

Union Calendar No. 119

111TH CONGRESS
1ST SESSION

H. R. 3288

[Report No. 111-218]

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2009

Mr. OLVER, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

1 to exceed \$2,055,000, shall be available for the Office of
2 Public Affairs; not to exceed \$1,658,000, shall be available
3 for the Office of the Executive Secretariat; not to exceed
4 \$1,433,000, shall be available for the Office of Small and
5 Disadvantaged Business Utilization; not to exceed
6 \$10,600,000, shall be available for the Office of Intel-
7 ligence, Security, and Emergency Response; and not to ex-
8 ceed \$13,215,000 shall be available for the Office of the
9 Chief Information Officer: *Provided*, That the Secretary
10 of Transportation is authorized to transfer funds appro-
11 priated for any office of the Office of the Secretary to any
12 other office of the Office of the Secretary: *Provided fur-*
13 *ther*, That no appropriation for any office shall be in-
14 creased or decreased by more than 5 percent by all such
15 transfers: *Provided further*, That notice of any change in
16 funding greater than 5 percent shall be submitted for ap-
17 proval to the House and Senate Committees on Appropria-
18 tions: *Provided further*, That not to exceed \$60,000, shall
19 be for allocation within the Department for official recep-
20 tion and representation expenses as the Secretary may de-
21 termine: *Provided further*, That notwithstanding any other
22 provision of law, excluding fees authorized in Public Law
23 107–71, there may be credited to this appropriation up
24 to \$2,500,000, in funds received in user fees: *Provided fur-*
25 *ther*, That none of the funds provided in this Act shall

1 be available for the position of Assistant Secretary for
2 Public Affairs.

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 \$9,667,000.

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, \$14,733,000.

17 WORKING CAPITAL FUND

18 For necessary expenses for operating costs and cap-
19 ital outlays of the Working Capital Fund, not to exceed
20 \$147,569,000, 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-*

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

10 MINORITY BUSINESS RESOURCE CENTER PROGRAM

11 For the cost of guaranteed loans for short-term work-
12 ing capital, \$342,000, as authorized by 49 U.S.C. 332:
13 *Provided*, That such costs, including the cost of modifying
14 such loans, shall be as defined in section 502 of the Con-
15 gressional Budget Act of 1974: *Provided further*, That
16 these funds are available to subsidize total loan principal,
17 any part of which is to be guaranteed, not to exceed
18 \$18,367,000. In addition, for administrative expenses to
19 carry out the guaranteed loan program, \$570,000.

20 MINORITY BUSINESS OUTREACH

21 For necessary expenses of Minority Business Re-
22 source Center outreach activities, \$3,074,000, to remain
23 available until September 30, 2011: *Provided*, That not-
24 withstanding 49 U.S.C. 332, these funds may be used for

1 business opportunities related to any mode of transpor-
2 tation.

3 PAYMENTS TO AIR CARRIERS

4 (AIRPORT AND AIRWAY TRUST FUND)

5 (INCLUDING TRANSFER OF FUNDS)

6 In addition to funds made available from any other
7 source to carry out the Essential Air Service Program pur-
8 suant to 49 U.S.C. 41731 through 41742, \$125,000,000,
9 to be derived from the Airport and Airway Trust Fund,
10 to remain available until expended: *Provided*, That, in de-
11 termining between or among carriers competing to provide
12 service to a community, the Secretary may consider the
13 relative subsidy requirements of the carriers: *Provided fur-*
14 *ther*, That, if the funds under this heading are insufficient
15 to meet the costs of the Essential Air Service Program
16 in the current fiscal year, the Secretary shall transfer such
17 sums as may be necessary to carry out the Essential Air
18 Service Program from any available amounts appropriated
19 to or directly administered by the Office of the Secretary
20 for such fiscal year.

21 ADMINISTRATIVE PROVISIONS—OFFICE OF THE

22 SECRETARY OF TRANSPORTATION

23 SEC. 101. None of the funds made available in this
24 Act to the Department of Transportation may be obligated
25 for the Office of the Secretary of Transportation to ap-

1 prove assessments or reimbursable agreements pertaining
2 to funds appropriated to the modal administrations in this
3 Act, except for activities underway on the date of enact-
4 ment of this Act, unless such assessments or agreements
5 have completed the normal reprogramming process for
6 Congressional notification.

7 SEC. 102. None of the funds made available under
8 this Act may be obligated or expended to establish or im-
9 plement a program under which essential air service com-
10 munities are required to assume subsidy costs commonly
11 referred to as the EAS local participation program.

12 SEC. 103. The Secretary or his or her designee may
13 engage in activities with States and State legislators to
14 consider proposals related to the reduction of motorcycle
15 fatalities.

16 FEDERAL AVIATION ADMINISTRATION

17 OPERATIONS

18 (AIRPORT AND AIRWAY TRUST FUND)

19 For necessary expenses of the Federal Aviation Ad-
20 ministration, not otherwise provided for, including oper-
21 ations and research activities related to commercial space
22 transportation, administrative expenses for research and
23 development, establishment of air navigation facilities, the
24 operation (including leasing) and maintenance of aircraft,
25 subsidizing the cost of aeronautical charts and maps sold

1 to the public, lease or purchase of passenger motor vehi-
2 cles for replacement only, in addition to amounts made
3 available by Public Law 108–176, \$9,347,168,000, of
4 which \$5,190,798,000 shall be derived from the Airport
5 and Airway Trust Fund, of which not to exceed
6 \$7,300,739,000 shall be available for air traffic organiza-
7 tion activities; not to exceed \$1,231,765,000 shall be avail-
8 able for aviation safety activities; not to exceed
9 \$14,737,000 shall be available for commercial space trans-
10 portation activities; not to exceed \$113,681,000 shall be
11 available for financial services activities; not to exceed
12 \$100,428,000 shall be available for human resources pro-
13 gram activities; not to exceed \$341,977,000 shall be avail-
14 able for region and center operations and regional coordi-
15 nation activities; not to exceed \$190,063,000 shall be
16 available for staff offices; and not to exceed \$49,778,000
17 shall be available for information services: *Provided*, That
18 not to exceed 2 percent of any budget activity, except for
19 aviation safety budget activity, may be transferred to any
20 budget activity under this heading: *Provided further*, That
21 no transfer may increase or decrease any appropriation
22 by more than 2 percent: *Provided further*, That any trans-
23 fer in excess of 2 percent shall be treated as a reprogram-
24 ming of funds under section 405 of this Act and shall not
25 be available for obligation or expenditure except in compli-

1 ance with the procedures set forth in that section: *Pro-*
2 *vided further*, That the Secretary utilize not less than
3 \$17,084,000 of the funds provided for aviation safety ac-
4 tivities to pay for staff increases in the Office of Aviation
5 Flight Standards and the Office of Aircraft Certification:
6 *Provided further*, That not later than March 31 of each
7 fiscal year hereafter, the Administrator of the Federal
8 Aviation Administration shall transmit to Congress an an-
9 nual update to the report submitted to Congress in De-
10 cember 2004 pursuant to section 221 of Public Law 108–
11 176: *Provided further*, That funds may be used to enter
12 into a grant agreement with a nonprofit standard-setting
13 organization to assist in the development of aviation safety
14 standards: *Provided further*, That none of the funds in this
15 Act shall be available for new applicants for the second
16 career training program: *Provided further*, That none of
17 the funds in this Act shall be available for the Federal
18 Aviation Administration to finalize or implement any regu-
19 lation that would promulgate new aviation user fees not
20 specifically authorized by law after the date of the enact-
21 ment of this Act: *Provided further*, That there may be
22 credited to this appropriation as offsetting collections
23 funds received from States, counties, municipalities, for-
24 eign authorities, other public authorities, and private
25 sources, including funds from fees authorized under Chap-

1 ter 453 of title 49, United States Code, other than those
2 authorized by Section 45301(a)(1) of that title, which
3 shall be available for expenses incurred in the provision
4 of agency services, including receipts for the maintenance
5 and operation of air navigation facilities, and for issuance,
6 renewal or modification of certificates, including airman,
7 aircraft, and repair station certificates, or for tests related
8 thereto, or for processing major repair or alteration forms:
9 *Provided further*, That of the funds appropriated under
10 this heading, not less than \$9,500,000 shall be for the
11 contract tower cost-sharing program: *Provided further*,
12 That of the funds available under this heading not to ex-
13 ceed \$500,000 shall be provided to the Department of
14 Transportation's Office of Inspector General through re-
15 imbursement to conduct the annual audits of financial
16 statements in accordance with section 3521 of title 31,
17 United States Code, and not to exceed \$120,000 shall be
18 provided to that office through reimbursement to conduct
19 the annual Enterprise Services Center Statement on Au-
20 diting Standards 70 audit: *Provided further*, That none of
21 the funds in this Act for aeronautical charting and cartog-
22 raphy are available for activities conducted by, or coordi-
23 nated through, the Working Capital Fund.

1 FACILITIES AND EQUIPMENT

2 (AIRPORT AND AIRWAY TRUST FUND)

3 For necessary expenses, not otherwise provided for,
4 for acquisition, establishment, technical support services,
5 improvement by contract or purchase, and hire of National
6 Airspace Systems and experimental facilities and equip-
7 ment, as authorized under part A of subtitle VII of title
8 49, United States Code, including initial acquisition of
9 necessary sites by lease or grant; engineering and service
10 testing, including construction of test facilities and acqui-
11 sition of necessary sites by lease or grant; construction
12 and furnishing of quarters and related accommodations
13 for officers and employees of the Federal Aviation Admin-
14 istration stationed at remote localities where such accom-
15 modations are not available; and the purchase, lease, or
16 transfer of aircraft from funds available under this head-
17 ing, including aircraft for aviation regulation and certifi-
18 cation; to be derived from the Airport and Airway Trust
19 Fund, \$2,925,202,000, of which \$2,455,202,000 shall re-
20 main available until September 30, 2012, and of which
21 \$470,000,000 shall remain available until September 30,
22 2010: *Provided*, That there may be credited to this appro-
23 priation as offsetting collections funds received from
24 States, counties, municipalities, other public authorities,
25 and private sources, which shall be available for expenses

1 incurred in the establishment and modernization of air
2 navigation facilities: *Provided further*, That upon initial
3 submission to the Congress of the fiscal year 2011 Presi-
4 dent's budget, the Secretary of Transportation shall trans-
5 mit to the Congress a comprehensive capital investment
6 plan for the Federal Aviation Administration which in-
7 cludes funding for each budget line item for fiscal years
8 2011 through 2015, with total funding for each year of
9 the plan constrained to the funding targets for those years
10 as estimated and approved by the Office of Management
11 and Budget.

12 RESEARCH, ENGINEERING, AND DEVELOPMENT

13 (AIRPORT AND AIRWAY TRUST FUND)

14 For necessary expenses, not otherwise provided for,
15 for research, engineering, and development, as authorized
16 under part A of subtitle VII of title 49, United States
17 Code, including construction of experimental facilities and
18 acquisition of necessary sites by lease or grant,
19 \$195,000,000, to be derived from the Airport and Airway
20 Trust Fund and to remain available until September 30,
21 2012: *Provided*, That there may be credited to this appro-
22 priation as offsetting collections, funds received from
23 States, counties, municipalities, other public authorities,
24 and private sources, which shall be available for expenses
25 incurred for research, engineering, and development.

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

5 For liquidation of obligations incurred for grants-in-
6 aid for airport planning and development, and noise com-
7 patibility planning and programs as authorized under sub-
8 chapter I of chapter 471 and subchapter I of chapter 475
9 of title 49, United States Code, and under other law au-
10 thorizing such obligations; for procurement, installation,
11 and commissioning of runway incursion prevention devices
12 and systems at airports of such title; for grants authorized
13 under section 41743 of title 49, United States Code; and
14 for inspection activities and administration of airport safe-
15 ty programs, including those related to airport operating
16 certificates under section 44706 of title 49, United States
17 Code, \$3,000,000,000 to be derived from the Airport and
18 Airway Trust Fund and to remain available until ex-
19 pended: *Provided*, That none of the funds under this head-
20 ing shall be available for the planning or execution of pro-
21 grams the obligations for which are in excess of
22 \$3,515,000,000 in fiscal year 2010, notwithstanding sec-
23 tion 47117(g) of title 49, United States Code: *Provided*
24 *further*, That none of the funds under this heading shall
25 be available for the replacement of baggage conveyor sys-

1 tems, reconfiguration of terminal baggage areas, or other
2 airport improvements that are necessary to install bulk ex-
3 plosive detection systems: *Provided further*, That notwith-
4 standing any other provision of law, of funds limited under
5 this heading, not more than \$93,422,000 shall be obli-
6 gated for administration, not less than \$15,000,000 shall
7 be available for the airport cooperative research program,
8 not less than \$22,472,000 shall be for Airport Technology
9 Research.

10 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

11 ADMINISTRATION

12 SEC. 110. None of the funds in this Act may be used
13 to compensate in excess of 600 technical staff-years under
14 the federally funded research and development center con-
15 tract between the Federal Aviation Administration and the
16 Center for Advanced Aviation Systems Development dur-
17 ing fiscal year 2010.

18 SEC. 111. None of the funds in this Act shall be used
19 to pursue or adopt guidelines or regulations requiring air-
20 port sponsors to provide to the Federal Aviation Adminis-
21 tration without cost building construction, maintenance,
22 utilities and expenses, or space in airport sponsor-owned
23 buildings for services relating to air traffic control, air
24 navigation, or weather reporting: *Provided*, That the pro-
25 hibition of funds in this section does not apply to negotia-

1 tions between the agency and airport sponsors to achieve
2 agreement on “below-market” rates for these items or to
3 grant assurances that require airport sponsors to provide
4 land without cost to the FAA for air traffic control facili-
5 ties.

6 SEC. 112. The Administrator of the Federal Aviation
7 Administration may reimburse amounts made available to
8 satisfy 49 U.S.C. 41742(a)(1) from fees credited under
9 49 U.S.C. 45303: *Provided*, That during fiscal year 2010,
10 49 U.S.C. 41742(b) shall not apply, and any amount re-
11 maining in such account at the close of that fiscal year
12 may be made available to satisfy section 41742(a)(1) for
13 the subsequent fiscal year.

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

19 SEC. 114. (a) Section 44302(f)(1) of title 49, United
20 States Code, is amended—

21 (1) by striking “September 30, 2009,” and in-
22 serting “September 30, 2010,”; and

23 (2) by striking “December 31, 2009,” and in-
24 serting “December 31, 2010,”.

1 (b) Section 44303(b) of such title is amended by
2 striking “December 31, 2009,” and inserting “December
3 31, 2010,”.

4 SEC. 115. None of the funds appropriated or limited
5 by this Act may be used to change weight restrictions or
6 prior permission rules at Teterboro airport in Teterboro,
7 New Jersey.

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

17 SEC. 117. None of the funds in this Act shall be avail-
18 able for paying premium pay under 5 U.S.C. 5546(a) to
19 any Federal Aviation Administration employee unless such
20 employee actually performed work during the time cor-
21 responding to such premium pay.

22 SEC. 118. None of the funds in this Act may be obli-
23 gated or expended for an employee of the Federal Aviation
24 Administration to purchase a store gift card or gift certifi-
25 cate through use of a Government-issued credit card.

1 FEDERAL HIGHWAY ADMINISTRATION
2 LIMITATION ON ADMINISTRATIVE EXPENSES
3 (INCLUDING TRANSFER OF FUNDS)

4 Not to exceed \$413,533,000, together with advances
5 and reimbursements received by the Federal Highway Ad-
6 ministration, shall be paid in accordance with law from
7 appropriations made available by this Act to the Federal
8 Highway Administration for necessary expenses for ad-
9 ministration and operation. In addition, not to exceed
10 \$3,524,000 shall be paid from appropriations made avail-
11 able by this Act and transferred to the Department of
12 Transportation's Office of Inspector General for costs as-
13 sociated with audits and investigations of projects and
14 programs of the Federal Highway Administration, and not
15 to exceed \$285,000 shall be paid from appropriations
16 made available by this Act and provided to that office
17 through reimbursement to conduct the annual audits of
18 financial statements in accordance with section 3521 of
19 title 31, United States Code. In addition, not to exceed
20 \$3,220,000 shall be paid from appropriations made avail-
21 able by this Act and transferred to the Appalachian Re-
22 gional Commission in accordance with section 104 of title
23 23, United States Code.

1 FEDERAL-AID HIGHWAYS
2 (LIMITATION ON OBLIGATIONS)
3 (HIGHWAY TRUST FUND)

4 None of the funds in this Act shall be available for
5 the implementation or execution of programs, the obliga-
6 tions for which are in excess of \$41,107,000,000 for Fed-
7 eral-aid highways and highway safety construction pro-
8 grams for fiscal year 2010: *Provided*, That within the
9 \$41,107,000,000 obligation limitation on Federal-aid
10 highways and highway safety construction programs, not
11 more than \$429,800,000 shall be available for the imple-
12 mentation or execution of programs for transportation re-
13 search (chapter 5 of title 23, United States Code; sections
14 111, 5505, and 5506 of title 49, United States Code; and
15 title 5 of Public Law 109–59) for fiscal year 2010: *Pro-*
16 *vided further*, That this limitation on transportation re-
17 search programs shall not apply to any authority pre-
18 viously made available for obligation: *Provided further*,
19 That the Secretary may, as authorized by section 605(b)
20 of title 23, United States Code, collect and spend fees to
21 cover the costs of services of expert firms, including coun-
22 sel, in the field of municipal and project finance to assist
23 in the underwriting and servicing of Federal credit instru-
24 ments and all or a portion of the costs to the Federal Gov-
25 ernment of servicing such credit instruments: *Provided*

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

7 (LIQUIDATION OF CONTRACT AUTHORIZATION)

8 (HIGHWAY TRUST FUND)

9 For carrying out the provisions of title 23, United
10 States Code, that are attributable to Federal-aid high-
11 ways, not otherwise provided, including reimbursement for
12 sums expended pursuant to the provisions of 23 U.S.C.
13 308, \$41,846,000,000 or so much thereof as may be avail-
14 able in and derived from the Highway Trust Fund (other
15 than the Mass Transit Account), to remain available until
16 expended.

