

Calendar No. 153

111TH CONGRESS
1ST SESSION**H. R. 3288****[Report No. 111–69]**

IN THE SENATE OF THE UNITED STATES

JULY 27, 2009

Received; read twice and referred to the Committee on Appropriations

AUGUST 5, 2009

Reported by Mrs. MURRAY, with an amendment

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

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Transportation, and Housing and Urban
6 Development, and related agencies for the fiscal year end-
7 ing September 30, 2010, and for other purposes, namely:

1 TITLE I
2 DEPARTMENT OF TRANSPORTATION
3 OFFICE OF THE SECRETARY
4 SALARIES AND EXPENSES
5 For necessary expenses of the Office of the Secretary,
6 ~~\$102,556,000 (reduced by \$250,000)~~, of which not to ex-
7 ceed ~~\$2,631,000~~, shall be available for the immediate Of-
8 fice of the Secretary; not to exceed \$986,000, shall be
9 available for the immediate Office of the Deputy Sec-
10 retary; not to exceed \$20,359,000, shall be available for
11 the Office of the General Counsel; not to exceed
12 ~~\$11,100,000~~, shall be available for the Office of the Under
13 Secretary of Transportation for Policy; not to exceed
14 ~~\$10,559,000~~, shall be available for the Office of the Assist-
15 ant Secretary for Budget and Programs; not to exceed
16 ~~\$2,440,000~~, shall be available for the Office of the Assist-
17 ant Secretary for Governmental Affairs; not to exceed
18 ~~\$25,520,000~~, shall be available for the Office of the Assist-
19 ant Secretary for Administration; not to exceed
20 ~~\$2,055,000~~, shall be available for the Office of Public Af-
21 fairs; not to exceed \$1,658,000, shall be available for the
22 Office of the Executive Secretariat; not to exceed
23 ~~\$1,433,000~~, shall be available for the Office of Small and
24 Disadvantaged Business Utilization; not to exceed
25 ~~\$10,600,000~~, shall be available for the Office of Intel-

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

22 FINANCIAL MANAGEMENT CAPITAL

23 For necessary expenses for upgrading and enhancing
 24 the Department of Transportation's financial systems;

1 and reengineering business processes, \$5,000,000 (re-
 2 duced by \$3,000,000), to remain available until expended.

3 OFFICE OF CIVIL RIGHTS

4 For necessary expenses of the Office of Civil Rights,
 5 \$9,667,000.

6 TRANSPORTATION PLANNING, RESEARCH, AND

7 DEVELOPMENT

8 For necessary expenses for conducting transportation
 9 planning, research, systems development, development ac-
 10 tivities, and making grants, to remain available until ex-
 11 pended, \$14,733,000.

12 WORKING CAPITAL FUND

13 For necessary expenses for operating costs and cap-
 14 ital outlays of the Working Capital Fund, not to exceed
 15 \$147,569,000, shall be paid from appropriations made
 16 available to the Department of Transportation: *Provided*,
 17 That such services shall be provided on a competitive basis
 18 to entities within the Department of Transportation: *Pro-*
 19 *vided further*, That the above limitation on operating ex-
 20 penses shall not apply to non-DOT entities: *Provided fur-*
 21 *ther*, That no funds appropriated in this Act to an agency
 22 of the Department shall be transferred to the Working
 23 Capital Fund without the approval of the agency modal
 24 administrator: *Provided further*, That no assessments may
 25 be levied against any program, budget activity, subactivity

1 or project funded by this Act unless notice of such assess-
2 ments and the basis therefor are presented to the House
3 and Senate Committees on Appropriations and are ap-
4 proved by such Committees.

5 MINORITY BUSINESS RESOURCE CENTER PROGRAM

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

15 MINORITY BUSINESS OUTREACH

16 For necessary expenses of Minority Business Re-
17 source Center outreach activities, \$3,074,000, to remain
18 available until September 30, 2011: *Provided*, That not-
19 withstanding 49 U.S.C. 332, these funds may be used for
20 business opportunities related to any mode of transpor-
21 tation.

1 PAYMENTS TO AIR CARRIERS

2 (AIRPORT AND AIRWAY TRUST FUND)

3 (INCLUDING TRANSFER OF FUNDS)

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

19 ADMINISTRATIVE PROVISIONS—OFFICE OF THE
20 SECRETARY OF TRANSPORTATION

21 SEC. 101. None of the funds made available in this
22 Act to the Department of Transportation may be obligated
23 for the Office of the Secretary of Transportation to ap-
24 prove assessments or reimbursable agreements pertaining
25 to funds appropriated to the modal administrations in this

1 Act, except for activities underway on the date of enact-
2 ment of this Act, unless such assessments or agreements
3 have completed the normal reprogramming process for
4 Congressional notification.

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

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

14 FEDERAL AVIATION ADMINISTRATION

15 OPERATIONS

16 (AIRPORT AND AIRWAY TRUST FUND)

17 For necessary expenses of the Federal Aviation Ad-
18 ministration, not otherwise provided for, including oper-
19 ations and research activities related to commercial space
20 transportation, administrative expenses for research and
21 development, establishment of air navigation facilities, the
22 operation (including leasing) and maintenance of aircraft,
23 subsidizing the cost of aeronautical charts and maps sold
24 to the public, lease or purchase of passenger motor vehi-
25 cles for replacement only, in addition to amounts made

1 available by Public Law 108-176, \$9,347,168,000, of
 2 which \$5,190,798,000 shall be derived from the Airport
 3 and Airway Trust Fund, of which not to exceed
 4 \$7,300,739,000 shall be available for air traffic organiza-
 5 tion activities; not to exceed \$1,231,765,000 shall be avail-
 6 able for aviation safety activities; not to exceed
 7 \$14,737,000 (increased by \$1,000,000) shall be available
 8 for commercial space transportation activities; not to ex-
 9 ceed \$113,681,000 shall be available for financial services
 10 activities; not to exceed \$100,428,000 shall be available
 11 for human resources program activities; not to exceed
 12 \$341,977,000 shall be available for region and center op-
 13 erations and regional coordination activities; not to exceed
 14 \$190,063,000 shall be available for staff offices; and not
 15 to exceed \$49,778,000 (reduced by \$1,000,000) shall be
 16 available for information services: *Provided*, That not to
 17 exceed 2 percent of any budget activity, except for aviation
 18 safety budget activity, may be transferred to any budget
 19 activity under this heading: *Provided further*, That no
 20 transfer may increase or decrease any appropriation by
 21 more than 2 percent: *Provided further*, That any transfer
 22 in excess of 2 percent shall be treated as a reprogramming
 23 of funds under section 405 of this Act and shall not be
 24 available for obligation or expenditure except in compli-
 25 ance with the procedures set forth in that section: *Pro-*

1 *vided further*, That the Secretary utilize not less than
2 \$17,084,000 of the funds provided for aviation safety ac-
3 tivities to pay for staff increases in the Office of Aviation
4 Flight Standards and the Office of Aircraft Certification:
5 *Provided further*, That not later than March 31 of each
6 fiscal year hereafter, the Administrator of the Federal
7 Aviation Administration shall transmit to Congress an an-
8 nual update to the report submitted to Congress in De-
9 cember 2004 pursuant to section 221 of Public Law 108–
10 176: *Provided further*, That funds may be used to enter
11 into a grant agreement with a nonprofit standard-setting
12 organization to assist in the development of aviation safety
13 standards: *Provided further*, That none of the funds in this
14 Act shall be available for new applicants for the second
15 career training program: *Provided further*, That none of
16 the funds in this Act shall be available for the Federal
17 Aviation Administration to finalize or implement any regu-
18 lation that would promulgate new aviation user fees not
19 specifically authorized by law after the date of the enact-
20 ment of this Act: *Provided further*, That there may be
21 credited to this appropriation as offsetting collections
22 funds received from States, counties, municipalities, for-
23 eign authorities, other public authorities, and private
24 sources, including funds from fees authorized under Chap-
25 ter 453 of title 49, United States Code, other than those

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

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

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

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

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

(2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

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

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.—~~Obl-
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 reconstrue-
 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 (increased by \$250,000), of
 8 which \$32,045,000 shall remain available until September
 9 30, 2011: *Provided*, That none of the funds appropriated
 10 by this Act may be obligated or expended to plan, finalize,
 11 or implement any rulemaking to add to section 575.104
 12 of title 49 of the Code of Federal Regulations any require-
 13 ment pertaining to a grading standard that is different
 14 from the three grading standards (treadwear, traction,
 15 and temperature 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 termasures 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 (increased by \$3,000,000), to re-
4 main available until expended.

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 (e) 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 Public
 21 Law 110-432), \$553,348,000, to remain available until
 22 September 30, 2010: *Provided,* That the amounts avail-
 23 able under this heading shall be available for the Secretary
 24 to approve funding to cover operating losses for the Cor-
 25 poration only after receiving and reviewing a grant request

1 for each specific train route: *Provided further*, That each
2 such grant request shall be accompanied by a detailed fi-
3 nancial analysis, revenue projection, and capital expendi-
4 ture projection justifying the Federal support to the Sec-
5 retary's satisfaction: *Provided further*, That the Secretary
6 may retain up to one-half of one percent of the funds pro-
7 vided under this heading to implement the Operating
8 Grants to the National Railroad Passenger Corporation
9 in fiscal year 2010: *Provided further*, That the Corporation
10 is directed to achieve savings through operating effi-
11 ciencies including, but not limited to, modifications to food
12 and beverage service and first class service: *Provided fur-*
13 *ther*, That the Inspector General of the Department of
14 Transportation shall report to the House and Senate Com-
15 mittees on Appropriations beginning 3 months after the
16 date of the enactment of this Act and quarterly thereafter
17 with estimates of the savings accrued as a result of all
18 operational reforms instituted by the Corporation: *Pro-*
19 *vided further*, That the Inspector General of the Depart-
20 ment of Transportation shall provide a report recom-
21 mending to the House and Senate Committees on Appro-
22 priations 180 days after the date of the enactment of this
23 Act on possible operational reforms that could be insti-
24 tuted by the Corporation: *Provided further*, That not later
25 than 120 days after enactment of this Act, the Corpora-

tion shall transmit to the House and Senate Committees on Appropriations its Fiscal Year 2011 plan to improve the financial performance of food and beverage service and its plan to improve the financial performance of first class service (including sleeping car service): *Provided further*, That the Corporation shall report quarterly to the House and Senate Committees on Appropriations on its progress against the milestones and target dates contained in its financial performance improvement plan provided in fiscal year 2009 and quantify savings realized to date on a monthly basis compared to those projected in the plan; identify any changes in the plan or delays in implementing these plans; and identify the causes of delay and proposed corrective measures: *Provided further*, That the National Railroad Passenger Corporation shall submit, in electronic format, to the House and Senate Committees on Appropriations, a budget, business plan and a 5-Year Financial Plan beginning with fiscal year 2010, consistent with the provisions of section 204 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law ~~110-432~~): *Provided further*, That the budget, business plan and the 5-Year Financial Plan shall also include a separate accounting of targets for the Northeast Corridor; commuter service; long distance Amtrak service; state-supported 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 Public Law 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(e) of the Passenger
 22 Rail Investment and Improvement Act of 2008 (division
 23 B of Public Law 110–432), \$929,625,000, to remain
 24 available 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-

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

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out section 5309 of title 49, United States Code, \$1,827,343,000, to remain available until expended, of which not to exceed \$200,000,000 is for section 5309(e) of such title: *Provided*, That \$2,000,000, shall be transferred to the Department of Transportation Office of Inspector General from funds set aside for the execution of contracts pursuant to section 5327(e) of title 49, United States Code, for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For necessary expenses to carry out section 601 of division B of Public Law 110-432, \$150,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

ADMINISTRATION

SEC. 160. The limitations on obligations for the programs 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 lie 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.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$74,839,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$29,800,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees 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 30 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 No. 13150 and
 10 section ~~3049~~ of Public Law 109-59: *Provided*, that the
 11 Department shall include adequate safeguards in the con-
 12 tract with the vendors to ensure timely and high quality
 13 performance 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 personnel 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.

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:

(1) \$16,387,200,000 shall be available for re-
newals of expiring section 8 tenant-based annual
contributions contracts (including renewals of en-
hanced vouchers under any provision of law author-
izing such assistance under section 8(t) of the Act)
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-

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

(2) \$120,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project based assistance 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 refi-
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 ear-
 10 nrover, 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, to
 6 remain available until expended: *Provided*, That such
 7 costs, including the costs of modifying such loans, shall
 8 be as defined in section 502 of the Congressional Budget
 9 Act of 1974: *Provided further*, That these funds are avail-
 10 able to subsidize total loan principal, any part of which
 11 is to be guaranteed, not to exceed \$41,504,255.

12 COMMUNITY PLANNING AND DEVELOPMENT
 13 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

14 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 \$4,598,607,000, 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 \$16,000,000 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: *Provided further*, That
23 none of the funds made available under this heading may
24 be used for the construction and facility buildout of a

1 multi-purpose complex at Indiana University of Pennsyl-
 2 vania.

3 The referenced statement of the managers under this
 4 heading “Community Planning and Development” in title
 5 II of division K of Public Law 110–161 is deemed to be
 6 amended by striking “Custer County, ID for acquisition
 7 of an unused middle school building” and inserting “Cus-
 8 ter County, ID, to construct a community center”.

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

15 Of the amounts made available under this heading,
 16 \$150,000,000 shall be made available for a Sustainable
 17 Communities Initiative to stimulate improved regional
 18 planning efforts that integrate housing and transportation
 19 decisions, and to challenge communities to reform zoning
 20 and land use ordinances: *Provided*, That \$100,000,000
 21 shall be for Regional Planning Grants to support the link-
 22 ing of transportation and land use planning: *Provided fur-*
 23 *ther*, That \$40,000,000 shall be for Metropolitan Chal-
 24 lenge Grants to foster reform and reduce barriers to
 25 achieve affordable, economically vital, and sustainable

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

22 COMMUNITY DEVELOPMENT LOAN GUARANTEES

23 PROGRAM ACCOUNT

24 For the cost of guaranteed loans, \$6,000,000, to re-
 25 main available until September 30, 2011, as authorized

1 by section 108 of the Housing and Community Develop-
 2 ment Act of 1974 (42 U.S.C. 5308): *Provided*, That such
 3 costs, including the cost of modifying such loans, shall be
 4 as defined in section 502 of the Congressional Budget Act
 5 of 1974: *Provided further*, That these funds are available
 6 to subsidize total loan principal, any part of which is to
 7 be guaranteed, not to exceed \$275,000,000, notwith-
 8 standing any aggregate limitation on outstanding obliga-
 9 tions guaranteed in section 108(k) of the Housing and
 10 Community Development Act of 1974, as amended.

11 BROWNFIELDS REDEVELOPMENT

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

20 HOME INVESTMENT PARTNERSHIPS PROGRAM

21 For the HOME investment partnerships program, as
 22 authorized under title II of the Cranston-Gonzalez Na-
 23 tional Affordable Housing Act, as amended (42 U.S.C.
 24 12721 et seq.), \$2,000,000,000 (reduced by \$5,000,000),
 25 to remain available until September 30, 2012: *Provided*,

1 That funds provided in prior appropriations Acts for tech-
 2 nical assistance, that were made available for Community
 3 Housing Development Organizations technical assistance,
 4 and that still remain available, may be used for HOME
 5 technical assistance notwithstanding the purposes for
 6 which such amounts were appropriated.

7 SELF-HELP AND ASSISTED HOMEOWNERSHIP

8 OPPORTUNITY PROGRAM

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

1 thorized in sections ~~6301~~ through ~~6305~~ of Public Law
 2 ~~110-246~~.

3 HOMELESS ASSISTANCE GRANTS

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

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

1 newal account and transferred to this account shall be
 2 available, if recaptured, for Shelter Plus Care renewals in
 3 fiscal year 2010.

4 HOUSING PROGRAMS

5 PROJECT-BASED RENTAL ASSISTANCE

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

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

1 vation Act of 1987 or the Low-Income Housing
2 Preservation and Resident Homeownership Act of
3 1990, and for administrative and other expenses as-
4 sociated with project-based activities and assistance
5 funded under this paragraph.

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

1 section 202(h) of the Housing Act of 1959 (Public
 2 Law ~~86-372~~; ~~73 Stat. 667~~); and loans under section
 3 202 of the Housing Act of 1959 (Public Law ~~86-~~
 4 ~~372~~; ~~73 Stat. 667~~).

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

12 HOUSING FOR THE ELDERLY

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

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

1 housing for persons with disabilities under section 811 of
2 the Cranston-Gonzalez National Affordable Housing Act:
3 *Provided further*, That the Secretary may waive the provi-
4 sions of section 202 governing the terms and conditions
5 of project rental assistance, except that the initial contract
6 term for such assistance shall not exceed 5 years in dura-
7 tion.

8 HOUSING FOR PERSONS WITH DISABILITIES

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

1 \$87,100,000 shall be for amendments or renewal of ten-
 2 ant-based assistance contracts entered into prior to fiscal
 3 year 2005 (only one amendment authorized for any such
 4 contract): *Provided further*, That all tenant-based assist-
 5 ance made available under this heading shall continue to
 6 remain available only to persons with disabilities: *Provided*
 7 *further*, That the Secretary may waive the provisions of
 8 section 811 governing the terms and conditions of project
 9 rental assistance and tenant-based assistance, except that
 10 the initial contract term for such assistance shall not ex-
 11 ceed 5 years in duration: *Provided further*, That amounts
 12 made available under this heading shall be available for
 13 Real Estate Assessment Center inspections and inspec-
 14 tion-related activities associated with section 811 Capital
 15 Advance Projects.

16 HOUSING COUNSELING ASSISTANCE

17 For contracts, grants, and other assistance excluding
 18 loans, as authorized under section 106 of the Housing and
 19 Urban Development Act of 1968, as amended(12 U.S.C.
 20 1701(x)), \$70,000,000 (increased by \$5,000,000), includ-
 21 ing up to \$2,500,000 for administrative contract services,
 22 to remain available until September 30, 2011: *Provided*,
 23 That funds shall be used for providing counseling and ad-
 24 vice to tenants and homeowners, both current and pro-
 25 spective, with respect to property maintenance, financial

1 management/literacy, and such other matters as may be
 2 appropriate to assist them in improving their housing con-
 3 ditions; meeting their financial needs; and fulfilling the re-
 4 sponsibilities of tenancy or homeownership; for program
 5 administration; and for housing counselor training.

6 ENERGY INNOVATION FUND

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

18 OTHER ASSISTED HOUSING PROGRAMS

19 RENTAL HOUSING ASSISTANCE

20 For amendments to contracts under section 101 of
 21 the Housing and Urban Development Act of 1965 (12
 22 U.S.C. 1701s) and section 236(f)(2) of the National
 23 Housing Act (12 U.S.C. 1715z-1) in State-aided, non-in-
 24 sured rental housing projects, \$40,000,000, to remain
 25 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: *Provided further*, That during
4 fiscal year 2010, obligations to make direct loans to carry
5 out the purposes of section 204(g) of the National Hous-
6 ing Act, as amended, shall not exceed \$50,000,000: *Pro-*
7 *vided further*, That the foregoing amount shall be for loans
8 to nonprofit and governmental entities in connection with
9 sales of single family real properties owned by the Sec-
10 retary and formerly insured under the Mutual Mortgage
11 Insurance Fund. For administrative contract expenses of
12 the Federal Housing Administration, \$188,900,000, of
13 which up to \$70,794,000 may be transferred to the Work-
14 ing Capital Fund, and of which up to \$7,500,000 shall
15 be for education and outreach of FHA single family loan
16 products: *Provided further*, That to the extent guaranteed
17 loan commitments exceed \$200,000,000,000 on or before
18 April 1, 2010, an additional \$1,400 for administrative
19 contract expenses shall be available for each \$1,000,000
20 in additional guaranteed loan commitments (including a
21 pro rata amount for any amount below \$1,000,000), but
22 in no case shall funds made available by this proviso ex-
23 ceed \$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-

tion 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

MANAGEMENT AND ADMINISTRATION

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

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

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(e)(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(e)
23 of the AIDS Housing Opportunity Act (42 U.S.C.
24 12903(e)), 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(e)
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 (e) Notwithstanding section 854(e) of the AIDS
2 Housing Opportunity Act (42 U.S.C. 12903(e)), 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(e) of such
6 Act, upon the written request of an applicant, in conjune-
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(c)(2) of the Housing Act of 1959;~~

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

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

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

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

11 SEC. 214. The funds made available for Native Alas-
 12 kans under the heading “Native American Housing Block
 13 Grants” in title 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 December
16 26, 2000, in accordance with the unnumbered paragraph
17 at the end of section 202(b) of such Act, may, at its op-
18 tion, establish a single-asset nonprofit entity to own the
19 project and may lend the grant funds to such entity, which
20 may be a private nonprofit organization described in sec-
21 tion 831 of the American Homeownership and Economic
22 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 and
19 subsequent fiscal years, notify the public through the Fed-
20 eral Register and other means, as determined appropriate,
21 of the issuance of a notice of the availability of assistance
22 or notice of funding availability (NOFA) for any program
23 or discretionary fund administered by the Secretary that
24 is to be competitively awarded. Notwithstanding any other
25 provision of law, for fiscal year 2010 and subsequent fiscal

1 years, the Secretary may make the NOFA available only
2 on the Internet at the appropriate government website or
3 websites or through other electronic media, as determined
4 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-~~

erating cost of the project after refinancing. Such approval by the Secretary—

(I) shall be the basis for the owner to agree to terminate the project-based rental assistance contract that is insufficient for the debt service and operating cost of the project after refinancing; and

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

(v) units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) shall, upon termination of the occupancy of such tenants, become eligible for project-based assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) without regard to the percentage limitations provided in such section; and

(vi) there shall be a use agreement of 20 years from the date of the maturity 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 quarterly 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–10e, 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–10e).~~

7 ~~SEC. 414. None of the funds made available in this~~
8 ~~Act may be used for first-class airline accommodations in~~
9 ~~contravention of sections 301–10.122 and 301–10.123 of~~
10 ~~title 41, Code of Federal Regulations.~~

11 ~~SEC. 415. None of the funds made available in this~~
12 ~~Act may be used to purchase a light bulb for an office~~
13 ~~building unless the light bulb has, to the extent prac-~~
14 ~~ticable, an Energy Star or Federal Energy Management~~
15 ~~Program designation.~~

16 ~~SEC. 416. None of the funds made available in this~~
17 ~~Act may be used by Amtrak to provide free alcohol.~~

18 ~~SEC. 417. None of the funds made available in this~~
19 ~~Act may be used to establish, issue, implement, adminster,~~
20 ~~or enforce any prohibition or restriction on the establish-~~
21 ~~ment or effectiveness of any occupancy preference for vet-~~
22 ~~erans in supportive housing for the elderly that: (1) is pro-~~
23 ~~vided assistance by the Department of Housing and Urban~~
24 ~~Development; and (2)(A) is or would be located on prop-~~
25 ~~erty of the Department of Veterans Affairs; or (B) is sub-~~

1 ject to an enhanced use lease with the Department of Vet-
 2 erans Affairs.

3 ~~SEC. 418. None of the funds made available in this~~
 4 ~~Act may be used to implement or enforce the requirement~~
 5 ~~under section 12(e) of the United States Housing Act of~~
 6 ~~1937 (42 U.S.C. 1437j(e); relating to community service).~~

7 This Act may be cited as the “Transportation, Hous-
 8 ing and Urban Development, and Related Agencies Appro-
 9 priations Act, 2010”.

10 *That the following sums are appropriated, out of any*
 11 *money in the Treasury not otherwise appropriated, for the*
 12 *Departments of Transportation and Housing and Urban*
 13 *Development, and related agencies for the fiscal year ending*
 14 *September 30, 2010, and for other purposes, namely:*

15 TITLE I

16 DEPARTMENT OF TRANSPORTATION

17 OFFICE OF THE SECRETARY

18 SALARIES AND EXPENSES

19 *For necessary expenses of the Office of the Secretary,*
 20 *\$100,975,000, of which not to exceed \$2,631,000 shall be*
 21 *available for the immediate Office of the Secretary; not to*
 22 *exceed \$986,000 shall be available for the immediate Office*
 23 *of the Deputy Secretary; not to exceed \$20,359,000 shall be*
 24 *available for the Office of the General Counsel; not to exceed*
 25 *\$10,107,000 shall be available for the Office of the Under*

1 *Secretary of Transportation for Policy; not to exceed*
2 *\$10,559,000 shall be available for the Office of the Assistant*
3 *Secretary for Budget and Programs; not to exceed*
4 *\$2,400,000 shall be available for the Office of the Assistant*
5 *Secretary for Governmental Affairs; not to exceed*
6 *\$26,265,000 shall be available for the Office of the Assistant*
7 *Secretary for Administration; not to exceed \$2,123,000 shall*
8 *be available for the Office of Public Affairs; not to exceed*
9 *\$1,711,000 shall be available for the Office of the Executive*
10 *Secretariat; not to exceed \$1,499,000 shall be available for*
11 *the Office of Small and Disadvantaged Business Utiliza-*
12 *tion; not to exceed \$9,072,000 for the Office of Intelligence,*
13 *Security, and Emergency Response; and not to exceed*
14 *\$13,263,000 shall be available for the Office of the Chief*
15 *Information Officer: Provided, That the Secretary of Trans-*
16 *portation is authorized to transfer funds appropriated for*
17 *any office of the Office of the Secretary to any other office*
18 *of the Office of the Secretary: Provided further, That no ap-*
19 *propriation for any office shall be increased or decreased*
20 *by more than 5 percent by all such transfers: Provided fur-*
21 *ther, That notice of any change in funding greater than*
22 *5 percent shall be submitted for approval to the House and*
23 *Senate Committees on Appropriations: Provided further,*
24 *That not to exceed \$60,000 shall be for allocation within*
25 *the Department for official reception and representation ex-*

1 *penses as the Secretary may determine: Provided further,*
 2 *That notwithstanding any other provision of law, excluding*
 3 *fees authorized in Public Law 107–71, there may be cred-*
 4 *ited to this appropriation up to \$2,500,000 in funds re-*
 5 *ceived in user fees: Provided further, That none of the funds*
 6 *provided in this Act shall be available for the position of*
 7 *Assistant Secretary for Public Affairs.*

8 *NATIONAL INFRASTRUCTURE INVESTMENTS*

9 *For capital investments in surface transportation in-*
 10 *frastructure, \$1,100,000,000, to remain available through*
 11 *September 30, 2012: Provided, That the Secretary of Trans-*
 12 *portation shall distribute funds provided under this heading*
 13 *as discretionary grants to be awarded to a State, local gov-*
 14 *ernment, transit agency, or a collaboration among such en-*
 15 *tities on a competitive basis for projects that will have a*
 16 *significant impact on the Nation, a metropolitan area, or*
 17 *a region: Provided further, That projects eligible for funding*
 18 *provided under this heading shall include, but not be lim-*
 19 *ited to, highway or bridge projects eligible under title 23,*
 20 *United States Code; public transportation projects eligible*
 21 *under chapter 53 of title 49, United States Code; passenger*
 22 *and freight rail transportation projects; and port infra-*
 23 *structure investments: Provided further, That in distrib-*
 24 *uting funds provided under this heading, the Secretary*
 25 *shall take such measures so as to ensure an equitable geo-*

