \$4,000,000.
Sonder Commuter Rail, Washington, \$5,000,000.
Southeast Corridor Multi-Modal Project (T-REX), Colorado, \$80,000,000.
Stamford Urban Transitway, Connecticut, \$10,000,000.
Triangle Transit Authority Regional Rail System (Raleigh-Durham), North Carolina, \$20,000,000.

Washington County Commuter Rail Project, Oregon,
\$15,000,000.
West Corridor Light Rail, Colorado, \$5,000,000.

ADMINISTRATIVE PROVISIONS--FEDERAL TRANSIT ADMINISTRATION

SEC. 140. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 141. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under `Federal Transit Administration, Capital investment grants' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2008, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 142. Notwithstanding any other provision of law, any funds appropriated before October 1, 2005, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 143. Notwithstanding any other provision of law, unobligated funds made available for a new fixed guideway systems projects under the heading `Federal Transit Administration, Capital Investment Grants' in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 144. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: *Provided*, That not more than \$3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry boat routes and technology: *Provided further*, That notwithstanding 49 U.S.C. 5302(a)(7), funds made available for Alaska or Hawaii ferry boats may be used to acquire passenger ferry boats and to provide passenger ferry transportation services within areas of the State of Hawaii under the control or use of the National Park Service.

SEC. 145. Amounts made available from the bus category of the Capital Investment Grants Account or Discretionary Grants Account in this or any other previous Appropriations Act that remain unobligated or unexpended in a grant for a multimodal transportation facility in Burlington, Vermont, may be used for site-preparation and design

purposes of a multimodal transportation facility in a different location within Burlington, Vermont, than originally intended notwithstanding previous expenditures incurred such purposes at the original location. SEC. 146. Notwithstanding any other provision of law, funds designated in the conference report accompanying Public Law 108-447 and Public Law 108-199 for the King County Metro Park and Ride on First Hill, Seattle, Washington, shall be available to the Swedish Hospital parking garage, Seattle, Washington, subject to the same conditions and requirements of section 125 of division H of Public Law 108-447.

SEC. 147. Funds in this Act that are apportioned to the Charleston Area Regional Transportation Authority to carry out section 5307 of title 49, United States Code, may be used to acquire land, equipment, or facilities used in public transportation from another governmental authority in the same geographic area: *Provided*, That the non-Federal share under section 5307 may include revenues from the sale of advertising and concessions.

SEC. 148. Notwithstanding any other provision of law, any unobligated funds designated to the Jacksonville Transportation Authority, Community Transportation Coordinator Program under the heading `Job Access and Reverse Commute Grants' in the statement of the managers accompanying Public Law 108-199 may be made available to the Jacksonville Transportation Authority for any purpose authorized under the Job Access and Reverse Commute program.

SEC. 149. Notwithstanding any other provision of law, any funds made available to the South Shore Commuter Rail, Indiana, project under the Federal Transit Administration Capital Investment Grants Account in division H of Public Law 108-447 that remain available may be used for remodernization of the South Shore Commuter Rail system.

Saint Lawrence Seaway Development Corporation

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

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, \$16,284,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

Maritime Administration

MARITIME SECURITY PROGRAM

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

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$122,249,000 of which \$23,750,000 shall remain available until September 30, 2006, for salaries and benefits of employees of the United States Merchant Marine Academy; of which \$15,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and of which \$8,211,000 shall remain available until expended for the State Maritime Schools Schoolship Maintenance and Repair.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, \$21,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, not to exceed \$4,126,000, which shall be transferred to and merged with the appropriation for Operations and Training.

SHIP CONSTRUCTION

(RESCISSION)

Of the unobligated balances available under this heading, \$2,071,280 are rescinded.

ADMINISTRATIVE PROVISIONS-- MARITIME ADMINISTRATION

SEC. 150. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 151. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.), or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriations Act.

Pipeline and Hazardous Materials Safety Administration

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Pipeline and Hazardous Materials Safety Administration, \$16,877,000, of which \$645,000 shall be derived from the Pipeline Safety Fund.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, \$26,138,000, of which \$1,847,000 shall remain available until September 30, 2008: *Provided*, That up to \$1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel

expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$73,010,000, of which \$15,000,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2008; of which \$58,010,000 shall be derived from the Pipeline Safety Fund, of which \$24,000,000 shall remain available until September 30, 2008: *Provided*, That not less than \$1,000,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), \$200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2007: *Provided*, That not more than \$14,300,000 shall be made available for obligation in fiscal year 2006 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5127(c), and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

Research and Innovative Technology Administration

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, \$5,774,000, of which \$1,121,000 shall remain available until September 30, 2008: *Provided*, That there may be credited to this appropriation, to be available until expended, funds

received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

Office of Inspector General

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$62,499,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

Surface Transportation Board

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$26,450,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2006, to result in a final appropriation from the general fund estimated at no more than \$25,200,000.

Administrative Provisions--Department of Transportation

(INCLUDING TRANSFERS OF FUNDS)

SEC. 160. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and

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

SEC. 161. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 162. None of the funds in this Act shall be available for salaries and expenses of more than 108 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 163. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 164. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

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

SEC. 165. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's 'Federal-Aid Highways' account, the Federal Transit Administration's 'Transit Planning and Research' account, and to the Federal Railroad Administration's 'Safety and Operations' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 166. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 167. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed

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

SEC. 168. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 169. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available--

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

(2) to pay contractors for services provided in recovering improper payments: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)--

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

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts:

Provided, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term 'improper payments', has the same meaning as that provided in section 2(d)(2) of Public Law 107-300.

SEC. 170. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from 'Office of the Secretary, Salaries and expenses' to 'Minority Business Outreach'.

SEC. 171. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 172.