17 SURFACE TRANSPORTATION PRIORITIES

18 For the necessary expenses of certain highway and
19 surface transportation projects, \$125,700,000, to remain
20 available until expended: *Provided*, That the amount pro-
21 vided under this heading shall be made available for the
22 eligible programs, projects, and activities identified under
23 this heading in the report accompanying this Act: *Pro-*
24 *vided further*, That a project is an eligible project under
25 this heading if the project is eligible for assistance under

1 title 23 or chapter 53 of title 49, United States Code: *Pro-*
2 *vided further*, That funds provided under this heading
3 shall be administered in the same manner as if such funds
4 were apportioned under chapter 1 of title 23, United
5 States Code, and the Federal share payable on account
6 of any program, project, or activity carried out with funds
7 made available under this heading shall be determined in
8 accordance with section 120(b) of title 23, United States
9 Code: *Provided further*, That notwithstanding any other
10 provision of law and the preceding clauses of this provi-
11 sion, the Secretary of Transportation may use amounts
12 made available under this heading to make grants for any
13 surface transportation project otherwise eligible for fund-
14 ing under title 23 or title 49, United States Code.

15 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

16 ADMINISTRATION

17 SEC. 120. (a) For fiscal year 2010, the Secretary of
18 Transportation shall—

19 (1) not distribute from the obligation limitation
20 for Federal-aid highways amounts authorized for ad-
21 ministrative expenses and programs by section
22 104(a) of title 23, United States Code; programs
23 funded from the administrative takedown authorized
24 by section 104(a)(1) of title 23, United States Code
25 (as in effect on the day before the date of enactment

1 of the Safe, Accountable, Flexible, Efficient Trans-
2 portation Equity Act: A Legacy for Users); the high-
3 way use tax evasion program; and the Bureau of
4 Transportation Statistics;

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

12 (3) determine the ratio that—

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

17 (B) the total of the sums authorized to be
18 appropriated for Federal-aid highways and
19 highway safety construction programs (other
20 than sums authorized to be appropriated for
21 provisions of law described in paragraphs (1)
22 through (9) of subsection (b) and sums author-
23 ized to be appropriated for section 105 of title
24 23, United States Code, equal to the amount
25 referred to in subsection (b)(10) for such fiscal

1 year), less the aggregate of the amounts not
2 distributed under paragraphs (1) and (2) of
3 this subsection;

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

21 (B) distribute \$2,000,000,000 for section
22 105 of title 23, United States Code;

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

1 (2) and amounts distributed under paragraph (4),
2 for each of the programs that are allocated by the
3 Secretary under the Safe, Accountable, Flexible, Ef-
4 ficient Transportation Equity Act: A Legacy for
5 Users and title 23, United States Code (other than
6 to programs to which paragraphs (1) and (4) apply),
7 by multiplying the ratio determined under paragraph
8 (3) by the amounts authorized to be appropriated
9 for each such program for such fiscal year; and
10 (6) distribute the obligation limitation provided
11 for Federal-aid highways, less the aggregate
12 amounts not distributed under paragraphs (1) and
13 (2) and amounts distributed under paragraphs (4)
14 and (5), for Federal-aid highways and highway safe-
15 ty construction programs (other than the amounts
16 apportioned for the equity bonus program, but only
17 to the extent that the amounts apportioned for the
18 equity bonus program for the fiscal year are greater
19 than \$2,639,000,000, and the Appalachian develop-
20 ment highway system program) that are apportioned
21 by the Secretary under the Safe, Accountable, Flexi-
22 ble, Efficient Transportation Equity Act: A Legacy
23 for Users and title 23, United States Code, in the
24 ratio that—

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

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

7 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—
8 The obligation limitation for Federal-aid highways shall
9 not apply to obligations: (1) under section 125 of title 23,
10 United States Code; (2) under section 147 of the Surface
11 Transportation Assistance Act of 1978; (3) under section
12 9 of the Federal-Aid Highway Act of 1981; (4) under sub-
13 sections (b) and (j) of section 131 of the Surface Trans-
14 portation Assistance Act of 1982; (5) under subsections
15 (b) and (c) of section 149 of the Surface Transportation
16 and Uniform Relocation Assistance Act of 1987; (6) under
17 sections 1103 through 1108 of the Intermodal Surface
18 Transportation Efficiency Act of 1991; (7) under section
19 157 of title 23, United States Code, as in effect on the
20 day before the date of the enactment of the Transpor-
21 tation Equity Act for the 21st Century; (8) under section
22 105 of title 23, United States Code, as in effect for fiscal
23 years 1998 through 2004, but only in an amount equal
24 to \$639,000,000 for each of those fiscal years; (9) for
25 Federal-aid highway programs for which obligation au-

1 thority was made available under the Transportation Eq-
2 uity Act for the 21st Century or subsequent public laws
3 for multiple years or to remain available until used, but
4 only to the extent that the obligation authority has not
5 lapsed or been used; (10) under section 105 of title 23,
6 United States Code, but only in an amount equal to
7 \$639,000,000 for each of fiscal years 2005 through 2010;
8 and (11) under section 1603 of the Safe, Accountable,
9 Flexible, Efficient Transportation Equity Act: A Legacy
10 for Users, to the extent that funds obligated in accordance
11 with that section were not subject to a limitation on obli-
12 gations at the time at which the funds were initially made
13 available for obligation.

14 (c) REDISTRIBUTION OF UNUSED OBLIGATION AU-
15 THORITY.—Notwithstanding subsection (a), the Secretary
16 shall, after August 1 of such fiscal year, revise a distribu-
17 tion of the obligation limitation made available under sub-
18 section (a) if the amount distributed cannot be obligated
19 during that fiscal year and redistribute sufficient amounts
20 to those States able to obligate amounts in addition to
21 those previously distributed during that fiscal year, giving
22 priority to those States having large unobligated balances
23 of funds apportioned under sections 104 and 144 of title
24 23, United States Code.

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

13 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED
14 FUNDS.—

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

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

22 (B) the Secretary determines will not be
23 allocated to the States, and will not be available
24 for obligation, in such fiscal year due to the im-

1 position of any obligation limitation for such
2 fiscal year.

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

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

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

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

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

20 (g) HIGH PRIORITY PROJECT FLEXIBILITY.—

21 (1) IN GENERAL.—Subject to paragraph (2),
22 obligation authority distributed for such fiscal year
23 under subsection (a)(4) for each project numbered 1
24 through 3676 listed in the table contained in section
25 1702 of the Safe, Accountable, Flexible, Efficient

1 Transportation Equity Act: A Legacy for Users may
2 be obligated for any other project in such section in
3 the same State.

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

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

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

1 SEC. 122. (a) IN GENERAL.—Except as provided in
2 subsection (b), none of the funds made available, limited,
3 or otherwise affected by this Act shall be used to approve
4 or otherwise authorize the imposition of any toll on any
5 segment of highway located on the Federal-aid system in
6 the State of Texas that—

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

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

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

13 (b) EXCEPTIONS.—

14 (1) NUMBER OF TOLL LANES.—Subsection (a)
15 shall not apply to any segment of highway on the
16 Federal-aid system described in that subsection that,
17 as of the date on which a toll is imposed on the seg-
18 ment, will have the same number of non-toll lanes as
19 were in existence prior to that date.

20 (2) HIGH-OCCUPANCY VEHICLE LANES.—A
21 high-occupancy vehicle lane that is converted to a
22 toll lane shall not be subject to this section, and
23 shall not be considered to be a non-toll lane for pur-
24 poses of determining whether a highway will have

1 fewer non-toll lanes than prior to the date of imposi-
2 tion of the toll, if—

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

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

16 SEC. 123. (a) In the explanatory statement ref-
17 erenced in section 129 of division K of Public Law 110-
18 161 (121 Stat. 2388), the item relating to “Route 5 Over-
19 pass and River Center, St. Mary’s County, MD” in the
20 table of projects for such section 129 is deemed to be
21 amended by striking “‘Route 5 Overpass and River Cen-
22 ter, St. Mary’s County, MD” and inserting “Safety Im-
23 provements and Traffic Calming Measures along Route 5
24 at St. Mary’s County, MD”.

1 (b) In the explanatory statement referenced in section
2 186 of title I of division I of Public Law 111–8 (123 Stat.
3 947), the item relating to “US 422 River Crossing Com-
4 plex Project, King of Prussia, PA” in the table of projects
5 under the heading “Transportation, Community, and Sys-
6 tem Preservation Program” is deemed to be amended by
7 striking “US 422 River Crossing Complex Project, King
8 of Prussia, PA” and inserting “For closed loop signal con-
9 trol system and other improvements for Trooper Road in
10 Lower Providence and West Norriton Townships, Mont-
11 gomery County, PA”.

12 (c) In the explanatory statement referenced in section
13 186 of title I of division I of Public Law 111–8 (123 Stat.
14 947), the item relating to “Improving the West Bank
15 River Front, IL” in the table of projects under the head-
16 ing “Transportation, Community, and System Preserva-
17 tion Program” is deemed to be amended by striking “Im-
18 proving the West Bank River Front, IL” and inserting
19 “East Bank River Front and Bikeway Improvements,
20 IL”.

21 (d) In the explanatory statement referenced in section
22 186 of title I of division K of Public Law 110–161 (121
23 Stat. 2406), as amended by section 129(d) of division I
24 of Public Law 111–8 (123 Stat. 947), the item relating
25 to “Repair of Side Streets and Relocation of Water Mains

1 resulting from rerouting of traffic and reconstruction of
2 159th Street in Harvey, IL” in the table of projects under
3 the heading “Transportation, Community, and System
4 Preservation Program” is deemed to be amended by strik-
5 ing “Repair of Side Streets and Relocation of Water
6 Mains resulting from rerouting of traffic and reconstruc-
7 tion of 159th Street in Harvey, IL” and inserting “Inter-
8 section Improvements on Crawford Avenue and 203rd
9 Street in the Village of Olympia Fields, IL”.

10 (e) In the explanatory statement referenced in section
11 129 of division K of Public Law 110–161 (121 Stat.
12 2388), the item relating to “Study Improvements to 109th
13 Avenue, Winfield, IN” in the table of projects for such
14 section 129 is deemed to be amended by striking “Win-
15 field, IN” and inserting “Town of Winfield, City of Crown
16 Point, Lake County, IN”.

17 (f) In the explanatory statement referenced in section
18 186 of title I of division I of Public Law 111–8 (123 Stat.
19 947), the item relating to “Ronald Reagan Parkway (Mid-
20 dle and Southern segments), Boone County, IN” in the
21 table of projects under the heading “Transportation, Com-
22 munity, and System Preservation Program” is deemed to
23 be amended by striking “Boone County” and inserting
24 “Hendricks County”.

1 (g) In the explanatory statement referenced in section
2 186 of title I of division I of Public Law 111–8 (123 Stat.
3 947), the item relating to “Onville Road Intersection and
4 Road-Widening Project, Prince William County, VA” in
5 the table of projects under the heading “Federal Lands”
6 is deemed to be amended by striking “Prince William” and
7 inserting “Stafford”.

8 (h) In the explanatory statement referenced in section
9 186 of title I of division I of Public Law 111–8 (123 Stat.
10 947), the item relating to “U.S. 59/Alabama Grade Sepa-
11 ration Project, St. Joseph, MO” in the table of projects
12 under the heading “Interstate Maintenance Discre-
13 tionary” is deemed to be amended by striking “U.S. 59/
14 Alabama Grade Separation Project, St. Joseph, MO” and
15 inserting “I-29 Interchange Reconstruction in St. Joseph,
16 MO”.

17 (i) In the explanatory statement referenced in section
18 186 of title I of division I of Public Law 111–8 (123 Stat.
19 947), the item relating to “Decking and Sidewalk Replace-
20 ment on the Central Avenue Overpass, South Charleston,
21 WV” in the table of projects under the heading “Interstate
22 Maintenance Discretionary” is deemed to be amended by
23 striking “Decking and Sidewalk Replacement on the Cen-
24 tral Avenue Overpass, South Charleston, WV” and insert-
25 ing “General Interstate Maintenance, WV”.

1 (j) In the explanatory statement referenced in section
2 125 of title I of division I of Public Law 111–8 (123 Stat.
3 928), the item relating to “Wapsi Great Western Line
4 Trail, Mitchell County, IA” is deemed to be amended by
5 striking “Mitchell County” and inserting “Mitchell and
6 Howard Counties”.

7 (k) In the explanatory statement referenced in section
8 125 of title I of division I of Public Law 111–8 (123 Stat.
9 928), the item relating to “Highway 169 Corridor Project
10 Environmental Assessment, Preliminary Engineering and
11 Planning, Humboldt, IA” is deemed to be amended by
12 striking “Corridor Project Environmental Assessment,
13 Preliminary Engineering and Planning, Humboldt, IA”
14 and inserting “Construction, Humboldt and Webster
15 Counties, IA”.

16 (l) In the explanatory statement referenced in section
17 125 of title I of division I of Public Law 111–8 (123 Stat.
18 928), the item relating to “Highway 53 Interchanges, WI”
19 is deemed to be amended by striking “Interchanges” and
20 inserting “Intersections”.

1 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

2 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

3 (LIQUIDATION OF CONTRACT AUTHORIZATION)

4 (LIMITATION ON OBLIGATIONS)

5 (HIGHWAY TRUST FUND)

6 For payment of obligations incurred in the implemen-
7 tation, execution and administration of motor carrier safe-
8 ty operations and programs pursuant to section 31104(i)
9 of title 49, United States Code, and sections 4127 and
10 4134 of Public Law 109–59, \$239,828,000, to be derived
11 from the Highway Trust Fund (other than the Mass Tran-
12 sit Account), together with advances and reimbursements
13 received by the Federal Motor Carrier Safety Administra-
14 tion: *Provided*, That none of the funds derived from the
15 Highway Trust Fund in this Act shall be available for the
16 implementation, execution or administration of programs,
17 the obligations for which are in excess of \$239,828,000,
18 for “Motor Carrier Safety Operations and Programs”, of
19 which \$8,500,000, is for the research and technology pro-
20 gram to remain available for obligation until September
21 30, 2011, and \$1,000,000 shall be available for commer-
22 cial motor vehicle operator’s grants to carry out section
23 4134 of Public Law 109–59: *Provided further*, That not-
24 withstanding any other provision of law, none of the funds
25 under this heading for outreach and education shall be

1 available for transfer: *Provided further*, That the Federal
2 Motor Carrier Safety Administration shall transmit to
3 Congress a report on March 30, 2010, and September 30,
4 2010, on the agency's ability to meet its requirement to
5 conduct compliance reviews on high-risk carriers.

6 MOTOR CARRIER SAFETY GRANTS

7 (LIQUIDATION OF CONTRACT AUTHORIZATION)

8 (LIMITATION ON OBLIGATIONS)

9 (HIGHWAY TRUST FUND)

10 For payment of obligations incurred in carrying out
11 sections 31102, 31104(a), 31106, 31107, 31109, 31309,
12 31313 of title 49, United States Code, and sections 4126
13 and 4128 of Public Law 109–59, \$310,070,000, to be de-
14 rived from the Highway Trust Fund (other than the Mass
15 Transit Account): *Provided*, That none of the funds in this
16 Act shall be available for the implementation or execution
17 of programs, the obligations for which are in excess of
18 \$310,070,000, for “Motor Carrier Safety Grants”; of
19 which \$212,070,000 shall be available for the motor car-
20 rier safety assistance program to carry out sections 31102
21 and 31104(a) of title 49, United States Code;
22 \$25,000,000, shall be available for the commercial driver's
23 license improvements program to carry out section 31313
24 of title 49, United States Code; \$32,000,000, shall be
25 available for the border enforcement grants program to

1 carry out section 31107 of title 49, United States Code;
2 \$5,000,000, shall be available for the performance and
3 registration information system management program to
4 carry out sections 31106(b) and 31109 of title 49, United
5 States Code; \$25,000,000, shall be available for the com-
6 mercial vehicle information systems and networks deploy-
7 ment program to carry out section 4126 of Public Law
8 109–59; \$3,000,000, shall be available for the safety data
9 improvement program to carry out section 4128 of Public
10 Law 109–59; and \$8,000,000, shall be available for the
11 commercial driver’s license information system moderniza-
12 tion program to carry out section 31309(e) of title 49,
13 United States Code: *Provided further*, That of the funds
14 made available for the motor carrier safety assistance pro-
15 gram, \$29,000,000, shall be available for audits of new
16 entrant motor carriers.

17 ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR

18 CARRIER SAFETY ADMINISTRATION

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

1 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
2 OPERATIONS AND RESEARCH

3 For expenses necessary to discharge the functions of
4 the Secretary, with respect to traffic and highway safety
5 under subtitle C of title X of Public Law 109–59 and
6 chapter 301 and part C of subtitle VI of title 49, United
7 States Code, \$131,736,000, of which \$32,045,000 shall
8 remain available until September 30, 2011: *Provided*,
9 That none of the funds appropriated by this Act may be
10 obligated or expended to plan, finalize, or implement any
11 rulemaking to add to section 575.104 of title 49 of the
12 Code of Federal Regulations any requirement pertaining
13 to a grading standard that is different from the three
14 grading standards (treadwear, traction, and temperature
15 resistance) already in effect.

16 OPERATIONS AND RESEARCH
17 (LIQUIDATION OF CONTRACT AUTHORIZATION)
18 (LIMITATION ON OBLIGATIONS)
19 (HIGHWAY TRUST FUND)

20 For payment of obligations incurred in carrying out
21 the provisions of 23 U.S.C. 403, \$108,642,000 to be de-
22 rived from the Highway Trust Fund (other than the Mass
23 Transit Account) and to remain available until expended:
24 *Provided*, That none of the funds in this Act shall be avail-
25 able for the planning or execution of programs the total

1 obligations for which, in fiscal year 2010, are in excess
2 of \$108,642,000 for programs authorized under 23 U.S.C.
3 403: *Provided further*, That within the \$108,642,000 obli-
4 gation limitation for operations and research, \$26,908,000
5 shall remain available until September 30, 2011 and shall
6 be in addition to the amount of any limitation imposed
7 on obligations for future years.

8 NATIONAL DRIVER REGISTER

9 (LIQUIDATION OF CONTRACT AUTHORIZATION)

10 (LIMITATION ON OBLIGATIONS)

11 (HIGHWAY TRUST FUND)

12 For payment of obligations incurred in carrying out
13 chapter 303 of title 49, United States Code, \$4,000,000,
14 to be derived from the Highway Trust Fund (other than
15 the Mass Transit Account) and to remain available until
16 expended: *Provided*, That none of the funds in this Act
17 shall be available for the implementation or execution of
18 programs the total obligations for which, in fiscal year
19 2010, are in excess of \$4,000,000 for the National Driver
20 Register authorized under such chapter.