1 *graphic distribution of funds, an appropriate balance in*
2 *addressing the needs of urban and rural communities, and*
3 *the investment in a variety of transportation modes: Pro-*
4 *vided further, That a grant funded under this heading shall*
5 *be not less than \$10,000,000 and not greater than*
6 *\$300,000,000: Provided further, That not more than 25 per-*
7 *cent of the funds made available under this heading may*
8 *be awarded to projects in a single State: Provided further,*
9 *That the Federal share of the costs for which an expenditure*
10 *is made under this heading shall be, at the option of the*
11 *recipient, up to 80 percent: Provided further, That the Sec-*
12 *retary shall give priority to projects that require a contribu-*
13 *tion of Federal funds in order to complete an overall financ-*
14 *ing package: Provided further, That not less than*
15 *\$250,000,000 of the funds provided under this heading shall*
16 *be for projects located in rural communities: Provided fur-*
17 *ther, That for projects located in rural communities, the*
18 *minimum grant size shall be \$1,000,000 and the Secretary*
19 *may increase the Federal share of costs above 80 percent:*
20 *Provided further, That projects conducted using funds pro-*
21 *vided under this heading must comply with the require-*
22 *ments of subchapter IV of chapter 31 of title 40, United*
23 *States Code: Provided further, That the Secretary shall pub-*
24 *lish criteria on which to base the competition for any grants*
25 *awarded under this heading no sooner than 60 days after*

1 *enactment of this Act, require applications for funding pro-*
 2 *vided under this heading to be submitted so sooner than*
 3 *120 days after the publication of such criteria, and an-*
 4 *nounce all projects selected to be funded from funds provided*
 5 *under this heading no sooner than September 15, 2010: Pro-*
 6 *vided further, That the Secretary may retain up to*
 7 *\$25,000,000 of the funds provided under this heading, and*
 8 *may transfer portions of those funds to the Administrators*
 9 *of the Federal Highway Administration, the Federal Tran-*
 10 *sit Administration, the Federal Railroad Administration*
 11 *and the Federal Maritime Administration, to fund the*
 12 *award and oversight of grants made under this heading.*

13 *FINANCIAL MANAGEMENT CAPITAL*

14 *For necessary expenses for upgrading and enhancing*
 15 *the Department of Transportation's financial systems and*
 16 *re-engineering business processes, \$5,000,000, to remain*
 17 *available until expended.*

18 *OFFICE OF CIVIL RIGHTS*

19 *For necessary expenses of the Office of Civil Rights,*
 20 *\$9,667,000.*

21 *TRANSPORTATION PLANNING, RESEARCH, AND*

22 *DEVELOPMENT*

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

1 *tivities, and making grants, to remain available until ex-*
 2 *pendent, \$8,233,000.*

3 *WORKING CAPITAL FUND*

4 *Necessary expenses for operating costs and capital out-*
 5 *lays of the Working Capital Fund, not to exceed*
 6 *\$147,500,000, shall be paid from appropriations made*
 7 *available to the Department of Transportation: Provided,*
 8 *That such services shall be provided on a competitive basis*
 9 *to entities within the Department of Transportation: Pro-*
 10 *vided further, That the above limitation on operating ex-*
 11 *penses shall not apply to non-DOT entities: Provided fur-*
 12 *ther, That no funds appropriated in this Act to an agency*
 13 *of the Department shall be transferred to the Working Cap-*
 14 *ital Fund without the approval of the agency modal admin-*
 15 *istrator: Provided further, That no assessments may be lev-*
 16 *ied against any program, budget activity, subactivity or*
 17 *project funded by this Act unless notice of such assessments*
 18 *and the basis therefor are presented to the House and Senate*
 19 *Committees on Appropriations and are approved by such*
 20 *Committees.*

21 *MINORITY BUSINESS RESOURCE CENTER PROGRAM*

22 *For the cost of guaranteed loans, \$353,000, as author-*
 23 *ized by 49 U.S.C. 332: Provided, That such costs, including*
 24 *the cost of modifying such loans, shall be as defined in sec-*
 25 *tion 502 of the Congressional Budget Act of 1974: Provided*

1 *further, That these funds are available to subsidize total*
 2 *loan principal, any part of which is to be guaranteed, not*
 3 *to exceed \$18,367,000. In addition, for administrative ex-*
 4 *penses to carry out the guaranteed loan program, \$570,000.*

5 *MINORITY BUSINESS OUTREACH*

6 *For necessary expenses of Minority Business Resource*
 7 *Center outreach activities, \$3,074,000, to remain available*
 8 *until September 30, 2011: Provided, That notwithstanding*
 9 *49 U.S.C. 332, these funds may be used for business oppor-*
 10 *tunities related to any mode of transportation.*

11 *PAYMENTS TO AIR CARRIERS*

12 *(AIRPORT AND AIRWAY TRUST FUND)*

13 *(INCLUDING TRANSFER OF FUNDS)*

14 *In addition to funds made available from any other*
 15 *source to carry out the essential air service program under*
 16 *49 U.S.C. 41731 through 41742, \$125,000,000, to be derived*
 17 *from the Airport and Airway Trust Fund, to remain avail-*
 18 *able until expended: Provided, That, in determining be-*
 19 *tween or among carriers competing to provide service to a*
 20 *community, the Secretary may consider the relative subsidy*
 21 *requirements of the carriers: Provided further, That, if the*
 22 *funds under this heading are insufficient to meet the costs*
 23 *of the essential air service program in the current fiscal*
 24 *year, the Secretary shall transfer such sums as may be nec-*
 25 *essary to carry out the essential air service program from*

1 *any available amounts appropriated to or directly adminis-*
2 *tered by the Office of the Secretary for such fiscal year.*

3 *ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY*
4 *OF TRANSPORTATION*

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

9 *SEC. 102. None of the funds made available in this*
10 *Act to the Department of Transportation may be obligated*
11 *for the Office of the Secretary of Transportation to approve*
12 *assessments or reimbursable agreements pertaining to funds*
13 *appropriated to the modal administrations in this Act, ex-*
14 *cept for activities underway on the date of enactment of*
15 *this Act, unless such assessments or agreements have com-*
16 *pleted the normal reprogramming process for Congressional*
17 *notification.*

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

23 *SEC. 104. The Secretary or his or her designee may*
24 *engage in activities with States and State legislators to con-*

1 *sider proposals related to the reduction of motorcycle fatali-*
2 *ties.*

3 *FEDERAL AVIATION ADMINISTRATION*

4 *OPERATIONS*

5 *(AIRPORT AND AIRWAY TRUST FUND)*

6 *(INCLUDING TRANSFER OF FUNDS)*

7 *For necessary expenses of the Federal Aviation Admin-*
8 *istration, not otherwise provided for, including operations*
9 *and research activities related to commercial space trans-*
10 *portation, administrative expenses for research and develop-*
11 *ment, establishment of air navigation facilities, the oper-*
12 *ation (including leasing) and maintenance of aircraft, sub-*
13 *sidizing the cost of aeronautical charts and maps sold to*
14 *the public, lease or purchase of passenger motor vehicles for*
15 *replacement only, in addition to amounts made available*
16 *by Public Law 108–176, \$9,359,131,000, of which*
17 *\$5,277,648,000 shall be derived from the Airport and Air-*
18 *way Trust Fund, of which not to exceed \$7,305,902,000*
19 *shall be available for air traffic organization activities; not*
20 *to exceed \$1,236,565,000 shall be available for aviation safe-*
21 *ty activities; not to exceed \$14,737,000 shall be available*
22 *for commercial space transportation activities; not to exceed*
23 *\$113,681,000 shall be available for financial services activi-*
24 *ties; not to exceed \$100,428,000 shall be available for human*
25 *resources program activities; not to exceed \$341,977,000*

1 shall be available for region and center operations and re-
2 gional coordination activities; not to exceed \$196,063,000
3 shall be available for staff offices; and not to exceed
4 \$49,778,000 shall be available for information services: Pro-
5 vided, That the Secretary utilize not less than \$18,500,000
6 of the funds provided for aviation safety activities to pay
7 for staff increases in the Office of Aviation Flight Standards
8 and the Office of Aircraft Certification: Provided further,
9 That none of the funds provided for increases to the staffs
10 of the aviation flight standards and aircraft certification
11 offices shall be used for other purposes: Provided further,
12 That not to exceed 2 percent of any budget activity, except
13 for aviation safety budget activity, may be transferred to
14 any budget activity under this heading: Provided further,
15 That no transfer may increase or decrease any appropria-
16 tion by more than 2 percent: Provided further, That any
17 transfer in excess of 2 percent shall be treated as a re-
18 programming of funds under section 405 of this Act and
19 shall not be available for obligation or expenditure except
20 in compliance with the procedures set forth in that section:
21 Provided further, That not later than March 31 of each fis-
22 cal year hereafter, the Administrator of the Federal Avia-
23 tion Administration shall transmit to Congress an annual
24 update to the report submitted to Congress in December
25 2004 pursuant to section 221 of Public Law 108–176: Pro-

1 vided further, That the amount herein appropriated shall
2 be reduced by \$100,000 for each day after March 31 that
3 such report has not been submitted to the Congress: Pro-
4 vided further, That not later than March 31 of each fiscal
5 year hereafter, the Administrator shall transmit to Congress
6 a companion report that describes a comprehensive strategy
7 for staffing, hiring, and training flight standards and air-
8 craft certification staff in a format similar to the one uti-
9 lized for the controller staffing plan, including stated attri-
10 tion estimates and numerical hiring goals by fiscal year:
11 Provided further, That the amount herein appropriated
12 shall be reduced by \$100,000 per day for each day after
13 March 31 that such report has not been submitted to Con-
14 gress: Provided further, That funds may be used to enter
15 into a grant agreement with a nonprofit standard-setting
16 organization to assist in the development of aviation safety
17 standards: Provided further, That none of the funds in this
18 Act shall be available for new applicants for the second ca-
19 reer training program: Provided further, That none of the
20 funds in this Act shall be available for the Federal Aviation
21 Administration to finalize or implement any regulation
22 that would promulgate new aviation user fees not specifi-
23 cally authorized by law after the date of the enactment of
24 this Act: Provided further, That there may be credited to
25 this appropriation funds received from States, counties,

1 *municipalities, foreign authorities, other public authorities,*
2 *and private sources, for expenses incurred in the provision*
3 *of agency services, including receipts for the maintenance*
4 *and operation of air navigation facilities, and for issuance,*
5 *renewal or modification of certificates, including airman,*
6 *aircraft, and repair station certificates, or for tests related*
7 *thereto, or for processing major repair or alteration forms:*
8 *Provided further, That of the funds appropriated under this*
9 *heading, not less than \$9,500,000 shall be for the contract*
10 *tower cost-sharing program: Provided further, That none of*
11 *the funds in this Act for aeronautical charting and cartog-*
12 *raphy are available for activities conducted by, or coordi-*
13 *nated through, the Working Capital Fund: Provided fur-*
14 *ther, That not to exceed \$500,000 shall be paid from appro-*
15 *priations made available by this Act and provided to the*
16 *Department of Transportation's Office of Inspector General*
17 *through reimbursement to conduct the annual audits of fi-*
18 *nancial statements in accordance with section 3521 of title*
19 *31, United States Code, and \$120,000 shall be paid from*
20 *appropriations made available by this Act and provided to*
21 *that office through reimbursement to conduct the annual*
22 *Enterprise Services Center Statement on Auditing Stand-*
23 *ards 70 audit.*

1 *FACILITIES AND EQUIPMENT*2 *(AIRPORT AND AIRWAY TRUST FUND)*

3 *For necessary expenses, not otherwise provided for, for*
4 *acquisition, establishment, technical support services, im-*
5 *provement 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 nec-*
9 *essary sites by lease or grant; engineering and service test-*
10 *ing, including construction of test facilities and acquisition*
11 *of necessary sites by lease or grant; construction and fur-*
12 *nishing of quarters and related accommodations for officers*
13 *and employees of the Federal Aviation Administration sta-*
14 *tioned at remote localities where such accommodations are*
15 *not available; and the purchase, lease, or transfer of aircraft*
16 *from funds available under this heading, including aircraft*
17 *for aviation regulation and certification; to be derived from*
18 *the Airport and Airway Trust Fund, \$2,942,352,000, of*
19 *which \$2,472,352,000 shall remain available until Sep-*
20 *tember 30, 2012, and of which \$470,000,000 shall remain*
21 *available until September 30, 2010: Provided, That there*
22 *may be credited to this appropriation funds received from*
23 *States, counties, municipalities, other public authorities,*
24 *and private sources, for expenses incurred in the establish-*
25 *ment and modernization of air navigation facilities: Pro-*

1 *vided further, That upon initial submission to the Congress*
 2 *of the fiscal year 2011 President's budget, the Secretary of*
 3 *Transportation shall transmit to the Congress a comprehen-*
 4 *sive capital investment plan for the Federal Aviation Ad-*
 5 *ministration which includes funding for each budget line*
 6 *item for fiscal years 2011 through 2015, with total funding*
 7 *for each year of the plan constrained to the funding targets*
 8 *for those years as estimated and approved by the Office of*
 9 *Management and Budget.*

10 *RESEARCH, ENGINEERING, AND DEVELOPMENT*

11 *(AIRPORT AND AIRWAY TRUST FUND)*

12 *For necessary expenses, not otherwise provided for, for*
 13 *research, engineering, and development, as authorized*
 14 *under part A of subtitle VII of title 49, United States Code,*
 15 *including construction of experimental facilities and acqui-*
 16 *sition of necessary sites by lease or grant, \$175,000,000, to*
 17 *be derived from the Airport and Airway Trust Fund and*
 18 *to remain available until September 30, 2012: Provided,*
 19 *That there may be credited to this appropriation as offset-*
 20 *ting collections, funds received from States, counties, mu-*
 21 *nicipalities, other public authorities, and private sources,*
 22 *which shall be available for expenses incurred for research,*
 23 *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 author-*
10 *izing such obligations; for procurement, installation, and*
11 *commissioning of runway incursion prevention devices and*
12 *systems at airports of such title; for grants authorized under*
13 *section 41743 of title 49, United States Code; and for in-*
14 *spection activities and administration of airport safety pro-*
15 *grams, including those related to airport operating certifi-*
16 *cates under section 44706 of title 49, United States Code,*
17 *\$3,000,000,000 to be derived from the Airport and Airway*
18 *Trust Fund and to remain available until expended: Pro-*
19 *vided, That none of the funds under this heading shall be*
20 *available for the planning or execution of programs the obli-*
21 *gations for which are in excess of \$3,515,000,000 in fiscal*
22 *year 2010, notwithstanding section 47117(g) of title 49,*
23 *United States Code: Provided further, That none of the*
24 *funds under this heading shall be available for the replace-*
25 *ment of baggage conveyor systems, reconfiguration of ter-*

1 *minal baggage areas, or other airport improvements that*
 2 *are necessary to install bulk explosive detection systems:*
 3 *Provided further, That notwithstanding any other provision*
 4 *of law, of funds limited under this heading, not more than*
 5 *\$93,422,000 shall be obligated for administration, not less*
 6 *than \$15,000,000 shall be available for the airport coopera-*
 7 *tive research program, not less than \$22,472,000 shall be*
 8 *for Airport Technology Research and \$8,000,000, to remain*
 9 *available until expended, shall be available and transferred*
 10 *to “Office of the Secretary, Salaries and Expenses” to carry*
 11 *out the Small Community Air Service Development Pro-*
 12 *gram.*

13 *(RESCISSION)*

14 *Of the amounts authorized for the fiscal year ending*
 15 *September 30, 2009, and prior years under sections 48103*
 16 *and 48112 of title 49, United States Code, \$392,960,000*
 17 *are permanently rescinded.*

18 *ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION*

19 *ADMINISTRATION*

20 *SEC. 110. None of the funds in this Act may be used*
 21 *to compensate in excess of 600 technical staff-years under*
 22 *the federally funded research and development center con-*
 23 *tract between the Federal Aviation Administration and the*
 24 *Center for Advanced Aviation Systems Development during*
 25 *fiscal year 2010.*

1 *SEC. 111. None of the funds in this Act shall be used*
2 *to pursue or adopt guidelines or regulations requiring air-*
3 *port sponsors to provide to the Federal Aviation Adminis-*
4 *tration without cost building construction, maintenance,*
5 *utilities and expenses, or space in airport sponsor-owned*
6 *buildings for services relating to air traffic control, air*
7 *navigation, or weather reporting: Provided, That the prohi-*
8 *bition of funds in this section does not apply to negotiations*
9 *between the agency and airport sponsors to achieve agree-*
10 *ment on “below-market” rates for these items or to grant*
11 *assurances that require airport sponsors to provide land*
12 *without cost to the FAA for air traffic control facilities.*

13 *SEC. 112. The Administrator of the Federal Aviation*
14 *Administration may reimburse amounts made available to*
15 *satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49*
16 *U.S.C. 45303: Provided, That during fiscal year 2010, 49*
17 *U.S.C. 41742(b) shall not apply, and any amount remain-*
18 *ing in such account at the close of that fiscal year may*
19 *be made available to satisfy section 41742(a)(1) for the sub-*
20 *sequent fiscal year.*

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

1 *SEC. 114. None of the funds limited by this Act for*
2 *grants under the Airport Improvement Program shall be*
3 *made available to the sponsor of a commercial service air-*
4 *port if such sponsor fails to agree to a request from the*
5 *Secretary of Transportation for cost-free space in a non-*
6 *revenue producing, public use area of the airport terminal*
7 *or other airport facilities for the purpose of carrying out*
8 *a public service air passenger rights and consumer outreach*
9 *campaign.*

10 *SEC. 115. None of the funds in this Act shall be avail-*
11 *able for paying premium pay under subsection 5546(a) of*
12 *title 5, United States Code, to any Federal Aviation Admin-*
13 *istration employee unless such employee actually performed*
14 *work during the time corresponding to such premium pay.*

15 *SEC. 116. None of the funds in this Act may be obli-*
16 *gated or expended for an employee of the Federal Aviation*
17 *Administration to purchase a store gift card or gift certifi-*
18 *cate through use of a Government-issued credit card.*

19 *SEC. 117. The Secretary shall apportion to the sponsor*
20 *of an airport that received scheduled or unscheduled air*
21 *service from a large certified air carrier (as defined in part*
22 *241 of title 14 Code of Federal Regulations, or such other*
23 *regulations as may be issued by the Secretary under the*
24 *authority of section 41709) an amount equal to the min-*
25 *imum apportionment specified in 49 U.S.C. 47114(c), if*

1 *the Secretary determines that airport had more than 10,000*
2 *passenger boardings in the preceding calendar year, based*
3 *on data submitted to the Secretary under part 241 of title*
4 *14, Code of Federal Regulations.*

5 FEDERAL HIGHWAY ADMINISTRATION

6 *LIMITATION ON ADMINISTRATIVE EXPENSES*

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *Not to exceed \$415,396,000, together with advances*
9 *and reimbursements received by the Federal Highway Ad-*
10 *ministration, shall be paid in accordance with law from*
11 *appropriations made available by this Act to the Federal*
12 *Highway Administration for necessary expenses for admin-*
13 *istration and operation. In addition, not to exceed*
14 *\$3,524,000 shall be paid from appropriations made avail-*
15 *able by this Act and transferred to the Department of*
16 *Transportation's Office of Inspector General for costs asso-*
17 *ciated with audits and investigations of projects and pro-*
18 *grams of the Federal Highway Administration, and not to*
19 *exceed \$285,000 shall be paid from appropriations made*
20 *available by this Act and provided to that office through*
21 *reimbursement to conduct the annual audits of financial*
22 *statements in accordance with section 3521 of title 31,*
23 *United States Code. In addition, not to exceed \$3,124,000*
24 *shall be paid from appropriations made available by this*
25 *Act and transferred to the Appalachian Regional Commis-*

1 *sion in accordance with section 104 of title 23, United*
 2 *States Code.*

3 *FEDERAL-AID HIGHWAYS*

4 *(LIMITATION ON OBLIGATIONS)*

5 *(HIGHWAY TRUST FUND)*

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

1 *Federal Government of servicing such credit instruments:*
 2 *Provided further, That such fees are available until ex-*
 3 *pendent to pay for such costs: Provided further, That such*
 4 *amounts are in addition to administrative expenses that*
 5 *are also available for such purpose, and are not subject to*
 6 *any obligation limitation or the limitation on administra-*
 7 *tive expenses under section 608 of title 23, United States*
 8 *Code.*

9 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

10 *(HIGHWAY TRUST FUND)*

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

18 *ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY*

19 *ADMINISTRATION*

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

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

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

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

15 *(3) determine the ratio that—*

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

19 *(B) the total of the sums authorized to be*
20 *appropriated for Federal-aid highways and high-*
21 *way safety construction programs (other than*
22 *sums authorized to be appropriated for provi-*
23 *sions of law described in paragraphs (1) through*
24 *(9) of subsection (b) and sums authorized to be*
25 *appropriated for section 105 of title 23, United*

1 *States Code, equal to the amount referred to in*
2 *subsection (b)(10) for such fiscal year), less the*
3 *aggregate of the amounts not distributed under*
4 *paragraphs (1) and (2) of this subsection;*

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

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

24 *(5) distribute the obligation limitation provided*
25 *for Federal-aid highways, less the aggregate amounts*

1 *not distributed under paragraphs (1) and (2) and*
2 *amounts distributed under paragraph (4), for each of*
3 *the programs that are allocated by the Secretary*
4 *under the Safe, Accountable, Flexible, Efficient Trans-*
5 *portation Equity Act: A Legacy for Users and title*
6 *23, United States Code (other than to programs to*
7 *which paragraphs (1) and (4) apply), by multiplying*
8 *the ratio determined under paragraph (3) by the*
9 *amounts authorized to be appropriated for each such*
10 *program for such fiscal year; and*

11 *(6) distribute the obligation limitation provided*
12 *for Federal-aid highways, less the aggregate amounts*
13 *not distributed under paragraphs (1) and (2) and*
14 *amounts distributed under paragraphs (4) and (5),*
15 *for Federal-aid highways and highway safety con-*
16 *struction programs (other than the amounts appor-*
17 *tioned for the equity bonus program, but only to the*
18 *extent that the amounts apportioned for the equity*
19 *bonus program for the fiscal year are greater than*
20 *\$2,639,000,000, and the Appalachian development*
21 *highway system program) that are apportioned by the*
22 *Secretary under the Safe, Accountable, Flexible, Effi-*
23 *cient Transportation Equity Act: A Legacy for Users*
24 *and title 23, United States Code, in the 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 Transpor-
 14 tation Assistance Act of 1982; (5) under subsections (b) and
 15 (c) of section 149 of the Surface Transportation and Uni-
 16 form Relocation Assistance Act of 1987; (6) under sections
 17 1103 through 1108 of the Intermodal Surface Transpor-
 18 tation Efficiency Act of 1991; (7) under section 157 of title
 19 23, United States Code, as in effect on the day before the
 20 date of the enactment of the Transportation Equity Act for
 21 the 21st Century; (8) under section 105 of title 23, United
 22 States Code, as in effect for fiscal years 1998 through 2004,
 23 but only in an amount equal to \$639,000,000 for each of
 24 those fiscal years; (9) for Federal-aid highway programs for
 25 which obligation authority was made available under the

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

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

24 (d) *APPLICABILITY OF OBLIGATION LIMITATIONS TO*
 25 *TRANSPORTATION RESEARCH PROGRAMS.*—The obligation

1 *limitation shall apply to transportation research programs*
 2 *carried out under chapter 5 of title 23, United States Code,*
 3 *and title V (research title) of the Safe, Accountable, Flexible,*
 4 *Efficient Transportation Equity Act: A Legacy for Users,*
 5 *except that obligation authority made available for such*
 6 *programs under such limitation shall remain available for*
 7 *a period of 3 fiscal years and shall be in addition to the*
 8 *amount of any limitation imposed on obligations for Fed-*
 9 *eral-aid highway and highway safety construction pro-*
 10 *grams for future fiscal years.*

11 *(e) REDISTRIBUTION OF CERTAIN AUTHORIZED*
 12 *FUNDS.—*

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

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

20 *(B) the Secretary determines will not be al-*
 21 *located to the States, and will not be available*
 22 *for obligation, in such fiscal year due to the im-*
 23 *position of any obligation limitation for such fis-*
 24 *cal year.*

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

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

8 (f) *SPECIAL LIMITATION CHARACTERISTICS.*—*Obliga-*
 9 *tion limitation distributed for a fiscal year under sub-*
 10 *section (a)(4) for the provision specified in subsection (a)(4)*
 11 *shall—*

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

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

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

19 (1) *IN GENERAL.*—*Subject to paragraph (2), ob-*
 20 *ligation authority distributed for such fiscal year*
 21 *under subsection (a)(4) for each project numbered 1*
 22 *through 3676 listed in the table contained in section*
 23 *1702 of the Safe, Accountable, Flexible, Efficient*
 24 *Transportation Equity Act: A Legacy for Users may*

1 *be obligated for any other project in such section in*
 2 *the same State.*

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

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

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

23 *SEC. 122. There is hereby appropriated to the Sec-*
 24 *retary of Transportation \$165,000,000 for surface transpor-*
 25 *tation priorities: Provided, That the amount provided by*

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

15 *SEC. 123. There is hereby appropriated to the Sec-*
16 *retary of Transportation \$1,400,000,000, to remain avail-*
17 *able through September 30, 2012: Provided, That of the*
18 *funds provided under this section, \$500,000,000 shall be*
19 *made available to pay subsidy and administrative costs*
20 *under chapter 6 of title 23, United States Code: Provided*
21 *further, That after making the set-aside required under the*
22 *preceding proviso, the funds provided under this section*
23 *shall be apportioned to the States in the same ratio as the*
24 *obligation limitation for fiscal year 2010 is distributed*
25 *among the States in section 120(a)(6) of this Act, and made*

1 available for the restoration, repair, construction, and other
2 activities eligible under paragraph (b) of section 133 of title
3 23, United States Code: Provided further, That funds ap-
4 portioned under this section shall be administered as if ap-
5 portioned under chapter 1 of title 23, United States Code:
6 Provided further, That the Federal share payable on ac-
7 count of any project or activity carried out with funds ap-
8 portioned under this section shall be 80 percent: Provided
9 further, That funding provided under this section shall be
10 in addition to any and all funds provided for fiscal year
11 2010 in this or any other Act for “Federal-aid Highways”
12 and shall not affect the distribution of funds provided for
13 “Federal-aid Highways” in any other Act: Provided fur-
14 ther, That the amounts made available under this section
15 shall not be subject to any limitation on obligations for Fed-
16 eral-aid highways or highway safety construction programs
17 set forth in any Act: Provided further, That section 1101(b)
18 of Public Law 109–59 shall apply to funds apportioned
19 under this heading.

20 SEC. 124. Not less than 15 days prior to waiving,
21 under his or her statutory authority, any Buy America re-
22 quirement for Federal-aid highway projects, the Secretary
23 of Transportation shall make an informal public notice and
24 comment opportunity on the intent to issue such waiver and
25 the reasons therefor: Provided, That the Secretary shall pro-

1 *vide an annual report to the Appropriations Committees*
 2 *of the Congress on any waivers granted under the Buy*
 3 *America requirements.*

4 *SEC. 125. (a) IN GENERAL.—Except as provided in*
 5 *subsection (b), none of the funds made available, limited,*
 6 *or otherwise affected by this Act shall be used to approve*
 7 *or otherwise authorize the imposition of any toll on any*
 8 *segment of highway located on the Federal-aid system in*
 9 *the State of Texas that—*

10 *(1) as of the date of enactment of this Act, is not*
 11 *tolled;*

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

14 *(3) is in actual operation as of the date of enact-*
 15 *ment of this Act.*

16 *(b) EXCEPTIONS.—*

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

23 *(2) HIGH-OCCUPANCY VEHICLE LANES.—A high-*
 24 *occupancy vehicle lane that is converted to a toll lane*
 25 *shall not be subject to this section, and shall not be*

1 *considered to be a non-toll lane for purposes of deter-*
 2 *mining whether a highway will have fewer non-toll*
 3 *lanes than prior to the date of imposition of the toll,*
 4 *if—*

5 *(A) high-occupancy vehicles occupied by the*
 6 *number of passengers specified by the entity op-*
 7 *erating the toll lane may use the toll lane with-*
 8 *out paying a toll, unless otherwise specified by*
 9 *the appropriate county, town, municipal or*
 10 *other local government entity, or public toll road*
 11 *or transit authority; or*

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

18 *SEC. 126. Item 4866A in the table contained in section*
 19 *1702 of the Safe, Accountable, Flexible, Efficient Transpor-*
 20 *tation Equity Act: A Legacy for Users (Public Law 109–*
 21 *59) is amended by striking “Repair and restore” and in-*
 22 *serting “Removal of and enhancements around”.*

23 *SEC. 127. Item 3923 in the table contained in section*
 24 *1702 of the Safe, Accountable, Flexible, Efficient Transpor-*
 25 *tation Equity Act: A Legacy for Users (Public Law 109–*

1 59) is amended by striking “to 4 lanes from I–10 to West
2 U.S. 90”.