21 NATIONAL DRIVER REGISTER

22 For an additional amount for the “National Driver
23 Register” as authorized by chapter 303 of title 49, United
24 States Code, \$3,350,000, to remain available through Sep-
25 tember 30, 2011: *Provided*, That the funding made avail-

1 able under this heading shall be used to carry out the mod-
2 ernization of the National Driver Register.

3 HIGHWAY TRAFFIC SAFETY GRANTS

4 (LIQUIDATION OF CONTRACT AUTHORIZATION)

5 (LIMITATION ON OBLIGATIONS)

6 (HIGHWAY TRUST FUND)

7 For payment of obligations incurred in carrying out
8 the provisions of 23 U.S.C. 402, 405, 406, 408, and 410
9 and sections 2001(a)(11), 2009, 2010, and 2011 of Public
10 Law 109–59, to remain available until expended,
11 \$619,500,000 to be derived from the Highway Trust Fund
12 (other than the Mass Transit Account): *Provided*, That
13 none of the funds in this Act shall be available for the
14 planning or execution of programs the total obligations for
15 which, in fiscal year 2010, are in excess of \$619,500,000
16 for programs authorized under 23 U.S.C. 402, 405, 406,
17 408, and 410 and sections 2001(a)(11), 2009, 2010, and
18 2011 of Public Law 109–59, of which \$235,000,000 shall
19 be for “Highway Safety Programs” under 23 U.S.C. 402;
20 \$25,000,000 shall be for “Occupant Protection Incentive
21 Grants” under 23 U.S.C. 405; \$124,500,000 shall be for
22 “Safety Belt Performance Grants” under 23 U.S.C. 406,
23 and such obligation limitation shall remain available until
24 September 30, 2011 in accordance with subsection (f) of
25 such section 406 and shall be in addition to the amount

1 of any limitation imposed on obligations for such grants
2 for future fiscal years; \$34,500,000 shall be for “State
3 Traffic Safety Information System Improvements” under
4 23 U.S.C. 408; \$139,000,000 shall be for “Alcohol-Im-
5 paired Driving Countermeasures Incentive Grant Pro-
6 gram” under 23 U.S.C. 410; \$18,500,000 shall be for
7 “Administrative Expenses” under section 2001(a)(11) of
8 Public Law 109–59; \$29,000,000 shall be for “High Visi-
9 bility Enforcement Program” under section 2009 of Pub-
10 lic Law 109–59; \$7,000,000 shall be for “Motorcyclist
11 Safety” under section 2010 of Public Law 109–59; and
12 \$7,000,000 shall be for “Child Safety and Child Booster
13 Seat Safety Incentive Grants” under section 2011 of Pub-
14 lic Law 109–59: *Provided further*, That none of these
15 funds shall be used for construction, rehabilitation, or re-
16 modeling costs, or for office furnishings and fixtures for
17 State, local or private buildings or structures: *Provided*
18 *further*, That not to exceed \$500,000 of the funds made
19 available for section 410 “Alcohol-Impaired Driving Coun-
20 termeasures Grants” shall be available for technical assist-
21 ance to the States: *Provided further*, That not to exceed
22 \$750,000 of the funds made available for the “High Visi-
23 bility Enforcement Program” shall be available for the
24 evaluation required under section 2009(f) of Public Law
25 109–59.

1 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

2 TRAFFIC SAFETY ADMINISTRATION

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

12 SEC. 141. The limitations on obligations for the pro-
13 grams of the National Highway Traffic Safety Adminis-
14 tration set in this Act shall not apply to obligations for
15 which obligation authority was made available in previous
16 public laws for multiple years but only to the extent that
17 the obligation authority has not lapsed or been used.

18 FEDERAL RAILROAD ADMINISTRATION

19 SAFETY AND OPERATIONS

20 For necessary expenses of the Federal Railroad Ad-
21 ministration, not otherwise provided for, \$172,533,000, of
22 which \$15,300,000 shall remain available until September
23 30, 2011.

1 RAILROAD RESEARCH AND DEVELOPMENT

2 For necessary expenses for railroad research and de-
3 velopment, \$34,145,000, to remain available until ex-
4 pended.

5 RAILROAD REHABILITATION AND IMPROVEMENT

6 FINANCING PROGRAM

7 The Secretary of Transportation is authorized to
8 issue to the Secretary of the Treasury notes or other obli-
9 gations pursuant to section 512 of the Railroad Revitaliza-
10 tion and Regulatory Reform Act of 1976 (Public Law 94-
11 210), in such amounts and at such times as may be nec-
12 essary to pay any amounts required pursuant to the guar-
13 antee of the principal amount of obligations under sections
14 511 through 513 of such Act, such authority to exist as
15 long as any such guaranteed obligation is outstanding:
16 *Provided*, That pursuant to section 502 of such Act, no
17 new direct loans or loan guarantee commitments shall be
18 made using Federal funds for the credit risk premium dur-
19 ing fiscal year 2010.

20 RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

21 For necessary expenses of carrying out section 20154
22 of title 49, United States Code, \$40,000,000, to remain
23 available until expended.

1 CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS
2 AND INTERCITY PASSENGER RAIL SERVICE

3 To enable the Secretary of Transportation to make
4 passenger rail grants for capital projects as authorized
5 under sections 26106 and 24406 of title 49, United States
6 Code; the acquisition of new rolling stock; and to enter
7 into cooperative agreements for these purposes,
8 \$4,000,000,000, to remain available until September 30,
9 2015: *Provided*, That \$50,000,000 of funds provided
10 under this paragraph are available to the Administrator
11 of the Federal Railroad Administration to fund the award
12 and oversight of financial assistance made under this
13 paragraph: *Provided further*, That up to \$30,000,000 of
14 the funds provided under this paragraph are available to
15 the Administrator for the purposes of conducting research
16 and demonstrating technologies supporting the develop-
17 ment of passenger rail service that is expected to maintain
18 an average speed of 110 miles per hour or is reasonably
19 expected to reach speeds of at least 150 miles per hour,
20 including the implementation of the Rail Cooperative Re-
21 search Program authorized by section 24910 of title 49,
22 United States Code: *Provided further*, That up to
23 \$50,000,000 of the funds provided under this paragraph
24 may be used for planning activities that lead directly to
25 the development of a passenger rail corridor investment

1 plan consistent with the requirements established by the
2 Administrator or a state rail plan consistent with chapter
3 227 of title 49, United States Code: *Provided further*, That
4 the Secretary shall issue regulations covering application
5 procedures and grant criteria for the passenger rail grants
6 provided under this paragraph: *Provided further*, That the
7 Federal share payable of the costs for which financial as-
8 sistance is made under this paragraph shall not exceed
9 80 percent: *Provided further*, That in addition to the provi-
10 sions of title 49, United States Code, that apply to the
11 passenger rail programs funded under this paragraph, sec-
12 tions 24402(a)(2), 24402(f), 24402(i), and 24403(a) and
13 (c) of title 49, United States Code, shall also apply to the
14 provision of funds provided under this paragraph: *Pro-*
15 *vided further*, That a project need not be in a state rail
16 plan developed under chapter 227 of title 49, United
17 States Code, to be eligible for assistance under this head-
18 ing: *Provided further*, That up to \$5,000,000 of the funds
19 provided under this paragraph are available to the Admin-
20 istrator for the purposes of implementing section 24316
21 of title 49, United States Code: *Provided further*, That if
22 legislation authorizing a national infrastructure bank is
23 enacted prior to September 30, 2010, beginning on Octo-
24 ber 1, 2010, the Secretary of Transportation may use up
25 to \$2,000,000,000, of the amount appropriated in this

1 paragraph to carry out such legislation including by trans-
2 ferring funds to the appropriate Federal agency to carry
3 out the national infrastructure bank: *Provided further*,
4 That if legislation enacting a national infrastructure bank
5 is not enacted by September 30, 2010, the Secretary may
6 use an additional \$20,000,000 of the funds available
7 under this paragraph for the award and oversight of finan-
8 cial assistance made under this paragraph; *Provided fur-*
9 *ther*, That recipients of grants under this paragraph shall
10 conduct all procurement transactions using such grant
11 funds in a manner that provides full and open competition,
12 as determined by the Secretary, in compliance with exist-
13 ing labor agreements.

14 OPERATING GRANTS TO THE NATIONAL RAILROAD

15 PASSENGER CORPORATION

16 To enable the Secretary of Transportation to make
17 quarterly grants to the National Railroad Passenger Cor-
18 poration for the operation of intercity passenger rail, as
19 authorized by section 101(a) of the Passenger Rail Invest-
20 ment and Improvement Act of 2008 (Division B of Pub.
21 L. 110-432), \$553,348,000, to remain available until Sep-
22 tember 30, 2010: *Provided*, That the amounts available
23 under this heading shall be available for the Secretary to
24 approve funding to cover operating losses for the Corpora-
25 tion only after receiving and reviewing a grant request for

1 each specific train route: *Provided further*, That each such
2 grant request shall be accompanied by a detailed financial
3 analysis, revenue projection, and capital expenditure pro-
4 jection justifying the Federal support to the Secretary's
5 satisfaction: *Provided further*, That the Secretary may re-
6 tain up to one-half of one percent of the funds provided
7 under this heading to implement the Operating Grants to
8 the National Railroad Passenger Corporation in fiscal year
9 2010: *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 the Inspector General of the Department of Trans-
20 portation shall provide a report recommending to the
21 House and Senate Committees on Appropriations 180
22 days after the date of the enactment of this Act on pos-
23 sible operational reforms that could be instituted by the
24 Corporation: *Provided further*, That not later than 120
25 days after enactment of this Act, the Corporation shall

1 transmit to the House and Senate Committees on Appro-
2 priations its Fiscal Year 2011 plan to improve the finan-
3 cial performance of food and beverage service and its plan
4 to improve the financial performance of first class service
5 (including sleeping car service): *Provided further*, That the
6 Corporation shall report quarterly to the House and Sen-
7 ate Committees on Appropriations on its progress against
8 the milestones and target dates contained in its financial
9 performance improvement plan provided in fiscal year
10 2009 and quantify savings realized to date on a monthly
11 basis compared to those projected in the plan, identify any
12 changes in the plan or delays in implementing these plans,
13 and identify the causes of delay and proposed corrective
14 measures: *Provided further*, That the National Railroad
15 Passenger Corporation shall submit, in electronic format,
16 to the House and Senate Committees on Appropriations,
17 a budget, business plan and a 5-Year Financial Plan be-
18 ginning with fiscal year 2010, consistent with the provi-
19 sions of section 204 of the Passenger Rail Investment and
20 Improvement Act of 2008 (Division B of Pub. L. 110-
21 432): *Provided further*, That the budget, business plan and
22 the 5-Year Financial Plan shall also include a separate
23 accounting of targets for the Northeast Corridor; com-
24 muter service; long distance Amtrak service; state-sup-
25 ported service; each intercity train route, including Auto-

1 train; and commercial activities including contract oper-
2 ations: *Provided further*, That, these plans shall be accom-
3 panied by a comprehensive fleet plan for all Amtrak rolling
4 stock which shall address the Corporation's detailed plans
5 and timeframes for the maintenance, refurbishment, re-
6 placement, and expansion of the Amtrak fleet: *Provided*
7 *further*, That said fleet plan shall establish year-specific
8 goals and milestones and discuss potential, current, and
9 preferred financing options for all such activities: *Provided*
10 *further*, That the budget, business plan and the 5-Year
11 Financial Plan shall include a description of work to be
12 funded, along with cost estimates and an estimated time-
13 table for completion of the projects covered by these plans:
14 *Provided further*, That the Corporation shall provide
15 monthly reports in electronic format regarding the budget,
16 business plan, and 5-Year Financial Plan, which shall de-
17 scribe the work completed to date, any changes to any
18 plan, and the reasons for such changes, and shall identify
19 all sole source contract awards which shall be accompanied
20 by a justification as to why said contract was awarded on
21 a sole source basis: *Provided further*, That the Corpora-
22 tion's budget, business plan, 5-Year Financial Plan, and
23 all subsequent supplemental plans shall be displayed on
24 the Corporation's website within a reasonable timeframe
25 following their submission to the appropriate entities: *Pro-*

1 *vided further*, That none of the funds under this heading
2 may be obligated or expended until the Corporation agrees
3 to continue abiding by the provisions of paragraphs 1, 2,
4 5, 9, and 11 of the summary of conditions for the direct
5 loan agreement of June 28, 2002, in the same manner
6 as in effect on the date of enactment of this Act.

7 NATIONAL RAILROAD PASSENGER CORPORATION OFFICE
8 OF THE INSPECTOR GENERAL

9 To enable the Secretary of Transportation to make
10 a grant to the National Railroad Passenger Corporation
11 Office of the Inspector General for auditing the operations
12 and capital expenditures of the National Railroad Pas-
13 senger Corporation, as authorized by section 101(b) of the
14 Passenger Rail Investment and Improvement Act of 2008
15 (Division B of Pub. L. 110-432), \$19,000,000.

16 CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL
17 RAILROAD PASSENGER CORPORATION

18 To enable the Secretary of Transportation to make
19 quarterly grants to the National Railroad Passenger Cor-
20 poration for capital grants supporting intercity passenger
21 services as authorized by section 101(c) of the Passenger
22 Rail Investment and Improvement Act of 2008 (Division
23 B of Pub. L. 110-432), \$929,625,000, to remain available
24 until September 30, 2010, of which not to exceed
25 \$264,000,000 shall be for debt service obligations as au-

1 thORIZED by section 102 of that Act: *Provided*, That in ad-
2 dition to the project management oversight funds author-
3 ized under section 101(d) of that Act, the Secretary may
4 retain up to an additional one-half of one percent of the
5 funds provided under this heading to fund expenses associ-
6 ated with implementing sections 208 and 212 of that Act,
7 including the amendments made by section 212 to section
8 24905 of title 49, United States Code: *Provided further*,
9 That the Secretary shall approve funding for capital ex-
10 penditures, including advance purchase orders of mate-
11 rials, for the Corporation only after receiving and review-
12 ing a grant request for each specific capital project justi-
13 fying the Federal support to the Secretary's satisfaction:
14 *Provided further*, That none of the funds under this head-
15 ing may be used to subsidize operating losses of the Cor-
16 poration: *Provided further*, That none of the funds under
17 this heading may be used for capital projects not approved
18 by the Secretary of Transportation or on the Corporation's
19 fiscal year 2010 business plan.

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*,

1 That the Secretary shall prescribe guidelines for the ad-
2 ministration of such purchases and use.

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

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

1 SEC. 154. The Administrator of the Federal Railroad
2 Administration shall submit a report on April 1, 2010, and
3 quarterly reports thereafter, to the House and Senate
4 Committees on Appropriations detailing the Administra-
5 tor’s efforts at improving the on-time performance of Am-
6 trak intercity rail service operating on non-Amtrak owned
7 property. Such reports shall compare the most recent ac-
8 tual on-time performance data to pre-established on-time
9 performance goals that the Administrator shall set for
10 each rail service, identified by route. Such reports shall
11 also include whatever other information and data regard-
12 ing the on-time performance of Amtrak trains the Admin-
13 istrator deems to be appropriate.

14 SEC. 155. In the Explanatory Statement referenced
15 in division I of Public Law 111–8 under the heading Rail-
16 road Research and Development the item relating to “San
17 Gabriel trench grade separation project, Alameda Cor-
18 ridor, CA” is deemed to be amended by inserting “Ala-
19 meda Corridor East Construction Authority Grade Sepa-
20 rations, CA.”.

21 SEC. 156. In the Explanatory Statement referenced
22 in division K of Public Law 110–161 under the heading
23 Rail Line Relocation and Improvement Program the item
24 relating to “Mt. Vernon railroad cut, NY” is deemed to

1 be amended by inserting “Rail Line and Station Improve-
2 ment and Rehabilitation, Mount Vernon, NY.”.

3 FEDERAL TRANSIT ADMINISTRATION

4 ADMINISTRATIVE EXPENSES

5 For necessary administrative expenses of the Federal
6 Transit Administration’s programs authorized by chapter
7 53 of title 49, United States Code, \$97,478,000: *Provided*,
8 That of the funds available under this heading, not to ex-
9 ceed \$1,809,000 shall be available for travel: *Provided fur-*
10 *ther*, That none of the funds provided or limited in this
11 Act may be used to create a permanent office of transit
12 security under this heading: *Provided further*, That of the
13 amounts made available under this heading not to exceed
14 \$75,000 shall be paid from appropriations made available
15 by this Act and provided to the Department of Transpor-
16 tation Office of Inspector General through reimbursement
17 to conduct the annual audits of financial statements in
18 accordance with section 3521 of title 31, United States
19 Code: *Provided further*, That upon submission to the Con-
20 gress of the fiscal year 2011 President’s budget, the Sec-
21 retary of Transportation shall transmit to Congress the
22 annual report on new starts, including proposed alloca-
23 tions of funds for fiscal year 2011.

1 FORMULA AND BUS GRANTS
2 (LIQUIDATION OF CONTRACT AUTHORITY)
3 (LIMITATION ON OBLIGATIONS)
4 (HIGHWAY TRUST FUND)

5 For payment of obligations incurred in carrying out
6 the provisions of 49 U.S.C. 5305, 5307, 5308, 5309,
7 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and
8 section 3038 of Public Law 105–178, as amended,
9 \$8,852,000,000 to be derived from the Mass Transit Ac-
10 count of the Highway Trust Fund and to remain available
11 until expended: *Provided*, That funds available for the im-
12 plementation or execution of programs authorized under
13 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316,
14 5317, 5320, 5335, 5339, and 5340 and section 3038 of
15 Public Law 105–178, as amended, shall not exceed total
16 obligations of \$8,343,171,000 in fiscal year 2010.

17 RESEARCH AND UNIVERSITY RESEARCH CENTERS

18 For necessary expenses to carry out 49 U.S.C. 5306,
19 5312–5315, 5322, and 5506, \$65,670,000, to remain
20 available until expended: *Provided*, That \$10,000,000 is
21 available to carry out the transit cooperative research pro-
22 gram under section 5313 of title 49, United States Code,
23 \$4,300,000 is available for the National Transit Institute
24 under section 5315 of title 49, United States Code, and
25 \$7,000,000 is available for university transportation cen-

1 ters program under section 5506 of title 49, United States
 2 Code: *Provided further*, That \$44,370,000 is available to
 3 carry out national research programs under sections 5312,
 4 5313, 5314, and 5322 of title 49, United States Code.