3 SEC. 128. Funds made available for “Brentwood Bou-
4 levard/SR 4 Improvements, Brentwood, CA” under section
5 129 of Public Law 110–161 shall be made available for
6 “John Muir Parkway Project, Brentwood, CA”.

7 SEC. 129. The table contained in section 1702 of the
8 Safe, Accountable, Flexible, Efficient Transportation Eq-
9 uity Act: A Legacy for Users (119 Stat. 1256) is amended
10 in item number 3138 by striking the project description and
11 inserting “Elimination of highway-railway crossings and
12 rehabilitation of rail along the KO railroad to Osborne”.

13 SEC. 130. Funds made available for “City of Tusca-
14 loosa Downtown Revitalization Project—University Blvd
15 and Greensboro Avenue, AL” under section 125 of Public
16 Law 111–8 shall be made available for “City of Tuscaloosa
17 Downtown Revitalization Project—University Blvd”.

18 SEC. 131. The table contained in section 1702 of the
19 Safe, Accountable, Flexible, Efficient Transportation Eq-
20 uity Act: A Legacy for Users (119 Stat. 1256) is amended
21 by striking the project description for item number 4573
22 and inserting the following: “Design and construct inter-
23 change on I–15 in Mesquite”.

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 4134*
10 *of Public Law 109–59, \$238,500,000, to be derived from the*
11 *Highway Trust Fund (other than the Mass Transit Ac-*
12 *count), together with advances and reimbursements received*
13 *by the Federal Motor Carrier Safety Administration, the*
14 *sum of which shall remain available until expended: Pro-*
15 *vided, That none of the funds derived from the Highway*
16 *Trust Fund in this Act shall be available for the implemen-*
17 *tation, execution or administration of programs, the obliga-*
18 *tions for which are in excess of \$238,500,000, for “Motor*
19 *Carrier Safety Operations and Programs” of which*
20 *\$8,543,000, to remain available for obligation until Sep-*
21 *tember 30, 2012, is for the research and technology program*
22 *and \$1,000,000 shall be available for commercial motor ve-*
23 *hicle operator’s grants to carry out section 4134 of Public*
24 *Law 109–59: Provided further, That an additional*
25 *\$1,328,000 shall be appropriated from the General Fund*

1 *for the execution and administration of motor carrier safety*
 2 *operations and programs: Provided further, That notwith-*
 3 *standing any other provision of law, none of the funds*
 4 *under this heading for outreach and education shall be*
 5 *available for transfer: Provided further, That the Federal*
 6 *Motor Carrier Safety Administration shall transmit to*
 7 *Congress bi-annual reports on the agency's ability to meet*
 8 *its requirement to conduct compliance reviews on high-risk*
 9 *carriers.*

10 *MOTOR CARRIER SAFETY GRANTS*

11 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

12 *(LIMITATION ON OBLIGATIONS)*

13 *(HIGHWAY TRUST FUND)*

14 *(INCLUDING RESCISSION)*

15 *For payment of obligations incurred in carrying out*
 16 *sections 31102, 31104(a), 31106, 31107, 31109, 31309,*
 17 *31313 of title 49, United States Code, and sections 4126*
 18 *and 4128 of Public Law 109–59, \$310,070,000, to be de-*
 19 *rived from the Highway Trust Fund (other than the Mass*
 20 *Transit Account) and to remain available until expended:*
 21 *Provided, That none of the funds in this Act shall be avail-*
 22 *able for the implementation or execution of programs, the*
 23 *obligations for which are in excess of \$310,070,000, for*
 24 *“Motor Carrier Safety Grants”; of which \$212,070,000 shall*
 25 *be available for the motor carrier safety assistance program*

1 to carry out sections 31102 and 31104(a) of title 49, United
2 States Code; \$25,000,000 shall be available for the commer-
3 cial driver's license improvements program to carry out sec-
4 tion 31313 of title 49, United States Code; \$32,000,000 shall
5 be available for the border enforcement grants program to
6 carry out section 31107 of title 49, United States Code;
7 \$5,000,000 shall be available for the performance and reg-
8 istration information system management program to
9 carry out sections 31106(b) and 31109 of title 49, United
10 States Code; \$25,000,000 shall be available for the commer-
11 cial vehicle information systems and networks deployment
12 program to carry out section 4126 of Public Law 109–59;
13 \$3,000,000 shall be available for the safety data improve-
14 ment program to carry out section 4128 of Public Law 109–
15 59; and \$8,000,000 shall be available for the commercial
16 driver's license information system modernization program
17 to carry out section 31309(e) of title 49, United States Code:
18 Provided further, That of the funds made available for the
19 motor carrier safety assistance program, \$29,000,000 shall
20 be available for audits of new entrant motor carriers: Pro-
21 vided further, That \$1,530,000 in unobligated balances are
22 permanently rescinded.

1 *MOTOR CARRIER SAFETY*

2 *(HIGHWAY TRUST FUND)*

3 *(RESCISSION)*

4 *Of the amounts made available under this heading in*
5 *prior appropriations Acts, \$3,400,000 in unobligated bal-*
6 *ances are permanently rescinded.*

7 *NATIONAL MOTOR CARRIER SAFETY PROGRAM*

8 *(HIGHWAY TRUST FUND)*

9 *(RESCISSION)*

10 *Of the amounts made available under this heading in*
11 *prior appropriations Acts, \$400,000 in unobligated bal-*
12 *ances are permanently rescinded.*

13 *ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER*

14 *SAFETY ADMINISTRATION*

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

22 *NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION*

23 *OPERATIONS AND RESEARCH*

24 *For expenses necessary to discharge the functions of the*
25 *Secretary, with respect to traffic and highway safety under*

1 subtitle C of title X of Public Law 109–59 and chapter 301
 2 and part C of subtitle VI of title 49, United States Code,
 3 \$135,803,000, of which \$31,670,000 shall remain available
 4 through September 30, 2011: Provided, That none of the
 5 funds appropriated by this Act may be obligated or ex-
 6 pended to plan, finalize, or implement any rulemaking to
 7 add to section 575.104 of title 49 of the Code of Federal
 8 Regulations any requirement pertaining to a grading
 9 standard that is different from the three grading standards
 10 (treadwear, traction, and temperature resistance) already
 11 in effect.

12 OPERATIONS AND RESEARCH

13 (LIQUIDATION OF CONTRACT AUTHORIZATION)

14 (LIMITATION ON OBLIGATIONS)

15 (HIGHWAY TRUST FUND)

16 For payment of obligations incurred in carrying out
 17 the provisions of 23 U.S.C. 403, \$105,500,000 to be derived
 18 from the Highway Trust Fund (other than the Mass Transit
 19 Account) and to remain available until expended: Provided,
 20 That none of the funds in this Act shall be available for
 21 the planning or execution of programs the total obligations
 22 for which, in fiscal year 2010, are in excess of \$105,500,000
 23 for programs authorized under 23 U.S.C. 403: Provided fur-
 24 ther, That within the \$105,500,000 obligation limitation for
 25 operations and research, \$26,908,000 shall remain available

1 *until September 30, 2010 and shall be in addition to the*
 2 *amount of any limitation imposed on obligations for future*
 3 *years.*

4 *NATIONAL DRIVER REGISTER*

5 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

6 *(LIMITATION ON OBLIGATIONS)*

7 *(HIGHWAY TRUST FUND)*

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

17 *NATIONAL DRIVER REGISTER MODERNIZATION*

18 *For an additional amount for the “National Driver*
 19 *Register” as authorized by chapter 303 of title 49, United*
 20 *States Code, \$3,350,000, to remain available through Sep-*
 21 *tember 30, 2011: Provided, That the funding made available*
 22 *under this heading shall be used to carry out the moderniza-*
 23 *tion of the National Driver Register.*

1 *HIGHWAY TRAFFIC SAFETY GRANTS*
2 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*
3 *(LIMITATION ON OBLIGATIONS)*
4 *(HIGHWAY TRUST FUND)*

5 *For payment of obligations incurred in carrying out*
6 *the provisions of 23 U.S.C. 402, 405, 406, 408, and 410*
7 *and sections 2001(a)(11), 2009, 2010, and 2011 of Public*
8 *Law 109–59, to remain available until expended,*
9 *\$619,500,000 to be derived from the Highway Trust Fund*
10 *(other than the Mass Transit Account): Provided, That none*
11 *of the funds in this Act shall be available for the planning*
12 *or execution of programs the total obligations for which, in*
13 *fiscal year 2010, are in excess of \$619,500,000 for programs*
14 *authorized under 23 U.S.C. 402, 405, 406, 408, and 410*
15 *and sections 2001(a)(11), 2009, 2010, and 2011 of Public*
16 *Law 109–59, of which \$235,000,000 shall be for “Highway*
17 *Safety Programs” under 23 U.S.C. 402; \$25,000,000 shall*
18 *be for “Occupant Protection Incentive Grants” under 23*
19 *U.S.C. 405; \$124,500,000 shall be for “Safety Belt Perform-*
20 *ance Grants” under 23 U.S.C. 406, and such obligation*
21 *limitation shall remain available until September 30, 2011*
22 *in accordance with subsection (f) of such section 406 and*
23 *shall be in addition to the amount of any limitation im-*
24 *posed on obligations for such grants for future fiscal years;*
25 *\$34,500,000 shall be for “State Traffic Safety Information*

1 *System Improvements” under 23 U.S.C. 408; \$139,000,000*
2 *shall be for “Alcohol-Impaired Driving Countermeasures*
3 *Incentive Grant Program” under 23 U.S.C. 410;*
4 *\$18,500,000 shall be for “Administrative Expenses” under*
5 *section 2001(a)(11) of Public Law 109–59; \$29,000,000*
6 *shall be for “High Visibility Enforcement Program” under*
7 *section 2009 of Public Law 109–59; \$7,000,000 shall be for*
8 *“Motorcyclist Safety” under section 2010 of Public Law*
9 *109–59; and \$7,000,000 shall be for “Child Safety and*
10 *Child Booster Seat Safety Incentive Grants” under section*
11 *2011 of Public Law 109–59: Provided further, That none*
12 *of these funds shall be used for construction, rehabilitation,*
13 *or remodeling costs, or for office furnishings and fixtures*
14 *for State, local or private buildings or structures: Provided*
15 *further, That not to exceed \$500,000 of the funds made*
16 *available for section 410 “Alcohol-Impaired Driving Coun-*
17 *termeasures Grants” shall be available for technical assist-*
18 *ance to the States: Provided further, That not to exceed*
19 *\$750,000 of the funds made available for the “High Visi-*
20 *bility Enforcement Program” shall be available for the eval-*
21 *uation required under section 2009(f) of Public Law 109–*
22 *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 sec-*
5 *tion 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 for*
9 *travel and related expenses for State management reviews*
10 *and to pay for core competency development training and*
11 *related expenses for highway safety staff.*

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

18 *SEC. 142. Of the amounts made available under the*
19 *heading “Operations and Research (Liquidation of Con-*
20 *tract Authorization) (Limitation on Obligations) (Highway*
21 *Trust Fund)” in prior appropriations Acts, \$2,299,000 in*
22 *unobligated balances are rescinded.*

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

1 *(Highway Trust Fund)’’ in prior appropriations Acts,*
2 *\$14,004,000 in unobligated balances are rescinded.*

3 *FEDERAL RAILROAD ADMINISTRATION*

4 *SAFETY AND OPERATIONS*

5 *For necessary expenses of the Federal Railroad Admin-*
6 *istration, not otherwise provided for, \$171,770,000, of which*
7 *\$12,300,000 shall remain available until expended.*

8 *RAILROAD RESEARCH AND DEVELOPMENT*

9 *For necessary expenses for railroad research and devel-*
10 *opment, \$34,145,000, to remain available until expended.*

11 *RAILROAD REHABILITATION AND IMPROVEMENT FINANCING*

12 *PROGRAM*

13 *The Secretary of Transportation is authorized to issue*
14 *to the Secretary of the Treasury notes or other obligations*
15 *pursuant to section 512 of the Railroad Revitalization and*
16 *Regulatory Reform Act of 1976 (Public Law 94–210), as*
17 *amended, in such amounts and at such times as may be*
18 *necessary to pay any amounts required pursuant to the*
19 *guarantee of the principal amount of obligations under sec-*
20 *tions 511 through 513 of such Act, such authority to exist*
21 *as long as any such guaranteed obligation is outstanding:*
22 *Provided, That pursuant to section 502 of such Act, as*
23 *amended, no new direct loans or loan guarantee commit-*
24 *ments shall be made using Federal funds for the credit risk*
25 *premium during fiscal year 2010.*

1 *RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM*

2 *For necessary expenses of carrying out section 20154*
3 *of title 49, United States Code, \$25,000,000, to remain*
4 *available until expended.*

5 *RAILROAD SAFETY TECHNOLOGY PROGRAM*

6 *For necessary expenses of carrying out section 20158*
7 *of title 49, United States Code, \$50,000,000, to remain*
8 *available until expended: Provided, That to be eligible for*
9 *assistance under this heading, an entity need not have de-*
10 *veloped plans required under subsection 20156(e)(2) of title*
11 *49, United States Code, and section 20157 of such title.*

12 *OPERATING GRANTS TO THE NATIONAL RAILROAD*

13 *PASSENGER CORPORATION*

14 *To enable the Secretary of Transportation to make*
15 *quarterly grants to the National Railroad Passenger Cor-*
16 *poration for the operation of intercity passenger rail, as*
17 *authorized by section 101 of the Passenger Rail Investment*
18 *and Improvement Act of 2008 (division B of Public Law*
19 *110–432), \$553,348,000, to remain available until ex-*
20 *pended: Provided, That the Secretary shall not make the*
21 *grants for the third and fourth quarter of the fiscal year*
22 *available to the Corporation until an Inspector General who*
23 *is a member of the Council of the Inspectors General on*
24 *Integrity and Efficiency determines that the Corporation*
25 *and the Corporation’s Inspector General have agreed upon*

1 a set of policies and procedures for interacting with each
2 other that are consistent with the letter and the spirit of
3 the Inspector General Act of 1978, as amended: Provided
4 further, That 1 year after such determination is made, the
5 Council of the Inspectors General on Integrity and Effi-
6 ciency shall appoint another member to evaluate the current
7 operational independence of the Amtrak Inspector General:
8 Provided further, That the Corporation shall reimburse each
9 Inspector General for all costs incurred in conducting the
10 determination and the evaluation required by the preceding
11 two provisos: Provided further, That the amounts available
12 under this paragraph shall be available for the Secretary
13 to approve funding to cover operating losses for the Cor-
14 poration only after receiving and reviewing a grant request
15 for each specific train route: Provided further, That each
16 such grant request shall be accompanied by a detailed fi-
17 nancial analysis, revenue projection, and capital expendi-
18 ture projection justifying the Federal support to the Sec-
19 retary's satisfaction: Provided further, That not later than
20 60 days after enactment of this Act, the Corporation shall
21 transmit to the Secretary, the Inspector General of the De-
22 partment of Transportation, and the House and Senate
23 Committees on Appropriations a plan to achieve savings
24 through operating efficiencies including, but not limited to,
25 modifications to food and beverage service and first class

1 service: *Provided further, That the Inspector General of the*
2 *Department of Transportation shall provide semiannual re-*
3 *ports to the House and Senate Committees on Appropria-*
4 *tions on the estimated savings accrued as a result of all*
5 *operational reforms instituted by the Corporation: Provided*
6 *further, That not later than 60 days after enactment of this*
7 *Act, the Corporation shall transmit, in electronic format,*
8 *to the Secretary, the Inspector General of Department of*
9 *Transportation, the House and Senate Committees on Ap-*
10 *propriations, the House Committee on Transportation and*
11 *Infrastructure and the Senate Committee on Commerce,*
12 *Science, and Transportation the annual budget and busi-*
13 *ness plan and the 5-year financial plan for fiscal year 2010*
14 *required under section 204 of the Passenger Rail Investment*
15 *and Improvement Act of 2008: Provided further, That the*
16 *plan shall also include a separate accounting of ridership,*
17 *revenues, and capital and operating expenses for the North-*
18 *east Corridor; commuter service; long-distance Amtrak serv-*
19 *ice; State-supported service; each intercity train route, in-*
20 *cluding Autotrain; and commercial activities including*
21 *contract operations: Provided further, That the business*
22 *plan shall include a description of the capital investments*
23 *to be funded, along with cost estimates and an estimated*
24 *timetable for completion of the projects covered by this busi-*
25 *ness plan: Provided further, That the Corporation shall pro-*

1 *vide semiannual reports in electronic format regarding the*
2 *pending business plan, which shall describe the work com-*
3 *pleted to date, any changes to the business plan, and the*
4 *reasons for such changes, and shall identify all sole source*
5 *contract awards which shall be accompanied by a justifica-*
6 *tion as to why said contract was awarded on a sole source*
7 *basis: Provided further, That the Corporation's business*
8 *plan and all subsequent supplemental plans shall be dis-*
9 *played on the Corporation's website within a reasonable*
10 *timeframe following their submission to the appropriate en-*
11 *tities: Provided further, That none of the funds under this*
12 *heading may be obligated or expended until the Corporation*
13 *agrees to continue abiding by the provisions of paragraphs*
14 *1, 2, 5, 9, and 11 of the summary of conditions for the*
15 *direct loan agreement of June 28, 2002, in the same manner*
16 *as in effect on the date of enactment of this Act: Provided*
17 *further, That concurrent with the President's budget request*
18 *for fiscal year 2011, the Corporation shall submit to the*
19 *House and Senate Committees on Appropriations a budget*
20 *request for fiscal year 2011 in similar format and substance*
21 *to those submitted by executive agencies of the Federal Gov-*
22 *ernment.*

1 *CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL*
2 *RAILROAD PASSENGER CORPORATION*

3 *To enable the Secretary of Transportation to make*
4 *grants to the National Railroad Passenger Corporation for*
5 *capital investments as authorized by section 101(c) of the*
6 *Passenger Rail Investment and Improvement Act of 2008*
7 *(division B of Public Law 110–432), \$1,001,625,000, to re-*
8 *main available until expended, of which not to exceed*
9 *\$264,000,000 shall be for debt service obligations as author-*
10 *ized by section 102 of such Act: Provided, That of the fund-*
11 *ing provided under this heading, not less than \$144,000,000*
12 *shall be for bringing the stations on the Corporation’s rail*
13 *system into compliance with the Americans with Disabil-*
14 *ities Act: Provided further, That grants shall be provided*
15 *to the Corporation only on a reimbursable basis: Provided*
16 *further, That the Secretary may retain up to one-half of*
17 *1 percent of the funds provided under this heading to fund*
18 *the costs of project management oversight of capital projects*
19 *funded by grants provided under this heading, as author-*
20 *ized by subsection 101(d) of division B of Public Law 110–*
21 *432: Provided further, That the Secretary shall approve*
22 *funding for capital expenditures, including advance pur-*
23 *chase orders of materials, for the Corporation only after re-*
24 *ceiving and reviewing a request for each specific capital*
25 *project justifying the Federal support to the Secretary’s sat-*

1 isfaction: Provided further, That none of the funds under
 2 this heading may be used to subsidize operating losses of
 3 the Corporation: Provided further, That none of the funds
 4 under this heading may be used for capital projects not ap-
 5 proved by the Secretary of Transportation or on the Cor-
 6 poration's fiscal year 2010 business plan: Provided further,
 7 That, the business plan shall be accompanied by a com-
 8 prehensive fleet plan for all Amtrak rolling stock which
 9 shall address the Corporation's detailed plans and time-
 10 frames for the maintenance, refurbishment, replacement
 11 and expansion of the Amtrak fleet: Provided further, That
 12 said fleet plan shall establish year-specific goals and mile-
 13 stones and discuss potential, current, and preferred financ-
 14 ing options for all such activities.

15 CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS

16 AND INTERCITY PASSENGER RAIL SERVICE

17 To enable the Secretary of Transportation to make
 18 grants for high-speed rail projects as authorized under sec-
 19 tion 26106 of title 49, United States Code, capital invest-
 20 ment grants to support intercity passenger rail service as
 21 authorized under section 24406 of title 49, United States
 22 Code, and congestion grants as authorized under section
 23 24105 of title 49, United States Code, and to enter into
 24 cooperative agreements for these purposes as authorized,
 25 \$1,200,000,000, to remain available until expended: Pro-

1 vided, That none of the funds provided under this heading
2 may be used for planning activities: Provided further, That
3 not less than 75 percent of the funds provided under this
4 heading shall be for cooperative agreements that lead to the
5 development of entire segments or phases of intercity or
6 high-speed rail corridors: Provided further, That the Sec-
7 retary shall issue interim guidance to applicants covering
8 application procedures and administer the grants provided
9 under this heading pursuant to that guidance until final
10 regulations are issued: Provided further, That the Secretary
11 shall not award grants under this heading sooner than 2
12 weeks after he has submitted to the Congress a national rail
13 plan as required by section 103(j) of title 49, United States
14 Code: Provided further, That the Federal share payable of
15 the costs for which a grant or cooperative agreements is
16 made under this heading shall not exceed 80 percent: Pro-
17 vided further, That in addition to the provisions of title
18 49, United States Code, that apply to each of the individual
19 programs funded under this heading, subsections
20 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of
21 title 49, United States Code, shall also apply to the provi-
22 sion of funds provided under this heading: Provided further,
23 That a project need not be in a State rail plan developed
24 under Chapter 227 of title 49, United States Code, to be
25 eligible for assistance under this heading: Provided further,

1 *That the Secretary shall give priority to applications under*
2 *section 24406 of title 49, United States Code, to projects*
3 *that improve the safety and reliability of intercity pas-*
4 *senger trains, involve a commitment by freight railroads*
5 *to an enforceable on-time performance of passenger trains*
6 *of 80 percent or greater, involve a commitment by freight*
7 *railroads of financial resources commensurate with the ben-*
8 *efit expected to their operations, improve or extend service*
9 *on a route that requires little or no Federal assistance for*
10 *its operations, or involve a commitment by States or rail-*
11 *roads of financial resources to improve the safety of high-*
12 *way/rail grade crossings over which the passenger service*
13 *operates: Provided further, That the Administrator of the*
14 *Federal Railroad Administration may retain up to*
15 *\$50,000,000 of the funds provided under this heading for*
16 *the purposes of conducting research, development and dem-*
17 *onstration of technologies and undertaking analyses sup-*
18 *porting development of high-speed rail in the United States,*
19 *including implementation of the Rail Cooperative Research*
20 *Program authorized by section 24910 of title 49, United*
21 *States Code: Provided further, That in lieu of the provisions*
22 *of the subsection 24403(b) of title 49, United States Code,*
23 *the Administrator of the Federal Railroad Administration*
24 *may retain up to \$30,000,000 of the funds provided under*
25 *this heading to fund the award and oversight by the Admin-*

1 *istrator of grants and cooperative agreements for intercity*
 2 *and high speed rail.*

3 *ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD*

4 *ADMINISTRATION*

5 *SEC. 151. The Secretary may purchase promotional*
 6 *items of nominal value for use in public outreach activities*
 7 *to accomplish the purposes of 49 U.S.C. 20134: Provided,*
 8 *That the Secretary shall prescribe guidelines for the admin-*
 9 *istration of such purchases and use.*

10 *SEC. 152. Hereafter, notwithstanding any other provi-*
 11 *sion of law, funds provided in this Act for the National*
 12 *Railroad Passenger Corporation shall immediately cease to*
 13 *be available to said Corporation in the event that the Cor-*
 14 *poration contracts to have services provided at or from any*
 15 *location outside the United States. For purposes of this sec-*
 16 *tion, the word “services” shall mean any service that was,*
 17 *as of July 1, 2006, performed by a full-time or part-time*
 18 *Amtrak employee whose base of employment is located with-*
 19 *in the United States.*

20 *SEC. 153. The Secretary of Transportation may re-*
 21 *ceive and expend cash, or receive and utilize spare parts*
 22 *and similar items, from non-United States Government*
 23 *sources to repair damages to or replace United States Gov-*
 24 *ernment owned automated track inspection cars and equip-*
 25 *ment as a result of third party liability for such damages,*

1 *and any amounts collected under this section shall be cred-*
2 *ited directly to the Safety and Operations account of the*
3 *Federal Railroad Administration, and shall remain avail-*
4 *able until expended for the repair, operation and mainte-*
5 *nance of automated track inspection cars and equipment*
6 *in connection with the automated track inspection program.*

7 *SEC. 154. The Federal Railroad Administrator shall*
8 *submit a quarterly report on April 1, 2009, and quarterly*
9 *reports thereafter, to the House and Senate Committees on*
10 *Appropriations detailing the Administrator's efforts at im-*
11 *proving the on-time performance of Amtrak intercity rail*
12 *service operating on non-Amtrak owned property. Such re-*
13 *ports shall compare the most recent actual on-time perform-*
14 *ance data to pre-established on-time performance goals that*
15 *the Administrator shall set for each rail service, identified*
16 *by route. Such reports shall also include whatever other in-*
17 *formation and data regarding the on-time performance of*
18 *Amtrak trains the Administrator deems to be appropriate.*
19 *The amounts made available in this title under the heading*
20 *“Office of the Secretary, Salaries and Expenses” shall be*
21 *reduced \$100,000 for each day after the first day of each*
22 *quarter that the quarterly reports required by this section*
23 *are not submitted to the Congress.*

24 *SEC. 155. Notwithstanding any other provision of law,*
25 *funds provided in Public Law 111–8 for “Lincoln Avenue*

1 *Grade Separation, Port of Tacoma, Washington” shall be*
2 *made available for this project as therein described.*

3 *FEDERAL TRANSIT ADMINISTRATION*

4 *ADMINISTRATIVE EXPENSES*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For necessary administrative expenses of the Federal*
7 *Transit Administration’s programs authorized by chapter*
8 *53 of title 49, United States Code, \$97,478,000: Provided,*
9 *That of the funds available under this heading, not to exceed*
10 *\$1,809,000 shall be available for travel: Provided further,*
11 *That none of the funds provided or limited in this Act may*
12 *be used to create a permanent office of transit security*
13 *under this heading: Provided further, That \$75,000 shall*
14 *be paid from appropriations made available by this Act*
15 *and provided to the Department of Transportation’s Office*
16 *of Inspector General through reimbursement to conduct the*
17 *annual audits of financial statements in accordance with*
18 *section 3521 of title 31, United States Code: Provided fur-*
19 *ther, That upon submission to the Congress of the fiscal year*
20 *2010 President’s budget, the Secretary of Transportation*
21 *shall transmit to Congress the annual report on new starts,*
22 *including proposed allocations 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, 5310,*
 7 *5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section*
 8 *3038 of Public Law 105–178, as amended, \$9,400,000,000*
 9 *to be derived from the Mass Transit Account of the High-*
 10 *way Trust Fund and to remain available until expended:*
 11 *Provided, That funds available for the implementation or*
 12 *execution of programs authorized under 49 U.S.C. 5305,*
 13 *5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335,*
 14 *5339, and 5340 and section 3038 of Public Law 105–178,*
 15 *as amended, shall not exceed total obligations of*
 16 *\$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, \$67,670,000, to remain avail-*
 20 *able until expended: Provided, That \$10,000,000 is avail-*
 21 *able to carry out the transit cooperative research program*
 22 *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 \$50,170,000 is available to*
 3 *carry out national research programs under sections 5312,*
 4 *5313, 5314, and 5322 of title 49, United States Code: Pro-*
 5 *vided further, That of the funds available to carry out sec-*
 6 *tion 5312 of title 49, United States Code, \$5,000,000 shall*
 7 *be available to the Secretary to develop standards for asset*
 8 *management plans, provide technical assistance to recipi-*
 9 *ents engaged in the development or implementation of an*
 10 *asset management plan, improve data collection through the*
 11 *National Transit Database, and conduct a pilot program*
 12 *designed to identify the best practices of asset management.*

13 *CAPITAL INVESTMENT GRANTS*

14 *For necessary expenses to carry out section 5309 of*
 15 *title 49, United States Code, \$2,307,343,000, to remain*
 16 *available until expended, of which no less than*
 17 *\$200,000,000 is for section 5309(e) of such title: Provided,*
 18 *That \$2,000,000 shall be transferred to the Department of*
 19 *Transportation Office of Inspector General from funds set*
 20 *aside for the execution of oversight contracts pursuant to*
 21 *section 5327(c) of title 49, United States Code, for costs as-*
 22 *sociated with audits and investigations of transit-related*
 23 *issues, including reviews of new fixed guideway systems.*

19 GRANTS TO THE WASHINGTON METROPOLITAN AREA
20 TRANSIT AUTHORITY

•HR 3288 RS

1 *for the Washington Metropolitan Area Transit Authority*
 2 *only after receiving and reviewing a request for each spe-*
 3 *cific project: Provided further, That prior to approving such*
 4 *grants, the Secretary shall determine that the Washington*
 5 *Metropolitan Area Transit Authority has placed the highest*
 6 *priority on those investments that will improve the safety*
 7 *of the system, including but not limited to fixing the track*
 8 *signal system, replacing the 1000 series cars, installing*
 9 *guarded turnouts, buying equipment for wayside worker*
 10 *protection, and installing rollback protection on cars that*
 11 *are not equipped with this safety feature.*

12 *ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT*

13 *ADMINISTRATION*

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

19 *SEC. 161. Notwithstanding any other provision of law,*
 20 *funds appropriated or limited by this Act under “Federal*
 21 *Transit Administration, Capital Investment Grants” and*
 22 *for bus and bus facilities under “Federal Transit Adminis-*
 23 *tration, Formula and Bus Grants” for projects specified in*
 24 *this Act or identified in reports accompanying this Act not*
 25 *obligated by September 30, 2012, and other recoveries, shall*

1 *be directed to projects eligible to use the funds for the pur-*
2 *poses for which they were originally provided.*

3 *SEC. 162. Notwithstanding any other provision of law,*
4 *any funds appropriated before October 1, 2009, under any*
5 *section of chapter 53 of title 49, United States Code, that*
6 *remain available for expenditure, may be transferred to and*
7 *administered under the most recent appropriation heading*
8 *for any such section.*

9 *SEC. 163. Notwithstanding any other provision of law,*
10 *unobligated funds made available for new fixed guideway*
11 *system projects under the heading “Federal Transit Admin-*
12 *istration, Capital investment grants” in any appropri-*
13 *ations Act prior to this Act may be used during this fiscal*
14 *year to satisfy expenses incurred for such projects.*

15 *SEC. 164. None of the funds provided or limited under*
16 *this Act may be used to issue a final regulation under sec-*
17 *tion 5309 of title 49, United States Code, except that the*
18 *Federal Transit Administration may continue to review*
19 *comments received on the proposed rule (Docket No. FTA–*
20 *2006–25737).*

21 *SEC. 165. Funds made available for Alaska or Hawaii*
22 *ferry boats or ferry terminal facilities pursuant to 49*
23 *U.S.C. 5309(m)(2)(B) may be used to construct new vessels*
24 *and facilities, or to improve existing vessels and facilities,*
25 *including both the passenger and vehicle-related elements of*

1 *such vessels and facilities, and for repair facilities: Pro-*
2 *vided, That not more than \$4,000,000 of the funds made*
3 *available pursuant to 49 U.S.C. 5309(m)(2)(B) may be*
4 *used by the City and County of Honolulu to operate a pas-*
5 *senger ferry boat service demonstration project to test the*
6 *viability of different intra-island ferry boat routes and tech-*
7 *nologies.*

8 *SEC. 166. Hereafter, the local share of the costs of the*
9 *Woodward Avenue Corridor projects funded under section*
10 *5309 shall include, at the option of the project sponsor, any*
11 *portion of the corridor advanced with 100 percent non-Fed-*
12 *eral funds.*

13 *SEC. 167. The Secretary of Transportation shall pro-*
14 *vide recommendations to Congress, including legislative*
15 *proposals, on how to strengthen its role in regulating the*
16 *safety of transit agencies operating heavy rail on fixed*
17 *guideway: Provided, That the Secretary shall include ac-*
18 *tions the Department of Transportation will take and what*
19 *additional legislative authorities it may need in order to*
20 *fully implement recommendations of the National Trans-*
21 *portation Safety Board directed at the Federal Transit Ad-*
22 *ministration, including but not limited to recommendations*
23 *related to crashworthiness, emergency access and egress,*
24 *event recorders, and hours of service: Provided further, That*
25 *the Secretary shall transmit to the House and Senate Com-*

1 *mittees on Appropriations a report outlining these rec-*
2 *ommendations and a plan for their implementation by the*
3 *Department of Transportation no later than 45 days after*
4 *enactment of this Act.*

5 *SEC. 168. Notwithstanding any other provision of law,*
6 *the Secretary of Transportation shall not reallocate any*
7 *funding made available for items 523, 267, and 131 of sec-*
8 *tion 3044 of the Safe, Accountable, Flexible, Efficient*
9 *Transportation Equity Act: A Legacy for Users (Public*
10 *Law 109–59).*

11 *SEC. 169. Notwithstanding any other provision of law,*
12 *the limitation on the total estimated amount of future obli-*
13 *gations of the Government and contingent commitments to*
14 *incur obligations covered by all outstanding letters of in-*
15 *tent, full funding grant agreements, and early systems work*
16 *agreements under subsection 5338(g) of title 49, United*
17 *States Code, may not be more than the sum of the amount*
18 *authorized under sections 5338(a)(3) and 5338(c) of title*
19 *49, United States Code, for such projects and an amount*
20 *equivalent to the last 5 fiscal years of funding allocated*
21 *under subsections 5309(m)(1)(A) and 5309(m)(2)(A)(ii) of*
22 *title 49, United States Code, for such projects, less an*
23 *amount the Secretary of Transportation reasonably esti-*
24 *mates is necessary for grants under section 5309 of title*

1 49, United States Code, for those of such projects that are
 2 not covered by a letter or agreement.

3 *SEC. 170. None of the funds provided or limited under*
 4 *this Act may be used to enforce regulations related to char-*
 5 *ter bus service under part 604 of title 49, Code of Federal*
 6 *Regulations, in the State of Washington.*

7 *SEC. 171. Hereafter, for interstate multi-modal*
 8 *projects which are in Interstate highway corridors, the Sec-*
 9 *retary shall base the rating under section 5309(d) of title*
 10 *49, United States Code, of the non-New Starts share of the*
 11 *public transportation element of the project on the percent-*
 12 *age of non-New Starts funds in the unified finance plan*
 13 *for the multi-modal project: Provided, That the Secretary*
 14 *shall base the accounting of local matching funds on the*
 15 *total amount of all local funds incorporated in the unified*
 16 *finance plan for the multi-modal project for the purposes*
 17 *of funding under chapter 53 of title 49, United States Code*
 18 *and title 23, United States Code: Provided further, That*
 19 *the Secretary shall evaluate the justification for the project*
 20 *under section 5309(d) of title 49, United States Code, in-*
 21 *cluding cost effectiveness, on the public transportation costs*
 22 *and public transportation benefits.*

23 *SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION*

24 *The Saint Lawrence Seaway Development Corpora-*
 25 *tion is hereby authorized to make such expenditures, within*

1 *the limits of funds and borrowing authority available to*
 2 *the Corporation, and in accord with law, and to make such*
 3 *contracts and commitments without regard to fiscal year*
 4 *limitations as provided by section 104 of the Government*
 5 *Corporation Control Act, as amended, as may be necessary*
 6 *in carrying out the programs set forth in the Corporation's*
 7 *budget for the current fiscal year.*

8 *OPERATIONS AND MAINTENANCE*

9 *(HARBOR MAINTENANCE TRUST FUND)*

10 *For necessary expenses for operations, maintenance,*
 11 *and capital asset renewal of those portions of the Saint*
 12 *Lawrence Seaway owned, operated, and maintained by the*
 13 *Saint Lawrence Seaway Development Corporation,*
 14 *\$32,324,000, to be derived from the Harbor Maintenance*
 15 *Trust Fund, pursuant to Public Law 99–662.*

16 *MARITIME ADMINISTRATION*

17 *MARITIME SECURITY PROGRAM*

18 *For necessary expenses to maintain and preserve a*
 19 *U.S.-flag merchant fleet to serve the national security needs*
 20 *of the United States, \$174,000,000, to remain available*
 21 *until expended.*

22 *OPERATIONS AND TRAINING*

23 *For necessary expenses of operations and training ac-*
 24 *tivities authorized by law, \$154,900,000, of which*
 25 *\$11,240,000 shall remain available until expended for*

1 maintenance and repair of training ships at State Mari-
2 time Schools Academies, and of which \$15,000,000 shall re-
3 main available until expended for capital improvements at
4 the United States Merchant Marine Academy, and of which
5 \$59,057,000 shall be available for operations at the United
6 States Merchant Marine Academy: Provided, That amounts
7 apportioned for the United States Merchant Marine Acad-
8 emy shall be available only upon allotments made person-
9 ally by the Secretary of Transportation and not a designee:
10 Provided further, That the Superintendent, Deputy Super-
11 intendent and the Director of the Office of Resource Man-
12 agement of the United States Merchant Marine Academy
13 may not be allotment holders for the United States Mer-
14 chant Marine Academy, and the Administrator of Maritime
15 Administration shall hold all allotments made by the Sec-
16 retary of Transportation under the previous proviso: Pro-
17 vided further, That 50 percent of the funding made avail-
18 able for the United States Merchant Marine Academy under
19 this heading shall be available only after the Secretary, in
20 consultation with the Superintendent and the Maritime Ad-
21 ministration, completes a plan detailing by program or ac-
22 tivity and by object class how such funding will be expended
23 at the Academy, and this plan is submitted to the House
24 and Senate Committees on Appropriations.

1 *SHIP DISPOSAL*

2 *For necessary expenses related to the disposal of obso-*
3 *lete vessels in the National Defense Reserve Fleet of the Mar-*
4 *itime Administration, \$15,000,000, to remain available*
5 *until expended.*

6 *ASSISTANCE TO SMALL SHIPYARDS*

7 *To make grants to qualified shipyards as authorized*
8 *under section 3508 of Public Law 110–417 or section 54101*
9 *of title 46, United States Code, \$17,500,000, to remain*
10 *available until expended: Provided, That to be considered*
11 *for assistance, a qualified shipyard shall submit an appli-*
12 *cation for assistance no later than 60 days after enactment*
13 *of this Act: Provided further, That from applications sub-*
14 *mitted under the previous proviso, the Secretary of Trans-*
15 *portation shall make grants no later than 120 days after*
16 *enactment of this Act in such amounts as the Secretary de-*
17 *termines: Provided further, That not to exceed 2 percent of*
18 *the funds appropriated under this heading shall be avail-*
19 *able for necessary costs of grant administration.*

20 *MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM*21 *ACCOUNT*22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For the cost of guaranteed loans, as authorized,*
24 *\$14,000,000, of which \$10,000,000 shall remain available*
25 *until expended: Provided, That such costs, including the*

1 *cost of modifying such loans, shall be as defined in section*
2 *502 of the Congressional Budget Act of 1974, as amended:*
3 *Provided further, That not to exceed \$4,000,000 shall be*
4 *available for administrative expenses to carry out the guar-*
5 *anteed loan program, which shall be transferred to and*
6 *merged with the appropriation for “Operations and Train-*
7 *ing”, Maritime Administration.*

8 *ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION*

9 *SEC. 175. Notwithstanding any other provision of this*
10 *Act, the Maritime Administration is authorized to furnish*
11 *utilities and services and make necessary repairs in connec-*
12 *tion with any lease, contract, or occupancy involving Gov-*
13 *ernment property under control of the Maritime Adminis-*
14 *tration, and payments received therefor shall be credited to*
15 *the appropriation charged with the cost thereof: Provided,*
16 *That rental payments under any such lease, contract, or*
17 *occupancy for items other than such utilities, services, or*
18 *repairs shall be covered into the Treasury as miscellaneous*
19 *receipts.*

20 *SEC. 176. Section 51314 of title 46, United States*
21 *Code, is amended in subsection (b) by inserting at the end*
22 *“Such fees shall be credited to the Maritime Administra-*
23 *tion’s Operations and Training appropriation, to remain*
24 *available until expended, for those expenses directly related*
25 *to the purposes of the fees. Fees collected in excess of actual*

1 *expenses may be refunded to the Midshipmen through a*
 2 *mechanism approved by the Secretary. The Academy shall*
 3 *maintain a separate and detailed accounting of fee revenue*
 4 *and all associated expenses.”*

5 *PIPELINE AND HAZARDOUS MATERIALS SAFETY*

6 *ADMINISTRATION*

7 *ADMINISTRATIVE EXPENSES*

8 *(PIPELINE SAFETY FUND)*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *For necessary administrative expenses of the Pipeline*
 11 *and Hazardous Materials Safety Administration,*
 12 *\$19,968,000, of which \$639,000 shall be derived from the*
 13 *Pipeline Safety Fund: Provided, That \$1,000,000 shall be*
 14 *transferred to “Pipeline Safety” in order to fund “Pipeline*
 15 *safety information grants to communities” as authorized in*
 16 *section 60130 of title 49, United States Code.*

17 *HAZARDOUS MATERIALS SAFETY*

18 *For expenses necessary to discharge the hazardous ma-*
 19 *terials safety functions of the Pipeline and Hazardous Ma-*
 20 *terials Safety Administration, \$35,500,000, of which*
 21 *\$1,699,000 shall remain available until September 30,*
 22 *2012: Provided, That up to \$800,000 in fees collected under*
 23 *49 U.S.C. 5108(g) shall be deposited in the general fund*
 24 *of the Treasury as offsetting receipts: Provided further, That*
 25 *there may be credited to this appropriation, to be available*

1 *until expended, funds received from States, counties, mu-*
 2 *nicipalities, other public authorities, and private sources*
 3 *for expenses incurred for training, for reports publication*
 4 *and dissemination, and for travel expenses incurred in per-*
 5 *formance of hazardous materials exemptions and approvals*
 6 *functions.*

7 *PIPELINE SAFETY*

8 *(PIPELINE SAFETY FUND)*

9 *(OIL SPILL LIABILITY TRUST FUND)*

10 *For expenses necessary to conduct the functions of the*
 11 *pipeline safety program, for grants-in-aid to carry out a*
 12 *pipeline safety program, as authorized by 49 U.S.C. 60107,*
 13 *and to discharge the pipeline program responsibilities of*
 14 *the Oil Pollution Act of 1990, \$105,239,000, of which*
 15 *\$18,905,000 shall be derived from the Oil Spill Liability*
 16 *Trust Fund and shall remain available until September 30,*
 17 *2012; and of which \$86,334,000 shall be derived from the*
 18 *Pipeline Safety Fund, of which \$47,332,000 shall remain*
 19 *available until September 30, 2012: Provided, That not less*
 20 *than \$1,043,000 of the funds provided under this heading*
 21 *shall be for the one-call State grant program.*

22 *EMERGENCY PREPAREDNESS GRANTS*

23 *(EMERGENCY PREPAREDNESS FUND)*

24 *For necessary expenses to carry out 49 U.S.C. 5128(b),*
 25 *\$188,000, to be derived from the Emergency Preparedness*

1 *Fund, to remain available until September 30, 2011: Pro-*
 2 *vided, That not more than \$28,318,000 shall be made avail-*
 3 *able for obligation in fiscal year 2010 from amounts made*
 4 *available by 49 U.S.C. 5116(I) and 5128(b)–(c): Provided*
 5 *further, That none of the funds made available by 49 U.S.C.*
 6 *5116(I), 5128(b), or 5128(c) shall be made available for ob-*
 7 *ligation by individuals other than the Secretary of Trans-*
 8 *portation, or his or her designee.*

9 *RESEARCH AND INNOVATIVE TECHNOLOGY*

10 *ADMINISTRATION*

11 *RESEARCH AND DEVELOPMENT*

12 *For necessary expenses of the Research and Innovative*
 13 *Technology Administration, \$13,179,000, of which*
 14 *\$6,036,000 shall remain available until September 30,*
 15 *2012: Provided, That there may be credited to this appro-*
 16 *priation, to be available until expended, funds received from*
 17 *States, counties, municipalities, other public authorities,*
 18 *and private sources for expenses incurred for training.*

19 *OFFICE OF INSPECTOR GENERAL*

20 *SALARIES AND EXPENSES*

21 *For necessary expenses of the Office of Inspector Gen-*
 22 *eral to carry out the provisions of the Inspector General*
 23 *Act of 1978, as amended, \$75,389,000: Provided, That the*
 24 *Inspector General shall have all necessary authority, in car-*
 25 *rying out the duties specified in the Inspector General Act,*

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

11 *SURFACE TRANSPORTATION BOARD*

12 *SALARIES AND EXPENSES*

13 *For necessary expenses of the Surface Transportation*
 14 *Board, including services authorized by 5 U.S.C. 3109,*
 15 *\$28,332,000: Provided, That notwithstanding any other*
 16 *provision of law, not to exceed \$1,250,000 from fees estab-*
 17 *lished by the Chairman of the Surface Transportation*
 18 *Board shall be credited to this appropriation as offsetting*
 19 *collections and used for necessary and authorized expenses*
 20 *under this heading: Provided further, That the sum herein*
 21 *appropriated from the general fund shall be reduced on a*
 22 *dollar-for-dollar basis as such offsetting collections are re-*
 23 *ceived during fiscal year 2010, to result in a final appro-*
 24 *priation from the general fund estimated at no more than*
 25 *\$27,082,000.*

1 *GENERAL PROVISIONS—DEPARTMENT OF*
2 *TRANSPORTATION*

3 *SEC. 180. During the current fiscal year applicable*
4 *appropriations to the Department of Transportation shall*
5 *be available for maintenance and operation of aircraft; hire*
6 *of passenger motor vehicles and aircraft; purchase of liabil-*
7 *ity insurance for motor vehicles operating in foreign coun-*
8 *tries on official department business; and uniforms or al-*
9 *lowances therefor, as authorized by law (5 U.S.C. 5901–*
10 *5902).*

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

16 *SEC. 182. None of the funds in this Act shall be avail-*
17 *able for salaries and expenses of more than 110 political*
18 *and Presidential appointees in the Department of Trans-*
19 *portation: Provided, That none of the personnel covered by*
20 *this provision may be assigned on temporary detail outside*
21 *the Department of Transportation.*

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

24 *SEC. 184. (a) No recipient of funds made available in*
25 *this Act shall disseminate personal information (as defined*

1 in 18 U.S.C. 2725(3)) obtained by a State department of
2 motor vehicles in connection with a motor vehicle record
3 as defined in 18 U.S.C. 2725(1), except as provided in 18
4 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

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

8 SEC. 185. Funds received by the Federal Highway Ad-
9 ministration, Federal Transit Administration, and Federal
10 Railroad Administration from States, counties, municipali-
11 ties, other public authorities, and private sources for ex-
12 penses incurred for training may be credited respectively
13 to the Federal Highway Administration's "Federal-Aid
14 Highways" account, the Federal Transit Administration's
15 "Research and University Research Centers" account, and
16 to the Federal Railroad Administration's "Safety and Op-
17 erations" account, except for State rail safety inspectors
18 participating in training pursuant to 49 U.S.C. 20105.

19 SEC. 186. Funds provided or limited in this Act under
20 the appropriate accounts within the Federal Highway Ad-
21 ministration, the Federal Railroad Administration and the
22 Federal Transit Administration shall be for the eligible pro-
23 grams, projects and activities in the corresponding amounts
24 identified in the committee report accompanying this Act
25 for "Ferry Boats and Ferry Terminal Facilities", "Federal

1 *Lands*", *"Interstate Maintenance Discretionary"*, *"Trans-*
2 *portation, Community and System Preservation Program"*,
3 *"Delta Region Transportation Development Program"*,
4 *"Rail Line Relocation and Improvement Program"*, *"Rail-*
5 *highway crossing hazard eliminations"*, *"Capital Invest-*
6 *ment Grants"*, *"Alternatives analysis"*, and *"Bus and bus*
7 *facilities"*.

8 *SEC. 187. Notwithstanding any other provisions of*
9 *law, rule or regulation, the Secretary of Transportation is*
10 *authorized to allow the issuer of any preferred stock here-*
11 *tofore sold to the Department to redeem or repurchase such*
12 *stock upon the payment to the Department of an amount*
13 *determined by the Secretary.*

14 *SEC. 188. None of the funds in this Act to the Depart-*
15 *ment of Transportation may be used to make a grant unless*
16 *the Secretary of Transportation notifies the House and Sen-*
17 *ate Committees on Appropriations not less than 3 full busi-*
18 *ness days before any discretionary grant award, letter of*
19 *intent, or full funding grant agreement totaling \$1,000,000*
20 *or more is announced by the department or its modal ad-*
21 *ministrations from: (1) any discretionary grant program*
22 *of the Federal Highway Administration including the emer-*
23 *gency relief program; (2) the airport improvement program*
24 *of the Federal Aviation Administration; (3) any grant from*
25 *the Federal Railroad Administration; or (4) any program*

1 of the Federal Transit Administration other than the for-
2 mula grants and fixed guideway modernization programs:
3 Provided, That the Secretary gives concurrent notification
4 to the House and Senate Committees on Appropriations for
5 any “quick release” of funds from the emergency relief pro-
6 gram: Provided further, That no notification shall involve
7 funds that are not available for obligation.

8 *SEC. 189. Rebates, refunds, incentive payments, minor*
9 *fees and other funds received by the Department of Trans-*
10 *portation from travel management centers, charge card pro-*
11 *grams, the subleasing of building space, and miscellaneous*
12 *sources are to be credited to appropriations of the Depart-*
13 *ment of Transportation and allocated to elements of the De-*
14 *partment of Transportation using fair and equitable cri-*
15 *teria and such funds shall be available until expended.*

16 *SEC. 190. Amounts made available in this or any other*
17 *Act that the Secretary determines represent improper pay-*
18 *ments by the Department of Transportation to a third-*
19 *party contractor under a financial assistance award, which*
20 *are recovered pursuant to law, shall be available—*

21 *(1) to reimburse the actual expenses incurred by*
22 *the Department of Transportation in recovering im-*
23 *proper payments; and*

24 *(2) to pay contractors for services provided in re-*
25 *covering improper payments or contractor support in*

1 *the implementation of the Improper Payments Infor-*
2 *mation Act of 2002: Provided, That amounts in excess*
3 *of that required for paragraphs (1) and (2)—*

4 *(A) shall be credited to and merged with the*
5 *appropriation from which the improper pay-*
6 *ments were made, and shall be available for the*
7 *purposes and period for which such appropria-*
8 *tions are available; or*

9 *(B) if no such appropriation remains avail-*
10 *able, shall be deposited in the Treasury as mis-*
11 *cellaneous receipts: Provided further, That prior*
12 *to the transfer of any such recovery to an appro-*
13 *priations account, the Secretary shall notify to*
14 *the House and Senate Committees on Appropria-*
15 *tions of the amount and reasons for such trans-*
16 *fer: Provided further, That for purposes of this*
17 *section, the term “improper payments”, has the*
18 *same meaning as that provided in section*
19 *2(d)(2) of Public Law 107–300.*

20 *SEC. 191. Notwithstanding any other provision of law,*
21 *if any funds provided in or limited by this Act are subject*
22 *to a reprogramming action that requires notice to be pro-*
23 *vided to the House and Senate Committees on Appropria-*
24 *tions, said reprogramming action shall be approved or de-*
25 *nied solely by the Committees on Appropriations: Provided,*

1 *That the Secretary may provide notice to other congres-*
2 *sional committees of the action of the Committees on Appro-*
3 *priations on such reprogramming but not sooner than 30*
4 *days following the date on which the reprogramming action*
5 *has been approved or denied by the House and Senate Com-*
6 *mittees on Appropriations.*

7 *SEC. 192. None of the funds appropriated or otherwise*
8 *made available under this Act may be used by the Surface*
9 *Transportation Board of the Department of Transportation*
10 *to charge or collect any filing fee for rate complaints filed*
11 *with the Board in an amount in excess of the amount au-*
12 *thorized for district court civil suit filing fees under section*
13 *1914 of title 28, United States Code.*

14 *SEC. 193. Notwithstanding section 3324 of Title 31,*
15 *United States Code, in addition to authority provided by*
16 *section 327 of title 49, United States Code, the Depart-*
17 *ment's Working Capital fund is hereby authorized to pro-*
18 *vide payments in advance to vendors that are necessary to*
19 *carry out the Federal transit pass transportation fringe*
20 *benefit program under Executive Order 13150 and section*
21 *3049 of Public Law 109-59: Provided, that the Department*
22 *shall include adequate safeguards in the contract with the*
23 *vendors to ensure timely and high quality performance*
24 *under the contract.*

1 *SEC. 194. (a) IN GENERAL.—Section 127(a)(11) of*
 2 *title 23, United States Code, is amended by striking “that*
 3 *portion of the Maine Turnpike designated Route 95 and*
 4 *495, and that portion of Interstate Route 95 from the south-*
 5 *ern terminus of the Maine Turnpike to the New Hampshire*
 6 *State line, laws (including regulations)” and inserting “all*
 7 *portions of the Interstate Highway System in the State,*
 8 *laws (including regulations)”.*

9 *(b) PERIOD OF EFFECTIVENESS.—The amendment*
 10 *made by subsection (a) shall be in effect during the 1-year*
 11 *period beginning on the date of enactment of this Act.*

12 *(c) REVERSION.—Effective as of the date that is 366*
 13 *days after the date of enactment of this Act, section*
 14 *127(a)(11) of title 23, United States Code, is amended by*
 15 *striking “all portions of the Interstate Highway System in*
 16 *the State, laws (including regulations)” and inserting “that*
 17 *portion of the Maine Turnpike designated Route 95 and*
 18 *495, and that portion of Interstate Route 95 from the south-*
 19 *ern terminus of the Maine Turnpike to the New Hampshire*
 20 *State line, laws (including regulations)”.*

21 *SEC. 195. The Secretary shall initiate an independent*
 22 *and comprehensive study and analysis to supplement that*
 23 *authorized under section 108, division C, of Public Law*
 24 *111–8: Provided, That the Department of Transportation*
 25 *shall work with and coordinate with the Departments of*

1 *Energy, Commerce and Agriculture to develop a comprehen-*
2 *sive understanding of the full value of river flow support*
3 *to users in the Mississippi and Missouri Rivers: Provided*
4 *further, That subjects of analysis shall include energy (in-*
5 *cluding hydropower and generation cooling), and water*
6 *transport (including water-compelled rates, projected total*
7 *transportation congestion considerations, transportation*
8 *energy efficiency, air quality and carbon emissions) and*
9 *water users (including the number and distribution of peo-*
10 *ple, households, municipalities, and business throughout the*
11 *Missouri and Mississippi River basins who use river water*
12 *for multiple purposes): Provided further, That in addition*
13 *to understanding current value, the Department is directed*
14 *to work with appropriate Federal partners to develop rec-*
15 *ommendations on how to minimize impediments to growth*
16 *and maximize water value of benefits related to energy pro-*
17 *duction and efficiency, congestion relief, trade and trans-*
18 *port efficiency, and air quality: Provided further, That the*
19 *Department of Transportation shall provide its analysis*
20 *and recommendations to the U.S. Army Corps of Engineers,*
21 *the White House, and the Congress: Provided further, That*
22 *\$2,000,000 is available until expended for such purposes.*
23 *SEC. 196. Notwithstanding any other provision of law,*
24 *funds made available under section 330 of the Fiscal Year*
25 *2002 Department of Transportation and Related Agencies*