5 CAPITAL INVESTMENT GRANTS

6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses to carry out section 5309 of
 8 title 49, United States Code, \$1,827,343,000, to remain
 9 available until expended, of which not to exceed
 10 \$200,000,000 is for section 5309(e) of such title: *Pro-*
 11 *vided*, That \$2,000,000, shall be transferred to the De-
 12 partment of Transportation Office of Inspector General
 13 from funds set aside for the execution of contracts pursu-
 14 ant to section 5327(c) of title 49, United States Code, for
 15 costs associated with audits and investigations of transit-
 16 related issues, including reviews of new fixed guideway
 17 systems.

18 WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

19 For necessary expenses to carry out section 601 of
 20 Division B of Public Law 110-432, \$150,000,000, to re-
 21 main available until expended.

22 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

23 ADMINISTRATION

24 SEC. 160. The limitations on obligations for the pro-
 25 grams of the Federal Transit Administration shall not

1 apply to any authority under 49 U.S.C. 5338, previously
2 made available for obligation, or to any other authority
3 previously made available for obligation.

4 SEC. 161. Notwithstanding any other provision of
5 law, funds appropriated or limited by this Act under “Fed-
6 eral Transit Administration, Capital Investment Grants”
7 and for bus and bus facilities under “Federal Transit Ad-
8 ministration, Formula and Bus Grants” for projects speci-
9 fied in this Act or identified in reports accompanying this
10 Act not obligated by September 30, 2012, and other recov-
11 eries, shall be directed to projects eligible to use the funds
12 for the purposes for which they were originally provided.

13 SEC. 162. Notwithstanding any other provision of
14 law, any funds appropriated before October 1, 2009, under
15 any section of chapter 53 of title 49, United States Code,
16 that remain available for expenditure, may be transferred
17 to and administered under the most recent appropriation
18 heading for any such section.

19 SEC. 163. Notwithstanding any other provision of
20 law, unobligated funds made available for new fixed guide-
21 way system projects under the heading “Federal Transit
22 Administration, Capital investment grants” in any appro-
23 priations Act prior to this Act may be used during this
24 fiscal year to satisfy expenses incurred for such projects.

1 SEC. 164. During fiscal year 2010, each Federal
2 Transit Administration grant for a project that involves
3 the acquisition or rehabilitation of a bus to be used in pub-
4 lic transportation shall be funded for 90 percent of the
5 net capital costs of a biodiesel bus or a factory-installed
6 or retrofitted hybrid electric propulsion system and any
7 equipment related to such a system: *Provided*, That the
8 Secretary shall have the discretion to determine, through
9 practicable administrative procedures, the costs attrib-
10 utable to the system and related-equipment.

11 SEC. 165. Notwithstanding any other provision of
12 law, unobligated funds or recoveries under section 5309
13 of title 49, United States Code, that are available to the
14 Secretary of Transportation for reallocation shall be di-
15 rected to projects eligible to use the funds for the purposes
16 for which they were originally provided.

17 SEC. 166. (a) In the explanatory statement ref-
18 erenced in section 186 of title I of division K of Public
19 Law 110-161 (121 Stat. 2406), the item relating to
20 “Broward County Southwest Transit Facility” in the table
21 of projects under the heading “Bus and Bus Facilities”
22 is deemed to be amended by striking “Southwest” and in-
23 serting “Ravenswood”.

24 (b) The explanatory statement referenced in section
25 186 of title I of division I of Public Law 111-8 for “Alter-

1 natives analysis” under “Federal Transit Administration–
2 Formula and Bus Grants” is deemed to be amended by
3 striking “Hudson–Bergen Light Rail Extension Route
4 440, North Bergen, NJ” and inserting “Hudson–Bergen
5 Light Rail Extension Route 440, Jersey City, NJ”.

6 (c) Funds made available for the Phoenix Heavy
7 Maintenance Facility, Phoenix Dial-a-Ride facility, and
8 the Phoenix Regional Heavy Bus Maintenance Facility in
9 Arizona through the Department of Transportation Ap-
10 propriations Acts for Fiscal Years 2005 and 2008 that
11 remain unobligated or unexpended shall be made available
12 to the East Baseline Park-and-Ride Facility in Phoenix,
13 Arizona.

14 SAINT LAWRENCE SEAWAY DEVELOPMENT

15 CORPORATION

16 The Saint Lawrence Seaway Development Corpora-
17 tion is hereby authorized to make such expenditures, with-
18 in the limits of funds and borrowing authority available
19 to the Corporation, and in accord with law, and to make
20 such contracts and commitments without regard to fiscal
21 year limitations as provided by section 104 of the Govern-
22 ment Corporation Control Act, as amended, as may be
23 necessary in carrying out the programs set forth in the
24 Corporation’s budget for the current fiscal year.

1 OPERATIONS AND MAINTENANCE
2 (HARBOR MAINTENANCE TRUST FUND)

3 For necessary expenses for operations, maintenance,
4 and capital asset renewal of those portions of the Saint
5 Lawrence Seaway owned, operated, and maintained by the
6 Saint Lawrence Seaway Development Corporation,
7 \$32,324,000, to be derived from the Harbor Maintenance
8 Trust Fund, pursuant to Public Law 99–662.

9 MARITIME ADMINISTRATION
10 MARITIME SECURITY PROGRAM

11 For necessary expenses to maintain and preserve a
12 United States flag merchant fleet to serve the national se-
13 curity needs of the United States, \$174,000,000, to re-
14 main available until expended.

15 OPERATIONS AND TRAINING

16 For necessary expenses of operations and training ac-
17 tivities authorized by law, \$140,900,000, of which
18 \$31,677,000 shall remain available until September 30,
19 2010, for salaries and benefits of employees of the United
20 States Merchant Marine Academy; of which \$15,391,000
21 shall remain available until expended for capital improve-
22 ments at the United States Merchant Marine Academy;
23 and of which \$11,240,000 shall remain available until ex-
24 pended for maintenance and repair of training ships at
25 State maritime academies.

1 SHIP DISPOSAL

2 For necessary expenses related to the disposal of ob-
3 solete vessels in the National Defense Reserve Fleet of the
4 Maritime Administration, \$15,000,000, to remain avail-
5 able until expended.

6 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

7 ACCOUNT

8 (INCLUDING TRANSFER OF FUNDS)

9 For administrative expenses to carry out the guaran-
10 teed loan program, not to exceed \$3,630,000, which shall
11 be transferred to and merged with the appropriation for
12 “Operations and Training”, Maritime Administration.

13 ADMINISTRATIVE PROVISIONS—MARITIME

14 ADMINISTRATION

15 SEC. 175. Notwithstanding any other provision of
16 this Act, the Maritime Administration may furnish utili-
17 ties and services and make necessary repairs in connection
18 with any lease, contract, or occupancy involving Govern-
19 ment property under the control of the Maritime Adminis-
20 tration, and payments received therefor shall be credited
21 to the appropriation charged with the cost thereof: *Pro-*
22 *vided*, That rental payments under any such lease, con-
23 tract, or occupancy for items other than such utilities,
24 services, or repairs shall be covered into the Treasury as
25 miscellaneous receipts.

1 SEC. 176. Section 51314 of title 46, United States
 2 Code, is amended in subsection (b) by inserting at the end
 3 “Such fees shall be credited to the Maritime Administra-
 4 tion’s Operations and Training appropriation, to remain
 5 available until expended, for those expenses directly re-
 6 lated to the purposes of the fees. Fees collected in excess
 7 of actual expenses may be refunded to the Midshipmen
 8 through a mechanism approved by the Secretary. The
 9 Academy shall maintain a separate and detailed account-
 10 ing of fee revenue and all associated expenses.”.

11 PIPELINE AND HAZARDOUS MATERIALS SAFETY

12 ADMINISTRATION

13 OPERATIONAL EXPENSES

14 (Pipeline Safety Fund)

15 For necessary operational expenses of the Pipeline
 16 and Hazardous Materials Safety Administration,
 17 \$19,968,000, 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 under section 60130 of title 49, United States Code.

22 HAZARDOUS MATERIALS SAFETY

23 For expenses necessary to discharge the hazardous
 24 materials safety functions of the Pipeline and Hazardous
 25 Materials Safety Administration, \$36,500,000, of which

1 \$2,699,000 shall remain available until September 30,
2 2012: *Provided*, That up to \$800,000 in fees collected
3 under 49 U.S.C. 5108(g) shall be deposited in the general
4 fund of the Treasury as offsetting receipts: *Provided fur-*
5 *ther*, That there may be credited to this appropriation, to
6 be available until expended, funds received from states,
7 counties, municipalities, other public authorities, and pri-
8 vate sources for expenses incurred for training, for reports
9 publication and dissemination, and for travel expenses in-
10 curred in performance of hazardous materials exemptions
11 and approvals functions.

12 PIPELINE SAFETY

13 (PIPELINE SAFETY FUND)

14 (OIL SPILL LIABILITY TRUST FUND)

15 For expenses necessary to conduct the functions of
16 the pipeline safety program, for grants-in-aid to carry out
17 a pipeline safety program, as authorized by 49 U.S.C.
18 60107, and to discharge the pipeline program responsibil-
19 ities of the Oil Pollution Act of 1990, \$105,239,000, of
20 which \$18,905,000 shall be derived from the Oil Spill Li-
21 ability Trust Fund and shall remain available until Sep-
22 tember 30, 2012; and of which \$86,334,000 shall be de-
23 rived from the Pipeline Safety Fund, of which
24 \$47,332,000 shall remain available until September 30,
25 2012.

1 EMERGENCY PREPAREDNESS GRANTS

2 (EMERGENCY PREPAREDNESS FUND)

3 For necessary expenses to carry out 49 U.S.C.
4 5128(b), \$188,000, to be derived from the Emergency
5 Preparedness Fund, to remain available until September
6 30, 2011: *Provided*, That not more than \$28,318,000 shall
7 be made available for obligation in fiscal year 2010 from
8 amounts made available by 49 U.S.C. 5116(i) and
9 5128(b)–(c): *Provided further*, That none of the funds
10 made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c)
11 shall be made available for obligation by individuals other
12 than the Secretary of Transportation, or his or her des-
13 ignee.

14 RESEARCH AND INNOVATIVE TECHNOLOGY

15 ADMINISTRATION

16 RESEARCH AND DEVELOPMENT

17 For necessary expenses of the Research and Innova-
18 tive Technology Administration, \$12,834,000, of which
19 \$6,036,000 shall remain available until September 30,
20 2012: *Provided*, That there may be credited to this appro-
21 priation, to be available until expended, funds received
22 from States, counties, municipalities, other public authori-
23 ties, and private sources for expenses incurred for train-
24 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, \$74,839,000: *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, \$29,800,000: *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 2010, to result in
7 a final appropriation from the general fund estimated at
8 no more than \$28,550,000.

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 or cooperative agreement from the Federal Railroad
11 Administration; or (4) any program of the Federal Transit
12 Administration other than the formula grants and fixed
13 guideway modernization programs: *Provided*, That the
14 Secretary gives concurrent notification to the House and
15 Senate Committees on Appropriations for any “quick re-
16 lease” of funds from the emergency relief program: *Pro-*
17 *vided further*, That no notification shall involve funds that
18 are not available for obligation.

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 appropriations account, the Secretary shall notify
2 the House and Senate Committees on Appro-
3 priations 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. None of the funds appropriated or other-
21 wise made available under this Act may be used by the
22 Surface Transportation Board of the Department of
23 Transportation to charge or collect any filing fee for rate
24 complaints filed with the Board in an amount in excess

1 of the amount authorized for district court civil suit filing
2 fees under section 1914 of title 28, United States Code.

3 SEC. 193. Notwithstanding section 3324 of Title 31,
4 United States Code, in addition to authority provided by
5 section 327 of title 49, United States Code, the Depart-
6 ment’s Working Capital fund is hereby authorized to pro-
7 vide payments in advance to vendors that are necessary
8 to carry out the Federal transit pass transportation fringe
9 benefit program under Executive Order 13150 and section
10 3049 of Public Law 109–59: *Provided*, that the Depart-
11 ment shall include adequate safeguards in the contract
12 with the vendors to ensure timely and high quality per-
13 formance under the contract.

14 This title may be cited as the “Department of Trans-
15 portation Appropriations Act, 2010”.

16 TITLE II

17 DEPARTMENT OF HOUSING AND URBAN

18 DEVELOPMENT

19 MANAGEMENT AND ADMINISTRATION

20 EXECUTIVE DIRECTION

21 For necessary salaries and expenses for Executive Di-
22 rection, \$25,969,000, of which not to exceed \$4,619,000
23 shall be available for the immediate Office of the Secretary
24 and Deputy Secretary; not to exceed \$1,703,000 shall be
25 available for the Office of Hearings and Appeals; not to

1 exceed \$778,000 shall be available for the Office of Small
2 and Disadvantaged Business Utilization; not to exceed
3 \$727,000 shall be available for the immediate Office of
4 the Chief Financial Officer; not to exceed \$1,474,000 shall
5 be available for the immediate Office of the General Coun-
6 sel; not to exceed \$2,912,000 shall be available to the Of-
7 fice of the Assistant Secretary for Congressional and
8 Intergovernmental Relations; not to exceed \$3,110,000
9 shall be available for the Office of the Assistant Secretary
10 for Public Affairs; not to exceed \$1,218,000 shall be avail-
11 able for the Office of the Assistant Secretary for Adminis-
12 tration; not to exceed \$2,125,000 shall be available to the
13 Office of the Assistant Secretary for Public and Indian
14 Housing; not to exceed \$1,781,000 shall be available to
15 the Office of the Assistant Secretary for Community Plan-
16 ning and Development; not to exceed \$3,497,000 shall be
17 available to the Office of the Assistant Secretary for Hous-
18 ing, Federal Housing Commissioner; not to exceed
19 \$1,097,000 shall be available to the Office of the Assistant
20 Secretary for Policy Development and Research; and not
21 to exceed \$928,000 shall be available to the Office of the
22 Assistant Secretary for Fair Housing and Equal Oppor-
23 tunity: *Provided*, That the Secretary of the Department
24 of Housing and Urban Development is authorized to
25 transfer funds appropriated for any office funded under

1 this heading to any other office funded under this heading
2 following written notification to the House and Senate
3 Committees on Appropriations: *Provided further*, That no
4 appropriation for any office shall be increased or de-
5 creased by more than 5 percent by all such transfers: *Pro-*
6 *vided further*, That notice of any change in funding greater
7 than 5 percent shall be submitted for prior approval to
8 the House and Senate Committees on Appropriations:
9 *Provided further*, That the Secretary shall provide the
10 Committees on Appropriations quarterly written notifica-
11 tion regarding the status of pending congressional reports:
12 *Provided further*, That the Secretary shall provide all
13 signed reports required by Congress electronically: *Pro-*
14 *vided further*, That not to exceed \$25,000 of the amount
15 made available under this paragraph for the immediate
16 Office of the Secretary shall be available for official recep-
17 tion and representation expenses as the Secretary may de-
18 termine.

19 ADMINISTRATION, OPERATIONS AND MANAGEMENT

20 For necessary salaries and expenses for administra-
21 tion, operations and management for the Department of
22 Housing and Urban Development, \$537,897,000, of which
23 not to exceed \$76,958,000 shall be available for the per-
24 sonnel compensation and benefits of the Office of Adminis-
25 tration; not to exceed \$11,277,000 shall be available for

1 the personnel compensation and benefits of the Office of
2 Departmental Operations and Coordination; not to exceed
3 \$51,275,000 shall be available for the personnel com-
4 pensation and benefits of the Office of Field Policy and
5 Management; not to exceed \$14,649,000 shall be available
6 for the personnel compensation and benefits of the Office
7 of the Chief Procurement Officer; not to exceed
8 \$35,197,000 shall be available for the personnel com-
9 pensation and benefits of the remaining staff in the Office
10 of the Chief Financial Officer; not to exceed \$89,062,000
11 shall be available for the personnel compensation and ben-
12 efits of the remaining staff in the Office of the General
13 Counsel; not to exceed \$3,296,000 shall be available for
14 the personnel compensation and benefits of the Office of
15 Departmental Equal Employment Opportunity; not to ex-
16 ceed \$1,393,000 shall be available for the personnel com-
17 pensation and benefits for the Center for Faith-Based and
18 Community Initiatives; not to exceed \$2,400,000 shall be
19 available for the personnel compensation and benefits for
20 the Office of Sustainability; not to exceed \$2,520,000 shall
21 be available for the personnnel compensation and benefits
22 for the Office of Strategic Planning and Management; and
23 not to exceed \$249,870,000 shall be available for non-per-
24 sonnel expenses of the Department of Housing and Urban
25 Development: *Provided*, That, funds provided under this

1 heading may be used for necessary administrative and
2 non-administrative expenses of the Department of Hous-
3 ing and Urban Development, not otherwise provided for,
4 including purchase of uniforms, or allowances therefor, as
5 authorized by 5 U.S.C. 5901–5902; hire of passenger
6 motor vehicles; services as authorized by 5 U.S.C. 3109:
7 *Provided further*, That notwithstanding any other provi-
8 sion of law, funds appropriated under this heading may
9 be used for advertising and promotional activities that
10 support the housing mission area: *Provided further*, That
11 the Secretary of Housing and Urban Development is au-
12 thorized to transfer funds appropriated for any office in-
13 cluded in Administration, Operations and Management to
14 any other office included in Administration, Operations
15 and Management only after such transfer has been sub-
16 mitted to, and received prior written approval by, the
17 House and Senate Committees on Appropriations: *Pro-*
18 *vided further*, That no appropriation for any office shall
19 be increased or decreased by more than 10 percent by all
20 such transfers.

21 PERSONNEL COMPENSATION AND BENEFITS

22 PUBLIC AND INDIAN HOUSING

23 For necessary personnel compensation and benefits
24 expenses of the Office of Public and Indian Housing,
25 \$197,074,000.

1 COMMUNITY PLANNING AND DEVELOPMENT

2 For necessary personnel compensation and benefits
3 expenses of the Office of Community Planning and Devel-
4 opment mission area, \$98,989,000.

5 HOUSING

6 For necessary personnel compensation and benefits
7 expenses of the Office of Housing, \$374,887,000.

8 OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE

9 ASSOCIATION

10 For necessary personnel compensation and benefits
11 expenses of the Office of the Government National Mort-
12 gage Association, \$11,095,000, to be derived from the
13 GNMA guarantees of mortgage backed securities guaran-
14 teed loan receipt account.

15 POLICY DEVELOPMENT AND RESEARCH

16 For necessary personnel compensation and benefits
17 expenses of the Office of Policy Development and Re-
18 search, \$21,138,000.

19 FAIR HOUSING AND EQUAL OPPORTUNITY

20 For necessary personnel compensation and benefits
21 expenses of the Office of Fair Housing and Equal Oppor-
22 tunity, \$71,800,000.