1 *Appropriations Act (Public Law 107–87) for the Las Vegas,*
2 *Nevada Monorail Project, funds made available under sec-*
3 *tion 115 of the Fiscal Year 2004 Transportation, Treasury*
4 *and Independent Agencies Appropriations Act (Public Law*
5 *108–199) for the North Las Vegas Intermodal Transit Hub,*
6 *and funds made available for the CATRAIL RTC Rail*
7 *Project, Nevada in the Fiscal Year 2005 Transportation,*
8 *Treasury, Independent Agencies and General Government*
9 *Appropriations Act (Public Law 108–447), as well as any*
10 *unexpended funds in the Federal Transit Administration*
11 *grant numbers NV–03–0024 and NV–03–0027, shall be*
12 *made available until expended to the Regional Transpor-*
13 *tation Commission of Southern Nevada for bus and bus-*
14 *related projects and bus rapid transit projects: Provided,*
15 *That the funds made available for a project in accordance*
16 *with this section shall be administered under the terms and*
17 *conditions set forth in 49 U.S.C. 5307, to the extent appli-*
18 *cable.*

19 *This title may be cited as the “Department of Trans-*
20 *portation Appropriations Act, 2010”.*

1 *TITLE II*
2 *DEPARTMENT OF HOUSING AND URBAN*
3 *DEVELOPMENT*
4 *MANAGEMENT AND ADMINISTRATION*
5 *EXECUTIVE DIRECTION*

6 *For necessary salaries and expenses for Executive Di-*
7 *rection, \$25,969,000, of which not to exceed \$4,619,000 shall*
8 *be available for the immediate Office of the Secretary and*
9 *Deputy Secretary; not to exceed \$1,703,000 shall be avail-*
10 *able for the Office of Hearings and Appeals; not to exceed*
11 *\$778,000 shall be available for the Office of Small and Dis-*
12 *advantaged Business Utilization; not to exceed \$727,000*
13 *shall be available for the immediate Office of the Chief Fi-*
14 *nancial Officer; not to exceed \$1,474,000 shall be available*
15 *for the immediate Office of the General Counsel; not to ex-*
16 *ceed \$2,912,000 shall be available to the Office of the Assist-*
17 *ant Secretary for Congressional and Intergovernmental Re-*
18 *lations; not to exceed \$3,110,000 shall be available for the*
19 *Office of the Assistant Secretary for Public Affairs; not to*
20 *exceed \$1,218,000 shall be available for the Office of the As-*
21 *sistant Secretary for Administration; not to exceed*
22 *\$2,125,000 shall be available to the Office of the Assistant*
23 *Secretary for Public and Indian Housing; not to exceed*
24 *\$1,781,000 shall be available to the Office of the Assistant*
25 *Secretary for Community Planning and Development; not*

1 to exceed \$3,497,000 shall be available to the Office of the
2 Assistant Secretary for Housing, Federal Housing Commis-
3 sioner; not to exceed \$1,097,000 shall be available to the
4 Office of the Assistant Secretary for Policy Development
5 and Research; and not to exceed \$928,000 shall be available
6 to the Office of the Assistant Secretary for Fair Housing
7 and Equal Opportunity: Provided, That the Secretary of
8 the Department of Housing and Urban Development is au-
9 thorized to transfer funds appropriated for any office fund-
10 ed under this heading to any other office funded under this
11 heading following the written notification to the House and
12 Senate Committees on Appropriations: Provided further,
13 That no appropriation for any office shall be increased or
14 decreased by more than 5 percent by all such transfers: Pro-
15 vided further, That notice of any change in funding greater
16 than 5 percent shall be submitted for prior approval to the
17 House and Senate Committees on Appropriations: Provided
18 further, That the Secretary shall provide the Committees on
19 Appropriations quarterly written notification regarding the
20 status of pending congressional reports: Provided further,
21 That the Secretary shall provide all signed reports required
22 by Congress electronically: Provided further, That not to ex-
23 ceed \$25,000 of the amount made available under this para-
24 graph for the immediate Office of the Secretary shall be

1 *available for official reception and representation expenses*
2 *as the Secretary may determine.*

3 *ADMINISTRATION, OPERATIONS AND MANAGEMENT*

4 *For necessary salaries and expenses for administra-*
5 *tion, operations and management for the Department of*
6 *Housing and Urban Development, \$537,897,000, of which*
7 *not to exceed \$76,958,000 shall be available for the per-*
8 *sonnel compensation and benefits of the Office of Adminis-*
9 *tration; not to exceed \$11,277,000 shall be available for the*
10 *personnel compensation and benefits of the Office of Depart-*
11 *mental Operations and Coordination; not to exceed*
12 *\$51,275,000 shall be available for the personnel compensa-*
13 *tion and benefits of the Office of Field Policy and Manage-*
14 *ment; not to exceed \$14,649,000 shall be available for the*
15 *personnel compensation and benefits of the Office of the*
16 *Chief Procurement Officer; not to exceed \$35,197,000 shall*
17 *be available for the personnel compensation and benefits of*
18 *the remaining staff in the Office of the Chief Financial Offi-*
19 *cer; not to exceed \$89,062,000 shall be available for the per-*
20 *sonnel compensation and benefits of the remaining staff in*
21 *the Office of the General Counsel; not to exceed \$3,296,000*
22 *shall be available for the personnel compensation and bene-*
23 *fits of the Office of Departmental Equal Employment Op-*
24 *portunity; not to exceed \$1,393,000 shall be available for*
25 *the personnel compensation and benefits for the Center for*

1 *Faith-Based and Community Initiatives; not to exceed*
2 *\$2,400,000 shall be available for the personnel compensa-*
3 *tion and benefits for the Office of Sustainability; not to ex-*
4 *ceed \$2,520,000 shall be available for the personnnel com-*
5 *pensation and benefits for the Office of Strategic Planning*
6 *and Management; and not to exceed \$249,870,000 shall be*
7 *available for non-personnel expenses of the Department of*
8 *Housing and Urban Development: Provided, That, funds*
9 *provided under this heading may be used for necessary ad-*
10 *ministrative and non-administrative expenses of the De-*
11 *partment of Housing and Urban Development, not other-*
12 *wise provided for, including purchase of uniforms, or allow-*
13 *ances therefor, as authorized by 5 U.S.C. 5901–5902; hire*
14 *of passenger motor vehicles; services as authorized by 5*
15 *U.S.C. 3109: Provided further, That notwithstanding any*
16 *other provision of law, funds appropriated under this head-*
17 *ing may be used for advertising and promotional activities*
18 *that support the housing mission area: Provided further,*
19 *That the Secretary of Housing and Urban Development is*
20 *authorized to transfer funds appropriated for any office in-*
21 *cluded in Administration, Operations and Management to*
22 *any other office included in Administration, Operations*
23 *and Management only after such transfer has been sub-*
24 *mitted to, and received prior written approval by, the*
25 *House and Senate Committees on Appropriations: Provided*

1 *further, That no appropriation for any office shall be in-*
2 *creased or decreased by more than 10 percent by all such*
3 *transfers.*

4 *PERSONNEL COMPENSATION AND BENEFITS*

5 *PUBLIC AND INDIAN HOUSING*

6 *For necessary personnel compensation and benefits ex-*
7 *penses of the Office of Public and Indian Housing,*
8 *\$197,074,000.*

9 *COMMUNITY PLANNING AND DEVELOPMENT*

10 *For necessary personnel compensation and benefits ex-*
11 *penses of the Office of Community Planning and Develop-*
12 *ment mission area, \$98,989,000.*

13 *HOUSING*

14 *For necessary personnel compensation and benefits ex-*
15 *penses of the Office of Housing, \$374,887,000.*

16 *OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE*

17 *ASSOCIATION*

18 *For necessary personnel compensation and benefits ex-*
19 *penses of the Office of the Government National Mortgage*
20 *Association, \$11,095,000, to be derived from the GNMA*
21 *guarantees of mortgage backed securities guaranteed loan*
22 *receipt account.*

1 *POLICY DEVELOPMENT AND RESEARCH*

2 *For necessary personnel compensation and benefits ex-*
3 *penses of the Office of Policy Development and Research,*
4 *\$21,138,000.*

5 *FAIR HOUSING AND EQUAL OPPORTUNITY*

6 *For necessary personnel compensation and benefits ex-*
7 *penses of the Office of Fair Housing and Equal Oppor-*
8 *tunity, \$71,800,000.*

9 *OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL*

10 *PERSONNEL COMPENSATION AND BENEFITS*

11 *For necessary personnel compensation and benefits ex-*
12 *penses of the Office of Healthy Homes and Lead Hazard*
13 *Control, \$7,151,000.*

14 *PUBLIC AND INDIAN HOUSING*

15 *TENANT-BASED RENTAL ASSISTANCE*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For activities and assistance for the provision of ten-*
18 *ant-based rental assistance authorized under the United*
19 *States Housing Act of 1937, as amended (42 U.S.C. 1437*
20 *et seq.) (“the Act” herein), not otherwise provided for,*
21 *\$14,137,200,000, to remain available until expended, shall*
22 *be available on October 1, 2009 (in addition to the*
23 *\$4,000,000,000 previously appropriated under this heading*
24 *that will become available on October 1, 2009), and*
25 *\$4,000,000,000, to remain available until expended, shall*

1 *be available on October 1, 2010: Provided, That of the*
2 *amounts made available under this heading are provided*
3 *as follows:*

4 (1) *\$16,339,200,000 shall be available for renew-*
5 *als of expiring section 8 tenant-based annual con-*
6 *tributions contracts (including renewals of enhanced*
7 *vouchers under any provision of law authorizing such*
8 *assistance under section 8(t) of the Act) and includ-*
9 *ing renewal of other special purpose vouchers initially*
10 *funded in fiscal year 2008 and 2009 (such as Family*
11 *Unification, Veterans Affairs Supportive Housing*
12 *Vouchers and Non-elderly Disabled Vouchers): Pro-*
13 *vided, That notwithstanding any other provision of*
14 *law, from amounts provided under this paragraph*
15 *and any carryover, the Secretary for the calendar*
16 *year 2010 funding cycle shall provide renewal fund-*
17 *ing for each public housing agency based on voucher*
18 *management system (VMS) leasing and cost data for*
19 *the most recent Federal fiscal year and by applying*
20 *the most recent Annual Adjustment Factor as estab-*
21 *lished by the Secretary, and by making any necessary*
22 *adjustments for the costs associated with deposits to*
23 *family self-sufficiency program escrow accounts or*
24 *first-time renewals including tenant protection or*
25 *HOPE VI vouchers: Provided further, That none of*

1 *the funds provided under this paragraph may be used*
2 *to fund a total number of unit months under lease*
3 *which exceeds a public housing agency's authorized*
4 *level of units under contract: Provided further, That*
5 *the Secretary shall, to the extent necessary to stay*
6 *within the amount specified under this paragraph*
7 *(except as otherwise modified under this Act), pro*
8 *rate each public housing agency's allocation otherwise*
9 *established pursuant to this paragraph: Provided fur-*
10 *ther, That except as provided in the last two provisos,*
11 *the entire amount specified under this paragraph (ex-*
12 *cept as otherwise modified under this Act) shall be ob-*
13 *ligated to the public housing agencies based on the al-*
14 *location and pro rata method described above, and the*
15 *Secretary shall notify public housing agencies of their*
16 *annual budget not later than 60 days after enactment*
17 *of this Act: Provided further, That the Secretary may*
18 *extend the 60-day notification period with the prior*
19 *written approval of the House and Senate Committees*
20 *on Appropriations: Provided further, That public*
21 *housing agencies participating in the Moving to Work*
22 *demonstration shall be funded pursuant to their Mov-*
23 *ing to Work agreements and shall be subject to the*
24 *same pro rata adjustments under the previous pro-*
25 *visos: Provided further, That up to \$150,000,000 shall*

1 *be available only: (1) to adjust the allocations for*
2 *public housing agencies, after application for an ad-*
3 *justment by a public housing agency that experienced*
4 *a significant increase, as determined by the Sec-*
5 *retary, in renewal costs of tenant-based rental assist-*
6 *ance resulting from unforeseen circumstances or from*
7 *portability under section 8(r) of the Act; (2) for ad-*
8 *justments for public housing agencies with voucher*
9 *leasing rates at the end of the calendar year that ex-*
10 *ceed the average leasing for the 12-month period used*
11 *to establish the allocation; (3) for adjustments for the*
12 *costs associated with VASH vouchers; or (4) for*
13 *vouchers that were not in use during the 12-month*
14 *period in order to be available to meet a commitment*
15 *pursuant to section 8(o)(13) of the Act;*

16 *(2) \$103,000,000 shall be for section 8 rental as-*
17 *sistance for relocation and replacement of housing*
18 *units that are demolished or disposed of pursuant to*
19 *the Omnibus Consolidated Rescissions and Appro-*
20 *priations Act of 1996 (Public Law 104–134), conver-*
21 *sion of section 23 projects to assistance under section*
22 *8, the family unification program under section 8(x)*
23 *of the Act, relocation of witnesses in connection with*
24 *efforts to combat crime in public and assisted housing*
25 *pursuant to a request from a law enforcement or*

1 prosecution agency, enhanced vouchers under any
2 provision of law authorizing such assistance under
3 section 8(t) of the Act, HOPE VI vouchers, manda-
4 tory and voluntary conversions, and tenant protection
5 assistance including replacement and relocation as-
6 sistance or for project based assistance to prevent the
7 displacement of unassisted elderly tenants currently
8 residing in section 202 properties financed between
9 1959 and 1974 that are refinanced pursuant to Pub-
10 lic Law 106–569, as amended, or under the authority
11 as provided under this Act: Provided, That the Sec-
12 retary shall may provide replacement vouchers for all
13 units that were occupied within the previous 24
14 months that cease to be available as assisted housing,
15 subject only to the availability of funds;

16 (3) \$1,550,000,000 shall be for administrative
17 and other expenses of public housing agencies in ad-
18 ministering the section 8 tenant-based rental assist-
19 ance program, of which up to \$50,000,000 shall be
20 available to the Secretary to allocate to public hous-
21 ing agencies that need additional funds to administer
22 their section 8 programs, including fees associated
23 with section 8 tenant protection rental assistance, the
24 administration of disaster related vouchers, Veterans
25 Affairs Supportive Housing vouchers, and other in-

1 cremental vouchers: *Provided, That no less than*
2 \$1,500,000,000 of the amount provided in this para-
3 graph shall be allocated to public housing agencies for
4 the calendar year 2010 funding cycle based on section
5 8(q) of the Act (and related Appropriation Act provi-
6 sions) as in effect immediately before the enactment
7 of the Quality Housing and Work Responsibility Act
8 of 1998 (Public Law 105–276): *Provided further,*
9 *That if the amounts made available under this para-*
10 *graph are insufficient to pay the amounts determined*
11 *under the previous proviso, the Secretary may de-*
12 *crease the amounts allocated to agencies by a uniform*
13 *percentage applicable to all agencies receiving fund-*
14 *ing under this paragraph or may, to the extent nec-*
15 *essary to provide full payment of amounts determined*
16 *under the previous proviso, utilize unobligated bal-*
17 *ances, including recaptures and carryovers, remain-*
18 *ing from funds appropriated to the Department of*
19 *Housing and Urban Development under this heading,*
20 *for fiscal year 2009 and prior fiscal years, notwith-*
21 *standing the purposes for which such amounts were*
22 *appropriated: Provided further, That amounts pro-*
23 *vided under this paragraph shall be only for activities*
24 *related to the provision of tenant-based rental assist-*

1 *ance authorized under section 8, including related de-*
2 *velopment activities;*

3 *(4) \$50,000,000 shall be available for family self-*
4 *sufficiency coordinators under section 23 of the Act;*

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

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

1 *erans Affairs, based on geographical need for such as-*
2 *sistance as identified by the Secretary of the Depart-*
3 *ment of Veterans Affairs, public housing agency ad-*
4 *ministrative performance, and other factors as speci-*
5 *fied by the Secretary of Housing and Urban Develop-*
6 *ment in consultation with the Secretary of the De-*
7 *partment of Veterans Affairs: Provided further, That*
8 *the Secretary of Housing and Urban Development*
9 *may waive, or specify alternative requirements for (in*
10 *consultation with the Secretary of the Department of*
11 *Veterans Affairs), any provision of any statute or reg-*
12 *ulation that the Secretary of Housing and Urban De-*
13 *velopment administers in connection with the use of*
14 *funds made available under this paragraph (except*
15 *for requirements related to fair housing, non-*
16 *discrimination, labor standards, and the environ-*
17 *ment), upon a finding by the Secretary that any such*
18 *waivers or alternative requirements are necessary for*
19 *the effective delivery and administration of such*
20 *voucher assistance: Provided further, That assistance*
21 *made available under this paragraph shall continue*
22 *to remain available for homeless veterans upon turn-*
23 *over; and*

1 (7) up to \$50,000,000 provided under this head-
 2 ing maybe transferred to and merged with the appro-
 3 priation for “Transformation Initiative”.

4 HOUSING CERTIFICATE FUND

5 Unobligated balances, including recaptures and carry-
 6 over, remaining from funds appropriated to the Depart-
 7 ment of Housing and Urban Development under this head-
 8 ing, the heading “Annual Contributions for Assisted Hous-
 9 ing” and the heading “Project-Based Rental Assistance”,
 10 for fiscal year 2010 and prior years may be used for re-
 11 newal of or amendments to section 8 project-based contracts
 12 and for performance-based contract administrators, not-
 13 withstanding the purposes for which such funds were appro-
 14 priated: Provided, That any obligated balances of contract
 15 authority from fiscal year 1974 and prior that have been
 16 terminated shall be permanently cancelled.

17 PUBLIC HOUSING CAPITAL FUND

18 For the Public Housing Capital Fund Program to
 19 carry out capital and management activities for public
 20 housing agencies, as authorized under section 9 of the
 21 United States Housing Act of 1937 (42 U.S.C. 1437g) (the
 22 “Act”) \$2,500,000,000, to remain available until September
 23 30, 2013: Provided, That notwithstanding any other provi-
 24 sion of law or regulation, during fiscal year 2010 the Sec-
 25 retary of Housing and Urban Development may not dele-

1 gate to any Department official other than the Deputy Sec-
2 retary and the Assistant Secretary for Public and Indian
3 Housing any authority under paragraph (2) of section 9(j)
4 regarding the extension of the time periods under such sec-
5 tion: Provided further, That for purposes of such section
6 9(j), the term “obligate” means, with respect to amounts,
7 that the amounts are subject to a binding agreement that
8 will result in outlays, immediately or in the future: Pro-
9 vided further, That up to \$15,345,000 shall be to support
10 the ongoing Public Housing Financial and Physical Assess-
11 ment activities of the Real Estate Assessment Center
12 (REAC): Provided further, That no funds may be used
13 under this heading for the purposes specified in section 9(k)
14 of the Act: Provided further, That of the total amount pro-
15 vided under this heading, not to exceed \$20,000,000 shall
16 be available for the Secretary to make grants, notwith-
17 standing section 204 of this Act, to public housing agencies
18 for emergency capital needs including safety and security
19 measures necessary to address crime and drug-related activ-
20 ity as well as needs resulting from unforeseen or unprevent-
21 able emergencies and natural disasters excluding Presi-
22 dentially declared emergencies and natural disasters under
23 the Robert T. Stafford Disaster Relief and Emergency Act
24 (42 U.S.C. 5121 et seq.) occurring in fiscal year 2010: Pro-
25 vided further, That of the amounts provided under this

1 heading \$50,000,000 shall be for grants to be competitively
 2 awarded to public housing agencies for the construction, re-
 3 habilitation or purchase of facilities to be used to provide
 4 early education, adult education, job training or other ap-
 5 propriate services to public housing residents: Provided fur-
 6 ther, That grantees shall demonstrate an ability to leverage
 7 other Federal, State, local or private resources for the con-
 8 struction, rehabilitation or acquisition of such facilities,
 9 and that selected grantees shall demonstrate a capacity to
 10 pay the long-term costs of operating such facilities: Pro-
 11 vided further, That of the total amount provided under this
 12 heading, \$40,000,000 shall be for supportive services, service
 13 coordinators and congregate services as authorized by sec-
 14 tion 34 of the Act (42 U.S.C. 1437z-6) and the Native
 15 American Housing Assistance and Self-Determination Act
 16 of 1996 (25 U.S.C. 4101 et seq.): Provided further, That
 17 of the total amount provided under this heading up to
 18 \$8,820,000 is to support the costs of administrative and ju-
 19 dicial receiverships: Provided further, That from the funds
 20 made available under this heading, the Secretary shall pro-
 21 vide bonus awards in fiscal year 2010 to public housing
 22 agencies that are designated high performers.

23 PUBLIC HOUSING OPERATING FUND

24 For 2010 payments to public housing agencies for the
 25 operation and management of public housing, as authorized

1 *by section 9(e) of the United States Housing Act of 1937*
2 *(42 U.S.C. 1437g(e)), \$4,750,000,000: Provided, That, in*
3 *fiscal year 2009 and all fiscal years hereafter, no amounts*
4 *under this heading in any appropriations Act may be used*
5 *for payments to public housing agencies for the costs of op-*
6 *eration and management of public housing for any year*
7 *prior to the current year of such Act: Provided further, That*
8 *of the amounts made available under this heading, up to*
9 *\$15,000,000 may be transferred to and merged with the ap-*
10 *propriation for “Transformation Initiative”.*

11 *CHOICE NEIGHBORHOODS*

12 *For competitive grants under the Choice Neighborhoods*
13 *Initiative for transformation, rehabilitation and replace-*
14 *ment housing needs of both public and HUD-assisted hous-*
15 *ing and to transform neighborhoods of poverty into func-*
16 *tioning, sustainable mixed income neighborhoods with ap-*
17 *propriate services, public assets, transportation and access*
18 *to jobs, and schools, including public schools, community*
19 *schools, and charter schools, \$250,000,000, to remain avail-*
20 *able until September 30, 2013: Provided, That grant funds*
21 *may be used for resident and community services, commu-*
22 *nity development and affordable housing needs in the com-*
23 *munity, and for conversion of vacant or foreclosed prop-*
24 *erties to affordable housing: Provided further, That grantees*
25 *shall undertake comprehensive local planning with input*

1 *from residents and the community, and that grantees shall*
2 *provide a match in State, local, other Federal or private*
3 *funds: Provided further, That grantees may include local*
4 *governments, public housing authorities, and nonprofits:*
5 *Provided further, That for-profit developers may apply*
6 *jointly with a public entity: Provided further, That of the*
7 *amounts provided, not less than \$165,000,000 shall be*
8 *awarded to public housing authorities: Provided further,*
9 *That such grantees shall create partnerships with other*
10 *local organizations including assisted housing owners, serv-*
11 *ice agencies and resident organizations: Provided further,*
12 *That the Secretary shall consult with the Secretaries of*
13 *Education, Labor, Transportation, Health and Human*
14 *Services, Agriculture, and Commerce and the Adminis-*
15 *trator of the Environmental Protection Agency to coordi-*
16 *nate and leverage other appropriate Federal resources: Pro-*
17 *vided further, That within 60 days of the enactment of this*
18 *Act, HUD shall submit a plan to the House and Senate*
19 *Committees on Appropriations, for approval, describing an*
20 *array of performance measures that HUD will use in iden-*
21 *tifying functioning, sustainable, mixed-income neighbor-*
22 *hoods and a plan for how HUD will work with other agen-*
23 *cies: Provided further, That no more than ten percent of*
24 *funds made available under this heading may be provided*
25 *for planning grants to assist communities in developing*

1 *comprehensive strategies for implementing this program in*
 2 *conjunction with community notice and input: Provided*
 3 *further, That the Secretary shall develop and publish guide-*
 4 *lines for the use of such competitive funds, including but*
 5 *not limited to eligible activities, program requirements,*
 6 *protections and services for affected residents, and perform-*
 7 *ance metrics.*

8 *NATIVE AMERICAN HOUSING BLOCK GRANTS*

9 *For the Native American Housing Block Grants pro-*
 10 *gram, as authorized under title I of the Native American*
 11 *Housing Assistance and Self-Determination Act of 1996*
 12 *(NAHASDA) (25 U.S.C. 4111 et seq.), \$670,000,000, to re-*
 13 *main available until expended: Provided, That, notwith-*
 14 *standing the Native American Housing Assistance and Self-*
 15 *Determination Act of 1996, to determine the amount of the*
 16 *allocation under title I of such Act for each Indian tribe,*
 17 *the Secretary shall apply the formula under section 302 of*
 18 *such Act with the need component based on single-race Cen-*
 19 *sus data and with the need component based on multi-race*
 20 *Census data, and the amount of the allocation for each In-*
 21 *dian tribe shall be the greater of the two resulting allocation*
 22 *amounts: Provided further, That of the amounts made*
 23 *available under this heading, \$3,500,000 shall be contracted*
 24 *for assistance for a national organization representing Na-*
 25 *tive American housing interests for providing training and*

1 *technical assistance to Indian housing authorities and trib-*
2 *ally designated housing entities as authorized under*
3 *NAHASDA; and \$4,250,000 shall be to support the inspec-*
4 *tion of Indian housing units, contract expertise, training,*
5 *and technical assistance in the training, oversight, and*
6 *management of such Indian housing and tenant-based as-*
7 *sistance, including up to \$300,000 for related travel: Pro-*
8 *vided further, That of the amount provided under this head-*
9 *ing, \$2,000,000 shall be made available for the cost of guar-*
10 *anteed notes and other obligations, as authorized by title*
11 *VI of NAHASDA: Provided further, That such costs, includ-*
12 *ing the costs of modifying such notes and other obligations,*
13 *shall be as defined in section 502 of the Congressional Budg-*
14 *et Act of 1974, as amended: Provided further, That these*
15 *funds are available to subsidize the total principal amount*
16 *of any notes and other obligations, any part of which is*
17 *to be guaranteed, not to exceed \$18,000,000.*

18 *NATIVE HAWAIIAN HOUSING BLOCK GRANT*

19 *For the Native Hawaiian Housing Block Grant pro-*
20 *gram, as authorized under title VIII of the Native American*
21 *Housing Assistance and Self-Determination Act of 1996 (25*
22 *U.S.C. 4111 et seq.), \$13,000,000, to remain available until*
23 *expended: Provided, That of this amount, \$300,000 shall be*
24 *for training and technical assistance activities, including*

1 up to \$100,000 for related travel by Hawaii-based HUD
2 employees.

3 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

4 ACCOUNT

5 For the cost of guaranteed loans, as authorized by sec-
6 tion 184 of the Housing and Community Development Act
7 of 1992 (12 U.S.C. 1715z), \$7,000,000, to remain available
8 until expended: Provided, That such costs, including the
9 costs of modifying such loans, shall be as defined in section
10 502 of the Congressional Budget Act of 1974: Provided fur-
11 ther, That these funds are available to subsidize total loan
12 principal, any part of which is to be guaranteed, up to
13 \$919,000,000: Provided further, That up to \$750,000 shall
14 be for administrative contract expenses including manage-
15 ment processes and systems to carry out the loan guarantee
16 program.