1 OFFICE OF HEALTHY HOMES AND LEAD HAZARD
2 CONTROL

3 For necessary personnel compensation and benefits
4 expenses of the Office of Healthy Homes and Lead Haz-
5 ard Control, \$7,151,000.

6 PUBLIC AND INDIAN HOUSING
7 TENANT-BASED RENTAL ASSISTANCE

8 For activities and assistance for the provision of ten-
9 ant-based rental assistance authorized under the United
10 States Housing Act of 1937, as amended (42 U.S.C. 1437
11 et seq.) (“the Act” herein), not otherwise provided for,
12 \$14,242,200,000, to remain available until expended, shall
13 be available on October 1, 2009 (in addition to the
14 \$4,000,000,000 previously appropriated under this head-
15 ing that will become available on October 1, 2009), and
16 \$4,000,000,000, to remain available until expended, shall
17 be available on October 1, 2010: *Provided*, That the
18 amounts made available under this heading are provided
19 as follows:

20 (1) \$16,387,200,000 shall be available for re-
21 newals of expiring section 8 tenant-based annual
22 contributions contracts (including renewals of en-
23 hanced vouchers under any provision of law author-
24 izing such assistance under section 8(t) of the Act)
25 and including renewal of other special purpose

1 vouchers initially funded in fiscal year 2008 and
2 2009 (such as Family Unification, Veterans Affairs
3 Supportive Housing Vouchers and Non-elderly Dis-
4 abled Vouchers): *Provided*, That notwithstanding
5 any other provision of law, from amounts provided
6 under this paragraph and any carryover, the Sec-
7 retary for the calendar year 2010 funding cycle shall
8 provide renewal funding for each public housing
9 agency based on voucher management system (VMS)
10 leasing and cost data for the most recent Federal
11 fiscal year and by applying the most recent Annual
12 Adjustment Factor as established by the Secretary,
13 and by making any necessary adjustments for the
14 costs associated with deposits to family self-suffi-
15 ciency program escrow accounts or first-time renew-
16 als including tenant protection or HOPE VI vouch-
17 ers: *Provided further*, That none of the funds pro-
18 vided under this paragraph may be used to fund a
19 total number of unit months under lease which ex-
20 ceeds a public housing agency's authorized level of
21 units under contract: *Provided further*, That the Sec-
22 retary shall, to the extent necessary to stay within
23 the amount specified under this paragraph (except
24 as otherwise modified under this Act), pro rate each
25 public housing agency's allocation otherwise estab-

1 lished pursuant to this paragraph: *Provided further,*
2 That except as provided in the last two provisos, the
3 entire amount specified under this paragraph (except
4 as otherwise modified under this Act) shall be obli-
5 gated to the public housing agencies based on the al-
6 location and pro rata method described above, and
7 the Secretary shall notify public housing agencies of
8 their annual budget not later than 60 days after en-
9 actment of this Act: *Provided further,* That the Sec-
10 retary may extend the 60-day notification period
11 with the written approval of the House and Senate
12 Committees on Appropriations: *Provided further,*
13 That public housing agencies participating in the
14 Moving to Work demonstration shall be funded pur-
15 suant to their Moving to Work agreements and shall
16 be subject to the same pro rata adjustments under
17 the previous provisos: *Provided further,* That up to
18 \$150,000,000 shall be available only: (1) to adjust
19 the allocations for public housing agencies, after ap-
20 plication for an adjustment by a public housing
21 agency that experienced a significant increase, as de-
22 termined by the Secretary, in renewal costs of ten-
23 ant-based rental assistance resulting from unfore-
24 seen circumstances or from portability under section
25 8(r) of the Act; (2) for adjustments for public hous-

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

9 (2) \$120,000,000 shall be for section 8 rental
10 assistance for relocation and replacement of housing
11 units that are demolished or disposed of pursuant to
12 the Omnibus Consolidated Rescissions and Appro-
13 priations Act of 1996 (Public Law 104–134), con-
14 version of section 23 projects to assistance under
15 section 8, the family unification program under sec-
16 tion 8(x) of the Act, relocation of witnesses in con-
17 nection with efforts to combat crime in public and
18 assisted housing pursuant to a request from a law
19 enforcement or prosecution agency, enhanced vouch-
20 ers under any provision of law authorizing such as-
21 sistance under section 8(t) of the Act, HOPE VI
22 vouchers, mandatory and voluntary conversions, and
23 tenant protection assistance including replacement
24 and relocation assistance or for project based assist-
25 ance to prevent the displacement of unassisted elder-

1 ly tenants currently residing in section 202 prop-
2 erties financed between 1959 and 1974 that are re-fi-
3 nanced pursuant to Public Law 106–569, as amend-
4 ed, or under the authority as provided under this
5 Act: *Provided*, That the Secretary may provide re-
6 placement vouchers for all units that were occupied
7 within the previous 24 months that cease to be avail-
8 able as assisted housing, subject to the availability
9 of funds.

10 (3) \$1,600,000,000 shall be for administrative
11 and other expenses of public housing agencies in ad-
12 ministering the section 8 tenant-based rental assist-
13 ance program, of which up to \$50,000,000 shall be
14 available to the Secretary to allocate to public hous-
15 ing agencies that need additional funds to admin-
16 ister their section 8 programs, including fees associ-
17 ated with section 8 tenant protection rental assist-
18 ance, the administration of disaster related vouchers,
19 Veterans Affairs Supportive Housing vouchers, and
20 other incremental vouchers: *Provided*, That no less
21 than \$1,550,000,000 of the amount provided in this
22 paragraph shall be allocated to public housing agen-
23 cies for the calendar year 2010 funding cycle based
24 on section 8(q) of the Act (and related Appropria-
25 tion Act provisions) as in effect immediately before

1 the enactment of the Quality Housing and Work Re-
2 sponsibility Act of 1998 (Public Law 105–276): *Pro-*
3 *vided further*, That if the amounts made available
4 under this paragraph are insufficient to pay the
5 amounts determined under the previous proviso, the
6 Secretary may decrease the amounts allocated to
7 agencies by a uniform percentage applicable to all
8 agencies receiving funding under this paragraph or
9 may, to the extent necessary to provide full payment
10 of amounts determined under the previous proviso,
11 utilize unobligated balances, including recaptures
12 and carryovers, remaining from funds appropriated
13 to the Department of Housing and Urban Develop-
14 ment under this heading, for fiscal year 2009 and
15 prior fiscal years, notwithstanding the purposes for
16 which such amounts were appropriated: *Provided*
17 *further*, That amounts provided under this para-
18 graph shall be only for activities related to the provi-
19 sion of tenant-based rental assistance authorized
20 under section 8, including related development ac-
21 tivities.

22 (4) \$75,000,000 for incremental rental voucher
23 assistance for use through a supported housing pro-
24 gram administered in conjunction with the Depart-
25 ment of Veterans Affairs as authorized under section

1 8(o)(19) of the United States Housing Act of 1937:
2 *Provided*, That the Secretary of Housing and Urban
3 Development shall make such funding available, not-
4 withstanding section 204 (competition provision) of
5 this title, to public housing agencies that partner
6 with eligible VA Medical Centers or other entities as
7 designated by the Secretary of the Department of
8 Veterans Affairs, based on geographical need for
9 such assistance as identified by the Secretary of the
10 Department of Veterans Affairs, public housing
11 agency administrative performance, and other fac-
12 tors as specified by the Secretary of Housing and
13 Urban Development in consultation with the Sec-
14 retary of the Department of Veterans Affairs: *Pro-*
15 *vided further*, That the Secretary of Housing and
16 Urban Development may waive, or specify alter-
17 native requirements for (in consultation with the
18 Secretary of the Department of Veterans Affairs),
19 any provision of any statute or regulation that the
20 Secretary of Housing and Urban Development ad-
21 ministers in connection with the use of funds made
22 available under this paragraph (except for require-
23 ments related to fair housing, nondiscrimination,
24 labor standards, and the environment), upon a find-
25 ing by the Secretary that any such waivers or alter-

1 native requirements are necessary for the effective
2 delivery and administration of such voucher assist-
3 ance: *Provided further*, That assistance made avail-
4 able under this paragraph shall continue to remain
5 available for homeless veterans upon turn-over.

6 (5) \$60,000,000 shall be for family self-suffi-
7 ciency coordinators under section 23 of the Act.

8 HOUSING CERTIFICATE FUND

9 Unobligated balances, including recaptures and car-
10 ryover, remaining from funds appropriated to the Depart-
11 ment of Housing and Urban Development under this
12 heading, the heading “Annual Contributions for Assisted
13 Housing” and the heading “Project-Based Rental Assist-
14 ance”, for fiscal year 2010 and prior years may be used
15 for renewal of or amendments to section 8 project-based
16 contracts and for performance-based contract administra-
17 tors, notwithstanding the purposes for which such funds
18 were appropriated: *Provided*, That any obligated balances
19 of contract authority from fiscal year 1974 and prior that
20 have been terminated shall be cancelled.

21 PUBLIC HOUSING CAPITAL FUND

22 For the Public Housing Capital Fund Program to
23 carry out capital and management activities for public
24 housing agencies, as authorized under section 9 of the
25 United States Housing Act of 1937 (42 U.S.C. 1437g)

1 (the “Act”) \$2,500,000,000, to remain available until
2 September 30, 2013: *Provided*, That notwithstanding any
3 other provision of law or regulation, during fiscal year
4 2010 the Secretary of Housing and Urban Development
5 may not delegate to any Department official other than
6 the Deputy Secretary and the Assistant Secretary for
7 Public and Indian Housing any authority under paragraph
8 (2) of section 9(j) regarding the extension of the time peri-
9 ods under such section: *Provided further*, That for pur-
10 poses of such section 9(j), the term “obligate” means, with
11 respect to amounts, that the amounts are subject to a
12 binding agreement that will result in outlays, immediately
13 or in the future: *Provided further*, That up to \$15,345,000
14 shall be to support the ongoing Public Housing Financial
15 and Physical Assessment activities of the Real Estate As-
16 sessment Center (REAC): *Provided further*, That of the
17 total amount provided under this heading, not to exceed
18 \$20,000,000 shall be available for the Secretary to make
19 grants, notwithstanding section 204 of this Act, to public
20 housing agencies for emergency capital needs including
21 safety and security measures necessary to address crime
22 and drug-related activity as well as needs resulting from
23 unforeseen or unpreventable emergencies and natural dis-
24 asters, excluding Presidentially declared emergencies and
25 natural disasters under the Robert T. Stafford Disaster

1 Relief and Emergency Act (42 U.S.C. 5121 et seq.), oc-
2 ccurring in fiscal year 2010: *Provided further*, That of the
3 total amount provided under this heading, \$50,000,000
4 shall be for supportive services, service coordinators and
5 congregate services as authorized by section 34 of the Act
6 (42 U.S.C. 1437z-6) and the Native American Housing
7 Assistance and Self-Determination Act of 1996 (25 U.S.C.
8 4101 et seq.): *Provided further*, That of the total amount
9 provided under this heading, up to \$8,820,000 is to sup-
10 port the costs of administrative and judicial receiverships:
11 *Provided further*, That from the funds made available
12 under this heading, the Secretary shall provide bonus
13 awards in fiscal year 2010 to public housing agencies that
14 are designated high performers.

15 PUBLIC HOUSING OPERATING FUND

16 For 2010 payments to public housing agencies for the
17 operation and management of public housing, as author-
18 ized by section 9(e) of the United States Housing Act of
19 1937 (42 U.S.C. 1437g(e)), \$4,800,000,000.

20 REVITALIZATION OF SEVERELY DISTRESSED PUBLIC

21 HOUSING (HOPE VI)

22 For grants to public housing agencies for demolition,
23 site revitalization, replacement housing, and tenant-based
24 assistance grants to projects as authorized by section 24
25 of the United States Housing Act of 1937 (42 U.S.C.

1 1437v), \$250,000,000, to remain available until Sep-
2 tember 30, 2011, of which the Secretary of Housing and
3 Urban Development shall use \$10,000,000 for technical
4 assistance and contract expertise, to be provided directly
5 or indirectly by grants, contracts or cooperative agree-
6 ments, including training and cost of necessary travel for
7 participants in such training, by or to officials and employ-
8 ees of the department and of public housing agencies and
9 to residents: *Provided*, That none of such funds shall be
10 used directly or indirectly by granting competitive advan-
11 tage in awards to settle litigation or pay judgments, unless
12 expressly permitted herein.

13 NATIVE AMERICAN HOUSING BLOCK GRANTS

14 For the Native American Housing Block Grants pro-
15 gram, as authorized under title I of the Native American
16 Housing Assistance and Self-Determination Act of 1996
17 (NAHASDA) (25 U.S.C. 4111 et seq.), \$750,000,000, to
18 remain available until expended: *Provided*, That, notwith-
19 standing the Native American Housing Assistance and
20 Self-Determination Act of 1996, to determine the amount
21 of the allocation under title I of such Act for each Indian
22 tribe, the Secretary shall apply the formula under section
23 302 of such Act with the need component based on single-
24 race Census data and with the need component based on
25 multi-race Census data, and the amount of the allocation

1 for each Indian tribe shall be the greater of the two result-
2 ing allocation amounts: *Provided further*, That of the
3 amounts made available under this heading, \$3,500,000
4 shall be contracted for assistance for a national organiza-
5 tion representing Native American housing interests for
6 providing training and technical assistance to Indian hous-
7 ing authorities and tribally designated housing entities as
8 authorized under NAHASDA; and \$4,250,000 shall be to
9 support the inspection of Indian housing units, contract
10 expertise, training, and technical assistance in the train-
11 ing, oversight, and management of such Indian housing
12 and tenant-based assistance, including up to \$300,000 for
13 related travel: *Provided further*, That of the amount pro-
14 vided under this heading, \$2,000,000 shall be made avail-
15 able for the cost of guaranteed notes and other obligations,
16 as authorized by title VI of NAHASDA: *Provided further*,
17 That such costs, including the costs of modifying such
18 notes and other obligations, shall be as defined in section
19 502 of the Congressional Budget Act of 1974, as amend-
20 ed: *Provided further*, That these funds are available to sub-
21 sidize the total principal amount of any notes and other
22 obligations, any part of which is to be guaranteed, not to
23 exceed \$18,000,000.

1 NATIVE HAWAIIAN HOUSING BLOCK GRANT

2 For the Native Hawaiian Housing Block Grant pro-
3 gram, as authorized under title VIII of the Native Amer-
4 ican Housing Assistance and Self-Determination Act of
5 1996 (25 U.S.C. 4111 et seq.), \$12,000,000, to remain
6 available until expended: *Provided*, That of this amount,
7 \$300,000 shall be for training and technical assistance ac-
8 tivities, including up to \$100,000 for related travel by Ha-
9 waii-based HUD employees.

10 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

11 ACCOUNT

12 For the cost of guaranteed loans, as authorized by
13 section 184 of the Housing and Community Development
14 Act of 1992 (12 U.S.C. 1715z—13a), \$7,000,000, to re-
15 main available until expended: *Provided*, That such costs,
16 including the costs of modifying such loans, shall be as
17 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, up to \$919,000,000: *Provided further*,
21 That up to \$750,000 shall be for administrative contract
22 expenses including management processes and systems to
23 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,
6 to 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 For carrying out the Housing Opportunities for Per-
15 sons with AIDS program, as authorized by the AIDS
16 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
17 \$350,000,000, to remain available until September 30,
18 2011, except that amounts allocated pursuant to section
19 854(c)(3) of such Act shall remain available until Sep-
20 tember 30, 2012: *Provided*, That the Secretary shall renew
21 all expiring contracts for permanent supportive housing
22 that were funded under section 854(c)(3) of such Act that
23 meet all program requirements before awarding funds for
24 new contracts and activities authorized under this section.

1 COMMUNITY DEVELOPMENT FUND

2 For assistance to units of State and local govern-
3 ment, and to other entities, for economic and community
4 development activities, and for other purposes,
5 \$4,600,607,000, to remain available until September 30,
6 2012, unless otherwise specified: *Provided*, That of the
7 total amount provided, \$4,166,607,000 is for carrying out
8 the community development block grant program under
9 title I of the Housing and Community Development Act
10 of 1974, as amended (the “Act” herein) (42 U.S.C. 5301
11 et seq.): *Provided further*, That unless explicitly provided
12 for under this heading (except for planning grants pro-
13 vided in the second paragraph and amounts made avail-
14 able under the third paragraph), not to exceed 20 percent
15 of any grant made with funds appropriated under this
16 heading shall be expended for planning and management
17 development and administration: *Provided further*, That
18 \$65,000,000 shall be for grants to Indian tribes notwith-
19 standing section 106(a)(1) of such Act, of which, notwith-
20 standing any other provision of law (including section 204
21 of this Act), up to \$3,960,000 may be used for emer-
22 gencies that constitute imminent threats to health and
23 safety.

24 Of the amount made available under this heading,
25 \$151,000,000 shall be available for grants for the Eco-

1 nomic Development Initiative (EDI) to finance a variety
2 of targeted economic investments in accordance with the
3 terms and conditions specified in the explanatory state-
4 ment accompanying this Act: *Provided*, That none of the
5 funds provided under this paragraph may be used for pro-
6 gram operations: *Provided further*, That, for fiscal years
7 2008, 2009 and 2010, no unobligated funds for EDI
8 grants may be used for any purpose except acquisition,
9 planning, design, purchase of equipment, revitalization, re-
10 development or construction.

11 Of the amount made available under this heading,
12 \$18,000,000 shall be available for neighborhood initiatives
13 that are utilized to improve the conditions of distressed
14 and blighted areas and neighborhoods, to stimulate invest-
15 ment, economic diversification, and community revitaliza-
16 tion in areas with population outmigration or a stagnating
17 or declining economic base, or to determine whether hous-
18 ing benefits can be integrated more effectively with welfare
19 reform initiatives: *Provided*, That amounts made available
20 under this paragraph shall be provided in accordance with
21 the terms and conditions specified in the explanatory
22 statement accompanying this Act.

23 The referenced statement of the managers under this
24 heading “Community Planning and Development” in title
25 II of division K of Public Law 110-161 is deemed to be

1 amended by striking “Custer County, ID for acquisition
2 of an unused middle school building” and inserting “Cus-
3 ter County, ID, to construct a community center”.

4 The referenced statement of the managers under this
5 heading “Community Planning and Development” in title
6 II of division I of Public Law 111-8 is deemed to be
7 amended by striking “Custer County, ID, to purchase a
8 middle school building” and inserting “Custer County, ID,
9 to construct a community center”.

10 Of the amounts made available under this heading,
11 \$150,000,000 shall be made available for a Sustainable
12 Communities Initiative to stimulate improved regional
13 planning efforts that integrate housing and transportation
14 decisions, and to challenge communities to reform zoning
15 and land use ordinances: *Provided*, That \$100,000,000
16 shall be for Regional Planning Grants to support the link-
17 ing of transportation and land use planning: *Provided fur-*
18 *ther*, That \$40,000,000 shall be for Metropolitan Chal-
19 lenge Grants to foster reform and reduce barriers to
20 achieve affordable, economically vital, and sustainable
21 communities: *Provided further*, That up to \$10,000,000
22 shall be for a joint Department of Housing and Urban
23 Development and Department of Transportation research
24 effort that shall include a rigorous evaluation of the Re-
25 gional Planning Grants and Metropolitan Challenge

1 Grants programs: *Provided further*, That of the amounts
2 made available under this heading, \$25,000,000 shall be
3 made available for the Rural Innovation Fund to address
4 the problems of concentrated rural housing distress and
5 community poverty: *Provided further*, That of the amounts
6 made available under this heading, \$25,000,000 shall be
7 made available for the University Community Fund for
8 grants to assist universities in revitalizing their sur-
9 rounding communities, with special attention to Histori-
10 cally Black Colleges and Universities, Tribal Colleges and
11 Universities, Alaska Native/Native Hawaiian Institutions,
12 and Hispanic-Serving Institutions: *Provided further*, That
13 the Secretary shall develop and publish guidelines for the
14 use of such competitive funds including, but not limited
15 to, eligibility criteria, minimum grant amounts, and per-
16 formance metrics.

17 COMMUNITY DEVELOPMENT LOAN GUARANTEES

18 PROGRAM ACCOUNT

19 For the cost of guaranteed loans, \$6,000,000, to re-
20 main available until September 30, 2011, as authorized
21 by section 108 of the Housing and Community Develop-
22 ment Act of 1974 (42 U.S.C. 5308): *Provided*, That such
23 costs, including the cost of modifying such loans, shall be
24 as defined in section 502 of the Congressional Budget Act
25 of 1974: *Provided further*, That these funds are available

1 to subsidize total loan principal, any part of which is to
2 be guaranteed, not to exceed \$275,000,000, notwith-
3 standing any aggregate limitation on outstanding obliga-
4 tions guaranteed in section 108(k) of the Housing and
5 Community Development Act of 1974, as amended.

6 BROWNFIELDS REDEVELOPMENT

7 For competitive economic development grants, as au-
8 thorized by section 108(q) of the Housing and Community
9 Development Act of 1974, as amended, for Brownfields
10 redevelopment projects, \$25,000,000, to remain available
11 until September 30, 2011: *Provided*, That no funds made
12 available under this heading may be used to establish loan
13 loss reserves for the section 108 Community Development
14 Loan Guarantee program.

15 HOME INVESTMENT PARTNERSHIPS PROGRAM

16 For the HOME investment partnerships program, as
17 authorized under title II of the Cranston-Gonzalez Na-
18 tional Affordable Housing Act, as amended (42 U.S.C.
19 12721 et seq.), \$2,000,000,000, to remain available until
20 September 30, 2012: *Provided*, That funds provided in
21 prior appropriations Acts for technical assistance, that
22 were made available for Community Housing Development
23 Organizations technical assistance, and that still remain
24 available, may be used for HOME technical assistance

1 notwithstanding the purposes for which such amounts
2 were appropriated.

3 SELF-HELP AND ASSISTED HOMEOWNERSHIP

4 OPPORTUNITY PROGRAM

5 For the Self-Help and Assisted Homeownership Op-
6 portunity Program, as authorized under section 11 of the
7 Housing Opportunity Program Extension Act of 1996, as
8 amended (42 U.S.C. 12805 note), \$85,000,000, to remain
9 available until September 30, 2012: *Provided*, That of the
10 total amount provided under this heading, \$27,000,000
11 shall be made available to the Self-Help and Assisted
12 Homeownership Opportunity Program as authorized
13 under section 11 of the Housing Opportunity Program
14 Extension Act of 1996, as amended: *Provided further*,
15 That \$53,000,000 shall be made available for the second,
16 third and fourth capacity building activities authorized
17 under section 4(a) of the HUD Demonstration Act of
18 1993 (42 U.S.C. 9816 note), of which not less than
19 \$10,000,000 may be made available for rural capacity
20 building activities: *Provided further*, That \$5,000,000 shall
21 be made available for capacity building activities as au-
22 thorized in sections 6301 through 6305 of Public Law
23 110–246.

1 HOMELESS ASSISTANCE GRANTS

2 For the emergency shelter grants program as author-
3 ized under subtitle B of title IV of the McKinney-Vento
4 Homeless Assistance Act, as amended; the supportive
5 housing program as authorized under subtitle C of title
6 IV of such Act; the section 8 moderate rehabilitation sin-
7 gle room occupancy program as authorized under the
8 United States Housing Act of 1937, as amended, to assist
9 homeless individuals pursuant to section 441 of the
10 McKinney-Vento Homeless Assistance Act; and the shelter
11 plus care program as authorized under subtitle F of title
12 IV of such Act, \$1,850,000,000, of which \$1,845,000,000
13 shall remain available until September 30, 2012, and of
14 which \$5,000,000 shall remain available until expended
15 for rehabilitation projects with 10-year grant terms: *Pro-*
16 *vided*, That not less than 30 percent of funds made avail-
17 able, excluding amounts provided for renewals under the
18 shelter plus care program shall be used for permanent
19 housing for individuals and families: *Provided further*,
20 That all funds awarded for services shall be matched by
21 not less than 25 percent in funding by each grantee: *Pro-*
22 *vided further*, That for all match requirements applicable
23 to funds made available under this heading for this fiscal
24 year and prior years, a grantee may use (or could have
25 used) as a source of match funds other funds administered

1 by the Secretary and other Federal agencies unless there
2 is (or was) a specific statutory prohibition on any such
3 use of any such funds: *Provided further*, That the Sec-
4 retary shall renew on an annual basis expiring contracts
5 or amendments to contracts funded under the shelter plus
6 care program if the program is determined to be needed
7 under the applicable continuum of care and meets appro-
8 priate program requirements and financial standards, as
9 determined by the Secretary: *Provided further*, That all
10 awards of assistance under this heading shall be required
11 to coordinate and integrate homeless programs with other
12 mainstream health, social services, and employment pro-
13 grams for which homeless populations may be eligible, in-
14 cluding Medicaid, State Children’s Health Insurance Pro-
15 gram, Temporary Assistance for Needy Families, Food
16 Stamps, and services funding through the Mental Health
17 and Substance Abuse Block Grant, Workforce Investment
18 Act, and the Welfare-to-Work grant program: *Provided*
19 *further*, That up to \$8,000,000 of the funds appropriated
20 under this heading shall be available for the national
21 homeless data analysis project and technical assistance:
22 *Provided further*, That all balances for Shelter Plus Care
23 renewals previously funded from the Shelter Plus Care Re-
24 newal account and transferred to this account shall be

1 available, if recaptured, for Shelter Plus Care renewals in
2 fiscal year 2010.

3 HOUSING PROGRAMS

4 PROJECT-BASED RENTAL ASSISTANCE

5 For activities and assistance for the provision of
6 project-based subsidy contracts under the United States
7 Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the
8 Act”), not otherwise provided for, \$8,306,328,000, to re-
9 main available until expended, shall be available on Octo-
10 ber 1, 2009, and \$393,672,000, to remain available until
11 expended, shall be available on October 1, 2010: *Provided*,
12 That the amounts made available under this heading are
13 provided as follows:

14 (1) Up to \$8,474,328,000 shall be available for
15 expiring or terminating section 8 project-based sub-
16 sidy contracts (including section 8 moderate rehabili-
17 tation contracts), for amendments to section 8
18 project-based subsidy contracts (including section 8
19 moderate rehabilitation contracts), for contracts en-
20 tered into pursuant to section 441 of the McKinney-
21 Vento Homeless Assistance Act (42 U.S.C. 11401),
22 for renewal of section 8 contracts for units in
23 projects that are subject to approved plans of action
24 under the Emergency Low Income Housing Preser-
25 vation Act of 1987 or the Low-Income Housing

1 Preservation and Resident Homeownership Act of
2 1990, and for administrative and other expenses as-
3 sociated with project-based activities and assistance
4 funded under this paragraph.

5 (2) Not less than \$232,000,000 but not to ex-
6 ceed \$258,000,000 shall be available for perform-
7 ance-based contract administrators for section 8
8 project-based assistance: *Provided*, That the Sec-
9 retary of Housing and Urban Development may also
10 use such amounts for performance-based contract
11 administrators for the administration of: interest re-
12 duction payments pursuant to section 236(a) of the
13 National Housing Act (12 U.S.C. 1715z-1(a)); rent
14 supplement payments pursuant to section 101 of the
15 Housing and Urban Development Act of 1965 (12
16 U.S.C. 1701s); section 236(f)(2) rental assistance
17 payments (12 U.S.C. 1715z-1(f)(2)); project rental
18 assistance contracts for the elderly under section
19 202(c)(2) of the Housing Act of 1959 (12 U.S.C.
20 1701q(c)(2)); project rental assistance contracts for
21 supportive housing for persons with disabilities
22 under section 811(d)(2) of the Cranston-Gonzalez
23 National Affordable Housing Act (42 U.S.C.
24 8013(d)(2)); project assistance contracts pursuant to
25 section 202(h) of the Housing Act of 1959 (Public

1 Law 86–372; 73 Stat. 667); and loans under section
2 202 of the Housing Act of 1959 (Public Law 86–
3 372; 73 Stat. 667).

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

11 HOUSING FOR THE ELDERLY

12 For capital advances, including amendments to cap-
13 ital advance contracts, for housing for the elderly, as au-
14 thorized by section 202 of the Housing Act of 1959 (12
15 U.S.C. 1701(q)), as amended, and for project rental as-
16 sistance for the elderly under section 202(c)(2) of such
17 Act, including amendments to contracts for such assist-
18 ance and renewal of expiring contracts for such assistance
19 for up to a 1-year term, and for supportive services associ-
20 ated with the housing, \$1,000,000,000, to remain avail-
21 able until September 30, 2013, of which up to
22 \$872,000,000 shall be for capital advance and project-
23 based rental assistance awards: *Provided*, That, of the
24 amount provided under this heading, up to \$90,000,000
25 shall be for service coordinators and the continuation of

1 existing congregate service grants for residents of assisted
2 housing projects, and of which up to \$25,000,000 shall
3 be for grants under section 202b of the Housing Act of
4 1959 (12 U.S.C. 1701q-2) for conversion of eligible
5 projects under such section to assisted living or related
6 use and for substantial and emergency capital repairs as
7 determined by the Secretary: *Provided further*, That of the
8 amount made available under this heading, \$20,000,000
9 shall be available to the Secretary of Housing and Urban
10 Development only for making competitive grants to pri-
11 vate nonprofit organizations and consumer cooperatives
12 for covering costs of architectural and engineering work,
13 site control, and other planning relating to the develop-
14 ment of supportive housing for the elderly that is eligible
15 for assistance under section 202 of the Housing Act of
16 1959 (12 U.S.C. 1701q): *Provided further*, That amounts
17 under this heading shall be available for Real Estate As-
18 sessment Center inspections and inspection-related activi-
19 ties associated with section 202 capital advance projects:
20 *Provided further*, That up to \$2,000,000 of the total
21 amount made available under this heading shall be for
22 technical assistance to improve grant applications and to
23 facilitate the development of housing for the elderly under
24 section 202 of the Housing Act of 1959, and supportive
25 housing for persons with disabilities under section 811 of

1 the Cranston-Gonzalez National Affordable Housing Act:
2 *Provided further*, That the Secretary may waive the provi-
3 sions of section 202 governing the terms and conditions
4 of project rental assistance, except that the initial contract
5 term for such assistance shall not exceed 5 years in dura-
6 tion.

7 HOUSING FOR PERSONS WITH DISABILITIES

8 For capital advance contracts, including amendments
9 to capital advance contracts, for supportive housing for
10 persons with disabilities, as authorized by section 811 of
11 the Cranston-Gonzalez National Affordable Housing Act
12 (42 U.S.C. 8013), for project rental assistance for sup-
13 portive housing for persons with disabilities under section
14 811(d)(2) of such Act, including amendments to contracts
15 for such assistance and renewal of expiring contracts for
16 such assistance for up to a 1-year term, and for supportive
17 services associated with the housing for persons with dis-
18 abilities as authorized by section 811(b)(1) of such Act,
19 and for tenant-based rental assistance contracts entered
20 into pursuant to section 811 of such Act, \$350,000,000,
21 of which up to \$214,000,000 shall be for capital advances
22 and project-based rental assistance contracts, to remain
23 available until September 30, 2013: *Provided further*,
24 That, of the amount provided under this heading,
25 \$87,100,000 shall be for amendments or renewal of ten-

1 ant-based assistance contracts entered into prior to fiscal
2 year 2005 (only one amendment authorized for any such
3 contract): *Provided further*, That all tenant-based assist-
4 ance made available under this heading shall continue to
5 remain available only to persons with disabilities: *Provided*
6 *further*, That the Secretary may waive the provisions of
7 section 811 governing the terms and conditions of project
8 rental assistance and tenant-based assistance, except that
9 the initial contract term for such assistance shall not ex-
10 ceed 5 years in duration: *Provided further*, That amounts
11 made available under this heading shall be available for
12 Real Estate Assessment Center inspections and inspec-
13 tion-related activities associated with section 811 Capital
14 Advance Projects.

15 HOUSING COUNSELING ASSISTANCE

16 For contracts, grants, and other assistance excluding
17 loans, as authorized under section 106 of the Housing and
18 Urban Development Act of 1968, as amended(12 U.S.C.
19 1701(x)), \$70,000,000, including up to \$2,500,000 for ad-
20 ministrative contract services, to remain available until
21 September 30, 2011: *Provided*, That funds shall be used
22 for providing counseling and advice to tenants and home-
23 owners, both current and prospective, with respect to
24 property maintenance, financial management/literacy, and
25 such other matters as may be appropriate to assist them

1 in improving their housing conditions, meeting their finan-
2 cial needs, and fulfilling the responsibilities of tenancy or
3 homeownership; for program administration; and for hous-
4 ing counselor training.

5 ENERGY INNOVATION FUND

6 For an Energy Innovation Fund to enable the Fed-
7 eral Housing Administration and the new Office of Sus-
8 tainability to catalyze innovations in the residential energy
9 efficiency sector that have promise of replicability and help
10 create a standardized home energy efficient retrofit mar-
11 ket, \$50,000,000, to remain available until September 30,
12 2013: *Provided*, That \$25,000,000 shall be for the Energy
13 Efficient Mortgage Innovation pilot program, directed at
14 the single family housing market: *Provided further*, That
15 \$25,000,000 shall be for the Multifamily Energy Pilot, di-
16 rected at the multifamily housing market.

17 OTHER ASSISTED HOUSING PROGRAMS

18 RENTAL HOUSING ASSISTANCE

19 For amendments to contracts under section 101 of
20 the Housing and Urban Development Act of 1965 (12
21 U.S.C. 1701s) and section 236(f)(2) of the National
22 Housing Act (12 U.S.C. 1715z—1) in State-aided, non-
23 insured rental housing projects, \$40,000,000, to remain
24 available until expended.

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 \$27,600,000 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 \$7,000,000 is to be derived from the Manufactured Hous-
15 ing Fees Trust Fund: *Provided*, That not to exceed the
16 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 2010 so as to result in a final fiscal
24 year 2010 appropriation from the general fund estimated
25 at not more than \$9,000,000 and fees pursuant to such

1 section 620 shall be modified as necessary to ensure such
2 a final fiscal year 2010 appropriation: *Provided further*,
3 That for the dispute resolution and installation programs,
4 the Secretary of Housing and Urban Development may
5 assess and collect fees from any program participant: *Pro-*
6 *vided further*, That such collections shall be deposited into
7 the Fund, and the Secretary, as provided herein, may use
8 such collections, as well as fees collected under section
9 620, for necessary expenses of such Act: *Provided further*,
10 That notwithstanding the requirements of section 620 of
11 such Act, the Secretary may carry out responsibilities of
12 the Secretary under such Act through the use of approved
13 service providers that are paid directly by the recipients
14 of their services.

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

18 During fiscal year 2010, commitments to guarantee
19 single family loans insured under the Mutual Mortgage In-
20 surance Fund shall not exceed a loan principal of
21 \$400,000,000,000: *Provided*, That for new loans guaran-
22 teed pursuant to section 255 of the National Housing Act
23 (12 U.S.C. 1715z-20), the Secretary shall adjust the fac-
24 tors used to calculate the principal limit (as such term
25 is defined in HUD Handbook 4235.1) that were assumed

1 in the President's Budget Request for 2010 for such
2 loans, as necessary to ensure that the program operates
3 at a net zero subsidy rate, except that no principal limit
4 factor may be reduced below 60: *Provided further*, That
5 during fiscal year 2010, obligations to make direct loans
6 to carry out the purposes of section 204(g) of the National
7 Housing Act, as amended, shall not exceed \$50,000,000:
8 *Provided further*, That the foregoing amount shall be for
9 loans to nonprofit and governmental entities in connection
10 with sales of single family real properties owned by the
11 Secretary and formerly insured under the Mutual Mort-
12 gage Insurance Fund. For administrative contract ex-
13 penses of the Federal Housing Administration,
14 \$188,900,000, of which up to \$70,794,000 may be trans-
15 ferred to the Working Capital Fund, and of which up to
16 \$7,500,000 shall be for education and outreach of FHA
17 single family loan products: *Provided further*, That to the
18 extent guaranteed loan commitments exceed
19 \$200,000,000,000 on or before April 1, 2010, an addi-
20 tional \$1,400 for administrative contract expenses shall be
21 available for each \$1,000,000 in additional guaranteed
22 loan commitments (including a pro rata amount for any
23 amount below \$1,000,000), but in no case shall funds
24 made available by this proviso exceed \$30,000,000.

1 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

2 For the cost of guaranteed loans, as authorized by
3 sections 238 and 519 of the National Housing Act (12
4 U.S.C. 1715z-3 and 1735c), including the cost of loan
5 guarantee modifications, as that term is defined in section
6 502 of the Congressional Budget Act of 1974, as amend-
7 ed, \$8,600,000, to remain available until expended: *Pro-*
8 *vided*, That commitments to guarantee loans shall not ex-
9 ceed \$15,000,000,000 in total loan principal, any part of
10 which is to be guaranteed.