17 NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND

18 PROGRAM ACCOUNT

19 For the cost of guaranteed loans, as authorized by sec-
20 tion 184A of the Housing and Community Development Act
21 of 1992 (12 U.S.C. 1715z), \$1,044,000, to remain available
22 until expended: Provided, That such costs, including the
23 costs of modifying such loans, shall be as defined in section
24 502 of the Congressional Budget Act of 1974: Provided fur-
25 ther, That these funds are available to subsidize total loan

1 *principal, any part of which is to be guaranteed, not to*
 2 *exceed \$41,504,255.*

3 *COMMUNITY PLANNING AND DEVELOPMENT*

4 *HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS*

5 *For carrying out the Housing Opportunities for Per-*
 6 *sons with AIDS program, as authorized by the AIDS Hous-*
 7 *ing Opportunity Act (42 U.S.C. 12901 et seq.),*
 8 *\$320,000,000, to remain available until September 30,*
 9 *2011, except that amounts allocated pursuant to section*
 10 *854(c)(3) of such Act shall remain available until Sep-*
 11 *tember 30, 2012: Provided, That the Secretary shall renew*
 12 *all expiring contracts for permanent supportive housing*
 13 *that were funded under section 854(c)(3) of such Act that*
 14 *meet all program requirements before awarding funds for*
 15 *new contracts and activities authorized under this section.*

16 *COMMUNITY DEVELOPMENT FUND*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For assistance to units of State and local government,*
 19 *and to other entities, for economic and community develop-*
 20 *ment activities, and for other purposes, \$4,450,000,000, to*
 21 *remain available until September 30, 2012, unless otherwise*
 22 *specified: Provided, That of the total amount provided,*
 23 *\$3,992,000,000 is for carrying out the community develop-*
 24 *ment block grant program under title I of the Housing and*
 25 *Community Development Act of 1974, as amended (the*

1 “Act” herein) (42 U.S.C. 5301 et seq.): Provided further,
2 That unless explicitly provided for under this heading (ex-
3 cept for planning grants provided in the second paragraph
4 and amounts made available under the third paragraph),
5 not to exceed 20 percent of any grant made with funds ap-
6 propriated under this heading shall be expended for plan-
7 ning and management development and administration:
8 Provided further, That \$65,000,000 shall be for grants to
9 Indian tribes notwithstanding section 106(a)(1) of such Act,
10 of which, notwithstanding any other provision of law (in-
11 cluding section 204 of this Act), up to \$3,960,000 may be
12 used for emergencies that constitute imminent threats to
13 health and safety.

14 Of the amount made available under this heading,
15 \$171,000,000 shall be available for grants for the Economic
16 Development Initiative (EDI) to finance a variety of tar-
17 geted economic investments in accordance with the terms
18 and conditions specified in the explanatory statement ac-
19 companying this Act: Provided, That none of the funds pro-
20 vided under this paragraph may be used for program oper-
21 ations: Provided further, That, for fiscal years 2007, 2008
22 and 2009, no unobligated funds for EDI grants may be used
23 for any purpose except acquisition, planning, design, pur-
24 chase of equipment, revitalization, redevelopment or con-
25 struction.

1 *Of the amount made available under this heading,*
2 *\$22,000,000 shall be available for neighborhood initiatives*
3 *that are utilized to improve the conditions of distressed and*
4 *blighted areas and neighborhoods, to stimulate investment,*
5 *economic diversification, and community revitalization in*
6 *areas with population outmigration or a stagnating or de-*
7 *clining economic base, or to determine whether housing ben-*
8 *efits can be integrated more effectively with welfare reform*
9 *initiatives: Provided, That amounts made available under*
10 *this paragraph shall be provided in accordance with the*
11 *terms and conditions specified in the explanatory statement*
12 *accompanying this Act.*

13 *The referenced explanatory statement under this head-*
14 *ing in title II of division K of Public Law 110–161 is*
15 *deemed to be amended by striking “Old Town Boys and*
16 *Girls Club, Albuquerque, NM, for renovation of the existing*
17 *Old Town Boys and Girls Club accompanied by construc-*
18 *tion of new areas for the Club” and inserting “Old Town*
19 *Boys and Girls Club, Albuquerque, NM, for renovation of*
20 *the Heights Boys and Girls Club”.*

21 *The referenced explanatory statement under this head-*
22 *ing in division I of Public Law 111–8 is deemed to be*
23 *amended with respect to “Hawaii County Office of Housing*
24 *and Community Development, HI” by striking “Senior*

1 *Housing Renovation Project” and inserting “Transitional*
 2 *Housing Project”.*

3 *The referenced explanatory statement under the head-*
 4 *ing “Community Development Fund” in title II of division*
 5 *K of Public Law 110–161 is deemed to be amended with*
 6 *respect to “Emergency Housing Consortium in San Jose,*
 7 *CA” by striking “for construction of the Sobrato Transi-*
 8 *tional Center, a residential facility for homeless individuals*
 9 *and families” and inserting “for improvements to homeless*
 10 *services and prevention facilities”.*

11 *Of the amounts made available under this heading,*
 12 *\$150,000,000 shall be made available for a Sustainable*
 13 *Communities Initiative to improve regional planning ef-*
 14 *forts that integrate housing and transportation decisions,*
 15 *and increase the capacity to improve land use and zoning:*
 16 *Provided, That \$100,000,000 shall be for Regional Inte-*
 17 *grated Planning Grants to support the linking of transpor-*
 18 *tation and land use planning: Provided further, That not*
 19 *less than \$25,000,000 of the funding made available for Re-*
 20 *gional Integrated Planning Grants shall be awarded to met-*
 21 *ropolitan areas of less than 500,000: Provided further, That*
 22 *\$40,000,000 shall be for Community Challenge Planning*
 23 *Grants to foster reform and reduce barriers to achieve af-*
 24 *fordable, economically vital, and sustainable communities:*
 25 *Provided further, That before funding is made available for*

1 *Regional Integrated Planning Grants or Community Chal-*
2 *lenge Planning Grants, the Secretary, in coordination with*
3 *the Secretary of Transportation, shall submit a plan to the*
4 *House and Senate Committees on Appropriations, the Sen-*
5 *ate Committee on Banking and Urban Affairs, and the*
6 *House Committee on Financial Services establishing grant*
7 *criteria as well as performance measures by which the suc-*
8 *cess of grantees will be measured: Provided further, That*
9 *the Secretary will consult with the Secretary of Transpor-*
10 *tation in selecting grant recipients: Provided further, That*
11 *up to \$10,000,000 shall be for a joint Department of Hous-*
12 *ing and Urban Development and Department of Transpor-*
13 *tation research effort that shall include a rigorous evalua-*
14 *tion of the Regional Integrated Planning Grants and Com-*
15 *munity Challenge Planning Grants programs: Provided*
16 *further, That of the amounts made available under this*
17 *heading, \$25,000,000 shall be made available for the Rural*
18 *Innovation Fund for grants to Indian tribes, State housing*
19 *finance agencies, State community and/or economic devel-*
20 *opment agencies, local rural nonprofits and community de-*
21 *velopment corporations to address the problems of con-*
22 *centrated rural housing distress and community poverty:*
23 *Provided further, That of the funding made available under*
24 *the previous proviso, \$10,000,000 shall be made available*
25 *to promote economic development and entrepreneurship for*

1 *federally recognized Indian Tribes, through activities in-*
 2 *cluding the capitalization of revolving loan programs and*
 3 *business planning and development, funding is also made*
 4 *available for technical assistance to increase capacity*
 5 *through training and outreach activities: Provided further,*
 6 *That of the amounts made available under this heading,*
 7 *\$25,000,000 is for grants pursuant to section 107 of the*
 8 *Housing and Community Development Act of 1974 (42*
 9 *U.S.C. 5307).*

10 *COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM*

11 *ACCOUNT*

12 *Subject to section 502 of the Congressional Budget Act*
 13 *of 1974, during fiscal year 2010, commitments to guarantee*
 14 *loans under section 108 of the Housing and Community*
 15 *Development Act of 1974, any part of which is guaranteed,*
 16 *shall not exceed a total principal amount of \$275,000,000,*
 17 *notwithstanding any aggregate limitation on outstanding*
 18 *obligations guaranteed in subsection (k) of such section 108:*
 19 *Provided, That the Secretary shall collect fees from bor-*
 20 *rowers, notwithstanding subsection (m) of such section 108,*
 21 *to result in a credit subsidy cost of zero, and such fees shall*
 22 *be collected in accordance with section 502(7) of the Con-*
 23 *gressional Budget Act of 1974.*

HOME INVESTMENT PARTNERSHIPS PROGRAM

2 *For the HOME investment partnerships program, as*
3 *authorized under title II of the Cranston-Gonzalez National*
4 *Affordable Housing Act, as amended, \$1,825,000,000, to re-*
5 *main available until September 30, 2012: Provided, That,*
6 *funds provided in prior appropriations Acts for technical*
7 *assistance, that were made available for Community Hous-*
8 *ing Development Organizations technical assistance, and*
9 *that still remain available, may be used for HOME tech-*
10 *nical assistance notwithstanding the purposes for which*
11 *such amounts were appropriated.*

*SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY
PROGRAM*

14 *For the Self-Help and Assisted Homeownership Op-*
15 *portunity Program, as authorized under section 11 of the*
16 *Housing Opportunity Program Extension Act of 1996, as*
17 *amended, \$85,000,000, to remain available until September*
18 *30, 2012: Provided, That of the total amount provided*
19 *under this heading, \$27,000,000 shall be made available to*
20 *the Self-Help and Assisted Homeownership Opportunity*
21 *Program as authorized under section 11 of the Housing Op-*
22 *portunity Program Extension Act of 1996, as amended:*
23 *Provided further, That \$50,000,000 shall be made available*
24 *for the second, third and fourth capacity building activities*
25 *authorized under section 4(a) of the HUD Demonstration*

1 *Act of 1993 (42 U.S.C. 9816 note), of which not less than*
 2 *\$5,000,000 may be made available for rural capacity build-*
 3 *ing activities: Provided further, That \$8,000,000 shall be*
 4 *made available for capacity building activities as author-*
 5 *ized in sections 6301 through 6305 of Public Law 110–246.*

6 *HOMELESS ASSISTANCE GRANTS*

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *For the emergency shelter grants program as author-*
 9 *ized under subtitle B of title IV of the McKinney-Vento*
 10 *Homeless Assistance Act, as amended; the supportive hous-*
 11 *ing program as authorized under subtitle C of title IV of*
 12 *such Act; the section 8 moderate rehabilitation single room*
 13 *occupancy program as authorized under the United States*
 14 *Housing Act of 1937, as amended, to assist homeless indi-*
 15 *viduals pursuant to section 441 of the McKinney-Vento*
 16 *Homeless Assistance Act; and the shelter plus care program*
 17 *as authorized under subtitle F of title IV of such Act,*
 18 *\$1,875,000,000, of which \$1,870,000,000 shall remain*
 19 *available until September 30, 2012, and of which*
 20 *\$5,000,000 shall remain available until expended for reha-*
 21 *bilitation projects with 10-year grant terms: Provided, That*
 22 *not less than 30 percent of funds made available, excluding*
 23 *amounts provided for renewals under the Shelter Plus Care*
 24 *Program and emergency shelter grants, shall be used for*
 25 *permanent housing for individuals and families: Provided*

1 further, That all funds awarded for services shall be
2 matched by not less than 25 percent in funding by each
3 grantee: Provided further, That for all match requirements
4 applicable to funds made available under this heading for
5 this fiscal year and prior years, a grantee may use (or could
6 have used) as a source of match funds other funds adminis-
7 tered by the Secretary and other Federal agencies unless
8 there is (or was) a specific statutory prohibition on any
9 such use of any such funds: Provided further, That the Sec-
10 retary shall renew on an annual basis expiring contracts
11 or amendments to contracts funded under the shelter plus
12 care program if the program is determined to be needed
13 under the applicable continuum of care and meets appro-
14 priate program requirements and financial standards, as
15 determined by the Secretary: Provided further, That all
16 awards of assistance under this heading shall be required
17 to coordinate and integrate homeless programs with other
18 mainstream health, social services, and employment pro-
19 grams for which homeless populations may be eligible, in-
20 cluding Medicaid, State Children's Health Insurance Pro-
21 gram, Temporary Assistance for Needy Families, Food
22 Stamps, and services funding through the Mental Health
23 and Substance Abuse Block Grant, Workforce Investment
24 Act, and the Welfare-to-Work grant program: Provided fur-
25 ther, That up to \$6,000,000 of the funds appropriated under

1 *this heading shall be available for the national homeless*
 2 *data analysis project: Provided further, That up to*
 3 *\$12,750,000 of the funds made available under this heading*
 4 *may be transferred to and merged with the appropriation*
 5 *for “Transformation Initiative”: Provided further, That all*
 6 *balances for Shelter Plus Care renewals previously funded*
 7 *from the Shelter Plus Care Renewal account and trans-*
 8 *ferred to this account shall be available, if recaptured, for*
 9 *Shelter Plus Care renewals in fiscal year 2010.*

10 HOUSING PROGRAMS

11 PROJECT-BASED RENTAL ASSISTANCE

12 (INCLUDING TRANSFER OF FUNDS)

13 *For activities and assistance for the provision of*
 14 *project-based subsidy contracts under the United States*
 15 *Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the Act”),*
 16 *not otherwise provided for, \$7,700,000,000, to remain avail-*
 17 *able until expended, shall be available on October 1, 2009,*
 18 *and \$400,000,000, to remain available until expended, shall*
 19 *be available on October 1, 2010: Provided, That the*
 20 *amounts made available under this heading are provided*
 21 *as follows:*

22 *(1) Up to \$7,868,000,000 shall be available for*
 23 *expiring or terminating section 8 project-based sub-*
 24 *sidy contracts (including section 8 moderate rehabili-*
 25 *tation contracts), for amendments to section 8 project-*

1 *based subsidy contracts (including section 8 moderate*
2 *rehabilitation contracts), for contracts entered into*
3 *pursuant to section 441 of the McKinney-Vento*
4 *Homeless Assistance Act (42 U.S.C. 11401), for re-*
5 *newal of section 8 contracts for units in projects that*
6 *are subject to approved plans of action under the*
7 *Emergency Low Income Housing Preservation Act of*
8 *1987 or the Low-Income Housing Preservation and*
9 *Resident Homeownership Act of 1990, and for admin-*
10 *istrative and other expenses associated with project-*
11 *based activities and assistance funded under this*
12 *paragraph.*

13 *(2) Not less than \$232,000,000 but not to exceed*
14 *\$258,000,000 shall be available for performance-based*
15 *contract administrators for section 8 project-based as-*
16 *sistance: Provided, That the Secretary of Housing and*
17 *Urban Development may also use such amounts for*
18 *performance-based contract administrators for the ad-*
19 *ministration of: interest reduction payments pursuant*
20 *to section 236(a) of the National Housing Act (12*
21 *U.S.C. 1715z-1(a)); rent supplement payments pur-*
22 *suant to section 101 of the Housing and Urban Devel-*
23 *opment Act of 1965 (12 U.S.C. 1701s); section*
24 *236(f)(2) rental assistance payments (12 U.S.C.*
25 *1715z-1(f)(2)); project rental assistance contracts for*

1 *the elderly under section 202(c)(2) of the Housing Act*
 2 *of 1959 (12 U.S.C. 1701q); project rental assistance*
 3 *contracts for supportive housing for persons with dis-*
 4 *abilities under section 811(d)(2) of the Cranston-Gon-*
 5 *zalez National Affordable Housing Act (42 U.S.C.*
 6 *8013(d)(2)); project assistance contracts pursuant to*
 7 *section 202(h) of the Housing Act of 1959 (Public*
 8 *Law 86–372; 73 Stat. 667); and loans under section*
 9 *202 of the Housing Act of 1959 (Public Law 86–372;*
 10 *73 Stat. 667).*

11 *(3) Not to exceed \$20,000,000 provided under*
 12 *this heading may be transferred to and merged with*
 13 *the appropriation for “Transformation Initiative”.*

14 *(4) Amounts recaptured under this heading, the*
 15 *heading “Annual Contributions for Assisted Hous-*
 16 *ing”, or the heading “Housing Certificate Fund” may*
 17 *be used for renewals of or amendments to section 8*
 18 *project-based contracts or for performance-based con-*
 19 *tract administrators, notwithstanding the purposes*
 20 *for which such amounts were appropriated.*

21 HOUSING FOR THE ELDERLY

22 (INCLUDING TRANSFER OF FUNDS)

23 *For capital advances, including amendments to cap-*
 24 *ital advance contracts, for housing for the elderly, as au-*
 25 *thorized by section 202 of the Housing Act of 1959, as*

1 amended, and for project rental assistance for the elderly
2 under section 202(c)(2) of such Act, including amendments
3 to contracts for such assistance and renewal of expiring con-
4 tracts for such assistance for up to a 1-year term, and for
5 supportive services associated with the housing,
6 \$785,000,000, to remain available until September 30,
7 2013, of which up to \$542,000,000 shall be for capital ad-
8 vance and project-based rental assistance awards: Provided,
9 That amounts for project rental assistance contracts are to
10 remain available for the liquidation of valid obligations for
11 10 years following the date of such obligation: Provided fur-
12 ther, That of the amount provided under this heading, up
13 to \$90,000,000 shall be for service coordinators and the con-
14 tinuation of existing congregate service grants for residents
15 of assisted housing projects, and of which up to \$25,000,000
16 shall be for grants under section 202b of the Housing Act
17 of 1959 (12 U.S.C. 1701q-2) for conversion of eligible
18 projects under such section to assisted living or related use
19 and for substantial and emergency capital repairs as deter-
20 mined by the Secretary: Provided further, That of the
21 amount made available under this heading, \$20,000,000
22 shall be available to the Secretary of Housing and Urban
23 Development only for making competitive grants to private
24 nonprofit organizations and consumer cooperatives for cov-
25 ering costs of architectural and engineering work, site con-

1 trol, and other planning relating to the development of sup-
 2 portive housing for the elderly that is eligible for assistance
 3 under section 202 of the Housing Act of 1959 (12 U.S.C.
 4 1701q): Provided further, That amounts under this heading
 5 shall be available for Real Estate Assessment Center inspec-
 6 tions and inspection-related activities associated with sec-
 7 tion 202 capital advance projects: Provided further, That
 8 the Secretary may waive the provisions of section 202 gov-
 9 erning the terms and conditions of project rental assistance,
 10 except that the initial contract term for such assistance
 11 shall not exceed 5 years in duration.

12 HOUSING FOR PERSONS WITH DISABILITIES

13 (INCLUDING TRANSFER OF FUNDS)

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

1 pursuant to section 811 of such Act, \$265,000,000, of which
2 up to \$129,000,000 shall be for capital advances and
3 project-based rental assistance contracts, to remain avail-
4 able until September 30, 2013: Provided, That amounts for
5 project rental assistance contracts are to remain available
6 for the liquidation of valid obligations for 10 years fol-
7 lowing the date of such obligation: Provided further, That,
8 of the amount provided under this heading, \$87,100,000
9 shall be for amendments or renewal of tenant-based assist-
10 ance contracts entered into prior to fiscal year 2005 (only
11 one amendment authorized for any such contract): Provided
12 further, That all tenant-based assistance made available
13 under this heading shall continue to remain available only
14 to persons with disabilities: Provided further, That the Sec-
15 retary may waive the provisions of section 811 governing
16 the terms and conditions of project rental assistance and
17 tenant-based assistance, except that the initial contract
18 term for such assistance shall not exceed 5 years in dura-
19 tion: Provided further, That amounts made available under
20 this heading shall be available for Real Estate Assessment
21 Center inspections and inspection-related activities associ-
22 ated with section 811 Capital Advance Projects.

23 HOUSING COUNSELING ASSISTANCE

24 For contracts, grants, and other assistance excluding
25 loans, as authorized under section 106 of the Housing and

1 *Urban Development Act of 1968, as amended, \$100,000,000,*
2 *including up to \$2,500,000 for administrative contract*
3 *services, to remain available until September 30, 2011: Pro-*
4 *vided, That funds shall be used for providing counseling*
5 *and advice to tenants and homeowners, both current and*
6 *prospective, with respect to property maintenance, finan-*
7 *cial management/literacy, and such other matters as may*
8 *be appropriate to assist them in improving their housing*
9 *conditions, meeting their financial needs, and fulfilling the*
10 *responsibilities of tenancy or homeownership; for program*
11 *administration; and for housing counselor training: Pro-*
12 *vided further, That of the amounts made available under*
13 *this heading, not less than \$15,000,000 shall be awarded*
14 *to HUD-certified housing counseling agencies located in the*
15 *100 metropolitan statistical areas with the highest rate of*
16 *home foreclosures for the purpose of assisting homeowners*
17 *with inquiries regarding mortgage-modification assistance*
18 *and mortgage scams.*

19 *ENERGY INNOVATION FUND*

20 *For an Energy Innovation Fund to enable the Federal*
21 *Housing Administration and the new Office of Sustain-*
22 *ability to catalyze innovations in the residential energy effi-*
23 *ciency sector that have promise of replicability and help*
24 *create a standardized home energy efficient retrofit market,*
25 *\$75,000,000, to remain available until September 30, 2013:*

1 *Provided, That \$20,000,000 shall be for the Energy Effi-*
 2 *cient Mortgage Innovation pilot program, directed at the*
 3 *single family housing market: Provided further, That*
 4 *\$20,000,000 shall be for the Multifamily Energy Pilot, di-*
 5 *rected at the multifamily housing market: Provided further,*
 6 *That \$35,000,000 shall be for the Local Initiatives Fund*
 7 *so as to leverage additional public and private sector cap-*
 8 *ital to stimulate the development of model residential en-*
 9 *ergy efficient retrofits in ten or more communities: Pro-*
 10 *vided further, That selected communities shall have dem-*
 11 *onstrated capacity to conduct energy efficient retrofit ac-*
 12 *tivities, and no community shall receive more than*
 13 *\$10,000,000.*

14 *OTHER ASSISTED HOUSING PROGRAMS*

15 *RENTAL HOUSING ASSISTANCE*

16 *For amendments to contracts under section 101 of the*
 17 *Housing and Urban Development Act of 1965 (12 U.S.C.*
 18 *1701s) and section 236(f)(2) of the National Housing Act*
 19 *(12 U.S.C. 1715z-1) in State-aided, non-insured rental*
 20 *housing projects, \$40,000,000, to remain available until ex-*
 21 *pended.*

22 *RENT SUPPLEMENT*

23 *(RESCISSION)*

24 *Of the amounts recaptured from terminated contracts*
 25 *under section 101 of the Housing and Urban Development*

1 *Act of 1965 (12 U.S.C. 1701s) and section 236 of the Na-*
2 *tional Housing Act (12 U.S.C. 1715z-1) \$27,600,000 are*
3 *rescinded hereby permanently cancelled: Provided, That no*
4 *amounts may be cancelled from amounts that were des-*
5 *ignated by the Congress as an emergency requirement pur-*
6 *suant to the Concurrent Resolution on the Budget or the*
7 *Balanced Budget and Emergency Deficit Control Act of*
8 *1985, as amended.*

9 *PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND*

10 *For necessary expenses as authorized by the National*
11 *Manufactured Housing Construction and Safety Standards*
12 *Act of 1974 (42 U.S.C. 5401 et seq.), up to \$16,000,000,*
13 *to remain available until expended, of which \$7,000,000 is*
14 *to be derived from the Manufactured Housing Fees Trust*
15 *Fund: Provided, That not to exceed the total amount appro-*
16 *priated under this heading shall be available from the gen-*
17 *eral fund of the Treasury to the extent necessary to incur*
18 *obligations and make expenditures pending the receipt of*
19 *collections to the Fund pursuant to section 620 of such Act:*
20 *Provided further, That the amount made available under*
21 *this heading from the general fund shall be reduced as such*
22 *collections are received during fiscal year 2010 so as to re-*
23 *sult in a final fiscal year 2010 appropriation from the gen-*
24 *eral fund estimated at not more than \$9,000,000 and fees*
25 *pursuant to such section 620 shall be modified as necessary*

1 *to ensure such a final fiscal year 2010 appropriation: Pro-*
 2 *vided further, That for the dispute resolution and installa-*
 3 *tion programs, the Secretary of Housing and Urban Devel-*
 4 *opment may assess and collect fees from any program par-*
 5 *ticipant: Provided further, That such collections shall be de-*
 6 *posited into the Fund, and the Secretary, as provided here-*
 7 *in, may use such collections, as well as fees collected under*
 8 *section 620, for necessary expenses of such Act: Provided*
 9 *further, That notwithstanding the requirements of section*
 10 *620 of such Act, the Secretary may carry out responsibil-*
 11 *ities of the Secretary under such Act through the use of ap-*
 12 *proved service providers that are paid directly by the recipi-*
 13 *ents of their services.*

14 *FEDERAL HOUSING ADMINISTRATION*

15 *MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT*

16 *(INCLUDING TRANSFERS OF FUNDS)*

17 *During fiscal year 2010, commitments to guarantee*
 18 *single family loans insured under the Mutual Mortgage In-*
 19 *surance Fund shall not exceed a loan principal of*
 20 *\$400,000,000,000: Provided, That for the cost of new guar-*
 21 *anteed loans, as authorized by section 255 of the National*
 22 *Housing Act (12 U.S.C. 1715z–20), \$288,000,000; and, in*
 23 *addition, to the extent that new guaranteed loan commit-*
 24 *ments under section 255 will and do exceed*
 25 *\$30,000,000,000, an additional \$26,600 shall be available*

1 *for each \$1,000,000 in such additional commitments (in-*
2 *cluding a pro rata amount for any new guaranteed loan*
3 *commitment amount below \$1,000,000): Provided further,*
4 *That the Secretary shall reduce the principal limit factors*
5 *applicable to mortgage loans insured under such section 255*
6 *in fiscal year 2010 by 5 percent from what was assumed*
7 *for calculating the subsidy rates published in the President's*
8 *budget for fiscal year 2010: Provided further, That during*
9 *fiscal year 2010, obligations to make direct loans to carry*
10 *out the purposes of section 204(g) of the National Housing*
11 *Act, as amended, shall not exceed \$50,000,000: Provided*
12 *further, That the foregoing amount shall be for loans to non-*
13 *profit and governmental entities in connection with sales*
14 *of single family real properties owned by the Secretary and*
15 *formerly insured under the Mutual Mortgage Insurance*
16 *Fund. For administrative contract expenses, of the federal*
17 *housing administartion \$188,900,000, of \$70,794,000 may*
18 *be transferred to the Working caital fund, and of which up*
19 *to \$7,500,000 shall be for education and outreach of FHA*
20 *single family loan products: Provided further, That to the*
21 *extent guaranteed loan commitments exceed*
22 *\$200,000,000,000 on or before April 1, 2010, an additional*
23 *\$1,400 for administrative contract expenses shall be avail-*
24 *able for each \$1,000,000 in additional guaranteed loan*
25 *commitments (including a pro rata amount for any*

1 amount below \$1,000,000), but in no case shall funds made
 2 available by this proviso exceed \$30,000,000.

3 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

4 For the cost of guaranteed loans, as authorized by sec-
 5 tions 238 and 519 of the National Housing Act (12 U.S.C.
 6 1715z-3 and 1735c), including the cost of loan guarantee
 7 modifications, as that term is defined in section 502 of the
 8 Congressional Budget Act of 1974, as amended, \$8,600,000,
 9 to remain available until expended: Provided, That com-
 10 mitments to guarantee loans shall not exceed
 11 \$15,000,000,000 in total loan principal, any part of which
 12 is to be guaranteed.

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

20 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

21 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN

22 GUARANTEE PROGRAM ACCOUNT

23 New commitments to issue guarantees to carry out the
 24 purposes of section 306 of the National Housing Act, as
 25 amended (12 U.S.C. 1721(g)), shall not exceed

1 \$500,000,000,000, to remain available until September 30,
2 2011.

3 *POLICY DEVELOPMENT AND RESEARCH*

4 *For contracts, grants, and necessary expenses of pro-*
5 *grams of research and studies relating to housing and*
6 *urban problems, not otherwise provided for, as authorized*
7 *by title V of the Housing and Urban Development Act of*
8 *1970 (12 U.S.C. 1701z–1 et seq.), including carrying out*
9 *the functions of the Secretary of Housing and Urban Devel-*
10 *opment under section 1(a)(1)(I) of Reorganization Plan No.*
11 *2 of 1968, \$48,000,000, to remain available until September*
12 *30, 2011.*

13 *FAIR HOUSING AND EQUAL OPPORTUNITY*

14 *FAIR HOUSING ACTIVITIES*

15 *For contracts, grants, and other assistance, not other-*
16 *wise provided for, as authorized by title VIII of the Civil*
17 *Rights Act of 1968, as amended by the Fair Housing*
18 *Amendments Act of 1988, and section 561 of the Housing*
19 *and Community Development Act of 1987, as amended,*
20 *\$72,000,000, to remain available until September 30, 2011,*
21 *of which \$42,500,000 shall be to carry out activities pursu-*
22 *ant to such section 561 of which up to \$2,000,000 shall be*
23 *made available to carryout authorized activities to protect*
24 *the public from mortgage rescue scams: Provided, That not-*
25 *withstanding 31 U.S.C. 3302, the Secretary may assess and*

1 *collect fees to cover the costs of the Fair Housing Training*
 2 *Academy, and may use such funds to provide such training:*
 3 *Provided further, That no funds made available under this*
 4 *heading shall be used to lobby the executive or legislative*
 5 *branches of the Federal Government in connection with a*
 6 *specific contract, grant or loan: Provided further, That of*
 7 *the funds made available under this heading, \$500,000 shall*
 8 *be available to the Secretary of Housing and Urban Devel-*
 9 *opment for the creation and promotion of translated mate-*
 10 *rials and other programs that support the assistance of per-*
 11 *sons with limited English proficiency in utilizing the serv-*
 12 *ices provided by the Department of Housing and Urban De-*
 13 *velopment.*

14 *OFFICE OF LEAD HAZARD CONTROL AND HEALTHY*

15 *HOMES*

16 *LEAD HAZARD REDUCTION*

17 *For the Lead Hazard Reduction Program, as Author-*
 18 *ized by section 1011 of the Residential Lead-Based Paint*
 19 *Hazard Reduction Act of 1992, \$140,000,000, to remain*
 20 *available until September 30, 2011, of which not less than*
 21 *\$20,000,000 shall be for the Healthy Homes Initiative, pur-*
 22 *suant to sections 501 and 502 of the Housing and Urban*
 23 *Development Act of 1970 that shall include research, stud-*
 24 *ies, testing, and demonstration efforts, including education*
 25 *and outreach concerning lead-based paint poisoning and*

1 *other housing-related diseases and hazards: Provided, That*
2 *for purposes of environmental review, pursuant to the Na-*
3 *tional Environmental Policy Act of 1969 (42 U.S.C. 4321*
4 *et seq.) and other provisions of the law that further the pur-*
5 *poses of such Act, a grant under the Healthy Homes Initia-*
6 *tive, Operation Lead Elimination Action Plan (LEAP), or*
7 *the Lead Technical Studies program under this heading or*
8 *under prior appropriations Acts for such purposes under*
9 *this heading, shall be considered to be funds for a special*
10 *project for purposes of section 305(c) of the Multifamily*
11 *Housing Property Disposition Reform Act of 1994: Pro-*
12 *vided further, That of the total amount made available*
13 *under this heading, \$48,000,000 shall be made available on*
14 *a competitive basis for areas with the highest lead paint*
15 *abatement needs: Provided further, That each recipient of*
16 *funds provided under the second proviso shall make a*
17 *matching contribution in an amount not less than 25 per-*
18 *cent: Provided further, That the Secretary may waive the*
19 *matching requirement cited in the preceding proviso on a*
20 *case by case basis if the Secretary determines that such a*
21 *waiver is necessary to advance the purposes of this pro-*
22 *gram: Provided further, That each applicant shall submit*
23 *a detailed plan and strategy that demonstrates adequate ca-*
24 *capacity that is acceptable to the Secretary to carry out the*
25 *proposed use of funds pursuant to a notice of funding avail-*

1 *ability: Provided further, That amounts made available*
2 *under this heading in this or prior appropriations Acts,*
3 *and that still remain available, may be used for any pur-*
4 *pose under this heading notwithstanding the purpose for*
5 *which such amounts were appropriated if a program com-*
6 *petition is undersubscribed and there are other program*
7 *competitions under this heading that are oversubscribed:*
8 *Provided further, That of the total amount made available*
9 *under this heading, \$250,000 shall be allocated through the*
10 *Office of Healthy Homes and Lead Hazard Control to con-*
11 *duct communications and outreach to potential applicants*
12 *to the Lead Hazard Reduction Demonstration Grant pro-*
13 *gram.*

14 *MANAGEMENT AND ADMINISTRATION*

15 *WORKING CAPITAL FUND*

16 *For additional capital for the Working Capital Fund*
17 *(42 U.S.C. 3535) for the maintenance of infrastructure for*
18 *Department-wide information technology systems, for the*
19 *continuing operation and maintenance of both Department-*
20 *wide and program-specific information systems, and for*
21 *program-related maintenance activities, \$200,000,000, to*
22 *remain available until September 30, 2011: Provided, That*
23 *any amounts transferred to this Fund under this Act shall*
24 *remain available until expended: Provided further, That*
25 *any amounts transferred to this Fund from amounts appro-*

1 *priated by previously enacted appropriations Acts or from*
 2 *within this Act may be used for the purposes specified under*
 3 *this Fund, in addition to the purposes for which such*
 4 *amounts were appropriated: Provided further, That up to*
 5 *\$15,000,000 may be transferred to this account from all*
 6 *other accounts in this title (except for the Office of the In-*
 7 *spector General account) that make funds available for sala-*
 8 *ries and expenses.*

9 *OFFICE OF INSPECTOR GENERAL*

10 *For necessary salaries and expenses of the Office of In-*
 11 *spector General in carrying out the Inspector General Act*
 12 *of 1978, as amended, \$126,000,000: Provided, That the In-*
 13 *spector General shall have independent authority over all*
 14 *personnel issues within this office.*

15 *TRANSFORMATION INITIATIVE*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For necessary expenses for combating mortgage fraud,*
 18 *\$20,000,000, to remain available until expended.*

19 *In addition, of the amounts made available in this Act*
 20 *under each of the following headings under this title, the*
 21 *Secretary may transfer to, and merge with, this account*
 22 *up to 1 percent from each such account, and such trans-*
 23 *ferred amounts shall be available until September 30, 2013,*
 24 *for (1) research, evaluation, and program metrics; (2) pro-*
 25 *gram demonstrations; (3) technical assistance and capacity*

1 building; and (4) information technology: “Public Housing
 2 Capital Fund”, “Choice Neighborhoods Initiative”, “En-
 3 ergy Innovation Fund”, “Housing Opportunities for Per-
 4 sons With AIDS”, “Community Development Fund”,
 5 “HOME Investment Partnerships Program”, “Self-Help
 6 and Assisted Homeownership Opportunity Program”,
 7 “Housing for the Elderly”, “Housing for Persons With Dis-
 8 abilities”, “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 of the
 14 amounts made available under this paragraph, not less
 15 than \$100,000,000 shall be available for information tech-
 16 nology modernization, including development and deploy-
 17 ment of a Next Generation of Voucher Management System
 18 and development and deployment of modernized Federal
 19 Housing Administration systems: Provided further, That
 20 not more than 25 percent of the funds made available for
 21 information technology modernization may be obligated
 22 until the Secretary submits to the Committees on Appro-
 23 priations a plan for expenditure that (1) identifies for each
 24 modernization project (a) the functional and performance
 25 capabilities to be delivered and the mission benefits to be

1 realized, (b) the estimated lifecycle cost, and (c) key mile-
2 stones to be met; (2) demonstrates that each modernization
3 project is (a) compliant with the department's enterprise
4 architecture, (b) being managed in accordance with appli-
5 cable lifecycle management policies and guidance, (c) sub-
6 ject to the department's capital planning and investment
7 control requirements, and (d) supported by an adequately
8 staffed project office; and (3) has been reviewed by the Gov-
9 ernment Accountability Office: Provided further, That of the
10 amounts made available under this paragraph, not less
11 than \$40,000,000 shall be available for technical assistance
12 and capacity building: Provided further, That technical as-
13 sistance activities shall include, technical assistance for
14 HUD programs, including HOME, Community Develop-
15 ment Block Grant, homeless programs, HOPE VI, Choice
16 Neighborhoods, Public Housing, the Housing Choice Vouch-
17 er Program, Fair Housing Initiative Program, Housing
18 Counseling, Health Homes, Sustainable Communities, En-
19 ergy Innovation Fund and other technical assistance as de-
20 termined by the Secretary: Provided further, That of the
21 amounts made available for research, evaluation and pro-
22 gram metrics and program demonstrations, the Secretary
23 shall include an assessment of the housing needs of Native
24 Americans: Provided further, That of the amounts made
25 available for research, evaluation and program metrics and

1 *program demonstrations, the Secretary shall include plan-*
 2 *ning, demonstrations, or evaluations related to pre-pur-*
 3 *chase housing counseling and the Moving-to-Work dem-*
 4 *onstration program: Provided further, That the Secretary*
 5 *shall submit a plan to the House and Senate Committees*
 6 *on Appropriations for approval detailing how the funding*
 7 *provided under this heading will be allocated to each of the*
 8 *four categories identified under this heading and for what*
 9 *projects or activities funding will be used: Provided further,*
 10 *That following the initial approval of this plan, the Sec-*
 11 *retary may amend the plan with the approval of the House*
 12 *and Senate Committees on Appropriations.*

13 *GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND*

14 *URBAN DEVELOPMENT*

15 *(INCLUDING RESCISSION OF FUNDS)*

16 *SEC. 201. Fifty percent of the amounts of budget au-*
 17 *thority, or in lieu thereof 50 percent of the cash amounts*
 18 *associated with such budget authority, that are recaptured*
 19 *from projects described in section 1012(a) of the Stewart*
 20 *B. McKinney Homeless Assistance Amendments Act of 1988*
 21 *(42 U.S.C. 1437 note) shall be rescission or in the case of*
 22 *cash, shall be remitted to the Treasury, and such amounts*
 23 *of budget authority or cash recaptured and not rescission*
 24 *or remitted to the Treasury shall be used by State housing*
 25 *finance agencies or local governments or local housing agen-*

1 *cies with projects approved by the Secretary of Housing and*
2 *Urban Development for which settlement occurred after*
3 *January 1, 1992, in accordance with such section. Notwith-*
4 *standing the previous sentence, the Secretary may award*
5 *up to 15 percent of the budget authority or cash recaptured*
6 *and not rescission or remitted to the Treasury to provide*
7 *project owners with incentives to refinance their project at*
8 *a lower interest rate.*

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

17 *SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of*
18 *the AIDS Housing Opportunity Act (42 U.S.C.*
19 *12903(c)(1)(A)), from any amounts made available under*
20 *this title for fiscal year 2010 that are allocated under such*
21 *section, the Secretary of Housing and Urban Development*
22 *shall allocate and make a grant, in the amount determined*
23 *under subsection (b), for any State that—*

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

1 (2) is not otherwise eligible for an allocation for
2 fiscal year 2010 under such clause (ii) because the
3 areas in the State outside of the metropolitan statis-
4 tical areas that qualify under clause (I) in fiscal year
5 2010 do not have the number of cases of acquired im-
6 munodeficiency syndrome (AIDS) required under
7 such clause.

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

17 (c) Notwithstanding any other provision of law, the
18 amount allocated for fiscal year 2010 under section 854(c)
19 of the AIDS Housing Opportunity Act (42 U.S.C.
20 12903(c)), to the City of New York, New York, on behalf
21 of the New York-Wayne-White Plains, New York-New Jersey
22 Metropolitan Division (hereafter “metropolitan division”)
23 of the New York-Newark-Edison, NY-NJ-PA Metropolitan
24 Statistical Area, shall be adjusted by the Secretary of Hous-
25 ing and Urban Development by: (1) allocating to the City

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

21 (d) 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. 12903(c))
24 to areas with a higher than average per capita incidence

1 of AIDS, shall be adjusted by the Secretary on the basis
2 of area incidence reported over a 3 year period.

3 SEC. 204. Except as explicitly provided in law, any
4 grant, cooperative agreement or other assistance made pur-
5 suant to title II of this Act shall be made on a competitive
6 basis and in accordance with section 102 of the Department
7 of Housing and Urban Development Reform Act of 1989
8 (42 U.S.C. 3545).

9 SEC. 205. Funds of the Department of Housing and
10 Urban Development subject to the Government Corporation
11 Control Act or section 402 of the Housing Act of 1950 shall
12 be available, without regard to the limitations on adminis-
13 trative expenses, for legal services on a contract or fee basis,
14 and for utilizing and making payment for services and fa-
15 cilities of the Federal National Mortgage Association, Gov-
16 ernment National Mortgage Association, Federal Home
17 Loan Mortgage Corporation, Federal Financing Bank, Fed-
18 eral Reserve banks or any member thereof, Federal Home
19 Loan banks, and any insured bank within the meaning of
20 the Federal Deposit Insurance Corporation Act, as amended
21 (12 U.S.C. 1811—1).

22 SEC. 206. Unless otherwise provided for in this Act
23 or through a reprogramming of funds, no part of any ap-
24 propriation for the Department of Housing and Urban De-
25 velopment shall be available for any program, project or

1 activity in excess of amounts set forth in the budget esti-
2 mates submitted to Congress.

3 SEC. 207. Corporations and agencies of the Depart-
4 ment of Housing and Urban Development which are subject
5 to the Government Corporation Control Act, are hereby au-
6 thorized to make such expenditures, within the limits of
7 funds and borrowing authority available to each such cor-
8 poration or agency and in accordance with law, and to
9 make such contracts and commitments without regard to
10 fiscal year limitations as provided by section 104 of such
11 Act as may be necessary in carrying out the programs set
12 forth in the budget for 2010 for such corporation or agency
13 except as hereinafter provided: Provided, That collections
14 of these corporations and agencies may be used for new loan
15 or mortgage purchase commitments only to the extent ex-
16 pressly provided for in this Act (unless such loans are in
17 support of other forms of assistance provided for in this or
18 prior appropriations Acts), except that this proviso shall
19 not apply to the mortgage insurance or guaranty operations
20 of these corporations, or where loans or mortgage purchases
21 are necessary to protect the financial interest of the United
22 States Government.

23 SEC. 208. The Secretary of Housing and Urban Devel-
24 opment shall provide quarterly reports to the House and
25 Senate Committees on Appropriations regarding all uncom-

1 *mitted, unobligated, recaptured and excess funds in each*
2 *program and activity within the jurisdiction of the Depart-*
3 *ment and shall submit additional, updated budget informa-*
4 *tion to these Committees upon request.*

5 *SEC. 209. (a) Notwithstanding any other provision of*
6 *law, the amount allocated for fiscal year 2010 under section*
7 *854(c) of the AIDS Housing Opportunity Act (42 U.S.C.*
8 *12903(c)), to the City of Wilmington, Delaware, on behalf*
9 *of the Wilmington, Delaware-Maryland-New Jersey Metro-*
10 *politan Division (hereafter “metropolitan division”), shall*
11 *be adjusted by the Secretary of Housing and Urban Devel-*
12 *opment by allocating to the State of New Jersey the propor-*
13 *tion of the metropolitan division’s amount that is based on*
14 *the number of cases of AIDS reported in the portion of the*
15 *metropolitan division that is located in New Jersey, and*
16 *adjusting for the proportion of the metropolitan division’s*
17 *high incidence bonus if this area in New Jersey also has*
18 *a higher than average per capita incidence of AIDS. The*
19 *State of New Jersey shall use amounts allocated to the State*
20 *under this subsection to carry out eligible activities under*
21 *section 855 of the AIDS Housing Opportunity Act (42*
22 *U.S.C. 12904) in the portion of the metropolitan division*
23 *that is located in New Jersey.*

24 *(b) Notwithstanding any other provision of law, the*
25 *Secretary of Housing and Urban Development shall allocate*

1 to Wake County, North Carolina, the amounts that other-
2 wise would be allocated for fiscal year 2010 under section
3 854(c) of the AIDS Housing Opportunity Act (42 U.S.C.
4 12903(c)) to the City of Raleigh, North Carolina, on behalf
5 of the Raleigh-Cary, North Carolina Metropolitan Statis-
6 tical Area. Any amounts allocated to Wake County shall
7 be used to carry out eligible activities under section 855
8 of such Act (42 U.S.C. 12904) within such metropolitan sta-
9 tistical area.

10 (c) Notwithstanding section 854(c) of the AIDS Hous-
11 ing Opportunity Act (42 U.S.C. 12903(c)), the Secretary
12 of Housing and Urban Development may adjust the alloca-
13 tion of the amounts that otherwise would be allocated for
14 fiscal year 2010 under section 854(c) of such Act, upon the
15 written request of an applicant, in conjunction with the
16 State(s), for a formula allocation on behalf of a metropoli-
17 tan statistical area, to designate the State or States in
18 which the metropolitan statistical area is located as the eli-
19 gible grantee(s) of the allocation. In the case that a metro-
20 politan statistical area involves more than one State, such
21 amounts allocated to each State shall be in proportion to
22 the number of cases of AIDS reported in the portion of the
23 metropolitan statistical area located in that State. Any
24 amounts allocated to a State under this section shall be used

1 *to carry out eligible activities within the portion of the met-*
2 *ropolitan statistical area located in that State.*

3 *SEC. 210. The President's formal budget request for fis-*
4 *cal year 2011, as well as the Department of Housing and*
5 *Urban Development's congressional budget justifications to*
6 *be submitted to the Committees on Appropriations of the*
7 *House of Representatives and the Senate, shall use the iden-*
8 *tical account and sub-account structure provided under this*
9 *Act.*

10 *SEC. 211. A public housing agency or such other entity*
11 *that administers Federal housing assistance for the Housing*
12 *Authority of the county of Los Angeles, California, the*
13 *States of Alaska, Iowa, and Mississippi shall not be re-*
14 *quired to include a resident of public housing or a recipient*
15 *of assistance provided under section 8 of the United States*
16 *Housing Act of 1937 on the board of directors or a similar*
17 *governing board of such agency or entity as required under*
18 *section (2)(b) of such Act. Each public housing agency or*
19 *other entity that administers Federal housing assistance*
20 *under section 8 for the Housing Authority of the county*
21 *of Los Angeles, California and the States of Alaska, Iowa*
22 *and Mississippi that chooses not to include a resident of*
23 *Public Housing or a recipient of section 8 assistance on*
24 *the board of directors or a similar governing board shall*
25 *establish an advisory board of not less than six residents*

1 of public housing or recipients of section 8 assistance to
2 provide advice and comment to the public housing agency
3 or other administering entity on issues related to public
4 housing and section 8. Such advisory board shall meet not
5 less than quarterly.

6 SEC. 212. (a) Notwithstanding any other provision of
7 law, subject to the conditions listed in subsection (b), for
8 fiscal years 2009 and 2010, the Secretary of Housing and
9 Urban Development may authorize the transfer of some or
10 all project-based assistance, debt and statutorily required
11 low-income and very low-income use restrictions, associated
12 with one or more multifamily housing project to another
13 multifamily housing project or projects.

14 (b) The transfer authorized in subsection (a) is subject
15 to the following conditions:

16 (1) The number of low-income and very low-in-
17 come units and the net dollar amount of Federal as-
18 sistance provided by the transferring project shall re-
19 main the same in the receiving project or projects.

20 (2) The transferring project shall, as determined
21 by the Secretary, be either physically obsolete or eco-
22 nomically non-viable.

23 (3) The receiving project or projects shall meet or
24 exceed applicable physical standards established by
25 the Secretary.

1 (4) *The owner or mortgagor of the transferring*
2 *project shall notify and consult with the tenants re-*
3 *siding in the transferring project and provide a cer-*
4 *tification of approval by all appropriate local govern-*
5 *mental officials.*

6 (5) *The tenants of the transferring project who*
7 *remain eligible for assistance to be provided by the re-*
8 *ceiving project or projects shall not be required to va-*
9 *cate their units in the transferring project or projects*
10 *until new units in the receiving project are available*
11 *for occupancy.*

12 (6) *The Secretary determines that this transfer is*
13 *in the best interest of the tenants.*

14 (7) *If either the transferring project or the re-*
15 *ceiving project or projects meets the condition speci-*
16 *fied in subsection (c)(2)(A), any lien on the receiving*
17 *project resulting from additional financing obtained*
18 *by the owner shall be subordinate to any FHA-in-*
19 *sured mortgage lien transferred to, or placed on, such*
20 *project by the Secretary.*

21 (8) *If the transferring project meets the require-*
22 *ments of subsection (c)(2)(E), the owner or mortgagor*
23 *of the receiving project or projects shall execute and*
24 *record either a continuation of the existing use agree-*
25 *ment or a new use agreement for the project where,*

1 *in either case, any use restrictions in such agreement*
2 *are of no lesser duration than the existing use restric-*
3 *tions.*

4 *(9) Any financial risk to the FHA General and*
5 *Special Risk Insurance Fund, as determined by the*
6 *Secretary, would be reduced as a result of a transfer*
7 *completed under this section.*

8 *(10) The Secretary determines that Federal li-*
9 *ability with regard to this project will not be in-*
10 *creased.*

11 *(c) For purposes of this section—*

12 *(1) the terms “low-income” and “very low-in-*
13 *come” shall have the meanings provided by the statute*
14 *and/or regulations governing the program under*
15 *which the project is insured or assisted;*

16 *(2) the term “multifamily housing project”*
17 *means housing that meets one of the following condi-*
18 *tions—*

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

21 *(B) housing that has project-based assist-*
22 *ance attached to the structure including projects*
23 *undergoing mark to market debt restructuring*
24 *under the Multifamily Assisted Housing Reform*
25 *and Affordability Housing Act;*

1 (C) housing that is assisted under section
2 202 of the Housing Act of 1959 as amended by
3 section 801 of the Cranston-Gonzales National
4 Affordable Housing Act;

5 (D) housing that is assisted under section
6 202 of the Housing Act of 1959, as such section
7 existed before the enactment of the Cranston-
8 Gonzales National Affordable Housing Act; or

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

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

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

14 (B) assistance for housing constructed or
15 substantially rehabilitated pursuant to assistance
16 provided under section 8(b)(2) of such Act (as
17 such section existed immediately before October
18 1, 1983);

19 (C) rent supplement payments under sec-
20 tion 101 of the Housing and Urban Development
21 Act of 1965;

22 (D) interest reduction payments under sec-
23 tion 236 and/or additional assistance payments
24 under section 236(f)(2) of the National Housing
25 Act; and

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

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

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

14 (6) the term “Secretary” means the Secretary of
15 Housing and Urban Development.

16 SEC. 213. The funds made available for Native Alas-
17 kans under the heading “Native American Housing Block
18 Grants” in title III of this Act shall be allocated to the same
19 Native Alaskan housing block grant recipients that received
20 funds in fiscal year 2005.

21 SEC. 214. No funds provided under this title may be
22 used for an audit of the Government National Mortgage As-
23 sociation that makes applicable requirements under the
24 Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

1 *SEC. 215. (a) No assistance shall be provided under*
2 *section 8 of the United States Housing Act of 1937 (42*
3 *U.S.C. 1437f) to any individual who—*

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

7 *(2) is under 24 years of age;*

8 *(3) is not a veteran;*

9 *(4) is unmarried;*

10 *(5) does not have a dependent child;*

11 *(6) is not a person with disabilities, as such*
12 *term is defined in section 3(b)(3)(E) of the United*
13 *States Housing Act of 1937 (42 U.S.C.*
14 *1437a(b)(3)(E)) and was not receiving assistance*
15 *under such section 8 as of November 30, 2005; and*

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

20 *(b) For purposes of determining the eligibility of a per-*
21 *son to receive assistance under section 8 of the United States*
22 *Housing Act of 1937 (42 U.S.C. 1437f), any financial as-*
23 *sistance (in excess of amounts received for tuition) that an*
24 *individual receives under the Higher Education Act of 1965*
25 *(20 U.S.C. 1001 et seq.), from private sources, or an institu-*

1 *tion of higher education (as defined under the Higher Edu-*
2 *cation Act of 1965 (20 U.S.C. 1002)), shall be considered*
3 *income to that individual, except for a person over the age*
4 *of 23 with dependent children.*

5 *SEC. 216. Notwithstanding the limitation in the first*
6 *sentence of section 255(g) of the National Housing Act (12*
7 *U.S.C. 1715z–g)), the Secretary of Housing and Urban De-*
8 *velopment may, until September 30, 2010, insure and enter*
9 *into commitments to insure mortgages under section 255(g)*
10 *of the National Housing Act (12 U.S.C. 1715z–20).*

11 *SEC. 217. Notwithstanding any other provision of law,*
12 *in fiscal year 2010, in managing and disposing of any mul-*
13 *tifamily property that is owned or has a mortgage held by*
14 *the Secretary of Housing and Urban Development, the Sec-*
15 *retary shall maintain any rental assistance payments*
16 *under section 8 of the United States Housing Act of 1937*
17 *and other programs that are attached to any dwelling units*
18 *in the property. To the extent the Secretary determines, in*
19 *consultation with the tenants and the local government, that*
20 *such a multifamily property owned or held by the Secretary*
21 *is not feasible for continued rental assistance payments*
22 *under such section 8 or other programs, based on consider-*
23 *ation of (1) the costs of rehabilitating and operating the*
24 *property and all available Federal, State, and local re-*
25 *sources, including rent adjustments under section 524 of the*

1 *Multifamily Assisted Housing Reform and Affordability*
2 *Act of 1997 (“MAHRAA”) and (2) environmental condi-*
3 *tions that cannot be remedied in a cost-effective fashion, the*
4 *Secretary may, in consultation with the tenants of that*
5 *property, contract for project-based rental assistance pay-*
6 *ments with an owner or owners of other existing housing*
7 *properties, or provide other rental assistance. The Secretary*
8 *shall also take appropriate steps to ensure that project-based*
9 *contracts remain in effect prior to foreclosure, subject to the*
10 *exercise of contractual abatement remedies to assist reloca-*
11 *tion of tenants for imminent major threats to health and*
12 *safety. After disposition of any multifamily property de-*
13 *scribed under this section, the contract and allowable rent*
14 *levels on such properties shall be subject to the requirements*
15 *under section 524 of MAHRAA.*

16 *SEC. 218. The Secretary of Housing and Urban Devel-*
17 *opment shall report quarterly to the House of Representa-*
18 *tives and Senate Committees on Appropriations on HUD’s*
19 *use of all sole source contracts, including terms of the con-*
20 *tracts, cost, and a substantive rationale for using a sole*
21 *source contract.*

22 *SEC. 219. Notwithstanding any other provision of law,*
23 *the recipient of a grant under section 202b of the Housing*
24 *Act of 1959 (12 U.S.C. 1701q) after December 26, 2000,*
25 *in accordance with the unnumbered paragraph at the end*

1 of section 202(b) of such Act, may, at its option, establish
2 a single-asset nonprofit entity to own the project and may
3 lend the grant funds to such entity, which may be a private
4 nonprofit organization described in section 831 of the
5 American Homeownership and Economic Opportunity Act
6 of 2000.

7 SEC. 220. (a) The amounts provided under the sub-
8 heading “Program Account” under the heading “Commu-
9 nity Development Loan Guarantees” may be used to guar-
10 antee, or make commitments to guarantee, notes, or other
11 obligations issued by any State on behalf of non-entitlement
12 communities in the State in accordance with the require-
13 ments of section 108 of the Housing and Community Devel-
14 opment Act of 1974: Provided, That, any State receiving
15 such a guarantee or commitment shall distribute all funds
16 subject to such guarantee to the units of general local gov-
17 ernment in non-entitlement areas that received the commit-
18 ment.

19 (b) Not later than 60 days after the date of enactment
20 of this Act, the Secretary of Housing and Urban Develop-
21 ment shall promulgate regulations governing the adminis-
22 tration of the funds described under subsection (a).

23 SEC. 221. Section 24 of the United States Housing Act
24 of 1937 (42 U.S.C. 1437v) is amended—

1 (1) in subsection (m)(1), by striking “2009” and
2 inserting “2010”; and

3 (2) in subsection (o), by striking “September 30,
4 2009” and inserting “September 30, 2010”.

5 *SEC. 222. Public housing agencies that own and oper-*
6 *ate 400 or fewer public housing units may elect to be exempt*
7 *from any asset management requirement imposed by the*
8 *Secretary of Housing and Urban Development in connec-*
9 *tion with the operating fund rule: Provided, That an agency*
10 *seeking a discontinuance of a reduction of subsidy under*
11 *the operating fund formula shall not be exempt from asset*
12 *management requirements.*

13 *SEC. 223. With respect to the use of amounts provided*
14 *in this Act and in future Acts for the operation, capital*
15 *improvement and management of public housing as author-*
16 *ized by sections 9(d) and 9(e) of the United States Housing*
17 *Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary*
18 *shall not impose any requirement or guideline relating to*
19 *asset management that restricts or limits in any way the*
20 *use of capital funds for central office costs pursuant to sec-*
21 *tion 9(g)(1) or 9(g)(2) of the United States Housing Act*
22 *of 1937 (42 U.S.C. 1437g(g)(1), (2)): Provided, That a pub-*
23 *lic housing agency may not use capital funds authorized*
24 *under section 9(d) for activities that are eligible under sec-*
25 *tion 9(e) for assistance with amounts from the operating*

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

3 *SEC. 224. The Secretary of Housing and Urban Devel-*
4 *opment shall report quarterly to the House of Representa-*
5 *tives and Senate Committees on Appropriations on the sta-*
6 *tus of all section 8 project-based housing, including the*
7 *number of all project-based units by region as well as an*
8 *analysis of all federally subsidized housing being refinanced*
9 *under the Mark-to-Market program. The Secretary shall in*
10 *the report identify all existing units maintained by region*
11 *as section 8 project-based units and all project-based units*
12 *that have opted out of section 8 or have otherwise been*
13 *eliminated as section 8 project-based units. The Secretary*
14 *shall identify in detail and by project all the efforts made*
15 *by the Department to preserve all section 8 project-based*
16 *housing units and all the reasons for any units which opted*
17 *out or otherwise were lost as section 8 project-based units.*
18 *Such analysis shall include a review of the impact of the*
19 *loss of any subsidized units in that housing marketplace,*
20 *such as the impact of cost and the loss of available sub-*
21 *sidized, low-income housing in areas with scarce housing*
22 *resources for low-income families.*

23 *SEC. 225. No official or employee of the Department*
24 *of Housing and Urban Development shall be designated as*
25 *an allotment holder unless the Office of the Chief Financial*

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

12 *SEC. 226. Payment of attorney fees in program-related*
13 *litigation must be paid from individual program office per-*
14 *sonnel benefits and compensation funding. The annual*
15 *budget submission for program office personnel benefit and*
16 *compensation funding must include program-related litiga-*
17 *tion costs for attorney fees as a separate line item request.*

18 *SEC. 227. The Secretary of the Department of Housing*
19 *and Urban Development shall for Fiscal Year 2010 and*
20 *subsequent fiscal years, notify the public through the Fed-*
21 *eral Register and other means, as determined appropriate,*
22 *of the issuance of a notice of the availability of assistance*
23 *or notice of funding availability (NOFA) for any program*
24 *or discretionary fund administered by the Secretary that*
25 *is to be competitively awarded. Notwithstanding any other*

1 *provision of law, for Fiscal Year 2010 and subsequent fiscal*
 2 *years, the Secretary may make the NOFA available only*
 3 *on the Internet at the appropriate government website or*
 4 *websites or through other electronic media, as determined*
 5 *by the Secretary.*

6 *PREPAYMENT AND REFINANCING*

7 *SEC. 228. (a) APPROVAL OF PREPAYMENT OF DEBT.—*
 8 *Upon request of the project sponsor of a project assisted with*
 9 *a loan under section 202 of the Housing Act of 1959 (as*
 10 *in effect before the enactment of the Cranston-Gonzalez Na-*
 11 *tional Affordable Housing Act), for which the Secretary's*
 12 *consent to prepayment is required, the Secretary shall ap-*
 13 *prove the prepayment of any indebtedness to the Secretary*
 14 *relating to any remaining principal and interest under the*
 15 *loan as part of a prepayment plan under 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 assistance*
 21 *payments contract under section 8 of the United*
 22 *States Housing Act of 1937 (or any other project-*
 23 *based rental housing assistance programs of the De-*
 24 *partment of Housing and Urban Development, in-*
 25 *cluding the rent supplement program under section*

1 *101 of the Housing and Urban Development Act of*
2 *1965 (12 U.S.C. 1701s)) or any successor project-*
3 *based rental assistance program, except as provided*
4 *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 principal*
8 *of the loan for the project and in reductions in*
9 *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 transaction*
13 *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 meet*
18 *a cost benefit analysis, as established by the*
19 *Secretary, that the benefit of the transaction*
20 *outweighs the cost of the transaction includ-*
21 *ing any increases in rent charged to unas-*
22 *sisted tenants;*

23 *(iii) the overall cost for providing rent-*
24 *al assistance under section 8 for the project*

1 *(if any) is not increased, except, upon ap-*
2 *proval 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. 1437f*
7 *note), as such section is carried out by*
8 *the Secretary for properties owned by*
9 *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. 1437f*
14 *note), as such section is carried out by*
15 *the Secretary for properties owned by*
16 *eligible owners (as such term is de-*
17 *finied in section 202(k) of the Housing*
18 *Act of 1959 (12 U.S.C. 1701q(k));*

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

1 *cost of the project after refinancing. Such*
2 *approval by the Secretary—*

3 *(I) shall be the basis for the owner*
4 *to agree to terminate the project-based*
5 *rental assistance contract that is insuf-*
6 *ficient for the debt service and oper-*
7 *ating cost of the project after refi-*
8 *nancing; 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 for*
18 *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 date*
25 *of the original 202 loan for all units, in-*

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

5 USE OF SURPLUS FEDERAL PROPERTY FOR THE HOMELESS

6 SEC. 229. No property identified by the Secretary of
7 Housing and Urban Development as surplus Federal prop-
8 erty for use to assist the homeless shall be made available
9 to any homeless group unless the group is a member in good
10 standing under any of HUD's homeless assistance programs
11 or is in good standing with any other program which re-
12 ceives funds from any other Federal or State agency or enti-
13 ty: Provided, That an exception may be made for an entity
14 not involved with Federal homeless programs to use surplus
15 Federal property for the homeless only after the Secretary
16 or another responsible Federal agency has fully and com-
17 prehensively reviewed all relevant finances of the entity, the
18 track record of the entity in assisting the homeless, the abil-
19 ity of the entity to manage the property, including all costs,
20 the ability of the entity to administer homeless programs
21 in a manner that is effective to meet the needs of the home-
22 less population that is expected to use the property and any
23 other related issues that demonstrate a commitment to as-
24 sist the homeless: Provided further, That the Secretary shall
25 not require the entity to have cash in hand in order to dem-

1 *onstrate financial ability but may rely on the entity's prior*
 2 *demonstrated fundraising ability or commitments for in-*
 3 *kind 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 as-*
 8 *sist the homeless as well as the appropriateness of the group*
 9 *seeking to obtain the property to use such property to assist*
 10 *the homeless: Provided further, That, this section shall*
 11 *apply to properties in fiscal year 2009 and 2010 made*
 12 *available as surplus Federal property for use to assist the*
 13 *homeless.*

14 *SEC. 230. The Secretary of Housing and Urban Devel-*
 15 *opment shall increase, pursuant to this section, the number*
 16 *of Moving-to-Work agencies authorized under section 204,*
 17 *title II, of the Departments of Veterans Affairs and Housing*
 18 *and Urban Development and Independent Agencies Appro-*
 19 *priations Act, 1996 (Public Law 104–134; 110 Stat. 1321)*
 20 *by adding to the program three Public Housing Agencies*
 21 *that meet the following requirements: is a High Performing*
 22 *Agency under the Public Housing Assessment System*
 23 *(PHAS). No PHA shall be granted this designation through*
 24 *this section that administers in excess of 5,000 aggregate*
 25 *housing vouchers and public housing units. No PHA grant-*

1 *ed this designation through this section shall receive more*
2 *funding under sections 8 or 9 of the United States Housing*
3 *Act of 1937 than they otherwise would have received absent*
4 *this designation. In addition to other reporting require-*
5 *ments, all Moving-to-Work agencies shall report financial*
6 *data to the Department of Housing and Urban Develop-*
7 *ment as specified by the Secretary, so that the effect of Mov-*
8 *ing-to-Work policy changes can be measured.*

9 *SEC. 231. Notwithstanding any other provision of law,*
10 *in determining the market value of any multifamily real*
11 *property or multifamily loan for any noncompetitive sale*
12 *to a State or local government, the Secretary shall in fiscal*
13 *year 2010 consider, but not be limited to, industry standard*
14 *appraisal practices, including the cost of repairs needed to*
15 *bring the property into such condition as to satisfy min-*
16 *imum State and local code standards and the cost of main-*
17 *taining the affordability restrictions imposed by the Sec-*
18 *retary on the multifamily real property or multifamily*
19 *loan.*

20 *SEC. 232. The Secretary of the Department of Housing*
21 *and Urban Development is authorized to transfer up to 5*
22 *percent of funds appropriated for any account under this*
23 *title under the heading “Personnel Compensation and Bene-*
24 *fits” to any other account under this title under the heading*
25 *“Personnel Compensation and Benefits” only after such*

1 *transfer has been submitted to, and received prior written*
 2 *approval by, the House and Senate Committees on Appro-*
 3 *priations: Provided, That, no appropriation for any such*
 4 *account shall be increased or decreased by more than 10*
 5 *percent by all such transfers.*

6 *SEC. 233. The Disaster Housing Assistance Programs,*
 7 *administered by the Department of Housing and Urban De-*
 8 *velopment, shall be considered a “program of the Depart-*
 9 *ment of Housing and Urban Development” under section*
 10 *904 of the McKinney Act for the purpose of income*
 11 *verifications and matching.*

12 *This title may be cited as the “Department of Housing*
 13 *and Urban Development Appropriations Act, 2010”.*

14 *TITLE III*

15 *RELATED AGENCIES*

16 *ACCESS BOARD*

17 *For expenses necessary for the Access Board, as author-*
 18 *ized by section 502 of the Rehabilitation Act of 1973, as*
 19 *amended, \$7,400,000: Provided, That, notwithstanding any*
 20 *other provision of law, there may be credited to this appro-*
 21 *priation funds received for publications and training ex-*
 22 *penses.*

1 *FEDERAL MARITIME COMMISSION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Federal Maritime Com-*
4 *mission as authorized by section 201(d) of the Merchant*
5 *Marine Act, 1936, as amended (46 U.S.C. App. 1111), in-*
6 *cluding services as authorized by 5 U.S.C. 3109; hire of pas-*
7 *senger motor vehicles as authorized by 31 U.S.C. 1343(b);*
8 *and uniforms or allowances therefore, as authorized by 5*
9 *U.S.C. 5901–5902, \$24,558,000: Provided, That not to ex-*
10 *ceed \$2,000 shall be available for official reception and rep-*
11 *resentation expenses.*

12 *NATIONAL RAILROAD PASSENGER CORPORATION*13 *OFFICE OF INSPECTOR GENERAL*14 *SALARIES AND EXPENSES*

15 *For necessary expenses of the Office of Inspector Gen-*
16 *eral for the National Railroad Passenger Corporation to*
17 *carry out the provisions of the Inspector General Act of*
18 *1978, as amended, \$19,000,000: Provided, That the Inspec-*
19 *tor General shall have all necessary authority, in carrying*
20 *out the duties specified in the Inspector General Act, as*
21 *amended (5 U.S.C. App. 3), to investigate allegations of*
22 *fraud, including false statements to the government (18*
23 *U.S.C. 1001), by any person or entity that is subject to*
24 *regulation by the National Railroad Passenger Corpora-*
25 *tion: Provided further, That the Inspector General may*

1 *enter into contracts and other arrangements for audits,*
 2 *studies, analyses, and other services with public agencies*
 3 *and with private persons, subject to the applicable laws and*
 4 *regulations that govern the obtaining of such services within*
 5 *the National Railroad Passenger Corporation: Provided*
 6 *further, That the Inspector General may select, appoint,*
 7 *and employ such officers and employees as may be nec-*
 8 *essary for carrying out the functions, powers, and duties*
 9 *of the Office of Inspector General, subject to the applicable*
 10 *laws and regulations that govern such selections, appoint-*
 11 *ments, and employment within Amtrak: Provided further,*
 12 *That concurrent with the President's budget request for fis-*
 13 *cal year 2011, the Inspector General shall submit to the*
 14 *House and Senate Committees on Appropriations a budget*
 15 *request for fiscal year 2011 in similar format and substance*
 16 *to those submitted by executive agencies of the Federal Gov-*
 17 *ernment.*

18 *NATIONAL TRANSPORTATION SAFETY BOARD*

19 *SALARIES AND EXPENSES*

20 *For necessary expenses of the National Transportation*
 21 *Safety Board, including hire of passenger motor vehicles*
 22 *and aircraft; services as authorized by 5 U.S.C. 3109, but*
 23 *at rates for individuals not to exceed the per diem rate*
 24 *equivalent to the rate for a GS-15; uniforms, or allowances*
 25 *therefor, as authorized by law (5 U.S.C. 5901-5902)*

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT

For payment to the Neighborhood Reinvestment Cor-

poration for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), \$133,000,000, of which \$5,000,000 shall be for a multi-family rental housing program: Provided, That section 605(a) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8104) is amended by adding at the end of the first sentence, prior to the period, “, except that the board-appointed officers may be

1 *paid salary at a rate not to exceed level II of the Executive*
2 *Schedule”: Provided further, That in addition, \$45,000,000*
3 *shall be made available until expended for capital grants*
4 *to build, rehabilitate or finance the creation of affordable*
5 *housing units, including necessary administrative expenses:*
6 *Provided further, That in addition, \$65,000,000 shall be*
7 *made available until expended to the Neighborhood Rein-*
8 *vestment Corporation for mortgage foreclosure mitigation*
9 *activities, under the following terms and conditions:*

10 (1) *The Neighborhood Reinvestment Corporation*
11 *(“NRC”), shall make grants to counseling inter-*
12 *mediaries approved by the Department of Housing*
13 *and Urban Development (HUD) (with match to be*
14 *determined by the NRC based on affordability and the*
15 *economic conditions of an area; a match also may be*
16 *waived by the NRC based on the aforementioned con-*
17 *ditions) to provide mortgage foreclosure mitigation*
18 *assistance primarily to States and areas with high*
19 *rates of defaults and foreclosures to help eliminate the*
20 *default and foreclosure of mortgages of owner-occupied*
21 *single-family homes that are at risk of such fore-*
22 *closure. Other than areas with high rates of defaults*
23 *and foreclosures, grants may also be provided to ap-*
24 *proved counseling intermediaries based on a geo-*
25 *graphic analysis of the Nation by the NRC which de-*

1 *termines where there is a prevalence of mortgages that*
2 *are risky and likely to fail, including any trends for*
3 *mortgages that are likely to default and face fore-*
4 *closure. A State Housing Finance Agency may also be*
5 *eligible where the State Housing Finance Agency*
6 *meets all the requirements under this paragraph. A*
7 *HUD-approved counseling intermediary shall meet*
8 *certain mortgage foreclosure mitigation assistance*
9 *counseling requirements, as determined by the NRC,*
10 *and shall be approved by HUD or the NRC as meet-*
11 *ing these requirements.*

12 *(2) Mortgage foreclosure mitigation assistance*
13 *shall only be made available to homeowners of owner-*
14 *occupied homes with mortgages in default or in dan-*
15 *ger of default. These mortgages shall likely be subject*
16 *to a foreclosure action and homeowners will be pro-*
17 *vided such assistance that shall consist of activities*
18 *that are likely to prevent foreclosures and result in*
19 *the long-term affordability of the mortgage retained*
20 *pursuant to such activity or another positive outcome*
21 *for the homeowner. No funds made available under*
22 *this paragraph may be provided directly to lenders or*
23 *homeowners to discharge outstanding mortgage bal-*
24 *ances or for any other direct debt reduction payments.*

1 (3) *The use of Mortgage Foreclosure Mitigation*
2 *Assistance by approved counseling intermediaries and*
3 *State Housing Finance Agencies shall involve a rea-*
4 *sonable analysis of the borrower's financial situation,*
5 *an evaluation of the current value of the property*
6 *that is subject to the mortgage, counseling regarding*
7 *the assumption of the mortgage by another non-Fed-*
8 *eral party, counseling regarding the possible purchase*
9 *of the mortgage by a non-Federal third party, coun-*
10 *seling and advice of all likely restructuring and refi-*
11 *nancing strategies or the approval of a work-out*
12 *strategy by all interested parties.*

13 (4) *NRC may provide up to 15 percent of the*
14 *total funds under this paragraph to its own charter*
15 *members with expertise in foreclosure prevention*
16 *counseling, subject to a certification by the NRC that*
17 *the procedures for selection do not consist of any pro-*
18 *cedures or activities that could be construed as an un-*
19 *acceptable conflict of interest or have the appearance*
20 *of impropriety.*

21 (5) *HUD-approved counseling entities and State*
22 *Housing Finance Agencies receiving funds under this*
23 *paragraph shall have demonstrated experience in suc-*
24 *cessfully working with financial institutions as well*
25 *as borrowers facing default, delinquency and fore-*

1 *closure as well as documented counseling capacity,*
2 *outreach capacity, past successful performance and*
3 *positive outcomes with documented counseling plans*
4 *(including post mortgage foreclosure mitigation coun-*
5 *seling), loan workout agreements and loan modifica-*
6 *tion agreements. NRC may use other criteria to dem-*
7 *onstrate capacity in underserved areas.*

8 *(6) Of the total amount made available under*
9 *this paragraph, up to \$3,000,000 may be made avail-*
10 *able to build the mortgage foreclosure and default*
11 *mitigation counseling capacity of counseling inter-*
12 *mediaries through NRC training courses with HUD-*
13 *approved counseling intermediaries and their part-*
14 *ners, except that private financial institutions that*
15 *participate in NRC training shall pay market rates*
16 *for such training.*

17 *(7) Of the total amount made available under*
18 *this paragraph, up to 4 percent may be used for asso-*
19 *ciated administrative expenses for the NRC to carry*
20 *out activities provided under this section.*

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

24 *(9) The NRC shall continue to report bi-annu-*
25 *ally to the House and Senate Committees on Appro-*

1 *priations as well as the Senate Banking Committee*
 2 *and House Financial Services Committee on its ef-*
 3 *forts to mitigate mortgage default.*

4 *UNITED STATES INTERAGENCY COUNCIL ON*
 5 *HOMELESSNESS*
 6 *OPERATING EXPENSES*

7 *For necessary expenses (including payment of salaries,*
 8 *authorized travel, hire of passenger motor vehicles, the rent-*
 9 *al of conference rooms, and the employment of experts and*
 10 *consultants under section 3109 of title 5, United States*
 11 *Code) of the United States Interagency Council on Home-*
 12 *lessness in carrying out the functions pursuant to title II*
 13 *of the McKinney-Vento Homeless Assistance Act, as amend-*
 14 *ed, \$2,680,000.*

15 *TITLE IV*
 16 *GENERAL PROVISIONS—THIS ACT*

17 *SEC. 401. Such sums as may be necessary for fiscal*
 18 *year 2010 pay raises for programs funded in this Act shall*
 19 *be absorbed within the levels appropriated in this Act or*
 20 *previous appropriations Acts.*

21 *SEC. 402. None of the funds in this Act shall be used*
 22 *for the planning or execution of any program to pay the*
 23 *expenses of, or otherwise compensate, non-Federal parties*
 24 *intervening in regulatory or adjudicatory proceedings fund-*
 25 *ed in this Act.*

1 *SEC. 403. None of the funds appropriated in this Act*
2 *shall remain available for obligation beyond the current fis-*
3 *cal year, nor may any be transferred to other appropria-*
4 *tions, unless expressly so provided herein.*

5 *SEC. 404. The expenditure of any appropriation under*
6 *this Act for any consulting service through procurement*
7 *contract pursuant to section 3109 of title 5, United States*
8 *Code, shall be limited to those contracts where such expendi-*
9 *tures are a matter of public record and available for public*
10 *inspection, except where otherwise provided under existing*
11 *law, or under existing Executive order issued pursuant to*
12 *existing law.*

13 *SEC. 405. Except as otherwise provided in this Act,*
14 *none of the funds provided in this Act, provided by previous*
15 *appropriations Acts to the agencies or entities funded in*
16 *this Act that remain available for obligation or expenditure*
17 *in fiscal year 2010, or provided from any accounts in the*
18 *Treasury derived by the collection of fees and available to*
19 *the agencies funded by this Act, shall be available for obliga-*
20 *tion or expenditure through a reprogramming of funds that:*
21 *(1) creates a new program; (2) eliminates a program,*
22 *project, or activity; (3) increases funds or personnel for any*
23 *program, project, or activity for which funds have been de-*
24 *nied or restricted by the Congress; (4) proposes to use funds*
25 *directed for a specific activity by either the House or Senate*

1 *Committees on Appropriations for a different purpose; (5)*
2 *augments existing programs, projects, or activities in excess*
3 *of \$5,000,000 or 10 percent, whichever is less; (6) reduces*
4 *existing programs, projects, or activities by \$5,000,000 or*
5 *10 percent, whichever is less; or (7) creates, reorganizes, or*
6 *restructures a branch, division, office, bureau, board, com-*
7 *mission, agency, administration, or department different*
8 *from the budget justifications submitted to the Committees*
9 *on Appropriations or the table accompanying the explana-*
10 *tory statement accompanying this Act, whichever is more*
11 *detailed, unless prior approval is received from the House*
12 *and Senate Committees on Appropriations: Provided, That*
13 *not later than 60 days after the date of enactment of this*
14 *Act, each agency funded by this Act shall submit a report*
15 *to the Committees on Appropriations of the Senate and of*
16 *the House of Representatives to establish the baseline for*
17 *application of reprogramming and transfer authorities for*
18 *the current fiscal year: Provided further, That the report*
19 *shall include: (1) a table for each appropriation with a sep-*
20 *arate column to display the President's budget request, ad-*
21 *justments made by Congress, adjustments due to enacted re-*
22 *scissions, if appropriate, and the fiscal year enacted level;*
23 *(2) a delineation in the table for each appropriation both*
24 *by object class and program, project, and activity as de-*
25 *tailed in the budget appendix for the respective appropria-*

1 tion; and (3) an identification of items of special congres-
2 sional interest: Provided further, That the amount appro-
3 priated or limited for salaries and expenses for an agency
4 shall be reduced by \$100,000 per day for each day after
5 the required date that the report has not been submitted
6 to the Congress.

7 SEC. 406. Except as otherwise specifically provided by
8 law, not to exceed 50 percent of unobligated balances re-
9 maining available at the end of fiscal year 2010 from ap-
10 propriations made available for salaries and expenses for
11 fiscal year 2010 in this Act, shall remain available through
12 September 30, 2011, for each such account for the purposes
13 authorized: Provided, That a request shall be submitted to
14 the House and Senate Committees on Appropriations for
15 approval prior to the expenditure of such funds: Provided
16 further, That these requests shall be made in compliance
17 with reprogramming guidelines under section 405 of this
18 Act.

19 SEC. 407. All Federal agencies and departments that
20 are funded under this Act shall issue a report to the House
21 and Senate Committees on Appropriations on all sole
22 source contracts by no later than July 30, 2010. Such report
23 shall include the contractor, the amount of the contract and
24 the rationale for using a sole source contract.

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

4 *(1) does not meet identified needs for knowledge,*
5 *skills, and abilities bearing directly upon the perform-*
6 *ance of official duties;*

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

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

13 *(4) contains any methods or content associated*
14 *with religious or quasi-religious belief systems or*
15 *“new age” belief systems as defined in Equal Employ-*
16 *ment Opportunity Commission Notice N-915.022,*
17 *dated September 2, 1988; or*

18 *(5) is offensive to, or designed to change, partici-*
19 *pants’ personal values or lifestyle outside the work-*
20 *place.*

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

24 *SEC. 409. No funds in this Act may be used to support*
25 *any Federal, State, or local projects that seek to use the*

1 power of eminent domain, unless eminent domain is em-
 2 ployed only for a public use: Provided, That for purposes
 3 of this section, public use shall not be construed to include
 4 economic development that primarily benefits private enti-
 5 ties: Provided further, That any use of funds for mass tran-
 6 sit, railroad, airport, seaport or highway projects as well
 7 as utility projects which benefit or serve the general public
 8 (including energy-related, communication-related, water-re-
 9 lated and wastewater-related infrastructure), other struc-
 10 tures designated for use by the general public or which have
 11 other common-carrier or public-utility functions that serve
 12 the general public and are subject to regulation and over-
 13 sight by the government, and projects for the removal of an
 14 immediate threat to public health and safety or brownsfield
 15 as defined in the Small Business Liability Relief and
 16 Brownsfield Revitalization Act (Public Law 107–118) shall
 17 be considered a public use for purposes of eminent domain.

18 SEC. 410. None of the funds made available in this
 19 Act may be transferred to any department, agency, or in-
 20 strumentality of the United States Government, except pur-
 21 suant to a transfer made by, or transfer authority provided
 22 in, this Act or any other appropriations Act.

23 SEC. 411. No part of any appropriation contained in
 24 this Act shall be available to pay the salary for any person
 25 filling a position, other than a temporary position, formerly

1 *held by an employee who has left to enter the Armed Forces*
2 *of the United States and has satisfactorily completed his*
3 *period of active military or naval service, and has within*
4 *90 days after his release from such service or from hos-*
5 *pitalization continuing after discharge for a period of not*
6 *more than 1 year, made application for restoration to his*
7 *former position and has been certified by the Office of Per-*
8 *sonnel Management as still qualified to perform the duties*
9 *of his former position and has not been restored thereto.*

10 *SEC. 412. No funds appropriated pursuant to this Act*
11 *may be expended by an entity unless the entity agrees that*
12 *in expending the assistance the entity will comply with sec-*
13 *tions 2 through 4 of the Act of March 3, 1933 (41 U.S.C.*
14 *10a–10c, popularly known as the “Buy American Act”).*

15 *SEC. 413. No funds appropriated or otherwise made*
16 *available under this Act shall be made available to any per-*
17 *son or entity that has been convicted of violating the Buy*
18 *American Act (41 U.S.C. 10a–10c).*

19 *SEC. 414. All departments, agencies or other Federal*
20 *entities funded under this Act shall notify the Senate and*
21 *House of Representatives Committees on Appropriations no*
22 *later than 7 days before any public or internet announce-*
23 *ment by the Department or Administration regarding any*
24 *new program or activity, including any changes to existing*
25 *or proposed programs or activities.*

1 *This Act may be cited as the “Transportation, Hous-*
2 *ing and Urban Development, and Related Agencies Appro-*
3 *priations Act, 2010”.*

Calendar No. 153

11TH CONGRESS
1ST Session

H. R. 3288

[Report No. 111-69]

AN ACT

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 27, 2009

Received; read twice and referred to the Committee on Appropriations

AUGUST 5, 2009

Reported with an amendment