11 Gross obligations for the principal amount of direct
12 loans, as authorized by sections 204(g), 207(l), 238, and
13 519(a) of the National Housing Act, shall not exceed
14 \$20,000,000, which shall be for loans to nonprofit and
15 governmental entities in connection with the sale of single-
16 family real properties owned by the Secretary and for-
17 merly insured under such Act.

18 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

19 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN

20 GUARANTEE PROGRAM ACCOUNT

21 New commitments to issue guarantees to carry out
22 the purposes of section 306 of the National Housing Act,
23 as amended (12 U.S.C. 1721(g)), shall not exceed
24 \$500,000,000,000, to remain available until September
25 30, 2011.

1 POLICY DEVELOPMENT AND RESEARCH

2 RESEARCH AND TECHNOLOGY

3 For contracts, grants, and necessary expenses of pro-
4 grams of research and studies relating to housing and
5 urban problems, not otherwise provided for, as authorized
6 by title V of the Housing and Urban Development Act
7 of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying
8 out the functions of the Secretary of Housing and Urban
9 Development under section 1(a)(1)(i) of Reorganization
10 Plan No. 2 of 1968, \$50,000,000, to remain available
11 until September 30, 2011.

12 FAIR HOUSING AND EQUAL OPPORTUNITY

13 FAIR HOUSING ACTIVITIES

14 For contracts, grants, and other assistance, not oth-
15 erwise provided for, as authorized by title VIII of the Civil
16 Rights Act of 1968, as amended by the Fair Housing
17 Amendments Act of 1988, and section 561 of the Housing
18 and Community Development Act of 1987, as amended,
19 \$72,000,000, to remain available until September 30,
20 2011, of which \$42,500,000 shall be to carry out activities
21 pursuant to such section 561: *Provided*, That notwith-
22 standing 31 U.S.C. 3302, the Secretary may assess and
23 collect fees to cover the costs of the Fair Housing Training
24 Academy, and may use such funds to provide such train-
25 ing: *Provided further*, That no funds made available under

1 this heading shall be used to lobby the executive or legisla-
2 tive branches of the Federal Government in connection
3 with a specific contract, grant or loan.

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

7 For the Lead Hazard Reduction Program, as author-
8 ized by section 1011 of the Residential Lead-Based Paint
9 Hazard Reduction Act of 1992, \$140,000,000, to remain
10 available until September 30, 2011, of which not less than
11 \$20,000,000 shall be for the Healthy Homes Initiative,
12 pursuant to sections 501 and 502 of the Housing and
13 Urban Development Act of 1970 that shall include re-
14 search, studies, testing, and demonstration efforts, includ-
15 ing education and outreach concerning lead-based paint
16 poisoning and other housing-related diseases and hazards:
17 *Provided*, That for purposes of environmental review, pur-
18 suant to the National Environmental Policy Act of 1969
19 (42 U.S.C. 4321 et seq.) and other provisions of the law
20 that further the purposes of such Act, a grant under the
21 Healthy Homes Initiative, Operation Lead Elimination
22 Action Plan (LEAP), or the Lead Technical Studies pro-
23 gram under this heading or under prior appropriations
24 Acts for such purposes under this heading, shall be consid-
25 ered to be funds for a special project for purposes of sec-

1 tion 305(c) of the Multifamily Housing Property Disposi-
2 tion Reform Act of 1994: *Provided further*, That amounts
3 made available under this heading in this or prior appro-
4 priations Acts, and that still remain available, may be used
5 for any purpose under this heading notwithstanding the
6 purpose for which such amounts were appropriated if a
7 program competition is undersubscribed and there are
8 other program competitions under this heading that are
9 oversubscribed.

10 MANAGEMENT AND ADMINISTRATION

11 WORKING CAPITAL FUND

12 (INCLUDING TRANSFER OF FUNDS)

13 For additional capital for the Working Capital Fund
14 (42 U.S.C. 3535) for the maintenance of infrastructure
15 for Department-wide information technology systems, for
16 the continuing operation and maintenance of both Depart-
17 ment-wide and program-specific information systems, and
18 for program-related maintenance activities, \$200,000,000,
19 to remain available until September 30, 2011: *Provided*,
20 That any amounts transferred to this Fund under this Act
21 shall remain available until expended: *Provided further*,
22 That any amounts transferred to this Fund from amounts
23 appropriated by previously enacted appropriations Acts or
24 from within this Act may be used only for the purposes
25 specified under this Fund, in addition to the purposes for

1 which such amounts were appropriated: *Provided further*,
2 That up to \$15,000,000 may be transferred to this ac-
3 count from all other accounts in this title (except for the
4 Office of the Inspector General account) that make funds
5 available for salaries and expenses.

6 OFFICE OF INSPECTOR GENERAL

7 For necessary salaries and expenses of the Office of
8 Inspector General in carrying out the Inspector General
9 Act of 1978, as amended, \$120,000,000: *Provided*, That
10 the Inspector General shall have independent authority
11 over all personnel issues within this office.

12 TRANSFORMATION INITIATIVE

13 For necessary expenses for combating mortgage
14 fraud, \$20,000,000, to remain available until expended.

15 In addition, of the amounts made available in this
16 Act under each of the following headings under this title,
17 the Secretary may transfer to, and merge with, this ac-
18 count up to 1 percent from each such account, and such
19 transferred amounts shall be available until September 30,
20 2012, for (1) research, evaluation, and program metrics;
21 (2) program demonstrations; (3) technical assistance and
22 capacity building; and (4) information technology: “Public
23 Housing Capital Fund,” “Energy Innovation Fund,”
24 “Native American Housing Block Grants,” “Native Ha-
25 waiian Housing Block Grants,” “Revitalization of Severely

1 Distressed Public Housing,” “Brownfields Redevelop-
2 ment,” “Section 108 Loan Guarantees,” “Housing Oppor-
3 tunities for Persons With AIDS,” “Community Develop-
4 ment Fund,” “HOME Investment Partnerships Pro-
5 gram,” “Self-Help and Assisted Homeownership Oppor-
6 tunity Program,” “Homeless Assistance Grants,” “Hous-
7 ing for the Elderly,” “Housing for Persons With Disabil-
8 ities,” “Housing Counseling Assistance,” “Payment to
9 Manufactured Housing Fees Trust Fund,” “Mutual Mort-
10 gage Insurance Program Account,” “General and Special
11 Risk Program Account,” “Research and Technology,”
12 “Lead Hazard Reduction,” “Rental Housing Assistance,”
13 and “Fair Housing Activities”: *Provided*, That the Sec-
14 retary shall fund each of the four general purposes speci-
15 fied above at not less than 10 percent, and not more than
16 50 percent, of the aggregate transferred amount.

17 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND
18 URBAN DEVELOPMENT

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

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

12 SEC. 202. None of the amounts made available under
13 this Act may be used during fiscal year 2010 to investigate
14 or prosecute under the Fair Housing Act any otherwise
15 lawful activity engaged in by one or more persons, includ-
16 ing the filing or maintaining of a non-frivolous legal ac-
17 tion, that is engaged in solely for the purpose of achieving
18 or preventing action by a Government official or entity,
19 or a court of competent jurisdiction.

20 SEC. 203. (a) Notwithstanding section 854(c)(1)(A)
21 of the AIDS Housing Opportunity Act (42 U.S.C.
22 12903(c)(1)(A)), from any amounts made available under
23 this title for fiscal year 2010 that are allocated under such
24 section, the Secretary of Housing and Urban Development

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

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

5 (2) is not otherwise eligible for an allocation for
6 fiscal year 2010 under such clause (ii) because the
7 areas in the State outside of the metropolitan statis-
8 tical areas that qualify under clause (i) in fiscal year
9 2010 do not have the number of cases of acquired
10 immunodeficiency syndrome (AIDS) required under
11 such clause.

12 (b) The amount of the allocation and grant for any
13 State described in subsection (a) shall be an amount based
14 on the cumulative number of AIDS cases in the areas of
15 that State that are outside of metropolitan statistical
16 areas that qualify under clause (i) of such section
17 854(c)(1)(A) in fiscal year 2010, in proportion to AIDS
18 cases among cities and States that qualify under clauses
19 (i) and (ii) of such section and States deemed eligible
20 under subsection (a).

21 (c) Notwithstanding any other provision of law, the
22 amount allocated for fiscal year 2010 under section 854(c)
23 of the AIDS Housing Opportunity Act (42 U.S.C.
24 12903(c)), to the City of New York, New York, on behalf
25 of the New York-Wayne-White Plains, New York-New

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

1 (d) Notwithstanding any other provision of law, the
2 amount allocated for fiscal year 2010 under section 854(c)
3 of the AIDS Housing Opportunity Act (42 U.S.C.
4 12903(c)) to areas with a higher than average per capita
5 incidence of AIDS, shall be adjusted by the Secretary on
6 the basis of area incidence reported over a 3 year period.

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

13 SEC. 205. Funds of the Department of Housing and
14 Urban Development subject to the Government Corpora-
15 tion Control Act or section 402 of the Housing Act of
16 1950 shall be available, without regard to the limitations
17 on administrative expenses, for legal services on a contract
18 or fee basis, and for utilizing and making payment for
19 services and facilities of the Federal National Mortgage
20 Association, Government National Mortgage Association,
21 Federal Home Loan Mortgage Corporation, Federal Fi-
22 nancing Bank, Federal Reserve banks or any member
23 thereof, Federal Home Loan banks, and any insured bank
24 within the meaning of the Federal Deposit Insurance Cor-
25 poration Act, as amended (12 U.S.C. 1811—1).

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

7 SEC. 207. Corporations and agencies of the Depart-
8 ment of Housing and Urban Development which are sub-
9 ject to the Government Corporation Control Act, are here-
10 by authorized to make such expenditures, within the limits
11 of funds and borrowing authority available to each such
12 corporation or agency and in accordance with law, and to
13 make such contracts and commitments without regard to
14 fiscal year limitations as provided by section 104 of such
15 Act as may be necessary in carrying out the programs set
16 forth in the budget for 2010 for such corporation or agen-
17 cy except as hereinafter provided: *Provided*, That collec-
18 tions of these corporations and agencies may be used for
19 new loan or mortgage purchase commitments only to the
20 extent expressly provided for in this Act (unless such loans
21 are in support of other forms of assistance provided for
22 in this or prior appropriations Acts), except that this pro-
23 viso shall not apply to the mortgage insurance or guaranty
24 operations of these corporations, or where loans or mort-

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

3 SEC. 208. None of the funds provided in this title
4 for technical assistance, training, or management improve-
5 ments may be obligated or expended unless the Secretary
6 of Housing and Urban Development provides to the Com-
7 mittees on Appropriations a description of each proposed
8 activity and a detailed budget estimate of the costs associ-
9 ated with each program, project or activity as part of the
10 Budget Justifications. For fiscal year 2010, the Secretary
11 shall transmit this information to the Committees by No-
12 vember 15, 2009 for 30 days of review.

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

20 SEC. 210. (a) Notwithstanding any other provision
21 of law, the amount allocated for fiscal year 2010 under
22 section 854(c) of the AIDS Housing Opportunity Act (42
23 U.S.C. 12903(e)), to the City of Wilmington, Delaware,
24 on behalf of the Wilmington, Delaware-Maryland-New
25 Jersey Metropolitan Division (hereafter “metropolitan di-

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

15 (b) Notwithstanding any other provision of law, the
16 Secretary of Housing and Urban Development shall allo-
17 cate to Wake County, North Carolina, the amounts that
18 otherwise would be allocated for fiscal year 2010 under
19 section 854(c) of the AIDS Housing Opportunity Act (42
20 U.S.C. 12903(c)) to the City of Raleigh, North Carolina,
21 on behalf of the Raleigh-Cary, North Carolina Metropoli-
22 tan Statistical Area. Any amounts allocated to Wake
23 County shall be used to carry out eligible activities under
24 section 855 of such Act (42 U.S.C. 12904) within such
25 metropolitan statistical area.

1 (c) Notwithstanding section 854(c) of the AIDS
2 Housing Opportunity Act (42 U.S.C. 12903(c)), the Sec-
3 retary of Housing and Urban Development may adjust the
4 allocation of the amounts that otherwise would be allo-
5 cated for fiscal year 2010 under section 854(c) of such
6 Act, upon the written request of an applicant, in conjunc-
7 tion with the State(s), for a formula allocation on behalf
8 of a metropolitan statistical area, to designate the State
9 or States in which the metropolitan statistical area is lo-
10 cated as the eligible grantee(s) of the allocation. In the
11 case that a metropolitan statistical area involves more
12 than one State, such amounts allocated to each State shall
13 be in proportion to the number of cases of AIDS reported
14 in the portion of the metropolitan statistical area located
15 in that State. Any amounts allocated to a State under this
16 section shall be used to carry out eligible activities within
17 the portion of the metropolitan statistical area located in
18 that State.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (c) For purposes of this section—

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

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

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

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

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

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

1 ston-Gonzalez National Affordable Housing Act;

2 or

3 (E) housing or vacant land that is subject

4 to a use agreement;

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

6 means—

7 (A) assistance provided under section 8(b)

8 of the United States Housing Act of 1937;

9 (B) assistance for housing constructed or

10 substantially rehabilitated pursuant to assist-

11 ance provided under section 8(b)(2) of such Act

12 (as such section existed immediately before Oc-

13 tober 1, 1983);

14 (C) rent supplement payments under sec-

15 tion 101 of the Housing and Urban Develop-

16 ment Act of 1965;

17 (D) interest reduction payments under sec-

18 tion 236 and/or additional assistance payments

19 under section 236(f)(2) of the National Hous-

20 ing Act; and

21 (E) assistance payments made under sec-

22 tion 202(e)(2) of the Housing Act of 1959;

23 (4) the term “receiving project or projects”

24 means the multifamily housing project or projects to

25 which some or all of the project-based assistance,

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

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

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

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

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

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

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

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

3 (2) is under 24 years of age;

4 (3) is not a veteran;

5 (4) is unmarried;

6 (5) does not have a dependent child;

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

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

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

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

3 SEC. 217. Notwithstanding the limitation in the first
4 sentence of section 255(g) of the National Housing Act
5 (12 U.S.C. 1715z—20(g)), the Secretary of Housing and
6 Urban Development may, until September 30, 2010, in-
7 sure and enter into commitments to insure mortgages
8 under section 255 of the National Housing Act (12 U.S.C.
9 1715z—20).

10 SEC. 218. Notwithstanding any other provision of
11 law, in fiscal year 2010, in managing and disposing of any
12 multifamily property that is owned or has a mortgage held
13 by the Secretary of Housing and Urban Development, the
14 Secretary shall maintain any rental assistance payments
15 under section 8 of the United States Housing Act of 1937
16 and other programs that are attached to any dwelling
17 units in the property. To the extent the Secretary deter-
18 mines, in consultation with the tenants and the local gov-
19 ernment, that such a multifamily property owned or held
20 by the Secretary is not feasible for continued rental assist-
21 ance payments under such section 8 or other programs,
22 based on consideration of (1) the costs of rehabilitating
23 and operating the property and all available Federal,
24 State, and local resources, including rent adjustments
25 under section 524 of the Multifamily Assisted Housing

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

16 SEC. 219. During fiscal year 2010, in the provision
17 of rental assistance under section 8(o) of the United
18 States Housing Act of 1937 (42 U.S.C. 1437f(o)) in con-
19 nection with a program to demonstrate the economy and
20 effectiveness of providing such assistance for use in as-
21 sisted living facilities that is carried out in the counties
22 of the State of Michigan notwithstanding paragraphs (3)
23 and (18)(B)(iii) of such section 8(o), a family residing in
24 an assisted living facility in any such county, on behalf
25 of which a public housing agency provides assistance pur-

1 suant to section 8(o)(18) of such Act, may be required,
2 at the time the family initially receives such assistance,
3 to pay rent in an amount exceeding 40 percent of the
4 monthly adjusted income of the family by such a percent-
5 age or amount as the Secretary of Housing and Urban
6 Development determines to be appropriate.

7 SEC. 220. The Secretary of Housing and Urban De-
8 velopment shall report quarterly to the House of Rep-
9 resentatives and Senate Committees on Appropriations on
10 HUD's use of all sole source contracts, including terms
11 of the contracts, cost, and a substantive rationale for
12 using a sole source contract.

13 SEC. 221. Notwithstanding any other provision of
14 law, the recipient of a grant under section 202b of the
15 Housing Act of 1959 (12 U.S.C. 1701q—z) after Decem-
16 ber 26, 2000, in accordance with the unnumbered para-
17 graph at the end of section 202(b) of such Act, may, at
18 its option, establish a single-asset nonprofit entity to own
19 the project and may lend the grant funds to such entity,
20 which may be a private nonprofit organization described
21 in section 831 of the American Homeownership and Eco-
22 nomic Opportunity Act of 2000.

23 SEC. 222. (a) The amounts provided under the sub-
24 heading "Program Account" under the heading "Commu-
25 nity Development Loan Guarantees" may be used to guar-

1 antee, or make commitments to guarantee, notes, or other
2 obligations issued by any State on behalf of non-entitle-
3 ment communities in the State in accordance with the re-
4 quirements of section 108 of the Housing and Community
5 Development Act of 1974: *Provided*, That, any State re-
6 ceiving such a guarantee or commitment shall distribute
7 all funds subject to such guarantee to the units of general
8 local government in non-entitlement areas that received
9 the commitment.

10 (b) Not later than 60 days after the date of enact-
11 ment of this Act, the Secretary of Housing and Urban
12 Development shall promulgate regulations governing the
13 administration of the funds described under subsection
14 (a).

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

17 (1) in subsection (m)(1), by striking “fiscal
18 year” and all that follows through the period at the
19 end and inserting “fiscal year 2010.”; and

20 (2) in subsection (o), by striking “September”
21 and all that follows through the period at the end
22 and inserting “September 30, 2010.”.

23 SEC. 224. Public housing agencies that own and oper-
24 ate 400 or fewer public housing units may elect to be ex-
25 empt from any asset management requirement imposed by

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

6 SEC. 225. With respect to the use of amounts pro-
7 vided in this Act and in future Acts for the operation, cap-
8 ital improvement and management of public housing as
9 authorized by sections 9(d) and 9(e) of the United States
10 Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the
11 Secretary shall not impose any requirement or guideline
12 relating to asset management that restricts or limits in
13 any way the use of capital funds for central office costs
14 pursuant to section 9(g)(1) or 9(g)(2) of the United States
15 Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Pro-*
16 *vided*, however, that a public housing agency may not use
17 capital funds authorized under section 9(d) for activities
18 that are eligible under section 9(e) for assistance with
19 amounts from the operating fund in excess of the amounts
20 permitted under section 9(g)(1) or 9(g)(2).

21 SEC. 226. No official or employee of the Department
22 of Housing and Urban Development shall be designated
23 as an allotment holder unless the Office of the Chief Fi-
24 nancial Officer has determined that such allotment holder
25 has implemented an adequate system of funds control and

1 has received training in funds control procedures and di-
2 rectives. The Chief Financial Officer shall ensure that, not
3 later than 90 days after the date of enactment of this Act,
4 there is a trained allotment holder for each HUD sub-
5 account under the headings “Executive Direction” and
6 “Administration, Operations, and Management” as well as
7 each account receiving appropriations for “personnel com-
8 pensation and benefits” within the Department of Hous-
9 ing and Urban Development.

10 SEC. 227. Payment of attorney fees in program-re-
11 lated litigation must be paid from individual program of-
12 fice personnel benefits and compensation funding. The an-
13 nual budget submission for program office personnel ben-
14 efit and compensation funding must include program-re-
15 lated litigation costs for attorney fees as a separate line
16 item request.

17 SEC. 228. The Secretary of the Department of Hous-
18 ing and Urban Development shall for Fiscal Year 2010
19 and subsequent fiscal years, notify the public through the
20 Federal Register and other means, as determined appro-
21 priate, of the issuance of a notice of the availability of
22 assistance or notice of funding availability (NOFA) for
23 any program or discretionary fund administered by the
24 Secretary that is to be competitively awarded. Notwith-
25 standing any other provision of law, for Fiscal Year 2010

1 and subsequent fiscal years, the Secretary may make the
2 NOFA available only on the Internet at the appropriate
3 government website or websites or through other electronic
4 media, as determined by the Secretary.

5 SEC. 229. Prepayment and Refinancing.

6 (a) APPROVAL OF PREPAYMENT OF DEBT.—Upon
7 request of the project sponsor of a project assisted with
8 a loan under section 202 of the Housing Act of 1959 (as
9 in effect before the enactment of the Cranston-Gonzalez
10 National Affordable Housing Act), for which the Sec-
11 retary’s consent to prepayment is required, the Secretary
12 shall approve the prepayment of any indebtedness to the
13 Secretary relating to any remaining principal and interest
14 under the loan as part of a prepayment plan under
15 which—

16 (1) the project sponsor agrees to operate the
17 project until the maturity date of the original loan
18 under terms at least as advantageous to existing and
19 future tenants as the terms required by the original
20 loan agreement or any project-based rental assist-
21 ance payments contract under section 8 of the
22 United States Housing Act of 1937 (or any other
23 project-based rental housing assistance programs of
24 the Department of Housing and Urban Develop-
25 ment, including the rent supplement program under

1 section 101 of the Housing and Urban Development
2 Act of 1965 (12 U.S.C. 1701s)) or any successor
3 project-based rental assistance program, except as
4 provided by subsection (a)(2)(B); and

5 (2) the prepayment may involve refinancing of
6 the loan if such refinancing results—

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

10 (B) in the case of a project that is assisted
11 with a loan under such section 202 carrying an
12 interest rate of 6 percent or lower, a trans-
13 action under which—

14 (i) the project owner shall address the
15 physical needs of the project;

16 (ii) the prepayment plan for the trans-
17 action, including the refinancing, shall
18 meet a cost benefit analysis, as established
19 by the Secretary, that the benefit of the
20 transaction outweighs the cost of the
21 transaction including any increases in rent
22 charged to unassisted tenants;

23 (iii) the overall cost for providing
24 rental assistance under section 8 for the

1 project (if any) is not increased, except,
2 upon approval by the Secretary to—

3 (I) mark-up-to-market contracts
4 pursuant to section 524(a)(3) of the
5 Multifamily Assisted Housing Reform
6 and Affordability Act (42 U.S.C.
7 1437f note), as such section is carried
8 out by the Secretary for properties
9 owned by nonprofit organizations; or

10 (II) mark-up-to-budget contracts
11 pursuant to section 524(a)(4) of the
12 Multifamily Assisted Housing Reform
13 and Affordability Act (42 U.S.C.
14 1437f note), as such section is carried
15 out by the Secretary for properties
16 owned by eligible owners (as such
17 term is defined in section 202(k) of
18 the Housing Act of 1959 (12 U.S.C.
19 1701q(k));

20 (iv) the project owner may charge ten-
21 ants rent sufficient to meet debt service
22 payments and operating cost requirements,
23 as approved by the Secretary, if project-
24 based rental assistance is not available or
25 is insufficient for the debt service and op-

1 erating cost of the project after refi-
2 nancing. Such approval by the Secretary—

3 (I) shall be the basis for the
4 owner to agree to terminate the
5 project-based rental assistance con-
6 tract that is insufficient for the debt
7 service and operating cost of the
8 project after refinancing; and

9 (II) shall be an eligibility event
10 for the project for purposes of section
11 8(t) of the United States Housing Act
12 of 1937 (42 U.S.C. 1437f(t));

13 (v) units to be occupied by tenants as-
14 sisted under section 8(t) of the United
15 States Housing Act of 1937 (42 U.S.C.
16 1437f(t)) shall, upon termination of the oc-
17 cupancy of such tenants, become eligible
18 for project-based assistance under section
19 8(o)(13) of the United States Housing Act
20 of 1937 (42 U.S.C. 1437f(o)(13)) without
21 regard to the percentage limitations pro-
22 vided in such section; and

23 (vi) there shall be a use agreement of
24 20 years from the date of the maturity
25 date of the original 202 loan for all units,

1 including units to be occupied by tenants
2 assisted under section 8(t) of the United
3 States Housing Act of 1937 (42 U.S.C.
4 1437f(t)).

5 SEC. 230. No property identified by the Secretary of
6 Housing and Urban Development as surplus Federal prop-
7 erty for use to assist the homeless shall be made available
8 to any homeless group unless the group is a member in
9 good standing under any of HUD's homeless assistance
10 programs or is in good standing with any other program
11 which receives funds from any other Federal or State
12 agency or entity: *Provided*, That an exception may be
13 made for an entity not involved with Federal homeless pro-
14 grams to use surplus Federal property for the homeless
15 only after the Secretary or another responsible Federal
16 agency has fully and comprehensively reviewed all relevant
17 finances of the entity, the track record of the entity in
18 assisting the homeless, the ability of the entity to manage
19 the property, including all costs, the ability of the entity
20 to administer homeless programs in a manner that is ef-
21 fective to meet the needs of the homeless population that
22 is expected to use the property and any other related
23 issues that demonstrate a commitment to assist the home-
24 less: *Provided further*, That the Secretary shall not require
25 the entity to have cash in hand in order to demonstrate

1 financial ability but may rely on the entity's prior dem-
2 onstrated fundraising ability or commitments for in-kind
3 donations of goods and services: *Provided further*, That
4 the Secretary shall make all such information and its deci-
5 sion regarding the award of the surplus property available
6 to the committees of jurisdiction, including a full justifica-
7 tion of the appropriateness of the use of the property to
8 assist the homeless as well as the appropriateness of the
9 group seeking to obtain the property to use such property
10 to assist the homeless: *Provided further*, That, this section
11 shall apply to properties in fiscal year 2009 and 2010
12 made available as surplus Federal property for use to as-
13 sist the homeless.

14 SEC. 231. The Secretary of the Department of Hous-
15 ing and Urban Development is authorized to transfer up
16 to 5 percent of funds appropriated for any account under
17 this title under the heading "Personnel Compensation and
18 Benefits" to any other account under this title under the
19 heading "Personnel Compensation and Benefits" only
20 after such transfer has been submitted to, and received
21 prior written approval by, the House and Senate Commit-
22 tees on Appropriations: *Provided*, That, no appropriation
23 for any such account shall be increased or decreased by
24 more than 10 percent by all such transfers.

1 SEC. 232. The Disaster Housing Assistance Pro-
2 grams, administered by the Department of Housing and
3 Urban Development, shall be considered a “program of
4 the Department of Housing and Urban Development”
5 under section 904 of the McKinney Act for the purpose
6 of income verifications and matching.

7 SEC. 233. FHA Loan Limits for fiscal year 2010. (a)
8 LOAN LIMIT FLOOR BASED ON 2008 LEVELS- For
9 mortgages for which the mortgagee issues credit approval
10 for the borrower during fiscal year 2010, if the dollar
11 amount limitation on the principal obligation of a mort-
12 gage determined under section 203(b)(2) of the National
13 Housing Act (12 U.S.C. 1709(b)(2)) for any size residence
14 for any area is less than such dollar amount limitation
15 that was in effect for such size residence for such area
16 for 2008 pursuant to section 202 of the Economic Stim-
17 ulus Act of 2008 (Public Law 110-185; 122 Stat. 620),
18 notwithstanding any other provision of law, the maximum
19 dollar amount limitation on the principal obligation of a
20 mortgage for such size residence for such area for pur-
21 poses of such section 203(b)(2) shall be considered (except
22 for purposes of section 255(g) of such Act (12 U.S.C.
23 1715z-20(g))) to be such dollar amount limitation in effect
24 for such size residence for such area for 2008. (b) Discre-
25 tionary Authority for Sub-Areas- Notwithstanding any

1 other provision of law, if the Secretary of Housing and
2 Urban Development determines, for any geographic area
3 that is smaller than an area for which dollar amount limi-
4 tations on the principal obligation of a mortgage are deter-
5 mined under section 203(b)(2) of the National Housing
6 Act, that a higher such maximum dollar amount limitation
7 is warranted for any particular size or sizes of residences
8 in such sub-area by higher median home prices in such
9 sub-area, the Secretary may, for mortgages for which the
10 mortgagee issues credit approval for the borrower during
11 fiscal year 2010, increase the maximum dollar amount
12 limitation for such size or sizes of residences for such sub-
13 area that is otherwise in effect (including pursuant to sub-
14 section (a) of this section), but in no case to an amount
15 that exceeds the amount specified in section 202(a)(2) of
16 the Economic Stimulus Act of 2008.

17 SEC. 234. GSE Conforming Loan Limits for fiscal
18 year 2010. (a) Loan Limit Floor Based on 2008 Levels-
19 For mortgages originated during fiscal year 2010, if the
20 limitation on the maximum original principal obligation of
21 a mortgage that may be purchased by the Federal Na-
22 tional Mortgage Association or the Federal Home Loan
23 Mortgage Corporation determined under section 302(b)(2)
24 of the Federal National Mortgage Association Charter Act
25 (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Fed-

1 eral Home Loan Mortgage Corporation Act (12 U.S.C.
2 1754(a)(2)), respectively, for any size residence for any
3 area is less than such maximum original principal obliga-
4 tion limitation that was in effect for such size residence
5 for such area for 2008 pursuant to section 201 of the Eco-
6 nomic Stimulus Act of 2008 (Public Law 110-185; 122
7 Stat. 619), notwithstanding any other provision of law, the
8 limitation on the maximum original principal obligation of
9 a mortgage for such Association and Corporation for such
10 size residence for such area shall be such maximum limita-
11 tion in effect for such size residence for such area for
12 2008. (b) Discretionary Authority for Sub-Areas- Not-
13 withstanding any other provision of law, if the Director
14 of the Federal Housing Finance Agency determines, for
15 any geographic area that is smaller than an area for which
16 limitations on the maximum original principal obligation
17 of a mortgage are determined for the Federal National
18 Mortgage Association or the Federal Home Loan Mort-
19 gage Corporation, that a higher such maximum original
20 principal obligation limitation is warranted for any par-
21 ticular size or sizes of residences in such sub-area by high-
22 er median home prices in such sub-area, the Director may,
23 for mortgages originated during fiscal year 2010, increase
24 the maximum original principal obligation limitation for
25 such size or sizes of residences for such sub-area that is

1 otherwise in effect (including pursuant to subsection (a)
2 of this section) for such Association and Corporation, but
3 in no case to an amount that exceeds the amount specified
4 in the matter following the comma in section 201(a)(1)(B)
5 of the Economic Stimulus Act of 2008.

6 SEC. 235. FHA Reverse Mortgage Loan Limits for
7 fiscal year 2010. For mortgages for which the mortgagee
8 issues credit approval for the borrower during fiscal year
9 2010, the second sentence of section 255(g) of the Na-
10 tional Housing Act (12 U.S.C. 1715z-20(g)) shall be con-
11 sidered to require that in no case may the benefits of in-
12 surance under such section 255 exceed 150 percent of the
13 maximum dollar amount in effect under the sixth sentence
14 of section 305(a)(2) of the Federal Home Loan Mortgage
15 Corporation Act (12 U.S.C. 1454(a)(2)).

16 This title may be cited as the “Department of Hous-
17 ing and Urban Development Appropriations Act, 2010”.

18 TITLE III

19 RELATED AGENCIES

20 ARCHITECTURAL AND TRANSPORTATION BARRIERS

21 COMPLIANCE BOARD

22 SALARIES AND EXPENSES

23 For expenses necessary for the Architectural and
24 Transportation Barriers Compliance Board, as authorized
25 by section 502 of the Rehabilitation Act of 1973, as

1 amended, \$7,200,000: *Provided*, That, notwithstanding
2 any other provision of law, there may be credited to this
3 appropriation funds received for publications and training
4 expenses.

5 FEDERAL MARITIME COMMISSION

6 SALARIES AND EXPENSES

7 For necessary expenses of the Federal Maritime
8 Commission as authorized by section 201(d) of the Mer-
9 chant Marine Act, 1936, as amended (46 U.S.C. App.
10 1111), including services as authorized by 5 U.S.C. 3109;
11 hire of passenger motor vehicles as authorized by 31
12 U.S.C. 1343(b); and uniforms or allowances therefore, as
13 authorized by 5 U.S.C. 5901–5902, \$23,712,000: *Pro-*
14 *vided*, That not to exceed \$2,000 shall be available for offi-
15 cial reception and representation expenses.

16 NATIONAL TRANSPORTATION SAFETY BOARD

17 SALARIES AND EXPENSES

18 For necessary expenses of the National Transpor-
19 tation Safety Board, including hire of passenger motor ve-
20 hicles and aircraft; services as authorized by 5 U.S.C.
21 3109, but at rates for individuals not to exceed the per
22 diem rate equivalent to the rate for a GS–15; uniforms,
23 or allowances therefor, as authorized by law (5 U.S.C.
24 5901–5902) \$99,200,000, of which not to exceed \$2,000
25 may be used for official reception and representation ex-

1 penses. The amounts made available to the National
2 Transportation Safety Board in this Act include amounts
3 necessary to make lease payments on an obligation in-
4 curred in fiscal year 2001 for a capital lease. Of the funds
5 provided, up to \$100,000 shall be provided through reim-
6 bursement to the Department of Transportation's Office
7 of Inspector General to audit the National Transportation
8 Safety Board's financial statements.

9 NEIGHBORHOOD REINVESTMENT CORPORATION

10 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT

11 CORPORATION

12 For payment to the Neighborhood Reinvestment Cor-
13 poration for use in neighborhood reinvestment activities,
14 as authorized by the Neighborhood Reinvestment Corpora-
15 tion Act (42 U.S.C. 8101–8107), \$133,000,000: *Provided*,
16 That Section 605(a) of the Neighborhood Reinvestment
17 Corporation Act (42 U.S.C. 8104(a)) is amended by add-
18 ing at the end of the first sentence, prior to the period,
19 “, except that the board-appointed officers may be paid
20 salary at a rate not to exceed level II of the Executive
21 Schedule”: *Provided further*, That in addition,
22 \$63,800,000 shall be made available until expended to the
23 Neighborhood Reinvestment Corporation for mortgage
24 foreclosure mitigation activities, under the following terms
25 and conditions:

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

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

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

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

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

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

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

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

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

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

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

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

9 UNITED STATES INTERAGENCY COUNCIL ON

10 HOMELESSNESS

11 OPERATING EXPENSES

12 For necessary expenses (including payment of sala-
13 ries, authorized travel, hire of passenger motor vehicles,
14 the rental of conference rooms, and the employment of ex-
15 perts and consultants under section 3109 of title 5, United
16 States Code) of the United States Interagency Council on
17 Homelessness in carrying out the functions pursuant to
18 title II of the McKinney-Vento Homeless Assistance Act,
19 as amended, \$2,400,000.

20 TITLE IV

21 GENERAL PROVISIONS—THIS ACT

22 SEC. 401. Such sums as may be necessary for fiscal
23 year 2010 pay raises for programs funded in this Act shall
24 be absorbed within the levels appropriated in this Act or
25 previous appropriations Acts.

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

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

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

18 SEC. 405. Except as otherwise provided in this Act,
19 none of the funds provided in this Act, provided by pre-
20 vious appropriations Acts to the agencies or entities fund-
21 ed in this Act that remain available for obligation or ex-
22 penditure in fiscal year 2010, or provided from any ac-
23 counts in the Treasury derived by the collection of fees
24 and available to the agencies funded by this Act, shall be
25 available for obligation or expenditure through a re-

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

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

13 SEC. 406. Except as otherwise specifically provided
14 by law, not to exceed 50 percent of unobligated balances
15 remaining available at the end of fiscal year 2010 from
16 appropriations made available for salaries and expenses
17 for fiscal year 2010 in this Act, shall remain available
18 through September 30, 2011, for each such account for
19 the purposes authorized: *Provided*, That a request shall
20 be submitted to the House and Senate Committees on Ap-
21 propriations for approval prior to the expenditure of such
22 funds: *Provided further*, That these requests shall be made
23 in compliance with reprogramming guidelines under sec-
24 tion 405 of this Act.

1 SEC. 407. All Federal agencies and departments that
2 are funded under this Act shall issue a report to the House
3 and Senate Committees on Appropriations on all sole
4 source contracts by no later than July 31, 2010. Such re-
5 port shall include the contractor, the amount of the con-
6 tract and the rationale for using a sole source contract.

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

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

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

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

19 (4) contains any methods or content associated
20 with religious or quasi-religious belief systems or
21 “new age” belief systems as defined in Equal Em-
22 ployment Opportunity Commission Notice N-
23 915.022, 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 Act may be cited as the “Transportation, Hous-
8 ing and Urban Development, and Related Agencies Appro-
9 priations Act, 2010”.

Union Calendar No. 119

111TH CONGRESS
1ST Session

H. R. 3288

[Report No. 111-218]

A BILL

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

JULY 22, 2009

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed