

QUESTION A - TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

(2010)

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

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$102,686,000, of which not to exceed \$2,631,000 shall be available for the immediate Office of the Secretary; not to exceed \$986,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$20,359,000 shall be available for the Office of the General Counsel; not to exceed \$11,100,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$10,559,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,504,000 shall be available for the Office of the

1 Assistant Secretary for Governmental Affairs; not to ex-  
2 ceed \$25,520,000 shall be available for the Office of the  
3 Assistant Secretary for Administration; not to exceed  
4 \$2,055,000 shall be available for the Office of Public Af-  
5 fairs; not to exceed \$1,658,000 shall be available for the  
6 Office of the Executive Secretariat; not to exceed  
7 \$1,499,000 shall be available for the Office of Small and  
8 Disadvantaged Business Utilization; not to exceed  
9 \$10,600,000 for the Office of Intelligence, Security, and  
10 Emergency Response; and not to exceed \$13,215,000 shall  
11 be available for the Office of the Chief Information Offi-  
12 cer: *Provided*, That the Secretary of Transportation is au-  
13 thorized to transfer funds appropriated for any office of  
14 the Office of the Secretary to any other office of the Office  
15 of the Secretary: *Provided further*, That no appropriation  
16 for any office shall be increased or decreased by more than  
17 5 percent by all such transfers: *Provided further*, That no-  
18 tice of any change in funding greater than 5 percent shall  
19 be submitted for approval to the House and Senate Com-  
20 mittees on Appropriations: *Provided further*, That not to  
21 exceed \$60,000 shall be for allocation within the Depart-

1 ment for official reception and representation expenses as  
2 the Secretary may determine: *Provided further*, That not-  
3 withstanding any other provision of law, excluding fees au-  
4 thorized in Public Law 107–71, there may be credited to  
5 this appropriation up to \$2,500,000 in funds received in  
6 user fees: *Provided further*, That none of the funds pro-  
7 vided in this Act shall be available for the position of As-  
8 sistant Secretary for Public Affairs.

9 NATIONAL INFRASTRUCTURE INVESTMENTS

10 For capital investments in surface transportation in-  
11 frastructure, \$600,000,000, to remain available through  
12 September 30, 2012: *Provided*, That the Secretary of  
13 Transportation shall distribute funds provided under this  
14 heading as discretionary grants to be awarded to a State,  
15 local government, transit agency, or a collaboration among  
16 such entities on a competitive basis for projects that will  
17 have a significant impact on the Nation, a metropolitan  
18 area, or a region: *Provided further*, That projects eligible  
19 for funding provided under this heading shall include, but  
20 not be limited to, highway or bridge projects eligible under  
21 title 23, United States Code; public transportation

1 projects eligible under chapter 53 of title 49, United  
2 States Code; passenger and freight rail transportation  
3 projects; and port infrastructure investments: *Provided*  
4 *further*, That in distributing funds provided under this  
5 heading, the Secretary shall take such measures so as to  
6 ensure an equitable geographic distribution of funds, an  
7 appropriate balance in addressing the needs of urban and  
8 rural areas, and the investment in a variety of transpor-  
9 tation modes: *Provided further*, That a grant funded under  
10 this heading shall be not less than \$10,000,000 and not  
11 greater than \$200,000,000: *Provided further*, That not  
12 more than 25 percent of the funds made available under  
13 this heading may be awarded to projects in a single State:  
14 *Provided further*, That the Federal share of the costs for  
15 which an expenditure is made under this heading shall be,  
16 at the option of the recipient, up to 80 percent: *Provided*  
17 *further*, That the Secretary shall give priority to projects  
18 that require a contribution of Federal funds in order to  
19 complete an overall financing package: *Provided further*,  
20 That not less than \$140,000,000 of the funds provided  
21 under this heading shall be for projects located in rural

1 areas: *Provided further*, That for projects located in rural  
2 areas, the minimum grant size shall be \$1,000,000 and  
3 the Secretary may increase the Federal share of costs  
4 above 80 percent: *Provided further*, That of the amount  
5 made available under this heading, the Secretary may use  
6 an amount not to exceed \$150,000,000 for the purpose  
7 of paying the subsidy and administrative costs of projects  
8 eligible for federal credit assistance under chapter 6 of  
9 title 23, United States Code, if the Secretary finds that  
10 such use of the funds would advance the purposes of this  
11 paragraph: *Provided further*, That of the amount made  
12 available under this heading, the Secretary may use an  
13 amount not to exceed \$35,000,000 for the planning, prep-  
14 aration or design of projects eligible for funding under this  
15 heading: *Provided further*, That projects conducted using  
16 funds provided under this heading must comply with the  
17 requirements of subchapter IV of chapter 31 of title 40,  
18 United States Code: *Provided further*, That the Secretary  
19 shall publish criteria on which to base the competition for  
20 any grants awarded under this heading no sooner than  
21 60 days after enactment of this Act, require applications

1 for funding provided under this heading to be submitted  
2 ~~so~~ sooner than 120 days after the publication of such cri-  
3 teria, and announce all projects selected to be funded from  
4 funds provided under this heading no sooner than Sep-  
5 tember 15, 2010: *Provided further*, That the Secretary  
6 may retain up to \$25,000,000 of the funds provided under  
7 this heading, and may transfer portions of those funds to  
8 the Administrators of the Federal Highway Administra-  
9 tion, the Federal Transit Administration, the Federal  
10 Railroad Administration and the Federal Maritime Ad-  
11 ministration, to fund the award and oversight of grants  
12 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.



1 ments and the basis therefor are presented to the House  
2 and Senate Committees on Appropriations and are ap-  
3 proved by such Committees.

4 MINORITY BUSINESS RESOURCE CENTER PROGRAM

5 For the cost of guaranteed loans, \$353,000, as au-  
6 thorized by 49 U.S.C. 332: *Provided*, That such costs, in-  
7 cluding the cost of modifying such loans, shall be as de-  
8 fined in section 502 of the Congressional Budget Act of  
9 1974: *Provided further*, That these funds are available to  
10 subsidize total loan principal, any part of which is to be  
11 guaranteed, not to exceed \$18,367,000. In addition, for  
12 administrative expenses to carry out the guaranteed loan  
13 program, \$570,000.

14 MINORITY BUSINESS OUTREACH

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

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

4           In addition to funds made available from any other  
5 source to carry out the essential air service program under  
6 49 U.S.C. 41731 through 41742, \$150,000,000, to be de-  
7 rived from the Airport and Airway Trust Fund, to remain  
8 available until expended: *Provided*, That, in determining  
9 between or among carriers competing to provide service  
10 to a community, the Secretary may consider the relative  
11 subsidy requirements of the carriers: *Provided further*,  
12 That, if the funds under this heading are insufficient to  
13 meet the costs of the essential air service program in the  
14 current fiscal year, the Secretary shall transfer such sums  
15 as may be necessary to carry out the essential air service  
16 program from any available amounts appropriated to or  
17 directly administered by the Office of the Secretary for  
18 such fiscal year.

1           ADMINISTRATIVE PROVISIONS—OFFICE OF THE  
2                           SECRETARY OF TRANSPORTATION

3           SEC. 101. None of the funds made available in this  
4 Act to the Department of Transportation may be obligated  
5 for the Office of the Secretary of Transportation to ap-  
6 prove assessments or reimbursable agreements pertaining  
7 to funds appropriated to the modal administrations in this  
8 Act, except for activities underway on the date of enact-  
9 ment of this Act, unless such assessments or agreements  
10 have completed the normal reprogramming process for  
11 Congressional notification.

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

17          SEC. 103. The Secretary or his designee may engage  
18 in activities with States and State legislators to consider  
19 proposals related to the reduction of motorcycle fatalities.

20          SEC. 104. The Secretary of Transportation is author-  
21 ized to transfer the unexpended balances available for the

1 bonding assistance program from “Office of the Secretary,  
2 Salaries and expenses” to “Minority Business Outreach”.

3 SEC. 105. Such amounts as are required from  
4 amounts provided in this Act to the Office of the Secretary  
5 of Transportation for the Transportation Planning, Re-  
6 search and Development program may be used for the de-  
7 velopment, coordination, and analysis of data collection  
8 procedures and national performance measures.

9 FEDERAL AVIATION ADMINISTRATION

10 OPERATIONS

11 (AIRPORT AND AIRWAY TRUST FUND)

12 (INCLUDING TRANSFER OF FUNDS)

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

1 available by Public Law 108–176, \$9,350,028,000, of  
2 which \$4,000,000,000 shall be derived from the Airport  
3 and Airway Trust Fund, of which not to exceed  
4 \$7,299,299,000 shall be available for air traffic organiza-  
5 tion activities; not to exceed \$1,234,065,000 shall be avail-  
6 able for aviation safety activities; not to exceed  
7 \$15,237,000 shall be available for commercial space trans-  
8 portation activities; not to exceed \$113,681,000 shall be  
9 available for financial services activities; not to exceed  
10 \$100,428,000 shall be available for human resources pro-  
11 gram activities; not to exceed \$341,977,000 shall be avail-  
12 able for region and center operations and regional coordi-  
13 nation activities; not to exceed \$196,063,000 shall be  
14 available for staff offices; and not to exceed \$49,278,000  
15 shall be available for information services: *Provided*, That  
16 the Secretary utilize not less than \$17,084,000 of the  
17 funds provided for aviation safety activities to pay for staff  
18 increases in the Office of Aviation Flight Standards and  
19 the Office of Aircraft Certification: *Provided further*, That  
20 none of the funds provided for increases to the staffs of  
21 the aviation flight standards and aircraft certification of-

1 fices shall be used for other purposes: *Provided further*,  
2 That not to exceed 2 percent of any budget activity, except  
3 for aviation safety budget activity, may be transferred to  
4 any budget activity under this heading: *Provided further*,  
5 That no transfer may increase or decrease any appropria-  
6 tion by more than 2 percent: *Provided further*, That any  
7 transfer in excess of 2 percent shall be treated as a re-  
8 programming of funds under section 405 of this Act and  
9 shall not be available for obligation or expenditure except  
10 in compliance with the procedures set forth in that section:  
11 *Provided further*, That not later than March 31 of each  
12 fiscal year hereafter, the Administrator of the Federal  
13 Aviation Administration shall transmit to Congress an an-  
14 nual update to the report submitted to Congress in De-  
15 cember 2004 pursuant to section 221 of Public Law 108-  
16 176: *Provided further*, That the amount herein appro-  
17 priated shall be reduced by \$100,000 for each day after  
18 March 31 that such report has not been submitted to the  
19 Congress: *Provided further*, That not later than March 31  
20 of each fiscal year hereafter, the Administrator shall  
21 transmit to Congress a companion report that describes

1 a comprehensive strategy for staffing, hiring, and training  
2 flight standards and aircraft certification staff in a format  
3 similar to the one utilized for the controller staffing plan,  
4 including stated attrition estimates and numerical hiring  
5 goals by fiscal year: *Provided further*, That the amount  
6 herein appropriated shall be reduced by \$100,000 per day  
7 for each day after March 31 that such report has not been  
8 submitted to Congress: *Provided further*, That funds may  
9 be used to enter into a grant agreement with a nonprofit  
10 standard-setting organization to assist in the development  
11 of aviation safety standards: *Provided further*, That none  
12 of the funds in this Act shall be available for new appli-  
13 cants for the second career training program: *Provided*  
14 *further*, That none of the funds in this Act shall be avail-  
15 able for the Federal Aviation Administration to finalize  
16 or implement any regulation that would promulgate new  
17 aviation user fees not specifically authorized by law after  
18 the date of the enactment of this Act: *Provided further*,  
19 That there may be credited to this appropriation funds  
20 received from States, counties, municipalities, foreign au-  
21 thorities, other public authorities, and private sources, for

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

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, \$2,936,203,000, of which \$2,466,203,000 shall re-  
20 main available until September 30, 2012, and of which  
21 \$470,000,000 shall remain available until September 30,

1 2010: *Provided*, That there may be credited to this appro-  
2 priation funds received from States, counties, municipali-  
3 ties, other public authorities, and private sources, for ex-  
4 penses incurred in the establishment and modernization  
5 of air navigation facilities: *Provided further*, That upon ini-  
6 tial submission to the Congress of the fiscal year 2011  
7 President's budget, the Secretary of Transportation shall  
8 transmit to the Congress a comprehensive capital invest-  
9 ment plan for the Federal Aviation Administration which  
10 includes funding for each budget line item for fiscal years  
11 2011 through 2015, with total funding for each year of  
12 the plan constrained to the funding targets for those years  
13 as estimated and approved by the Office of Management  
14 and Budget.

15 RESEARCH, ENGINEERING, AND DEVELOPMENT

16 (AIRPORT AND AIRWAY TRUST FUND)

17 For necessary expenses, not otherwise provided for,  
18 for research, engineering, and development, as authorized  
19 under part A of subtitle VII of title 49, United States  
20 Code, including construction of experimental facilities and  
21 acquisition of necessary sites by lease or grant,

1 \$190,500,000, to be derived from the Airport and Airway  
2 Trust Fund and to remain available until September 30,  
3 2012: *Provided*, That there may be credited to this appro-  
4 priation as offsetting collections, funds received from  
5 States, counties, municipalities, other public authorities,  
6 and private sources, which shall be available for expenses  
7 incurred for research, engineering, and development.

8 GRANTS-IN-AID FOR AIRPORTS

9 (LIQUIDATION OF CONTRACT AUTHORIZATION)

10 (LIMITATION ON OBLIGATIONS)

11 (AIRPORT AND AIRWAY TRUST FUND)

12 For liquidation of obligations incurred for grants-in-  
13 aid for airport planning and development, and noise com-  
14 patibility planning and programs as authorized under sub-  
15 chapter I of chapter 471 and subchapter I of chapter 475  
16 of title 49, United States Code, and under other law au-  
17 thorizing such obligations; for procurement, installation,  
18 and commissioning of runway incursion prevention devices  
19 and systems at airports of such title; for grants authorized  
20 under section 41743 of title 49, United States Code; and  
21 for inspection activities and administration of airport safe-

(INCLUSIVE  
TRANSFER  
OF FUNDS)

SC

1 ty programs, including those related to airport operating  
2 certificates under section 44706 of title 49, United States  
3 Code, \$3,000,000,000 to be derived from the Airport and  
4 Airway Trust Fund and to remain available until ex-  
5 pended: *Provided*, That none of the funds under this head-  
6 ing shall be available for the planning or execution of pro-  
7 grams the obligations for which are in excess of  
8 \$3,515,000,000 in fiscal year 2010, notwithstanding sec-  
9 tion 47117(g) of title 49, United States Code: *Provided*  
10 *further*, That none of the funds under this heading shall  
11 be available for the replacement of baggage conveyor sys-  
12 tems, reconfiguration of terminal baggage areas, or other  
13 airport improvements that are necessary to install bulk ex-  
14 plosive detection systems: *Provided further*, That notwith-  
15 standing any other provision of law, of funds limited under  
16 this heading, not more than \$93,422,000 shall be obli-  
17 gated for administration, not less than \$15,000,000 shall  
18 be available for the airport cooperative research program,  
19 not less than \$22,472,000 shall be for Airport Technology  
20 Research and \$6,000,000, to remain available until ex-  
21 pended, shall be available and transferred to “Office of

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

3 (RESCISSION)

4 Of the amounts authorized for the fiscal year ending  
5 September 30, 2009, and prior years under sections  
6 48103 and 48112 of title 49, United States Code,  
7 \$394,000,000 are permanently rescinded.

8 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

9 ADMINISTRATION

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

16 SEC. 111. None of the funds in this Act shall be used  
17 to pursue or adopt guidelines or regulations requiring air-  
18 port sponsors to provide to the Federal Aviation Adminis-  
19 tration without cost building construction, maintenance,  
20 utilities and expenses, or space in airport sponsor-owned  
21 buildings for services relating to air traffic control, air

1 navigation, or weather reporting: *Provided*, That the pro-  
2 hibition of funds in this section does not apply to negotia-  
3 tions between the agency and airport sponsors to achieve  
4 agreement on “below-market” rates for these items or to  
5 grant assurances that require airport sponsors to provide  
6 land without cost to the FAA for air traffic control facili-  
7 ties.

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

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

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

3                   (1) by striking “September 30, 2009,” and in-  
4 sserting “September 30, 2010,”; and

5                   (2) by striking “December 31, 2009,” and in-  
6 sserting “December 31, 2010,”.

7           (b) Section 44303(b) of such title is amended by  
8 striking “December 31, 2009,” and inserting “December  
9 31, 2010,”.

10          SEC. 115. None of the funds appropriated or limited  
11 by this Act may be used to change weight restrictions or  
12 prior permission rules at Teterboro airport in Teterboro,  
13 New Jersey.

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

1 a public service air passenger rights and consumer out-  
2 reach campaign.

3 SEC. 117. None of the funds in this Act shall be avail-  
4 able for paying premium pay under subsection 5546(a) of  
5 title 5, United States Code, to any Federal Aviation Ad-  
6 ministration employee unless such employee actually per-  
7 formed work during the time corresponding to such pre-  
8 mium pay.

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

13 SEC. 119. The Secretary shall apportion to the spon-  
14 sor of an airport that received scheduled or unscheduled  
15 air service from a large certified air carrier (as defined  
16 in part 241 of title 14 Code of Federal Regulations, or  
17 such other regulations as may be issued by the Secretary  
18 under the authority of section 41709) an amount equal  
19 to the minimum apportionment specified in 49 U.S.C.  
20 47114(c), if the Secretary determines that airport had  
21 more than 10,000 passenger boardings in the preceding

1 calendar year, based on data submitted to the Secretary  
2 under part 241 of title 14, Code of Federal Regulations.

3           FEDERAL HIGHWAY ADMINISTRATION  
4           LIMITATION ON ADMINISTRATIVE EXPENSES  
5           (INCLUDING TRANSFER OF FUNDS)

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

1 \$3,220,000 shall be paid from appropriations made avail-  
2 able by this Act and transferred to the Appalachian Re-  
3 gional Commission in accordance with section 104 of title  
4 23, United States Code.

5 FEDERAL-AID HIGHWAYS

6 (LIMITATION ON OBLIGATIONS)

7 (HIGHWAY TRUST FUND)

8 None of the funds in this Act shall be available for  
9 the implementation or execution of programs, the obliga-  
10 tions for which are in excess of \$41,107,000,000 for Fed-  
11 eral-aid highways and highway safety construction pro-  
12 grams for fiscal year 2010: *Provided*, That within the  
13 \$41,107,000,000 obligation limitation on Federal-aid  
14 highways and highway safety construction programs, not  
15 more than \$429,800,000 shall be available for the imple-  
16 mentation or execution of programs for transportation re-  
17 search (chapter 5 of title 23, United States Code; sections  
18 111, 5505, and 5506 of title 49, United States Code; and  
19 title 5 of Public Law 109–59) for fiscal year 2010: *Pro-*  
20 *vided further*, That this limitation on transportation re-  
21 search programs shall not apply to any authority pre-

1 viously made available for obligation: *Provided further,*  
2 That the Secretary may, as authorized by section 605(b)  
3 of title 23, United States Code, collect and spend fees to  
4 cover the costs of services of expert firms, including coun-  
5 sel, in the field of municipal and project finance to assist  
6 in the underwriting and servicing of Federal credit instru-  
7 ments and all or a portion of the costs to the Federal Gov-  
8 ernment of servicing such credit instruments: *Provided*  
9 *further,* That such fees are available until expended to pay  
10 for such costs: *Provided further,* That such amounts are  
11 in addition to administrative expenses that are also avail-  
12 able for such purpose, and are not subject to any obliga-  
13 tion limitation or the limitation on administrative expenses  
14 under section 608 of title 23, United States Code.

15 (LIQUIDATION OF CONTRACT AUTHORIZATION)

16 (HIGHWAY TRUST FUND)

17 For carrying out the provisions of title 23, United  
18 States Code, that are attributable to Federal-aid high-  
19 ways, not otherwise provided, including reimbursement for  
20 sums expended pursuant to the provisions of 23 U.S.C.  
21 308, \$41,846,000,000 or so much thereof as may be avail-

1 able in and derived from the Highway Trust Fund (other  
2 than the Mass Transit Account), to remain available until  
3 expended.

4 SURFACE TRANSPORTATION PRIORITIES

5 For the necessary expenses of certain highway and  
6 surface transportation projects, \$292,829,000, to remain  
7 available until expended: *Provided*, That the amount pro-  
8 vided under this heading shall be made available for the  
9 programs, projects, and activities identified under this  
10 heading in the explanatory statement accompanying this  
11 Act: *Provided further*, That funds provided under this  
12 heading, at the request of a State, shall be transferred  
13 by the Secretary to another Federal agency: *Provided fur-*  
14 *ther*, That the Federal share payable on account of any  
15 program, project, or activity carried out with funds pro-  
16 vided under this heading shall be 100 percent: *Provided*  
17 *further*, That none of the funds provided under this head-  
18 ing shall be subject to any limitation on obligations for  
19 Federal-aid highways and highway safety construction  
20 programs set forth in this Act or any other Act.

1 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

2 ADMINISTRATION

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

5 (1) not distribute from the obligation limitation  
6 for Federal-aid highways amounts authorized for ad-  
7 ministrative expenses and programs by section  
8 104(a) of title 23, United States Code; programs  
9 funded from the administrative takedown authorized  
10 by section 104(a)(1) of title 23, United States Code  
11 (as in effect on the date before the date of enact-  
12 ment of the Safe, Accountable, Flexible, Efficient  
13 Transportation Equity Act: A Legacy for Users); the  
14 highway use tax evasion program; and the Bureau of  
15 Transportation Statistics;

16 (2) not distribute an amount from the obliga-  
17 tion limitation for Federal-aid highways that is equal  
18 to the unobligated balance of amounts made avail-  
19 able from the Highway Trust Fund (other than the  
20 Mass Transit Account) for Federal-aid highways and

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

3 (3) determine the ratio that—

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

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

20 (4)(A) distribute the obligation limitation for  
21 Federal-aid highways, less the aggregate amounts

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

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

18 (5) distribute the obligation limitation provided  
19 for Federal-aid highways, less the aggregate  
20 amounts not distributed under paragraphs (1) and  
21 (2) and amounts distributed under paragraph (4),

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

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

1 for Users and title 23, United States Code, in the  
2 ratio that—

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

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

9 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—

10 The obligation limitation for Federal-aid highways shall  
11 not apply to obligations: (1) under section 125 of title 23,  
12 United States Code; (2) under section 147 of the Surface  
13 Transportation Assistance Act of 1978; (3) under section  
14 9 of the Federal-Aid Highway Act of 1981; (4) under sub-  
15 sections (b) and (j) of section 131 of the Surface Trans-  
16 portation Assistance Act of 1982; (5) under subsections  
17 (b) and (c) of section 149 of the Surface Transportation  
18 and Uniform Relocation Assistance Act of 1987; (6) under  
19 sections 1103 through 1108 of the Intermodal Surface  
20 Transportation Efficiency Act of 1991; (7) under section  
21 157 of title 23, United States Code, as in effect on the

1 day before the date of the enactment of the Transpor-  
2 tation Equity Act for the 21st Century; (8) under section  
3 105 of title 23, United States Code, as in effect for fiscal  
4 years 1998 through 2004, but only in an amount equal  
5 to \$639,000,000 for each of those fiscal years; (9) for  
6 Federal-aid highway programs for which obligation au-  
7 thority was made available under the Transportation Eq-  
8 uity Act for the 21st Century or subsequent public laws  
9 for multiple years or to remain available until used, but  
10 only to the extent that the obligation authority has not  
11 lapsed or been used; (10) under section 105 of title 23,  
12 United States Code, but only in an amount equal to  
13 \$639,000,000 for each of fiscal years 2005 through 2010;  
14 and (11) under section 1603 of the Safe, Accountable,  
15 Flexible, Efficient Transportation Equity Act: A Legacy  
16 for Users, to the extent that funds obligated in accordance  
17 with that section were not subject to a limitation on obli-  
18 gations at the time at which the funds were initially made  
19 available for obligation.

20 (c) REDISTRIBUTION OF UNUSED OBLIGATION AU-  
21 THORITY.—Notwithstanding subsection (a), the Secretary

1 shall, after August 1 of such fiscal year, revise a distribu-  
2 tion of the obligation limitation made available under sub-  
3 section (a) if the amount distributed cannot be obligated  
4 during that fiscal year and redistribute sufficient amounts  
5 to those States able to obligate amounts in addition to  
6 those previously distributed during that fiscal year, giving  
7 priority to those States having large unobligated balances  
8 of funds apportioned under sections 104 and 144 of title  
9 23, United States Code.

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

1 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED  
2 FUNDS.—

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

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

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

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

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

1 (f) SPECIAL LIMITATION CHARACTERISTICS.—Obli-  
2 gation limitation distributed for a fiscal year under sub-  
3 section (a)(4) for the provision specified in subsection  
4 (a)(4) shall—

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

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

11 (g) HIGH PRIORITY PROJECT FLEXIBILITY.—

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

20 (2) RESTORATION.—Obligation authority used  
21 as described in paragraph (1) shall be restored to

1 the original purpose on the date on which obligation  
2 authority is distributed under this section for the  
3 next fiscal year following obligation under paragraph  
4 (1).

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

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

20 SEC. 122. There is hereby appropriated to the Sec-  
21 retary of Transportation \$650,000,000, to remain avail-

1 able through September 30, 2012: *Provided*, That the  
2 funds provided under this section shall be apportioned to  
3 the States in the same ratio as the obligation limitation  
4 for fiscal year 2010 is distributed among the States in  
5 section 120(a)(6) of this Act, and made available for the  
6 restoration, repair, construction, and other activities eligi-  
7 ble under paragraph (b) of section 133 of title 23, United  
8 States Code: *Provided further*, That funds apportioned  
9 under this section shall be administered as if apportioned  
10 under chapter 1 of title 23, United States Code: *Provided*  
11 *further*, That the Federal share payable on account of any  
12 project or activity carried out with funds apportioned  
13 under this section shall be 80 percent: *Provided further*,  
14 That funding provided under this section shall be in addi-  
15 tion to any and all funds provided for fiscal year 2010  
16 in this or any other Act for “Federal-aid Highways” and  
17 shall not affect the distribution of funds provided for  
18 “Federal-aid Highways” in any other Act: *Provided fur-*  
19 *ther*, That the amounts made available under this section  
20 shall not be subject to any limitation on obligations for  
21 Federal-aid highways or highway safety construction pro-

1 grams set forth in any Act: *Provided further*, That section  
2 1101(b) of Public Law 109–59 shall apply to funds appor-  
3 tioned under this section.

4       SEC. 123. Not less than 15 days prior to waiving,  
5 under his statutory authority, any Buy America require-  
6 ment for Federal-aid highway projects, the Secretary of  
7 Transportation shall make an informal public notice and  
8 comment opportunity on the intent to issue such waiver  
9 and the reasons therefor: *Provided*, That the Secretary  
10 shall provide an annual report to the Appropriations Com-  
11 mittees of the Congress on any waivers granted under the  
12 Buy America requirements.

13       SEC. 124. (a) IN GENERAL.—Except as provided in  
14 subsection (b), none of the funds made available, limited,  
15 or otherwise affected by this Act shall be used to approve  
16 or otherwise authorize the imposition of any toll on any  
17 segment of highway located on the Federal-aid system in  
18 the State of Texas that—

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

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

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

5           (b) EXCEPTIONS.—

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

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

19                  (A) high-occupancy vehicles occupied by  
20                  the number of passengers specified by the enti-  
21                  ty operating the toll lane may use the toll lane

1 without paying a toll, unless otherwise specified  
2 by the appropriate county, town, municipal or  
3 other local government entity, or public toll  
4 road or transit authority; or

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

11 SEC. 125. (a) In the explanatory statement ref-  
12 erenced in section 129 of division K of Public Law 110-  
13 161 (121 Stat. 2388), the item relating to “Route 5 Over-  
14 pass and River Center, St. Mary’s County, MD” in the  
15 table of projects for such section 129 is deemed to be  
16 amended by striking “Route 5 Overpass and River Cen-  
17 ter, St. Mary’s County, MD” and inserting “Safety Im-  
18 provements and Traffic Calming Measures along Route 5  
19 at St. Mary’s County, MD”.

20 (b) In the explanatory statement referenced in section  
21 186 of title I of division I of Public Law 111-8 (123 Stat.

1 947), the item relating to “US 422 River Crossing Com-  
2 plex Project, King of Prussia, PA” in the table of projects  
3 under the heading “Transportation, Community, and Sys-  
4 tem Preservation Program” is deemed to be amended by  
5 striking “US 422 River Crossing Complex Project, King  
6 of Prussia, PA” and inserting “For closed loop signal con-  
7 trol system and other improvements for Trooper Road in  
8 Lower Providence and West Norriton Townships, Mont-  
9 gomery County, PA”.

10 (c) In the explanatory statement referenced in section  
11 186 of title I of division I of Public Law 111–8 (123 Stat.  
12 947), the item relating to “Improving the West Bank  
13 River Front, IL” in the table of projects under the head-  
14 ing “Transportation, Community, and System Preserva-  
15 tion Program” is deemed to be amended by striking “Im-  
16 proving the West Bank River Front, IL” and inserting  
17 “East Bank River Front and Bikeway Improvements,  
18 IL”.

19 (d) In the explanatory statement referenced in section  
20 186 of title I of division K of Public Law 110–161 (121  
21 Stat. 2406), as amended by section 129(d) of division I

1 of Public Law 111–8 (123 Stat. 947), the item relating  
2 to “Repair of Side Streets and Relocation of Water Mains  
3 resulting from rerouting of traffic and reconstruction of  
4 159th Street in Harvey, IL” in the table of projects under  
5 the heading “Transportation, Community, and System  
6 Preservation Program” is deemed to be amended by strik-  
7 ing “Repair of Side Streets and Relocation of Water  
8 Mains resulting from rerouting of traffic and reconstruc-  
9 tion of 159th Street in Harvey, IL” and inserting “Inter-  
10 section Improvements on Crawford Avenue and 203rd  
11 Street in the Village of Olympia Fields, IL”.

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

19 (f) In the explanatory statement referenced in section  
20 186 of title I of division I of Public Law 111–8 (123 Stat.  
21 947), the item relating to “Ronald Reagan Parkway (Mid-

1 dle and Southern segments), Boone County, IN” in the  
2 table of projects under the heading “Transportation, Com-  
3 munity, and System Preservation Program” is deemed to  
4 be amended by striking “Boone County” and inserting  
5 “Hendricks County”.

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

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

1           (i) 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 “Decking and Sidewalk Replace-  
4 ment on the Central Avenue Overpass, South Charleston,  
5 WV” in the table of projects under the heading “Interstate  
6 Maintenance Discretionary” is deemed to be amended by  
7 striking “Decking and Sidewalk Replacement on the Cen-  
8 tral Avenue Overpass, South Charleston, WV” and insert-  
9 ing “General Interstate Maintenance, WV”.

10          (j) In the explanatory statement referenced in section  
11 125 of title I of division I of Public Law 111–8 (123 Stat.  
12 928), the item relating to “Wapsi Great Western Line  
13 Trail, Mitchell County, IA” is deemed to be amended by  
14 striking “Mitchell County” and inserting “Mitchell and  
15 Howard Counties”.

16          (k) 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 169 Corridor Project  
19 Environmental Assessment, Preliminary Engineering and  
20 Planning, Humboldt, IA” is deemed to be amended by  
21 striking “Corridor Project Environmental Assessment,

1 Preliminary Engineering and Planning, Humboldt, IA”  
2 and inserting “Construction, Humboldt and Webster  
3 Counties, IA”.

4 (l) In the explanatory statement referenced in section  
5 125 of title I of division I of Public Law 111–8 (123 Stat.  
6 928), the item relating to “Highway 53 Interchanges, WI”  
7 is deemed to be amended by striking “Interchanges” and  
8 inserting “Intersections”.

9 SEC. 126. Item 4866A in the table contained in sec-  
10 tion 1702 of the Safe, Accountable, Flexible, Efficient  
11 Transportation Equity Act: A Legacy for Users (Public  
12 Law 109–59) is amended by striking “Repair and restore”  
13 and inserting “Removal of and enhancements around”.

14 SEC. 127. Item 3923 in the table contained in section  
15 1702 of the Safe, Accountable, Flexible, Efficient Trans-  
16 portation Equity Act: A Legacy for Users (Public Law  
17 109–59) is amended by striking “to 4 lanes from I–10  
18 to West U.S. 90”.

19 SEC. 128. Funds made available for “Brentwood  
20 Boulevard/SR 4 Improvements, Brentwood, CA” under

1 section 129 of Public Law 110–161 shall be made avail-  
2 able for “John Muir Parkway Project, Brentwood, CA”.

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

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

15 SEC. 131. The table contained in section 1702 of the  
16 Safe, Accountable, Flexible, Efficient Transportation Eq-  
17 uity Act: A Legacy for Users (119 Stat. 1256) is amended  
18 by striking the project description for item number 4573  
19 and inserting the following: “Design and construct inter-  
20 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  
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, the sum of which shall remain available until ex-  
15 pended: *Provided*, That none of the funds derived from  
16 the Highway Trust Fund in this Act shall be available for  
17 the implementation, execution or administration of pro-  
18 grams, the obligations for which are in excess of  
19 \$239,828,000, for “Motor Carrier Safety Operations and  
20 Programs” of which \$8,543,000, to remain available for  
21 obligation until September 30, 2012, is for the research

1 and technology program and \$1,000,000 shall be available  
2 for commercial motor vehicle operator's grants to carry  
3 out section 4134 of Public Law 109-59: *Provided further*,  
4 That notwithstanding any other provision of law, none of  
5 the funds under this heading for outreach and education  
6 shall be available for transfer: *Provided further*, That the  
7 Federal Motor Carrier Safety Administration shall trans-  
8 mit to Congress a report on March 30, 2010, and Sep-  
9 tember 30, 2010, on the agency's ability to meet its re-  
10 quirement to conduct compliance reviews on high-risk car-  
11 riers.

12 MOTOR CARRIER SAFETY GRANTS

13 (LIQUIDATION OF CONTRACT AUTHORIZATION)

14 (LIMITATION ON OBLIGATIONS)

15 (HIGHWAY TRUST FUND)

16 (INCLUDING RESCISSION)

17 For payment of obligations incurred in carrying out  
18 sections 31102, 31104(a), 31106, 31107, 31109, 31309,  
19 31313 of title 49, United States Code, and sections 4126  
20 and 4128 of Public Law 109-59, \$310,070,000, to be de-  
21 rived from the Highway Trust Fund (other than the Mass

1 Transit Account) and to remain available until expended:  
2 *Provided*, That none of the funds in this Act shall be avail-  
3 able for the implementation or execution of programs, the  
4 obligations for which are in excess of \$310,070,000, for  
5 “Motor Carrier Safety Grants”; of which \$212,070,000  
6 shall be available for the motor carrier safety assistance  
7 program to carry out sections 31102 and 31104(a) of title  
8 49, United States Code; \$25,000,000 shall be available for  
9 the commercial driver’s license improvements program to  
10 carry out section 31313 of title 49, United States Code;  
11 \$32,000,000 shall be available for the border enforcement  
12 grants program to carry out section 31107 of title 49,  
13 United States Code; \$5,000,000 shall be available for the  
14 performance and registration information system manage-  
15 ment program to carry out sections 31106(b) and 31109  
16 of title 49, United States Code; \$25,000,000 shall be  
17 available for the commercial vehicle information systems  
18 and networks deployment program to carry out section  
19 4126 of Public Law 109–59; \$3,000,000 shall be available  
20 for the safety data improvement program to carry out sec-  
21 tion 4128 of Public Law 109–59; and \$8,000,000 shall

1 be available for the commercial driver's license information  
2 system modernization program to carry out section  
3 31309(e) of title 49, United States Code: *Provided further,*  
4 That of the funds made available for the motor carrier  
5 safety assistance program, \$29,000,000 shall be available  
6 for audits of new entrant motor carriers: *Provided further,*  
7 That \$1,610,661 in unobligated balances are permanently  
8 rescinded.

9                                   MOTOR CARRIER SAFETY

10                                   (HIGHWAY TRUST FUND)

11                                   (RESCISSION)

12           Of the amounts made available under this heading  
13 in prior appropriations Acts, \$6,415,501 in unobligated  
14 balances are permanently rescinded.

15                                   NATIONAL MOTOR CARRIER SAFETY PROGRAM

16                                   (HIGHWAY TRUST FUND)

17                                   (RESCISSION)

18           Of the amounts made available under this heading  
19 in prior appropriations Acts, \$3,232,639 in unobligated  
20 balances are permanently rescinded.

1 ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER  
2 SAFETY ADMINISTRATION

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

10 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION  
11 OPERATIONS AND RESEARCH

12 For expenses necessary to discharge the functions of  
13 the Secretary, with respect to traffic and highway safety  
14 under subtitle C of title X of Public Law 109–59 and  
15 chapter 301 and part C of subtitle VI of title 49, United  
16 States Code, \$140,427,000, of which \$35,543,000 shall  
17 remain available through September 30, 2011: *Provided,*  
18 That none of the funds appropriated by this Act may be  
19 obligated or expended to plan, finalize, or implement any  
20 rulemaking to add to section 575.104 of title 49 of the  
21 Code of Federal Regulations any requirement pertaining

1 to a grading standard that is different from the three  
2 grading standards (treadwear, traction, and temperature  
3 resistance) already in effect.

4 OPERATIONS AND RESEARCH

5 (LIQUIDATION OF CONTRACT AUTHORIZATION)

6 (LIMITATION ON OBLIGATIONS)

7 (HIGHWAY TRUST FUND)

8 For payment of obligations incurred in carrying out  
9 the provisions of 23 U.S.C. 403, \$105,500,000 to be de-  
10 rived from the Highway Trust Fund (other than the Mass  
11 Transit Account) and to remain available until expended:  
12 *Provided*, That none of the funds in this Act shall be avail-  
13 able for the planning or execution of programs the total  
14 obligations for which, in fiscal year 2010, are in excess  
15 of \$105,500,000 for programs authorized under 23 U.S.C.  
16 403: *Provided further*, That within the \$105,500,000 obli-  
17 gation limitation for operations and research, \$26,908,000  
18 shall remain available until September 30, 2011 and shall  
19 be in addition to the amount of any limitation imposed  
20 on obligations for future years.

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

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

14 NATIONAL DRIVER REGISTER MODERNIZATION

15 For an additional amount for the “National Driver  
16 Register” as authorized by chapter 303 of title 49, United  
17 States Code, \$3,350,000, to remain available through Sep-  
18 tember 30, 2011: *Provided*, That the funding made avail-  
19 able under this heading shall be used to carry out the mod-  
20 ernization 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  
11 none of the funds in this Act shall be available for the  
12 planning or execution of programs the total obligations for  
13 which, in fiscal year 2010, are in excess of \$619,500,000  
14 for programs authorized under 23 U.S.C. 402, 405, 406,  
15 408, and 410 and sections 2001(a)(11), 2009, 2010, and  
16 2011 of Public Law 109–59, of which \$235,000,000 shall  
17 be for “Highway Safety Programs” under 23 U.S.C. 402;  
18 \$25,000,000 shall be for “Occupant Protection Incentive  
19 Grants” under 23 U.S.C. 405; \$124,500,000 shall be for  
20 “Safety Belt Performance Grants” under 23 U.S.C. 406,  
21 and such obligation limitation shall remain available until

1 September 30, 2011 in accordance with subsection (f) of  
2 such section 406 and shall be in addition to the amount  
3 of any limitation imposed on obligations for such grants  
4 for future fiscal years; \$34,500,000 shall be for “State  
5 Traffic Safety Information System Improvements” under  
6 23 U.S.C. 408; \$139,000,000 shall be for “Alcohol-Im-  
7 paired Driving Countermeasures Incentive Grant Pro-  
8 gram” under 23 U.S.C. 410; \$18,500,000 shall be for  
9 “Administrative Expenses” under section 2001(a)(11) of  
10 Public Law 109–59; \$29,000,000 shall be for “High Visi-  
11 bility Enforcement Program” under section 2009 of Pub-  
12 lic Law 109–59; \$7,000,000 shall be for “Motorcyclist  
13 Safety” under section 2010 of Public Law 109–59; and  
14 \$7,000,000 shall be for “Child Safety and Child Booster  
15 Seat Safety Incentive Grants” under section 2011 of Pub-  
16 lic Law 109–59: *Provided further*, That none of these  
17 funds shall be used for construction, rehabilitation, or re-  
18 modeling costs, or for office furnishings and fixtures for  
19 State, local or private buildings or structures: *Provided*  
20 *further*, That not to exceed \$500,000 of the funds made  
21 available for section 410 “Alcohol-Impaired Driving Coun-

1 termesures Grants” shall be available for technical assist-  
2 ance to the States: *Provided further*, That not to exceed  
3 \$750,000 of the funds made available for the “High Visi-  
4 bility Enforcement Program” shall be available for the  
5 evaluation required under section 2009(f) of Public Law  
6 109–59.

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

10 SEC. 140. Notwithstanding any other provision of law  
11 or limitation on the use of funds made available under  
12 section 403 of title 23, United States Code, an additional  
13 \$130,000 shall be made available to the National Highway  
14 Traffic Safety Administration, out of the amount limited  
15 for section 402 of title 23, United States Code, to pay  
16 for travel and related expenses for State management re-  
17 views and to pay for core competency development train-  
18 ing and related expenses for highway safety staff.

19 SEC. 141. The limitations on obligations for the pro-  
20 grams of the National Highway Traffic Safety Adminis-  
21 tration set in this Act shall not apply to obligations for

1 which obligation authority was made available in previous  
2 public laws for multiple years but only to the extent that  
3 the obligation authority has not lapsed or been used.

4 SEC. 142. Of the amounts made available under the  
5 heading “Operations and Research (Liquidation of Con-  
6 tract Authorization) (Limitation on Obligations) (High-  
7 way Trust Fund)” in prior appropriations Acts,  
8 \$2,299,000 in unobligated balances are permanently re-  
9 scinded.

10 SEC. 143. Of the amounts made available under the  
11 heading “Highway Traffic Safety Grants (Liquidation of  
12 Contract Authorization) (Limitation on Obligations)  
13 (Highway Trust Fund)” in prior appropriations Acts,  
14 \$14,004,000 in unobligated balances are permanently re-  
15 scinded.

16 FEDERAL RAILROAD ADMINISTRATION

17 SAFETY AND OPERATIONS

18 For necessary expenses of the Federal Railroad Ad-  
19 ministration, not otherwise provided for, \$172,270,000, of  
20 which \$12,300,000 shall remain available until expended.

1                   RAILROAD RESEARCH AND DEVELOPMENT

2           For necessary expenses for railroad research and de-  
3 velopment, \$37,613,000, to remain available until ex-  
4 pended.

5                   RAILROAD REHABILITATION AND IMPROVEMENT

6                                   FINANCING PROGRAM

7           The Secretary of Transportation is authorized to  
8 issue to the Secretary of the Treasury notes or other obli-  
9 gations pursuant to section 512 of the Railroad Revitaliza-  
10 tion and Regulatory Reform Act of 1976 (Public Law 94-  
11 210), as amended, in such amounts and at such times as  
12 may be necessary to pay any amounts required pursuant  
13 to the guarantee of the principal amount of obligations  
14 under sections 511 through 513 of such Act, such author-  
15 ity to exist as long as any such guaranteed obligation is  
16 outstanding: *Provided*, That pursuant to section 502 of  
17 such Act, as amended, no new direct loans or loan guar-  
18 antee commitments shall be made using Federal funds for  
19 the credit risk 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, \$34,532,000, 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  
11 title 49, United States Code, and section 20157 of such  
12 title.

13 CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS  
14 AND INTERCITY PASSENGER RAIL SERVICE

15 To enable the Secretary of Transportation to make  
16 grants for high-speed rail projects as authorized under  
17 section 26106 of title 49, United States Code, capital in-  
18 vestment grants to support intercity passenger rail service  
19 as authorized under section 24406 of title 49, United  
20 States Code, and congestion grants as authorized under  
21 section 24105 of title 49, United States Code, and to enter

1 into cooperative agreements for these purposes as author-  
2 ized, \$2,500,000,000, to remain available until expended:  
3 *Provided*, That \$50,000,000 of funds provided under this  
4 paragraph are available to the Administrator of the Fed-  
5 eral Railroad Administration to fund the award and over-  
6 sight by the Administrator of grants and cooperative  
7 agreements for intercity and high-speed rail: *Provided fur-*  
8 *ther*, That up to \$30,000,000 of the funds provided under  
9 this paragraph are available to the Administrator for the  
10 purposes of conducting research and demonstrating tech-  
11 nologies supporting the development of high-speed rail in  
12 the United States, including the demonstration of next-  
13 generation rolling stock fleet technology and the imple-  
14 mentation of the Rail Cooperative Research Program au-  
15 thorized by section 24910 of title 49, United States Code:  
16 *Provided further*, That up to \$50,000,000 of the funds  
17 provided under this paragraph may be used for planning  
18 activities that lead directly to the development of a pas-  
19 senger rail corridor investment plan consistent with the  
20 requirements established by the Administrator or a state  
21 rail plan consistent with chapter 227 of title 49, United

1 States Code: *Provided further*, That the Secretary may re-  
2 tain a portion of the funds made available for planning  
3 activities under the previous proviso to facilitate the prep-  
4 aration of a service development plan and related environ-  
5 mental impact statement for high-speed corridors located  
6 in multiple States: *Provided further*, That the Secretary  
7 shall issue interim guidance to applicants covering applica-  
8 tion procedures and administer the grants provided under  
9 this heading pursuant to that guidance until final regula-  
10 tions are issued: *Provided further*, That not less than 85  
11 percent of the funds provided under this heading shall be  
12 for cooperative agreements that lead to the development  
13 of entire segments or phases of intercity or high-speed rail  
14 corridors: *Provided further*, That the Secretary shall sub-  
15 mit to Congress the national rail plan required by section  
16 103(j) of title 49, United States Code, no later than Sep-  
17 tember 15, 2010: *Provided further*, That at least 30 days  
18 prior to issuing a letter of intent or cooperative agreement  
19 pursuant to Section 24402(f) of title 49, United States  
20 Code, for a major corridor development program, the Sec-  
21 retary shall provide to the House and Senate Committees

1 on Appropriations written notification consisting of a busi-  
2 ness and public investment case for the proposed corridor  
3 program which shall include: a comprehensive analysis of  
4 the monetary and non-monetary costs and benefits of the  
5 corridor development program; an assessment of ridership,  
6 passenger travel time reductions, congestion relief bene-  
7 fits, environmental benefits, economic benefits, and other  
8 public benefits; operating financial forecasts for the pro-  
9 gram; a full capital cost estimation for the entire project,  
10 including the amount, source and security of non-Federal  
11 funds to complete the project; a summary of the grants  
12 management plan and an evaluation of the grantee's abil-  
13 ity to sustain the project: *Provided further*, That the Fed-  
14 eral share payable of the costs for which a grant or cooper-  
15 ative agreements is made under this heading shall not ex-  
16 ceed 80 percent: *Provided further*, That in addition to the  
17 provisions of title 49, United States Code, that apply to  
18 each of the individual programs funded under this head-  
19 ing, subsections 24402(a)(2), 24402(f), 24402(i), and  
20 24403(a) and (c) of title 49, United States Code, shall  
21 also apply to the provision of funds provided under this

1 heading: *Provided further*, That a project need not be in  
2 a State rail plan developed under Chapter 227 of title 49,  
3 United States Code, to be eligible for assistance under this  
4 heading: *Provided further*, That recipients of grants under  
5 this paragraph shall conduct all procurement transactions  
6 using such grant funds in a manner that provides full and  
7 open competition, as determined by the Secretary, in com-  
8 pliance with existing labor agreements.

9 OPERATING GRANTS TO THE NATIONAL RAILROAD

10 PASSENGER CORPORATION

11 To enable the Secretary of Transportation to make  
12 quarterly grants to the National Railroad Passenger Cor-  
13 poration for the operation of intercity passenger rail, as  
14 authorized by section 101 of the Passenger Rail Invest-  
15 ment and Improvement Act of 2008 (division B of Public  
16 Law 110-432), \$563,000,000, to remain available until  
17 expended: *Provided*, That the Secretary shall not make the  
18 grants for the third and fourth quarter of the fiscal year  
19 available to the Corporation until an Inspector General  
20 who is a member of the Council of the Inspectors General  
21 on Integrity and Efficiency determines that the Corpora-

1 tion and the Corporation's Inspector General have agreed  
2 upon a set of policies and procedures for interacting with  
3 each other that are consistent with the letter and the spirit  
4 of the Inspector General Act of 1978, as amended: *Pro-*  
5 *vided further*, That 1 year after such determination is  
6 made, the Council of the Inspectors General on Integrity  
7 and Efficiency shall appoint another member to evaluate  
8 the current operational independence of the Amtrak In-  
9 spector General: *Provided further*, That the Corporation  
10 shall reimburse each Inspector General for all costs in-  
11 curred in conducting the determination and the evaluation  
12 required by the preceding two provisos: *Provided further*,  
13 That the amounts available under this paragraph shall be  
14 available for the Secretary to approve funding to cover op-  
15 erating losses for the Corporation only after receiving and  
16 reviewing a grant request for each specific train route:  
17 *Provided further*, That each such grant request shall be  
18 accompanied by a detailed financial analysis, revenue pro-  
19 jection, and capital expenditure projection justifying the  
20 Federal support to the Secretary's satisfaction: *Provided*  
21 *further*, That not later than 60 days after enactment of

1 this Act, the Corporation shall transmit to the Secretary,  
2 the Inspector General of the Department of Transpor-  
3 tation, and the House and Senate Committees on Appro-  
4 priations a plan to achieve savings through operating effi-  
5 ciencies including, but not limited to, modifications to food  
6 and beverage service and first class service: *Provided fur-*  
7 *ther*, That the Inspector General of the Department of  
8 Transportation shall provide semiannual reports to the  
9 House and Senate Committees on Appropriations on the  
10 estimated savings accrued as a result of all operational  
11 reforms instituted by the Corporation and estimations of  
12 possible future savings: *Provided further*, That not later  
13 than 60 days after enactment of this Act, the Corporation  
14 shall transmit, in electronic format, to the Secretary, the  
15 Inspector General of Department of Transportation, the  
16 House and Senate Committees on Appropriations, the  
17 House Committee on Transportation and Infrastructure  
18 and the Senate Committee on Commerce, Science, and  
19 Transportation the annual budget and business plan and  
20 the 5-Year Financial Plan for fiscal year 2010 required  
21 under section 204 of the Passenger Rail Investment and

1 Improvement Act of 2008: *Provided further*, That the  
2 budget, business plan, and the 5-Year Financial Plan shall  
3 also include a separate accounting of ridership, revenues,  
4 and capital and operating expenses for the Northeast Cor-  
5 ridor; commuter service; long-distance Amtrak service;  
6 State-supported service; each intercity train route, includ-  
7 ing Autotrain; and commercial activities including con-  
8 tract operations: *Provided further*, That the budget, busi-  
9 ness plan and the 5-Year Financial Plan shall include a  
10 description of work to be funded, along with cost estimates  
11 and an estimated timetable for completion of the projects  
12 covered by these plans: *Provided further*, That the Cor-  
13 poration shall provide semiannual reports in electronic for-  
14 mat regarding the pending business plan, which shall de-  
15 scribe the work completed to date, any changes to the  
16 business plan, and the reasons for such changes, and shall  
17 identify all sole source contract awards which shall be ac-  
18 companied by a justification as to why said contract was  
19 awarded on a sole-source basis, as well as progress against  
20 the milestones and target dates of the 2009 performance  
21 improvement plan: *Provided further*, That the Corpora-

1 tion's budget, business plan, 5-Year Financial Plan, and  
2 all subsequent supplemental plans shall be displayed on  
3 the Corporation's website within a reasonable timeframe  
4 following their submission to the appropriate entities: *Pro-*  
5 *vided further*, That these plans shall be accompanied by  
6 a comprehensive fleet plan for all Amtrak rolling stock  
7 which shall address the Corporation's detailed plans and  
8 timeframes for the maintenance, refurbishment, replace-  
9 ment, and expansion of the Amtrak fleet: *Provided further*,  
10 That said fleet plan shall establish year-specific goals and  
11 milestones and discuss potential, current, and preferred  
12 financing options for all such activities: *Provided further*,  
13 That none of the funds under this heading may be obli-  
14 gated or expended until the Corporation agrees to con-  
15 tinue abiding by the provisions of paragraphs 1, 2, 5, 9,  
16 and 11 of the summary of conditions for the direct loan  
17 agreement of June 28, 2002, in the same manner as in  
18 effect on the date of enactment of this Act: *Provided fur-*  
19 *ther*, That concurrent with the President's budget request  
20 for fiscal year 2011, the Corporation shall submit to the  
21 House and Senate Committees on Appropriations a budget

1 request for fiscal year 2011 in similar format and sub-  
2 stance to those submitted by executive agencies of the  
3 Federal Government.

4 CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL  
5 RAILROAD PASSENGER CORPORATION

6 To enable the Secretary of Transportation to make  
7 grants to the National Railroad Passenger Corporation for  
8 capital investments as authorized by section 101(c) of the  
9 Passenger Rail Investment and Improvement Act of 2008  
10 (division B of Public Law 110–432), \$1,001,625,000, to  
11 remain available until expended, of which not to exceed  
12 \$264,000,000 shall be for debt service obligations as au-  
13 thorized by section 102 of such Act: *Provided*, That grants  
14 after an initial allocation of \$200,000,000 shall be pro-  
15 vided to the Corporation only on a reimbursable basis:  
16 *Provided further*, That the Secretary may retain up to one-  
17 half of 1 percent of the funds provided under this heading  
18 to fund the costs of project management oversight of cap-  
19 ital projects funded by grants provided under this heading,  
20 as authorized by subsection 101(d) of division B of Public  
21 Law 110–432: *Provided further*, That the Secretary shall

1 approve funding for capital expenditures, including ad-  
2 vance purchase orders of materials, for the Corporation  
3 only after receiving and reviewing a grant request for each  
4 specific capital project justifying the Federal support to  
5 the Secretary's satisfaction: *Provided further*, That none  
6 of the funds under this heading may be used to subsidize  
7 operating losses of the Corporation: *Provided further*, That  
8 none of the funds under this heading may be used for cap-  
9 ital projects not approved by the Secretary of Transpor-  
10 tation or on the Corporation's fiscal year 2010 business  
11 plan: *Provided further*, That in addition to the project  
12 management oversight funds authorized under section  
13 101(d) of ~~that Act~~, the Secretary may retain up to an ad-  
14 ditional one-half of one percent of the funds provided  
15 under this heading to fund expenses associated with imple-  
16 menting section 212 of ~~that Act~~, including the amend-  
17 ments made by section 212 to section 24905 of title 49,  
18 United States Code.

Division B of Public Law 110-432

Division B of Public Law 110-432

1 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

2 ADMINISTRATION

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

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

18 SEC. 153. The Secretary of Transportation may re-  
19 ceive and expend cash, or receive and utilize spare parts  
20 and similar items, from non-United States Government  
21 sources to repair damages to or replace United States

1 Government owned automated track inspection cars and  
2 equipment as a result of third party liability for such dam-  
3 ages, and any amounts collected under this section shall  
4 be credited directly to the Safety and Operations account  
5 of the Federal Railroad Administration, and shall remain  
6 available until expended for the repair, operation and  
7 maintenance of automated track inspection cars and  
8 equipment in connection with the automated track inspec-  
9 tion program.

10       SEC. 154. The Administrator of the Federal Railroad  
11 Administration shall submit a report on April 1, 2010, and  
12 quarterly reports thereafter, to the House and Senate  
13 Committees on Appropriations detailing the Administra-  
14 tor's efforts at improving the on-time performance of Am-  
15 trak intercity rail service operating on non-Amtrak owned  
16 property. Such reports shall compare the most recent ac-  
17 tual on-time performance data to pre-established on-time  
18 performance goals that the Administrator shall set for  
19 each rail service, identified by route. Such reports shall  
20 also include whatever other information and data regard-

1 ing the on-time performance of Amtrak trains the Admin-  
2 istrator deems to be appropriate.

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

10       SEC. 156. In the Explanatory Statement referenced  
11 in division K of Public Law 110–161 under the heading  
12 Rail Line Relocation and Improvement Program the item  
13 relating to “Mt. Vernon railroad cut, NY” is deemed to  
14 be amended by inserting “Rail Line and Station Improve-  
15 ment and Rehabilitation, Mount Vernon, NY.”.

16       SEC. 157. Notwithstanding any other provision of  
17 law, funds provided in Public Law 111–8 for “Lincoln Av-  
18 enue Grade Separation, Port of Tacoma, Washington”  
19 shall be made available for this project as therein de-  
20 scribed.

1           SEC. 158. The Administrator of the Federal Railroad  
2 Administration, in cooperation with the Illinois Depart-  
3 ment of Transportation (IDOT), may provide technical  
4 and financial assistance to IDOT and local and county of-  
5 ficials to study the feasibility of 10th Street, or other al-  
6 ternatives, in Springfield, Illinois, as a route for consoli-  
7 dated freight rail operations and/or ~~combine~~ freight and <sup>(COMBINED)</sup>  
8 passenger rail operations within the city of Springfield.

INSERT 75A

9           SEC. 159. (a) FUNDING LIMITATION.—Notwith-  
10 standing any other provision of law, beginning on the date  
11 of the enactment of this Act, amounts made available in  
12 this Act for the National Railroad Passenger Corporation  
13 (Amtrak) shall immediately cease to be available if after  
14 March 31, 2010, Amtrak prohibits the secure transpor-  
15 tation of firearms on passenger trains.

16           (b) DEFINITION.—In this section, the term “secure  
17 transportation of firearms” means—

18               (1) if an Amtrak station accepts checked bag-  
19 gage for a specific Amtrak route, Amtrak passengers  
20 holding a ticket for such route are allowed to place

**SEC.159. (a) AMTRAK SECURITY EVALUATION.**—No later than 180 days after the enactment of this Act, Amtrak, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall submit a report to Congress that contains—

- (1) a comprehensive, system-wide, security evaluation; and
- (2) proposed guidance and procedures necessary to implement a new checked firearms program.

**(b) DEVELOPMENT AND IMPLEMENTATION OF GUIDANCE AND PROCEDURES.**—

(1) **IN GENERAL.**—Not later than one year after the enactment of this Act, Amtrak, in consultation with the Assistant Secretary, shall develop and implement guidance and procedures to carry out the duties and responsibilities of firearm storage and carriage in checked baggage cars and at Amtrak stations that accept checked baggage.

(2) **SCOPE.**—The guidance and procedures developed under paragraph (1) shall—

(A) permit Amtrak passengers holding a ticket for a specific Amtrak route to place an unloaded firearm or starter pistol in a checked bag on such route if—

- (i) the Amtrak station accepts checked baggage for such route;
- (ii) the passenger declares to Amtrak, either orally or in writing, at the time the reservation is made or not later than 24 hours before departure, that the firearm will be placed in his or her bag and will be unloaded;
- (iii) the firearm is in a hard-sided container;
- (iv) such container is locked; and
- (v) only the passenger has the key or combination for such container;

(B) permit Amtrak passengers holding a ticket for a specific Amtrak route to place small arms ammunition for personal use in a checked bag on such route if the ammunition is securely packed—

- (i) in fiber, wood, or metal boxes; or
- (ii) in other packaging specifically designed to carry small amounts of ammunition; and

(C) include any other measures needed to ensure the safety and security of Amtrak employees, passengers, and infrastructure, including—

- (i) requiring inspections of any container that carries a firearm or ammunition; and
- (ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains.

**(c) DEFINITIONS.** —

- (1) For purposes of this section, the term “checked baggage” refers to baggage transported that is accessible only to select Amtrak employees.

1 an unloaded firearm or starter pistol in a checked  
2 bag on such route if—

3 (A) before checking the bag or boarding  
4 the train, the passenger declares to Amtrak, ei-  
5 ther orally or in writing, that the firearm is in  
6 his or her bag and is unloaded;

7 (B) the firearm is carried in a hard-sided  
8 container;

9 (C) such container is locked; and

10 (D) only the passenger has the key or com-  
11 bination for such container; and

12 (2) Amtrak passengers are allowed to place  
13 small arms ammunition for personal use in a  
14 checked bag on an Amtrak route if the ammunition  
15 is securely packed—

16 (A) in fiber, wood, or metal boxes; or

17 (B) in other packaging specifically de-  
18 signed to carry small amounts of ammunition.

1                   FEDERAL TRANSIT ADMINISTRATION  
2                   ADMINISTRATIVE EXPENSES

3           For necessary administrative expenses of the Federal  
4 Transit Administration's programs authorized by chapter  
5 53 of title 49, United States Code, \$98,911,000: *Provided,*  
6 That of the funds available under this heading, not to ex-  
7 ceed \$1,809,000 shall be available for travel: *Provided fur-*  
8 *ther,* That none of the funds provided or limited in this  
9 Act may be used to create a permanent office of transit  
10 security under this heading: *Provided further,* That of the  
11 amounts made available under this heading not to exceed  
12 \$75,000 shall be paid from appropriations made available  
13 by this Act and provided to the Department of Transpor-  
14 tation Office of Inspector General through reimbursement  
15 to conduct the annual audits of financial statements in  
16 accordance with section 3521 of title 31, United States  
17 Code: *Provided further,* That upon submission to the Con-  
18 gress of the fiscal year 2011 President's budget, the Sec-  
19 retary of Transportation shall transmit to Congress the  
20 annual report on new starts, including proposed alloca-  
21 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 \$9,400,000,000 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-

1 gram under section 5313 of title 49, United States Code,  
2 \$4,300,000 is available for the National Transit Institute  
3 under section 5315 of title 49, United States Code, and  
4 \$7,000,000 is available for university transportation cen-  
5 ters program under section 5506 of title 49, United States  
6 Code: *Provided further*, That \$44,370,000 is available to  
7 carry out national research programs under sections 5312,  
8 5313, 5314, and 5322 of title 49, United States Code:  
9 *Provided further*, That of the funds available to carry out  
10 section 5312 of title 49, United States Code, \$5,000,000  
11 shall be available to the Secretary to develop standards  
12 for asset management plans, provide technical assistance  
13 to recipients engaged in the development or implementa-  
14 tion of an asset management plan, improve data collection  
15 through the National Transit Database, and conduct a  
16 pilot program designed to identify the best practices of  
17 asset management.

18 CAPITAL INVESTMENT GRANTS  
19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses to carry out section 5309 of  
21 title 49, United States Code, \$2,000,000,000, to remain

1 available until expended, of which no less than  
2 \$200,000,000 is for section 5309(e) of such title: *Pro-*  
3 *vided*, That \$2,000,000 shall be transferred to the Depart-  
4 ment of Transportation Office of Inspector General from  
5 funds set aside for the execution of oversight contracts  
6 pursuant to section 5327(c) of title 49, United States  
7 Code, for costs associated with audits and investigations  
8 of transit-related issues, including reviews of new fixed  
9 guideway systems.

10 GRANTS FOR ENERGY EFFICIENCY AND GREENHOUSE  
11 GAS REDUCTIONS

12 For grants to public transit agencies for capital in-  
13 vestments that will reduce the energy consumption or  
14 greenhouse gas emissions of their public transportation  
15 systems, \$75,000,000, to remain available through Sep-  
16 tember 30, 2012: *Provided*, That priority shall be given  
17 to projects based on the total energy savings that are pro-  
18 jected to result from the investments, and the projected  
19 energy savings as a percentage of the total energy usage  
20 of the public transit agency: *Provided further*, That the  
21 Secretary shall public criteria on which to base the com-

1 petition for any grants awarded under this heading no  
2 sooner than 90 days after the enactment of this Act, re-  
3 quire applications for funding provided under this heading  
4 to be submitted no sooner than 120 days after the publica-  
5 tion of such criteria, and announce all projects selected  
6 to be funded from funds provided under this heading no  
7 sooner than September 15, 2010.

8 GRANTS TO THE WASHINGTON METROPOLITAN AREA  
9 TRANSIT AUTHORITY

10 For grants to the Washington Metropolitan Area  
11 Transit Authority as authorized under section 601 of divi-  
12 sion B of Public Law 110-432, \$150,000,000, to remain  
13 available until expended: *Provided*, That the Secretary  
14 shall approve grants for capital and preventive mainte-  
15 nance expenditures for the Washington Metropolitan Area  
16 Transit Authority only after receiving and reviewing a re-  
17 quest for each specific project: *Provided further*, That  
18 prior to approving such grants, the Secretary shall deter-  
19 mine that the Washington Metropolitan Area Transit Au-  
20 thority has placed the highest priority on those invest-  
21 ments that will improve the safety of the system, including

1 but not limited to fixing the track signal system, replacing  
2 the 1000 series cars, installing guarded turnouts, buying  
3 equipment for wayside worker protection, and installing  
4 rollback protection on cars that are not equipped with this  
5 safety feature.

6 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

7 ADMINISTRATION

8 SEC. 160. The limitations on obligations for the pro-  
9 grams of the Federal Transit Administration shall not  
10 apply to any authority under 49 U.S.C. 5338, previously  
11 made available for obligation, or to any other authority  
12 previously made available for obligation.

13 SEC. 161. Notwithstanding any other provision of  
14 law, funds appropriated or limited by this Act under “Fed-  
15 eral Transit Administration, Capital Investment Grants”  
16 and for bus and bus facilities under “Federal Transit Ad-  
17 ministration, Formula and Bus Grants” for projects speci-  
18 fied in this Act or identified in reports accompanying this  
19 Act not obligated by September 30, 2012, and other recov-  
20 eries, shall be directed to projects eligible to use the funds  
21 for the purposes for which they were originally provided.

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

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

13       SEC. 164. During fiscal year 2010, each Federal  
14 Transit Administration grant for a project that involves  
15 the acquisition or rehabilitation of a bus to be used in pub-  
16 lic transportation shall be funded for 90 percent of the  
17 net capital costs of a biodiesel bus or a factory-installed  
18 or retrofitted hybrid electric propulsion system and any  
19 equipment related to such a system: *Provided*, That the  
20 Secretary shall have the discretion to determine, through

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

3 SEC. 165. Notwithstanding any other provision of  
4 law, unobligated funds or recoveries under section 5309  
5 of title 49, United States Code, that are available to the  
6 Secretary of Transportation for reallocation shall be di-  
7 rected to projects eligible to use the funds for the purposes  
8 for which they were originally provided.

9 SEC. 166. (a) In the explanatory statement ref-  
10 erenced in section 186 of title I of division K of Public  
11 Law 110–161 (121 Stat. 2406), the item relating to  
12 “Broward County Southwest Transit Facility” in the table  
13 of projects under the heading “Bus and Bus Facilities”  
14 is deemed to be amended by striking “Southwest” and in-  
15 serting “Ravenswood”.

16 (b) The explanatory statement referenced in section  
17 186 of title I of division I of Public Law 111–8 for “Alter-  
18 natives analysis” under “Federal Transit Administration–  
19 Formula and Bus Grants” is deemed to be amended by  
20 striking “Hudson–Bergen Light Rail Extension Route

1 440, North Bergen, NJ” and inserting “Hudson–Bergen  
2 Light Rail Extension Route 440, Jersey City, NJ”.

3 (c) Funds made available for the “Phoenix/Regional  
4 Heavy Maintenance Facility, AZ”, “Dial-a-Ride facility,  
5 Phoenix, AZ” and the “Phoenix Regional Heavy Bus  
6 Maintenance Facility, Arizona” through the Department  
7 of Transportation Appropriations Acts for Fiscal Years  
8 2004, 2005 and 2008 that remain unobligated or unex-  
9 pended shall be made available to the East Baseline Park-  
10 and-Ride Facility in Phoenix, Arizona.

11 SEC. 167. Funds made available for Alaska or Hawaii  
12 ferry boats or ferry terminal facilities pursuant to 49  
13 U.S.C. 5309(m)(2)(B) may be used to construct new ves-  
14 sels and facilities, or to improve existing vessels and facili-  
15 ties, including both the passenger and vehicle-related ele-  
16 ments of such vessels and facilities, and for repair facili-  
17 ties: *Provided*, That not more than \$4,000,000 of the  
18 funds made available pursuant to 49 U.S.C.  
19 5309(m)(2)(B) may be used by the City and County of  
20 Honolulu to operate a passenger ferry boat service dem-

1 onstration project to test the viability of different intra-  
2 island ferry boat routes and technologies.

3       SEC. 168. In determining the local share of the cost  
4 of the project authorized to be carried out under section  
5 3043(c)(70) of the Safe, Accountable, Flexible, Efficient  
6 Transportation Equity Act: A Legacy for Users (Public  
7 Law 109–59; 119 Stat. 1644) for purposes of the rating  
8 process for New Starts projects, the Secretary shall con-  
9 sider any portion of the corridor advanced entirely with  
10 non-Federal funds.

11       SEC. 169. The Secretary of Transportation shall pro-  
12 vide recommendations to Congress, including legislative  
13 proposals, on how to strengthen its role in regulating the  
14 safety of transit agencies operating heavy rail on fixed  
15 guideway: *Provided*, That the Secretary shall include ac-  
16 tions the Department of Transportation will take and  
17 what additional legislative authorities it may need in order  
18 to fully implement recommendations of the National  
19 Transportation Safety Board directed at the Federal  
20 Transit Administration, including but not limited to rec-  
21 ommendations related to crashworthiness, emergency ac-

1 cess and egress, event recorders, and hours of service: *Pro-*  
2 *vided further*, That the Secretary shall transmit to the  
3 House and Senate Committees on Appropriations, the  
4 House Committee on Transportation and Infrastructure,  
5 and the Senate Committee on Banking, Housing, and  
6 Urban Affairs a report outlining these recommendations  
7 and a plan for their implementation by the Department  
8 of Transportation no later than 45 days after enactment  
9 of this Act.

10 SEC. 170. Notwithstanding any other provision of  
11 law, the Secretary of Transportation shall not reallocate  
12 any funding made available for items 523, 267, and 131  
13 of section 3044 of the Safe, Accountable, Flexible, Effi-  
14 cient Transportation Equity Act: A Legacy for Users  
15 (Public Law 109-59).

16 ~~SEC. 171. Section 5309(g)(4)(A) of title 49, United~~  
17 ~~States Code, is amended—~~

18 ~~(1) by striking “The total estimated” and in-~~  
19 ~~serting the following:~~

20 ~~“(i) IN GENERAL.—The total esti-~~  
21 ~~mated”; and~~

INSERT  
B7A

Insert 87A

SEC. 171. Notwithstanding any other provision of law, for fiscal year 2010, the total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding full funding grant agreements entered into on or before September 30, 2009, and all outstanding letters of intent and early systems work agreements under subsection 5309(g) of Title 49, United States Code, for major new fixed guideway capital projects may be not more than the sum of the amount authorized under subsections 5338(a)(3)(iv) and 5338(c) of such title for such projects and an amount equivalent to the last 3 fiscal years of funding allocated under subsections 5309(m)(1)(A) and (m)(2)(A)(ii) of such title, for such projects, less an amount the Secretary reasonably estimates is necessary for grants under subsection 5309(b)(1) of such title for those of such projects that are not covered by a letter or agreement: *Provided*, That the Secretary may enter into full funding grant agreements under subsection 5309(g)(2) of such title for major new fixed guideway capital projects that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.

1 (2) by adding at the end the following:

2 “(ii) SPECIAL RULE FOR FISCAL YEAR  
3 2010.—For fiscal year 2010—

4 “(I) the total estimated amount  
5 of future obligations of the Govern-  
6 ment and contingent commitments to  
7 incur obligations covered by all out-  
8 standing full funding grant agree-  
9 ments entered into on or before Sep-  
10 tember 30, 2009, and all outstanding  
11 letters of intent and early systems  
12 work agreements under this sub-  
13 section for major new fixed guideway  
14 capital projects may be not more than  
15 the greater of the amount authorized  
16 under sections 5338(a)(3) and  
17 5338(c) for such projects or an  
18 amount equivalent to the last 3 fiscal  
19 years of funding allocated under sub-  
20 sections (m)(1)(A) and (m)(2)(A)(ii)  
21 for such projects, less an amount the

1 Secretary reasonably estimates is nec-  
2 essary for grants under this section  
3 for those of such projects that are not  
4 covered by a letter or agreement; and  
5 “(II) the Secretary may enter  
6 into full funding grant agreements  
7 under this subsection for major new  
8 fixed guideway capital projects that  
9 contain contingent commitments to  
10 incur obligations in such amounts as  
11 the Secretary determines are appro-  
12 priate.”.

13 SEC. 172. None of the funds provided or limited  
14 under this Act may be used to enforce regulations related  
15 to charter bus service under part 604 of title 49, Code  
16 of Federal Regulations, for any transit agency who during  
17 fiscal year 2008 was both initially granted a 60-day period  
18 to come into compliance with part 604, and then was sub-  
19 sequently granted an exception from said part.

20 SEC. 173. Hereafter, for interstate multi-modal  
21 projects which are in Interstate highway corridors, the

1 Secretary shall base the rating under section 5309(d) of  
2 title 49, United States Code, of the non-New Starts share  
3 of the public transportation element of the project on the  
4 percentage of non-New Starts funds in the unified finance  
5 plan for the multi-modal project: *Provided*, That the Sec-  
6 retary shall base the accounting of local matching funds  
7 on the total amount of all local funds incorporated in the  
8 unified finance plan for the multi-modal project for the  
9 purposes of funding under chapter 53 of title 49, United  
10 States Code and title 23, United States Code: *Provided*  
11 *further*, That the Secretary shall evaluate the justification  
12 for the project under section 5309(d) of title 49, United  
13 States Code, including cost effectiveness, on the public  
14 transportation costs and public transportation benefits.

15           SAINT LAWRENCE SEAWAY DEVELOPMENT

16                           CORPORATION

17           The Saint Lawrence Seaway Development Corpora-  
18 tion is hereby authorized to make such expenditures, with-  
19 in the limits of funds and borrowing authority available  
20 to the Corporation, and in accord with law, and to make  
21 such contracts and commitments without regard to fiscal

1 year limitations as provided by section 104 of the Govern-  
2 ment Corporation Control Act, as amended, as may be  
3 necessary in carrying out the programs set forth in the  
4 Corporation's budget for the current fiscal year.

5 OPERATIONS AND MAINTENANCE

6 (HARBOR MAINTENANCE TRUST FUND)

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

13 MARITIME ADMINISTRATION

14 MARITIME SECURITY PROGRAM

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

19 OPERATIONS AND TRAINING

20 For necessary expenses of operations and training ac-  
21 tivities authorized by law, \$149,750,000, of which

1 \$11,240,000 shall remain available until expended for  
2 maintenance and repair of training ships at State Mari-  
3 time Academies, and of which \$15,000,000 shall remain  
4 available until expended for capital improvements at the  
5 United States Merchant Marine Academy, and of which  
6 \$59,057,000 shall be available for operations at the  
7 United States Merchant Marine Academy: *Provided*, That  
8 amounts apportioned for the United States Merchant Ma-  
9 rine Academy shall be available only upon allotments made  
10 personally by the Secretary of Transportation or the As-  
11 sistant Secretary for Budget and Programs: *Provided fur-*  
12 *ther*, That the Superintendent, Deputy Superintendent  
13 and the Director of the Office of Resource Management  
14 of the United States Merchant Marine Academy may not  
15 be allotment holders for the United States Merchant Ma-  
16 rine Academy, and the Administrator of Maritime Admin-  
17 istration shall hold all allotments made by the Secretary  
18 of Transportation or the Assistant Secretary for Budget  
19 and Programs under the previous proviso: *Provided fur-*  
20 *ther*, That 50 percent of the funding made available for  
21 the United States Merchant Marine Academy under this

1 heading shall be available only after the Secretary, in con-  
2 sultation with the Superintendent and the Maritime Ad-  
3 ministration, completes a plan detailing by program or ac-  
4 tivity and by object class how such funding will be ex-  
5 pended at the Academy, and this plan is submitted to the  
6 House and Senate Committees on Appropriations.

7 SHIP DISPOSAL

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

12 ASSISTANCE TO SMALL SHIPYARDS

13 To make grants to qualified shipyards as authorized  
14 under section 3508 of Public Law 110-417 or section  
15 54101 of title 46, United States Code, \$15,000,000, to  
16 remain available until expended: *Provided*, That to be con-  
17 sidered for assistance, a qualified shipyard shall submit  
18 an application for assistance no later than 60 days after  
19 enactment of this Act: *Provided further*, That from appli-  
20 cations submitted under the previous proviso, the Sec-  
21 retary of Transportation shall make grants no later than

1 120 days after enactment of this Act in such amounts as  
2 the Secretary determines: *Provided further*, That not to  
3 exceed 2 percent of the funds appropriated under this  
4 heading shall be available for necessary costs of grant ad-  
5 ministration.

6 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

7 ACCOUNT

8 (INCLUDING TRANSFER OF FUNDS)

9 For the cost of guaranteed loans, as authorized,  
10 \$9,000,000, of which \$5,000,000 shall remain available  
11 until expended: *Provided*, That such costs, including the  
12 cost of modifying such loans, shall be as defined in section  
13 502 of the Congressional Budget Act of 1974, as amend-  
14 ed: *Provided further*, That not to exceed \$4,000,000 shall  
15 be available for administrative expenses to carry out the  
16 guaranteed loan program, which shall be transferred to  
17 and merged with the appropriation for “Operations and  
18 Training”, Maritime Administration.

1 ADMINISTRATIVE PROVISIONS—MARITIME

2 ADMINISTRATION

3 SEC. 175. Notwithstanding any other provision of  
4 this Act, the Maritime Administration is authorized to fur-  
5 nish utilities and services and make necessary repairs in  
6 connection with any lease, contract, or occupancy involving  
7 Government property under control of the Maritime Ad-  
8 ministration, and payments received therefor shall be cred-  
9 ited to the appropriation charged with the cost thereof:  
10 *Provided*, That rental payments under any such lease, con-  
11 tract, or occupancy for items other than such utilities,  
12 services, or repairs shall be covered into the Treasury as  
13 miscellaneous receipts.

14 SEC. 176. Section 51314 of title 46, United States  
15 Code, is amended in subsection (b) by inserting at the end  
16 “Such fees shall be credited to the Maritime Administra-  
17 tion’s Operations and Training appropriation, to remain  
18 available until expended, for those expenses directly re-  
19 lated to the purposes of the fees. Fees collected in excess  
20 of actual expenses may be refunded to the Midshipmen  
21 through a mechanism approved by the Secretary. The

1 Academy shall maintain a separate and detailed account-  
2 ing of fee revenue and all associated expenses.”

3 PIPELINE AND HAZARDOUS MATERIALS SAFETY

4 ADMINISTRATION

5 OPERATIONAL EXPENSES

6 (PIPELINE SAFETY FUND)

7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary operational expenses of the Pipeline  
9 and Hazardous Materials Safety Administration,  
10 \$21,132,000, of which \$639,000 shall be derived from the  
11 Pipeline Safety Fund: *Provided*, That \$1,000,000 shall be  
12 transferred to “Pipeline Safety” in order to fund “Pipeline  
13 Safety Information Grants to Communities” as authorized  
14 under section 60130 of title 49, United States Code.

15 HAZARDOUS MATERIALS SAFETY

16 For expenses necessary to discharge the hazardous  
17 materials safety functions of the Pipeline and Hazardous  
18 Materials Safety Administration, \$37,994,000, of which  
19 \$1,699,000 shall remain available until September 30,  
20 2012: *Provided*, That up to \$800,000 in fees collected  
21 under 49 U.S.C. 5108(g) shall be deposited in the general

1 fund of the Treasury as offsetting receipts: *Provided fur-*  
2 *ther*, That there may be credited to this appropriation, to  
3 be available until expended, funds received from States,  
4 counties, municipalities, other public authorities, and pri-  
5 vate sources for expenses incurred for training, for reports  
6 publication and dissemination, and for travel expenses in-  
7 curred in performance of hazardous materials exemptions  
8 and approvals functions.

9 PIPELINE SAFETY

10 (PIPELINE SAFETY FUND)

11 (OIL SPILL LIABILITY TRUST FUND)

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

1 2012: *Provided*, That not less than \$1,048,000 of the  
2 funds provided under this heading shall be for the one-  
3 call State grant program.

4                   EMERGENCY PREPAREDNESS GRANTS  
5                   (EMERGENCY PREPAREDNESS FUND)

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

17                   RESEARCH AND INNOVATIVE TECHNOLOGY  
18                   ADMINISTRATION  
19                   RESEARCH AND DEVELOPMENT

20       For necessary expenses of the Research and Innova-  
21 tive Technology Administration, \$13,007,000, of which

1 \$6,036,000 shall remain available until September 30,  
2 2012: *Provided*, That there may be credited to this appro-  
3 priation, to be available until expended, funds received  
4 from States, counties, municipalities, other public authori-  
5 ties, and private sources for expenses incurred for train-  
6 ing.

7 OFFICE OF INSPECTOR GENERAL

8 SALARIES AND EXPENSES

9 For necessary expenses of the Office of Inspector  
10 General to carry out the provisions of the Inspector Gen-  
11 eral Act of 1978, as amended, \$75,114,000: *Provided*,  
12 That the Inspector General shall have all necessary au-  
13 thority, in carrying out the duties specified in the Inspec-  
14 tor General Act, as amended (5 U.S.C. App. 3), to inves-  
15 tigate allegations of fraud, including false statements to  
16 the government (18 U.S.C. 1001), by any person or entity  
17 that is subject to regulation by the Department: *Provided*  
18 *further*, That the funds made available under this heading  
19 shall be used to investigate, pursuant to section 41712 of  
20 title 49, United States Code: (1) unfair or deceptive prac-  
21 tices and unfair methods of competition by domestic and

1 foreign air carriers and ticket agents; and (2) the compli-  
2 ance of domestic and foreign air carriers with respect to  
3 item (1) of this proviso.

4 SURFACE TRANSPORTATION BOARD

5 SALARIES AND EXPENSES

6 For necessary expenses of the Surface Transpor-  
7 tation Board, including services authorized by 5 U.S.C.  
8 3109, \$29,066,000: *Provided*, That notwithstanding any  
9 other provision of law, not to exceed \$1,250,000 from fees  
10 established by the Chairman of the Surface Transpor-  
11 tation Board shall be credited to this appropriation as off-  
12 setting collections and used for necessary and authorized  
13 expenses under this heading: *Provided further*, That the  
14 sum herein appropriated from the general fund shall be  
15 reduced on a dollar-for-dollar basis as such offsetting col-  
16 lections are received during fiscal year 2010, to result in  
17 a final appropriation from the general fund estimated at  
18 no more than \$27,816,000.

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;  
6 hire of passenger motor vehicles and aircraft; purchase of  
7 liability insurance for motor vehicles operating in foreign  
8 countries on official department business; and uniforms or  
9 allowances therefor, as authorized by law (5 U.S.C. 5901–  
10 5902).

11       SEC. 181. Appropriations contained in this Act for  
12 the Department of Transportation shall be available for  
13 services as authorized by 5 U.S.C. 3109, but at rates for  
14 individuals not to exceed the per diem rate equivalent to  
15 the rate for 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  
20 by this provision may be assigned on temporary detail out-  
21 side the Department of Transportation.

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

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

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

13       SEC. 185. Funds received by the Federal Highway  
14 Administration, Federal Transit Administration, and Fed-  
15 eral Railroad Administration from States, counties, mu-  
16 nicipalities, other public authorities, and private sources  
17 for expenses incurred for training may be credited respec-  
18 tively to the Federal Highway Administration's "Federal-  
19 Aid Highways" account, the Federal Transit Administra-  
20 tion's "Research and University Research Centers" ac-  
21 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 committee report ac-  
10 companying this Act for “Ferry Boats and Ferry Ter-  
11 minal Facilities”, “Federal Lands”, “Interstate Mainte-  
12 nance 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”, “Capital Investment Grants”, “Alternatives  
17 analysis”, and “Bus and bus 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-

1 chase such stock upon the payment to the Department of  
2 an amount determined by the Secretary.

3 SEC. 188. None of the funds in this Act to the De-  
4 partment of Transportation may be used to make a grant  
5 unless the Secretary of Transportation notifies the House  
6 and Senate Committees on Appropriations not less than  
7 3 full business days before any discretionary grant award,  
8 letter of intent, or full funding grant agreement totaling  
9 \$1,000,000 or more is announced by the department or  
10 its modal administrations from: (1) any discretionary  
11 grant program of the Federal Highway Administration in-  
12 cluding the emergency relief program; (2) the airport im-  
13 provement program of the Federal Aviation Administra-  
14 tion; (3) any grant from the Federal Railroad Administra-  
15 tion; or (4) any program of the Federal Transit Adminis-  
16 tration other than the formula grants and fixed guideway  
17 modernization programs: *Provided*, That the Secretary  
18 gives concurrent notification to the House and Senate  
19 Committees on Appropriations for any “quick release” of  
20 funds from the emergency relief program: *Provided fur-*

1 *ther*, That no notification shall involve funds that are not  
2 available for obligation.

3       SEC. 189. Rebates, refunds, incentive payments,  
4 minor fees and other funds received by the Department  
5 of Transportation from travel management centers,  
6 charge card programs, the subleasing of building space,  
7 and miscellaneous sources are to be credited to appropria-  
8 tions of the Department of Transportation and allocated  
9 to elements of the Department of Transportation using  
10 fair and equitable criteria and such funds shall be avail-  
11 able until expended.

12       SEC. 190. Amounts made available in this or any  
13 other Act that the Secretary determines represent im-  
14 proper payments by the Department of Transportation to  
15 a third-party contractor under a financial assistance  
16 award, which are recovered pursuant to law, shall be avail-  
17 able—

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

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

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

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

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

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

20       SEC. 193. Notwithstanding section 3324 of Title 31,  
21 United States Code, in addition to authority provided by

1 section 327 of title 49, United States Code, the Depart-  
2 ment's Working Capital fund is hereby authorized to pro-  
3 vide payments in advance to vendors that are necessary  
4 to carry out the Federal transit pass transportation fringe  
5 benefit program under Executive Order 13150 and section  
6 3049 of Public Law 109-59: *Provided*, that the Depart-  
7 ment shall include adequate safeguards in the contract  
8 with the vendors to ensure timely and high quality per-  
9 formance under the contract.

10 SEC. 194. (a) IN GENERAL.—Section 127(a)(11) of  
11 title 23, United States Code, is amended by striking “that  
12 portion of the Maine Turnpike designated Route 95 and  
13 495, and that portion of Interstate Route 95 from the  
14 southern terminus of the Maine Turnpike to the New  
15 Hampshire State line, laws (including regulations)” and  
16 inserting “all portions of the Interstate Highway System  
17 in the State, laws (including regulations)”.

18 (b) PERIOD OF EFFECTIVENESS.—The amendment  
19 made by subsection (a) shall be in effect during the 1-  
20 year period beginning on the date of enactment of this  
21 Act.

1 (c) REVERSION.—Effective as of the date that is 366  
2 days after the date of enactment of this Act, section  
3 127(a)(11) of title 23, United States Code, is amended  
4 by striking “all portions of the Interstate Highway System  
5 in the State, laws (including regulations)” and inserting  
6 “that portion of the Maine Turnpike designated Route 95  
7 and 495, and that portion of Interstate Route 95 from  
8 the southern terminus of the Maine Turnpike to the New  
9 Hampshire State line, laws (including regulations)”.

10 SEC. 195. The Secretary shall initiate an independent  
11 and comprehensive study and analysis to supplement that  
12 authorized under section 108, division C, of Public Law  
13 111–8: *Provided*, That the Department of Transportation  
14 shall work with and coordinate with the Departments of  
15 Energy, Commerce and Agriculture to develop a com-  
16 prehensive understanding of the full value of river flow  
17 support to users in the Mississippi and Missouri Rivers:  
18 *Provided further*, That subjects of analysis shall include  
19 energy (including hydropower and generation cooling), and  
20 water transport (including water-compelled rates, pro-  
21 jected total transportation congestion considerations,

Insert  
109A

109A

~~On page 109 between lines 9 and 10, insert the following:~~

(d) VERMONT PILOT PROGRAM.—Section 127(a) of title 23, United States Code, is amended by adding at the end the following:

“(13) VERMONT PILOT PROGRAM.—

“(A) IN GENERAL.—With respect to Interstate Routes 89, 91, and 93 in the State of Vermont, laws (including regulations) of that State concerning vehicle weight limitations applicable to State highways other than the Interstate system shall be applicable in lieu of the requirements of this subsection.”

(e) Period of Effectiveness for the Vermont Pilot Program. – The amendment made by subsection (d) shall be in effect during the 1-year period beginning on the date of enactment of this Act.

(f) Reversion for the Vermont Pilot Program. – Effective as of the date that is 366 days after the date of enactment of this Act, section 127(a) of title 23, United States Code, is amended by striking paragraph (13).

(g) Report on the Vermont Pilot Program. — Not later than 2 years after the date of enactment of this paragraph, the Secretary shall complete and submit to Congress a report on the effects of the pilot program under this paragraph on highway safety, bridge and road durability, commerce, truck volumes, and energy use within the State of Vermont.

1 transportation energy efficiency, air quality and carbon  
2 emissions) and water users (including the number and dis-  
3 tribution of people, households, municipalities, and busi-  
4 ness throughout the Missouri and Mississippi River basins  
5 who use river water for multiple purposes): *Provided fur-*  
6 *ther*, That in addition to understanding current value, the  
7 Department is directed to work with appropriate Federal  
8 partners to develop recommendations on how to minimize  
9 impediments to growth and maximize water value of bene-  
10 fits related to energy production and efficiency, congestion  
11 relief, trade and transport efficiency, and air quality: *Pro-*  
12 *vided further*, That the Department of Transportation  
13 shall provide its analysis and recommendations to the U.S.  
14 Army Corps of Engineers, the White House, and the Con-  
15 gress: *Provided further*, That \$2,000,000 is available until  
16 expended for such purposes.

17 SEC. 196. Notwithstanding any other provision of  
18 law, funds made available under section 330 of the Fiscal  
19 Year 2002 Department of Transportation and Related  
20 Agencies Appropriations Act (Public Law 107-87) for the  
21 Las Vegas, Nevada Monorail Project, funds made avail-

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

17       This title may be cited as the “Department of Trans-  
18 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, \$26,855,000, of which not to exceed \$4,619,000  
8 shall be available for the immediate Office of the Secretary  
9 and Deputy Secretary; not to exceed \$1,703,000 shall be  
10 available for the Office of Hearings and Appeals; not to  
11 exceed \$778,000 shall be available for the Office of Small  
12 and Disadvantaged Business Utilization; not to exceed  
13 \$727,000 shall be available for the immediate Office of  
14 the Chief Financial Officer; not to exceed \$1,474,000 shall  
15 be available for the immediate Office of the General Coun-  
16 sel; not to exceed \$2,912,000 shall be available to the Of-  
17 fice of the Assistant Secretary for Congressional and  
18 Intergovernmental Relations; not to exceed \$3,996,000  
19 shall be available for the Office of the Assistant Secretary  
20 for Public Affairs; not to exceed \$1,218,000 shall be avail-  
21 able for the Office of the Assistant Secretary for Adminis-

1 tration; not to exceed \$2,125,000 shall be available to the  
2 Office of the Assistant Secretary for Public and Indian  
3 Housing; not to exceed \$1,781,000 shall be available to  
4 the Office of the Assistant Secretary for Community Plan-  
5 ning and Development; not to exceed \$3,497,000 shall be  
6 available to the Office of the Assistant Secretary for Hous-  
7 ing, Federal Housing Commissioner; not to exceed  
8 \$1,097,000 shall be available to the Office of the Assistant  
9 Secretary for Policy Development and Research; and not  
10 to exceed \$928,000 shall be available to the Office of the  
11 Assistant Secretary for Fair Housing and Equal Oppor-  
12 tunity: *Provided*, That the Secretary of the Department  
13 of Housing and Urban Development is authorized to  
14 transfer funds appropriated for any office funded under  
15 this heading to any other office funded under this heading  
16 following the written notification to the House and Senate  
17 Committees on Appropriations: *Provided further*, That no  
18 appropriation for any office shall be increased or de-  
19 creased by more than 5 percent by all such transfers: *Pro-*  
20 *vided further*, That notice of any change in funding greater  
21 than 5 percent shall be submitted for prior approval to

1 the House and Senate Committees on Appropriations:  
2 *Provided further*, That the Secretary shall provide the  
3 Committees on Appropriations quarterly written notifica-  
4 tion regarding the status of pending congressional reports:  
5 *Provided further*, That the Secretary shall provide all  
6 signed reports required by Congress electronically: *Pro-*  
7 *vided further*, That not to exceed \$25,000 of the amount  
8 made available under this paragraph for the immediate  
9 Office of the Secretary shall be available for official recep-  
10 tion and representation expenses as the Secretary may de-  
11 termine.

12 ADMINISTRATION, OPERATIONS AND MANAGEMENT

13 For necessary salaries and expenses for administra-  
14 tion, operations and management for the Department of  
15 Housing and Urban Development, \$537,011,000, of which  
16 not to exceed \$76,958,000 shall be available for the per-  
17 sonnel compensation and benefits of the Office of Adminis-  
18 tration; not to exceed \$9,623,000 shall be available for the  
19 personnel compensation and benefits of the Office of De-  
20 partmental Operations and Coordination; not to exceed  
21 \$51,275,000 shall be available for the personnel com-

1 pensionation and benefits of the Office of Field Policy and  
2 Management; not to exceed \$14,649,000 shall be available  
3 for the personnel compensation and benefits of the Office  
4 of the Chief Procurement Officer; not to exceed  
5 \$35,197,000 shall be available for the personnel com-  
6 pensation and benefits of the remaining staff in the Office  
7 of the Chief Financial Officer; not to exceed \$89,062,000  
8 shall be available for the personnel compensation and ben-  
9 efits of the remaining staff in the Office of the General  
10 Counsel; not to exceed \$3,296,000 shall be available for  
11 the personnel compensation and benefits of the Office of  
12 Departmental Equal Employment Opportunity; not to ex-  
13 ceed \$1,393,000 shall be available for the personnel com-  
14 pensation and benefits for the Center for Faith-Based and  
15 Community Initiatives; not to exceed \$2,400,000 shall be  
16 available for the personnel compensation and benefits for  
17 the Office of Sustainability; not to exceed \$3,288,000 shall  
18 be available for the personnel compensation and benefits  
19 for the Office of Strategic Planning and Management; and  
20 not to exceed \$249,870,000 shall be available for non-per-  
21 sonnel expenses of the Department of Housing and Urban

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

1           PERSONNEL COMPENSATION AND BENEFITS

2                           PUBLIC AND INDIAN HOUSING

3           For necessary personnel compensation and benefits  
4 expenses of the Office of Public and Indian Housing,  
5 \$197,074,000.

6                           COMMUNITY PLANNING AND DEVELOPMENT

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

10                           HOUSING

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

13           OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE

14                           ASSOCIATION

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

1 POLICY DEVELOPMENT AND RESEARCH

2 For necessary personnel compensation and benefits  
3 expenses of the Office of Policy Development and Re-  
4 search, \$21,138,000.

5 FAIR HOUSING AND EQUAL OPPORTUNITY

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

9 OFFICE OF HEALTHY HOMES AND LEAD HAZARD

10 CONTROL

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

14 PUBLIC AND INDIAN HOUSING

15 TENANT-BASED RENTAL ASSISTANCE

16 For activities and assistance for the provision of ten-  
17 ant-based rental assistance authorized under the United  
18 States Housing Act of 1937, as amended (42 U.S.C. 1437  
19 et seq.) ("the Act" herein), not otherwise provided for,

20 ~~\$14,242,200,000~~, to remain available until expended, shall  
21 be available on October 1, 2009 (in addition to the

\$14,184,200,000

75

(INCLUDING TRANSFER OF FUNDS)

1 \$4,000,000,000 previously appropriated under this head-  
2 ing that will become available on October 1, 2009), and  
3 \$4,000,000,000, to remain available until expended, shall  
4 be available on October 1, 2010: *Provided*, That of the  
5 amounts made available under this heading are provided  
6 as follows:

7 (1) ~~\$10,997,200,000~~ shall be available for re-  
8 newals of expiring section 8 tenant-based annual  
9 contributions contracts (including renewals of en-  
10 hanced vouchers under any provision of law author-  
11 izing such assistance under section 8(t) of the Act)  
12 and including renewal of other special purpose  
13 vouchers initially funded in fiscal year 2008 and  
14 2009 such as Family Unification, Veterans Affairs  
15 Supportive Housing Vouchers and Non-elderly Dis-  
16 abled Vouchers): *Provided*, That notwithstanding  
17 any other provision of law, from amounts provided  
18 under this paragraph and any carryover, the Sec-  
19 retary for the calendar year 2010 funding cycle shall  
20 provide renewal funding for each public housing  
21 agency based on voucher management system (VMS)

16,339,200,000

1 leasing and cost data for the most recent Federal  
2 fiscal year and by applying the most recent Annual  
3 Adjustment Factor as established by the Secretary,  
4 and by making any necessary adjustments for the  
5 costs associated with deposits to family self-suffi-  
6 ciency program escrow accounts or first-time renew-  
7 als including tenant protection or HOPE VI vouch-  
8 ers: *Provided further*, That none of the funds pro-  
9 vided under this paragraph may be used to fund a  
10 total number of unit months under lease which ex-  
11 ceeds a public housing agency's authorized level of  
12 units under contract, except for public housing agen-  
13 cies participating in the Moving to Work demonstra-  
14 tion, which are instead governed by the terms and  
15 conditions of their MTW agreements: *Provided fur-*  
16 *ther*, That the Secretary shall, to the extent nec-  
17 essary to stay within the amount specified under this  
18 paragraph (except as otherwise modified under this  
19 Act), pro rate each public housing agency's alloca-  
20 tion otherwise established pursuant to this para-  
21 graph: *Provided further*, That except as provided in

1 the last two provisos, the entire amount specified  
2 under this paragraph (except as otherwise modified  
3 under this Act) shall be obligated to the public hous-  
4 ing agencies based on the allocation and pro rata  
5 method described above, and the Secretary shall no-  
6 tify public housing agencies of their annual budget  
7 not later than 60 days after enactment of this Act:  
8 *Provided further*, That the Secretary may extend the  
9 60-day notification period with the prior written ap-  
10 proval of the House and Senate Committees on Ap-  
11 propriations: *Provided further*, That public housing  
12 agencies participating in the Moving to Work dem-  
13 onstration shall be funded pursuant to their Moving  
14 to Work agreements and shall be subject to the  
15 same pro rata adjustments under the previous pro-  
16 visos: *Provided further*, That up to \$150,000,000  
17 shall be available only: (1) to adjust the allocations  
18 for public housing agencies, after application for an  
19 adjustment by a public housing agency that experi-  
20 enced a significant increase, as determined by the  
21 Secretary, in renewal costs of tenant-based rental

1 assistance resulting from unforeseen circumstances  
2 or from portability under section 8(r) of the Act; (2)  
3 for adjustments for public housing agencies with  
4 voucher leasing rates at the end of the calendar year  
5 that exceed the average leasing for the 12-month pe-  
6 riod used to establish the allocation; (3) for adjust-  
7 ments for the costs associated with VASH vouchers;  
8 or (4) for vouchers that were not in use during the  
9 12-month period in order to be available to meet a  
10 commitment pursuant to section 8(o)(13) of the Act:  
11 *Provided further*, That the Secretary shall allocate  
12 amounts under the previous proviso based on need  
13 as determined by the Secretary.

INSERT  
122A

14 (2) \$120,000,000 shall be for section 8 rental  
15 assistance for relocation and replacement of housing  
16 units that are demolished or disposed of pursuant to  
17 the Omnibus Consolidated Rescissions and Appro-  
18 priations Act of 1996 (Public Law 104-134), con-  
19 version of section 23 projects to assistance under  
20 section 8, the family unification program under sec-  
21 tion 8(x) of the Act, relocation of witnesses in con-

Insert 122A

: *Provided further*, That of the amounts made available under this paragraph, up to \$100,000,000 may be transferred to and merged with the appropriation for "Transformation Initiative"

1        nection with efforts to combat crime in public and  
2        assisted housing pursuant to a request from a law  
3        enforcement or prosecution agency, enhanced vouch-  
4        ers under any provision of law authorizing such as-  
5        sistance under section 8(t) of the Act, HOPE VI  
6        vouchers, mandatory and voluntary conversions, and  
7        tenant protection assistance including replacement  
8        and relocation assistance or for project based assist-  
9        ance to prevent the displacement of unassisted elder-  
10       ly tenants currently residing in section 202 prop-  
11       erties financed between 1959 and 1974 that are refi-  
12       nanced pursuant to Public Law 106-569, as amend-  
13       ed, or under the authority as provided under this  
14       Act: *Provided*, That the Secretary shall provide re-  
15       placement vouchers for all units that were occupied  
16       within the previous 24 months that cease to be avail-  
17       able as assisted housing, subject only to the avail-  
18       ability of funds;

19                (3) \$1,575,000,000 shall be for administrative  
20       and other expenses of public housing agencies in ad-  
21       ministering the section 8 tenant-based rental assist-

1       ance program, of which up to \$50,000,000 shall be  
2       available to the Secretary to allocate to public hous-  
3       ing agencies that need additional funds to admin-  
4       ister their section 8 programs, including fees associ-  
5       ated with section 8 tenant protection rental assist-  
6       ance, the administration of disaster related vouchers,  
7       Veterans Affairs Supportive Housing vouchers, and  
8       other incremental vouchers: *Provided*, That no less  
9       than \$1,525,000,000 of the amount provided in this  
10      paragraph shall be allocated to public housing agen-  
11      cies for the calendar year 2010 funding cycle based  
12      on section 8(q) of the Act (and related Appropria-  
13      tion Act provisions) as in effect immediately before  
14      the enactment of the Quality Housing and Work Re-  
15      sponsibility Act of 1998 (Public Law 105–276): *Pro-*  
16      *vided further*, That if the amounts made available  
17      under this paragraph are insufficient to pay the  
18      amounts determined under the previous proviso, the  
19      Secretary may decrease the amounts allocated to  
20      agencies by a uniform percentage applicable to all  
21      agencies receiving funding under this paragraph or

1        may, to the extent necessary to provide full payment  
2        of amounts determined under the previous proviso,  
3        utilize unobligated balances, including recaptures  
4        and carryovers, remaining from funds appropriated  
5        to the Department of Housing and Urban Develop-  
6        ment under this heading, for fiscal year 2009 and  
7        prior fiscal years, notwithstanding the purposes for  
8        which such amounts were appropriated: *Provided*  
9        *further*, That amounts provided under this para-  
10       graph shall be only for activities related to the provi-  
11       sion of tenant-based rental assistance authorized  
12       under section 8, including related development ac-  
13       tivities;

14            (4) \$60,000,000 shall be available for family  
15       self-sufficiency coordinators under section 23 of the  
16       Act;

17            (5) \$15,000,000 for incremental voucher assist-  
18       ance through the Family Unification Program: *Pro-*  
19       *vided*, That the assistance made available under this  
20       paragraph shall continue to remain available for  
21       family unification upon turnover: *Provided further*,

1       That the Secretary of Housing and Urban Develop-  
2       ment shall make such funding available, notwith-  
3       standing section 204 (competition provision) of this  
4       title, to entities with demonstrated experience and  
5       resources for supportive services;

6               (6) \$75,000,000 for incremental rental voucher  
7       assistance for use through a supported housing pro-  
8       gram administered in conjunction with the Depart-  
9       ment of Veterans Affairs as authorized under section  
10       8(o)(19) of the United States Housing Act of 1937:  
11       *Provided*, That the Secretary of Housing and Urban  
12       Development shall make such funding available, not-  
13       withstanding section 204 (competition provision) of  
14       this title, to public housing agencies that partner  
15       with eligible VA Medical Centers or other entities as  
16       designated by the Secretary of the Department of  
17       Veterans Affairs, based on geographical need for  
18       such assistance as identified by the Secretary of the  
19       Department of Veterans Affairs, public housing  
20       agency administrative performance, and other fac-  
21       tors as specified by the Secretary of Housing and

1 Urban Development in consultation with the Sec-  
2 retary of the Department of Veterans Affairs: *Pro-*  
3 *vided further*, That the Secretary of Housing and  
4 Urban Development may waive, or specify alter-  
5 native requirements for (in consultation with the  
6 Secretary of the Department of Veterans Affairs),  
7 any provision of any statute or regulation that the  
8 Secretary of Housing and Urban Development ad-  
9 ministers in connection with the use of funds made  
10 available under this paragraph (except for require-  
11 ments related to fair housing, nondiscrimination,  
12 labor standards, and the environment), upon a find-  
13 ing by the Secretary that any such waivers or alter-  
14 native requirements are necessary for the effective  
15 delivery and administration of such voucher assist-  
16 ance: *Provided further*, That assistance made avail-  
17 able under this paragraph shall continue to remain  
18 available for homeless veterans upon turn-over.

19 HOUSING CERTIFICATE FUND

20 Unobligated balances, including recaptures and car-  
21 ryover, remaining from funds appropriated to the Depart-

1 ment of Housing and Urban Development under this  
2 heading, the heading “Annual Contributions for Assisted  
3 Housing” and the heading “Project-Based Rental Assist-  
4 ance”, for fiscal year 2010 and prior years may be used  
5 for renewal of or amendments to section 8 project-based  
6 contracts and for performance-based contract administra-  
7 tors, notwithstanding the purposes for which such funds  
8 were appropriated: *Provided*, That any obligated balances  
9 of contract authority from fiscal year 1974 and prior that  
10 have been terminated shall be cancelled: *Provided further*,  
11 That amounts heretofore recaptured, or recaptured during  
12 the current fiscal year, from project-based Section 8 con-  
13 tracts from source years fiscal year 1975 through fiscal  
14 year 1987 are hereby rescinded, and an amount of addi-  
15 tional new budget authority, equivalent to the amount re-  
16 scinded is hereby appropriated, to remain available until  
17 expended, for the purposes set forth under this heading,  
18 in addition to amounts otherwise available.

1 PUBLIC HOUSING CAPITAL FUND

2 ~~(INCLUDING TRANSFER OF FUNDS)~~

3 For the Public Housing Capital Fund Program to  
4 carry out capital and management activities for public  
5 housing agencies, as authorized under section 9 of the  
6 United States Housing Act of 1937 (42 U.S.C. 1437g)  
7 (the "Act") \$2,500,000,000, to remain available until  
8 September 30, 2013: *Provided*, That notwithstanding any  
9 other provision of law or regulation, during fiscal year  
10 2010 the Secretary of Housing and Urban Development  
11 may not delegate to any Department official other than  
12 the Deputy Secretary and the Assistant Secretary for  
13 Public and Indian Housing any authority under paragraph  
14 (2) of section 9(j) regarding the extension of the time peri-  
15 ods under such section: *Provided further*, That for pur-  
16 poses of such section 9(j), the term "obligate" means, with  
17 respect to amounts, that the amounts are subject to a  
18 binding agreement that will result in outlays, immediately  
19 or in the future: *Provided further*, That up to \$15,345,000  
20 shall be to support the ongoing Public Housing Financial  
21 and Physical Assessment activities of the Real Estate As-

1 sessment Center (REAC): *Provided further*, That of the  
2 total amount provided under this heading, not to exceed  
3 \$20,000,000 shall be available for the Secretary to make  
4 grants, notwithstanding section 204 of this Act, to public  
5 housing agencies for emergency capital needs including  
6 safety and security measures necessary to address crime  
7 and drug-related activity as well as needs resulting from  
8 unforeseen or unpreventable emergencies and natural dis-  
9 asters excluding Presidentially declared emergencies and  
10 natural disasters under the Robert T. Stafford Disaster  
11 Relief and Emergency Act (42 U.S.C. 5121 et seq.) occur-  
12 ring in fiscal year 2010: *Provided further*, That of the  
13 amounts provided under this heading up to \$40,000,000  
14 ~~shall~~ be for grants to be competitively awarded to public  
15 housing agencies for the construction, rehabilitation or  
16 purchase of facilities to be used to provide early education,  
17 adult education, job training or other appropriate services  
18 to public housing residents: *Provided further*, That grant-  
19 ees shall demonstrate an ability to leverage other Federal,  
20 State, local or private resources for the construction, reha-  
21 bilitation or acquisition of such facilities, and that selected

may

1 grantees shall demonstrate a capacity to pay the long-term  
2 costs of operating such facilities: *Provided further*, That  
3 of the total amount provided under this heading,  
4 \$50,000,000 shall be for supportive services, service coordi-  
5 nators and congregate services as authorized by section  
6 34 of the Act (42 U.S.C. 1437z-6) and the Native Amer-  
7 ican Housing Assistance and Self-Determination Act of  
8 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That of  
9 the total amount provided under this heading up to  
10 \$8,820,000 is to support the costs of administrative and  
11 judicial receiverships: *Provided further*, That from the  
12 funds made available under this heading, the Secretary  
13 shall provide bonus awards in fiscal year 2010 to public  
14 housing agencies that are designated high performers.

15 PUBLIC HOUSING OPERATING FUND

16 (INCLUDING TRANSFER OF FUNDS)

17 For 2010 payments to public housing agencies for the  
18 operation and management of public housing, as author-  
19 ized by section 9(e) of the United States Housing Act of  
20 1937 (42 U.S.C. 1437g(e)), \$4,775,000,000: *Provided*,  
21 That, in fiscal year 2009 and all fiscal years hereafter,

1 no amounts under this heading in any appropriations Act  
2 may be used for payments to public housing agencies for  
3 the costs of operation and management of public housing  
4 for any year prior to the current year of such Act: *Pro-*  
5 *vided further*, That of the amounts made available under  
6 this heading, up to \$15,000,000 may be transferred to and  
7 merged with the appropriation for “Transformation Initia-  
8 tive”.

9 REVITALIZATION OF SEVERELY DISTRESSED PUBLIC  
10 HOUSING (HOPE VI)

11 For grants to public housing agencies for demolition,  
12 site revitalization, replacement housing, and tenant-based  
13 assistance grants to projects as authorized by section 24  
14 of the United States Housing Act of 1937 (42 U.S.C.  
15 1437v), \$200,000,000, to remain available until Sep-  
16 tember 30, 2011, of which the Secretary of Housing and  
17 Urban Development ~~shall use~~ \$10,000,000 for technical  
18 assistance and contract expertise, to be provided directly  
19 or indirectly by grants, contracts or cooperative agree-  
20 ments, including training and cost of necessary travel for  
21 participants in such training, by or to officials and employ-

(May use up to

1 ees of the department and of public housing agencies and  
2 to residents: *Provided*, That none of such funds shall be  
3 used directly or indirectly by granting competitive advan-  
4 tage in awards to settle litigation or pay judgments, unless  
5 expressly permitted herein: *Provided further*, That of the  
6 amounts provided under this heading, up to \$65,000,000  
7 may be available for a demonstration of the Choice Neigh-  
8 borhoods Initiative (subject to such section 24 except as  
9 otherwise specified under the provisos for this demonstra-  
10 tion under this heading) for the transformation, rehabili-  
11 tation and replacement housing needs of both public and  
12 HUD-assisted housing and to transform neighborhoods of  
13 poverty into functioning, sustainable mixed income neigh-  
14 borhoods with appropriate services, public assets, trans-  
15 portation and access to jobs, and schools, including public  
16 schools, community schools, and charter schools: *Provided*  
17 *further*, That for this demonstration, funding may also be  
18 used for the conversion of vacant or foreclosed properties  
19 to affordable housing: *Provided further*, That use of funds  
20 made available for this demonstration under this heading  
21 shall not be deemed to be public housing notwithstanding

1 section 3(b)(1) of such Act: *Provided further*, That grant-  
2 ees shall commit to an additional period of affordability  
3 determined by the Secretary, but not fewer than 20 years:  
4 *Provided further*, That grantees shall undertake com-  
5 prehensive local planning with input from residents and  
6 the community: *Provided further*, That for the purposes  
7 of this demonstration, applicants may include local gov-  
8 ernments, public housing authorities, nonprofits, and for-  
9 profit developers that apply jointly with a public entity:  
10 *Provided further*, That such grantees shall create partner-  
11 ships with other local organizations including assisted  
12 housing owners, service agencies and resident organiza-  
13 tions: *Provided further*, That the Secretary shall develop  
14 and publish a Notice of Funding Availability for the allo-  
15 cation and use of such competitive funds in this dem-  
16 onstration, including but not limited to eligible activities,  
17 program requirements, protections and services for af-  
18 fected residents, and performance metrics.

19 NATIVE AMERICAN HOUSING BLOCK GRANTS

20 For the Native American Housing Block Grants pro-  
21 gram, as authorized under title I of the Native American

1 Housing Assistance and Self-Determination Act of 1996  
2 (NAHASDA) (25 U.S.C. 4111 et seq.), \$700,000,000, to  
3 remain available until expended: *Provided*, That, notwith-  
4 standing the Native American Housing Assistance and  
5 Self-Determination Act of 1996, to determine the amount  
6 of the allocation under title I of such Act for each Indian  
7 tribe, the Secretary shall apply the formula under section  
8 302 of such Act with the need component based on single-  
9 race Census data and with the need component based on  
10 multi-race Census data, and the amount of the allocation  
11 for each Indian tribe shall be the greater of the two result-  
12 ing allocation amounts: *Provided further*, That of the  
13 amounts made available under this heading, \$3,500,000  
14 shall be contracted for assistance for a national organiza-  
15 tion representing Native American housing interests for  
16 providing training and technical assistance to Indian hous-  
17 ing authorities and tribally designated housing entities as  
18 authorized under NAHASDA; and \$4,250,000 shall be to  
19 support the inspection of Indian housing units, contract  
20 expertise, training, and technical assistance in the train-  
21 ing, oversight, and management of such Indian housing

1 and tenant-based assistance, including up to \$300,000 for  
2 related travel: *Provided further*, That of the amount pro-  
3 vided under this heading, \$2,000,000 shall be made avail-  
4 able for the cost of guaranteed notes and other obligations,  
5 as authorized by title VI of NAHASDA: *Provided further*,  
6 That such costs, including the costs of modifying such  
7 notes and other obligations, shall be as defined in section  
8 502 of the Congressional Budget Act of 1974, as amend-  
9 ed: *Provided further*, That these funds are available to sub-  
10 sidize the total principal amount of any notes and other  
11 obligations, any part of which is to be guaranteed, not to  
12 exceed \$18,000,000.

13 NATIVE HAWAIIAN HOUSING BLOCK GRANT

14 For the Native Hawaiian Housing Block Grant pro-  
15 gram, as authorized under title VIII of the Native Amer-  
16 ican Housing Assistance and Self-Determination Act of  
17 1996 (25 U.S.C. 4111 et seq.), \$13,000,000, to remain  
18 available until expended: *Provided*, That of this amount,  
19 \$300,000 shall be for training and technical assistance ac-  
20 tivities, including up to \$100,000 for related travel by Ha-  
21 waii-based HUD employees.

1 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

2 ACCOUNT

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

15 NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND

16 PROGRAM ACCOUNT

17 For the cost of guaranteed loans, as authorized by  
18 section 184A of the Housing and Community Develop-  
19 ment Act of 1992 (12 U.S.C. 1715z), \$1,044,000, to re-  
20 main available until expended: *Provided*, That such costs,  
21 including the costs of modifying such loans, shall be as

1 defined in section 502 of the Congressional Budget Act  
2 of 1974: *Provided further*, That these funds are available  
3 to subsidize total loan principal, any part of which is to  
4 be guaranteed, not to exceed \$41,504,255.

5           COMMUNITY PLANNING AND DEVELOPMENT

6           HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

7           For carrying out the Housing Opportunities for Per-  
8 sons with AIDS program, as authorized by the AIDS  
9 Housing Opportunity Act (42 U.S.C. 12901 et seq.),  
10 \$335,000,000, to remain available until September 30,  
11 2011, except that amounts allocated pursuant to section  
12 854(c)(3) of such Act shall remain available until Sep-  
13 tember 30, 2012: *Provided*, That the Secretary shall renew  
14 all expiring contracts for permanent supportive housing  
15 that were funded under section 854(c)(3) of such Act that  
16 meet all program requirements before awarding funds for  
17 new contracts and activities authorized under this section.

18           COMMUNITY DEVELOPMENT FUND

19           ~~(INCLUDING TRANSFER OF FUNDS)~~

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

1 development activities, and for other purposes,  
2 \$4,450,000,000, to remain available until September 30,  
3 2012, unless otherwise specified: *Provided*, That of the  
4 total amount provided, \$3,990,068,480 is for carrying out  
5 the community development block grant program under  
6 title I of the Housing and Community Development Act  
7 of 1974, as amended (the "Act" herein) (42 U.S.C. 5301  
8 et seq.): *Provided further*, That unless explicitly provided  
9 for under this heading (except for planning grants pro-  
10 vided in the second paragraph and amounts made avail-  
11 able under the third paragraph), not to exceed 20 percent  
12 of any grant made with funds appropriated under this  
13 heading shall be expended for planning and management  
14 development and administration: *Provided further*, That  
15 \$65,000,000 shall be for grants to Indian tribes notwith-  
16 standing section 106(a)(1) of such Act, of which, notwith-  
17 standing any other provision of law (including section 204  
18 of this Act), up to \$3,960,000 may be used for emer-  
19 gencies that constitute imminent threats to health and  
20 safety.

1       Of the amount made available under this heading,  
2 \$172,843,570 shall be available for grants for the Eco-  
3 nomic Development Initiative (EDI) to finance a variety  
4 of targeted economic investments in accordance with the  
5 terms and conditions specified in the explanatory state-  
6 ment accompanying this Act: *Provided*, That none of the  
7 funds provided under this paragraph may be used for pro-  
8 gram operations: *Provided further*, That, for fiscal years  
9 2008, 2009 and 2010, no unobligated funds for EDI  
10 grants may be used for any purpose except acquisition,  
11 planning, design, purchase of equipment, revitalization, re-  
12 development or construction.

13       Of the amount made available under this heading,  
14 \$22,087,950 shall be available for neighborhood initiatives  
15 that are utilized to improve the conditions of distressed  
16 and blighted areas and neighborhoods, to stimulate invest-  
17 ment, economic diversification, and community revitaliza-  
18 tion in areas with population outmigration or a stagnating  
19 or declining economic base, or to determine whether hous-  
20 ing benefits can be integrated more effectively with welfare  
21 reform initiatives: *Provided*, That amounts made available

1 under this paragraph shall be provided in accordance with  
2 the terms and conditions specified in the explanatory  
3 statement accompanying this Act.

4 The referenced explanatory statement under this  
5 heading in title II of division K of Public Law 110–161  
6 is deemed to be amended by striking “Old Town Boys and  
7 Girls Club, Albuquerque, NM, for renovation of the exist-  
8 ing Old Town Boys and Girls Club accompanied by con-  
9 struction of new areas for the Club” and inserting “Old  
10 Town Boys and Girls Club, Albuquerque, NM, for renova-  
11 tion of the Heights Boys and Girls Club”.

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

18 The referenced explanatory statement under this  
19 heading in division I of Public Law 111–8 is deemed to  
20 be amended with respect to “Hawaii County Office of  
21 Housing and Community Development, HI” by striking

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

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

9       The referenced explanatory statement under the  
10 heading “Community Development Fund” in title II of di-  
11 vision K of Public Law 110–161 is deemed to be amended  
12 with respect to “Emergency Housing Consortium in San  
13 Jose, CA” by striking “for construction of the Sobrato  
14 Transitional Center, a residential facility for homeless in-  
15 dividuals and families” and inserting “for improvements  
16 to homeless services and prevention facilities”.

17       Of the amounts made available under this heading,  
18 \$150,000,000 shall be made available for a Sustainable  
19 Communities Initiative to improve regional planning ef-  
20 forts that integrate housing and transportation decisions,  
21 and increase the capacity to improve land use and zoning:

1 *Provided*, That \$100,000,000 shall be for Regional Inte-  
2 grated Planning Grants to support the linking of transpor-  
3 tation and land use planning: *Provided further*, That not  
4 less than \$25,000,000 of the funding made available for  
5 Regional Integrated Planning Grants shall be awarded to  
6 metropolitan areas of less than 500,000: *Provided further*,  
7 That \$40,000,000 shall be for Community Challenge  
8 Planning Grants to foster reform and reduce barriers to  
9 achieve affordable, economically vital, and sustainable  
10 communities: *Provided further*, That before funding is  
11 made available for Regional Integrated Planning Grants  
12 or Community Challenge Planning Grants, the Secretary,  
13 in coordination with the Secretary of Transportation, shall  
14 submit a plan to the House and Senate Committees on  
15 Appropriations, the Senate Committee on Banking and  
16 Urban Affairs, and the House Committee on Financial  
17 Services establishing grant criteria as well as performance  
18 measures by which the success of grantees will be meas-  
19 ured: *Provided further*, That the Secretary will consult  
20 with the Secretary of Transportation in evaluating grant  
21 proposals: *Provided further*, That up to \$10,000,000 shall

1 be for a joint Department of Housing and Urban Develop-  
2 ment and Department of Transportation research effort  
3 that shall include a rigorous evaluation of the Regional  
4 Integrated Planning Grants and Community Challenge  
5 Planning Grants programs: *Provided further*, That of the  
6 amounts made available under this heading, \$25,000,000  
7 shall be made available for the Rural Innovation Fund for  
8 grants to Indian tribes, State housing finance agencies,  
9 State community and/or economic development agencies,  
10 local rural nonprofits and community development cor-  
11 porations to address the problems of concentrated rural  
12 housing distress and community poverty: *Provided further*,  
13 That of the funding made available under the previous  
14 proviso, at least \$5,000,000 shall be made available to  
15 promote economic development and entrepreneurship for  
16 federally recognized Indian Tribes, through activities in-  
17 cluding the capitalization of revolving loan programs and  
18 business planning and development, funding is also made  
19 available for technical assistance to increase capacity  
20 through training and outreach activities: *Provided further*,  
21 That of the amounts made available under this heading,

1 \$25,000,000 is for grants pursuant to section 107 of the  
2 Housing and Community Development Act of 1974 (42  
3 U.S.C. 5307).

4           COMMUNITY DEVELOPMENT LOAN GUARANTEES  
5                           PROGRAM ACCOUNT

6           For the cost of guaranteed loans, \$6,000,000, to re-  
7 main available until September 30, 2011, as authorized  
8 by section 108 of the Housing and Community Develop-  
9 ment Act of 1974 (42 U.S.C. 5308): *Provided*, That such  
10 costs, including the cost of modifying such loans, shall be  
11 as defined in section 502 of the Congressional Budget Act  
12 of 1974: *Provided further*, That these funds are available  
13 to subsidize total loan principal, any part of which is to  
14 be guaranteed, not to exceed \$275,000,000, notwith-  
15 standing any aggregate limitation on outstanding obliga-  
16 tions guaranteed in section 108(k) of the Housing and  
17 Community Development Act of 1974, as amended.

18                           BROWNFIELDS REDEVELOPMENT

19           For competitive economic development grants, as au-  
20 thorized by section 108(q) of the Housing and Community  
21 Development Act of 1974, as amended, for Brownfields

1 redevelopment projects, \$17,500,000, to remain available  
2 until September 30, 2011: *Provided*, That no funds made  
3 available under this heading may be used to establish loan  
4 loss reserves for the section 108 Community Development  
5 Loan Guarantee program.

6 HOME INVESTMENT PARTNERSHIPS PROGRAM

7 For the HOME investment partnerships program, as  
8 authorized under title II of the Cranston-Gonzalez Na-  
9 tional Affordable Housing Act, as amended,  
10 \$1,825,000,000, to remain available until September 30,  
11 2012: *Provided*, That, funds provided in prior appropria-  
12 tions Acts for technical assistance, that were made avail-  
13 able for Community Housing Development Organizations  
14 technical assistance, and that still remain available, may  
15 be used for HOME technical assistance notwithstanding  
16 the purposes for which such amounts were appropriated.

17 SELF-HELP AND ASSISTED HOMEOWNERSHIP

18 OPPORTUNITY PROGRAM

19 For the Self-Help and Assisted Homeownership Op-  
20 portunity Program, as authorized under section 11 of the  
21 Housing Opportunity Program Extension Act of 1996, as

1 amended, \$82,000,000, to remain available until Sep-  
2 tember 30, 2012: *Provided*, That of the total amount pro-  
3 vided under this heading, \$27,000,000 shall be made  
4 available to the Self-Help and Assisted Homeownership  
5 Opportunity Program as authorized under section 11 of  
6 the Housing Opportunity Program Extension Act of 1996,  
7 as amended: *Provided further*, That \$50,000,000 shall be  
8 made available for the second, third and fourth capacity  
9 building activities authorized under section 4(a) of the  
10 HUD Demonstration Act of 1993 (42 U.S.C. 9816 note),  
11 of which not less than \$5,000,000 may be made available  
12 for rural capacity building activities: *Provided further*,  
13 That \$5,000,000 shall be made available for capacity  
14 building activities as authorized in sections 6301 through  
15 6305 of Public Law 110–246.

16 HOMELESS ASSISTANCE GRANTS

17 (INCLUDING TRANSFER OF FUNDS)

18 For the emergency shelter grants program as author-  
19 ized under subtitle B of title IV of the McKinney-Vento  
20 Homeless Assistance Act, as amended; the supportive  
21 housing program as authorized under subtitle C of title

1 IV of such Act; the section 8 moderate rehabilitation sin-  
2 gle room occupancy program as authorized under the  
3 United States Housing Act of 1937, as amended, to assist  
4 homeless individuals pursuant to section 441 of the  
5 McKinney-Vento Homeless Assistance Act; and the shelter  
6 plus care program as authorized under subtitle F of title  
7 IV of such Act, \$1,865,000,000, of which \$1,860,000,000  
8 shall remain available until September 30, 2012, and of  
9 which \$5,000,000 shall remain available until expended  
10 for rehabilitation projects with 10-year grant terms: *Pro-*  
11 *vided*, That not less than 30 percent of funds made avail-  
12 able, excluding amounts provided for renewals under the  
13 Shelter Plus Care Program and emergency shelter grants,  
14 shall be used for permanent housing for individuals and  
15 families: *Provided further*, That all funds awarded for  
16 services shall be matched by not less than 25 percent in  
17 funding by each grantee: *Provided further*, That for all  
18 match requirements applicable to funds made available  
19 under this heading for this fiscal year and prior years,  
20 a grantee may use (or could have used) as a source of  
21 match funds other funds administered by the Secretary

1 and other Federal agencies unless there is (or was) a spe-  
2 cific statutory prohibition on any such use of any such  
3 funds: *Provided further*, That the Secretary shall renew  
4 on an annual basis expiring contracts or amendments to  
5 contracts funded under the shelter plus care program if  
6 the program is determined to be needed under the applica-  
7 ble continuum of care and meets appropriate program re-  
8 quirements and financial standards, as determined by the  
9 Secretary: *Provided further*, That all awards of assistance  
10 under this heading shall be required to coordinate and in-  
11 tegrate homeless programs with other mainstream health,  
12 social services, and employment programs for which home-  
13 less populations may be eligible, including Medicaid, State  
14 Children's Health Insurance Program, Temporary Assist-  
15 ance for Needy Families, Food Stamps, and services fund-  
16 ing through the Mental Health and Substance Abuse  
17 Block Grant, Workforce Investment Act, and the Welfare-  
18 to-Work grant program: *Provided further*, That up to  
19 \$6,000,000 of the funds appropriated under this heading  
20 shall be available for the national homeless data analysis  
21 project: *Provided further*, That up to \$12,650,000 of the

1 funds made available under this heading may be trans-  
2 ferred to and merged with the appropriation for "Trans-  
3 formation Initiative": *Provided further*, That all balances  
4 for Shelter Plus Care renewals previously funded from the  
5 Shelter Plus Care Renewal account and transferred to this  
6 account shall be available, if recaptured, for Shelter Plus  
7 Care renewals in fiscal year 2010.

8 HOUSING PROGRAMS

9 PROJECT-BASED RENTAL ASSISTANCE

10 For activities and assistance for the provision of  
11 project-based subsidy contracts under the United States  
12 Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the  
13 Act"), not otherwise provided for, ~~\$8,101,495,000~~, to re-  
14 main available until expended, shall be available on Octo-  
15 ber 1, 2009, and ~~\$400,000,000~~, to remain available until  
16 expended, shall be available on October 1, 2010: *Provided*,  
17 That the amounts made available under this heading are  
18 provided as follows:

19 (1) Up to ~~\$8,209,495,000~~ shall be available for  
20 expiring or terminating section 8 project-based sub-  
21 sidy contracts (including section 8 moderate rehabili-

\$8,157,853,000

\$393,672,000

\$8,325,853,000

1 tation contracts), for amendments to section 8  
2 project-based subsidy contracts (including section 8  
3 moderate rehabilitation contracts), for contracts en-  
4 tered into pursuant to section 441 of the McKinney-  
5 Vento Homeless Assistance Act (42 U.S.C. 11401),  
6 for renewal of section 8 contracts for units in  
7 projects that are subject to approved plans of action  
8 under the Emergency Low Income Housing Preser-  
9 vation Act of 1987 or the Low-Income Housing  
10 Preservation and Resident Homeownership Act of  
11 1990, and for administrative and other expenses as-  
12 sociated with project-based activities and assistance  
13 funded under this paragraph.

14 (2) Not less than \$232,000,000 but not to ex-  
15 ceed \$258,000,000 shall be available for perform-  
16 ance-based contract administrators for section 8  
17 project-based assistance: *Provided*, That the Sec-  
18 retary of Housing and Urban Development may also  
19 use such amounts for performance-based contract  
20 administrators for the administration of: interest re-  
21 duction payments pursuant to section 236(a) of the

1 National Housing Act (12 U.S.C. 1715z-1(a)); rent  
2 supplement payments pursuant to section 101 of the  
3 Housing and Urban Development Act of 1965 (12  
4 U.S.C. 1701s); section 236(f)(2) rental assistance  
5 payments (12 U.S.C. 1715z-1(f)(2)); project rental  
6 assistance contracts for the elderly under section  
7 202(c)(2) of the Housing Act of 1959 (12 U.S.C.  
8 1701q); project rental assistance contracts for sup-  
9 portive housing for persons with disabilities under  
10 section 811(d)(2) of the Cranston-Gonzalez National  
11 Affordable Housing Act (42 U.S.C. 8013(d)(2));  
12 project assistance contracts pursuant to section  
13 202(h) of the Housing Act of 1959 (Public Law 86-  
14 372; 73 Stat. 667); and loans under section 202 of  
15 the Housing Act of 1959 (Public Law 86-372; 73  
16 Stat. 667).

17 (3) Amounts recaptured under this heading, the  
18 heading "Annual Contributions for Assisted Hous-  
19 ing", or the heading "Housing Certificate Fund"  
20 may be used for renewals of or amendments to sec-  
21 tion 8 project-based contracts or for performance-

1 based contract administrators, notwithstanding the  
2 purposes for which such amounts were appropriated.

3 HOUSING FOR THE ELDERLY

4 For capital advances, including amendments to cap-  
5 ital advance contracts, for housing for the elderly, as au-  
6 thorized by section 202 of the Housing Act of 1959, as  
7 amended, and for project rental assistance for the elderly  
8 under section 202(c)(2) of such Act, including amend-  
9 ments to contracts for such assistance and renewal of ex-  
10 piring contracts for such assistance for up to a 1-year  
11 term, and for supportive services associated with the hous-  
12 ing, \$825,000,000, to remain available until September  
13 30, 2013, of which up to \$582,000,000 shall be for capital  
14 advance and project-based rental assistance awards: *Pro-*  
15 *vided*, That amounts for project rental assistance con-  
16 tracts are to remain available for the liquidation of valid  
17 obligations for 10 years following the date of such obliga-  
18 tion: *Provided further*, That of the amount provided under  
19 this heading, up to \$90,000,000 shall be for service coordi-  
20 nators and the continuation of existing congregate service  
21 grants for residents of assisted housing projects, and of

1 which up to \$40,000,000 shall be for grants under section  
2 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2)  
3 for conversion of eligible projects under such section to  
4 assisted living or related use and for substantial and emer-  
5 gency capital repairs as determined by the Secretary: *Pro-*  
6 *vided further*, That of the amount made available under  
7 this heading, \$20,000,000 shall be available to the Sec-  
8 retary of Housing and Urban Development only for mak-  
9 ing competitive grants to private nonprofit organizations  
10 and consumer cooperatives for covering costs of architec-  
11 tural and engineering work, site control, and other plan-  
12 ning relating to the development of supportive housing for  
13 the elderly that is eligible for assistance under section 202  
14 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided*  
15 *further*, That amounts under this heading shall be avail-  
16 able for Real Estate Assessment Center inspections and  
17 inspection-related activities associated with section 202  
18 capital advance projects: *Provided further*, That the Sec-  
19 retary may waive the provisions of section 202 governing  
20 the terms and conditions of project rental assistance, ex-

1 cept that the initial contract term for such assistance shall  
2 not exceed 5 years in duration.

3 HOUSING FOR PERSONS WITH DISABILITIES

4 For capital advance contracts, including amendments  
5 to capital advance contracts, for supportive housing for  
6 persons with disabilities, as authorized by section 811 of  
7 the Cranston-Gonzalez National Affordable Housing Act  
8 (42 U.S.C. 8013), for project rental assistance for sup-  
9 portive housing for persons with disabilities under section  
10 811(d)(2) of such Act, including amendments to contracts  
11 for such assistance and renewal of expiring contracts for  
12 such assistance for up to a 1-year term, and for supportive  
13 services associated with the housing for persons with dis-  
14 abilities as authorized by section 811(b)(1) of such Act,  
15 and for tenant-based rental assistance contracts entered  
16 into pursuant to section 811 of such Act, \$300,000,000,  
17 of which up to \$186,000,000 shall be for capital advances  
18 and project-based rental assistance contracts, to remain  
19 available until September 30, 2013: *Provided*, That  
20 amounts for project rental assistance contracts are to re-  
21 main available for the liquidation of valid obligations for

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

18 HOUSING COUNSELING ASSISTANCE

19 For contracts, grants, and other assistance excluding  
20 loans, as authorized under section 106 of the Housing and  
21 Urban Development Act of 1968, as amended,

1 \$87,500,000, including up to \$2,500,000 for administra-  
2 tive contract services, to remain available until September  
3 30, 2011: *Provided*, That funds shall be used for providing  
4 counseling and advice to tenants and homeowners, both  
5 current and prospective, with respect to property mainte-  
6 nance, financial management/literacy, and such other mat-  
7 ters as may be appropriate to assist them in improving  
8 their housing conditions, meeting their financial needs,  
9 and fulfilling the responsibilities of tenancy or homeowner-  
10 ship; for program administration; and for housing coun-  
11 selor training: *Provided further*, That of the amounts made  
12 available under this heading, not less than \$13,500,000  
13 shall be awarded to HUD-certified housing counseling  
14 agencies located in the 100 metropolitan statistical areas  
15 with the highest rate of home foreclosures for the purpose  
16 of assisting homeowners with inquiries regarding mort-  
17 gage-modification assistance and mortgage scams.

18 ENERGY INNOVATION FUND

19 For an Energy Innovation Fund to enable the Fed-  
20 eral Housing Administration and the new Office of Sus-  
21 tainability to catalyze innovations in the residential energy

1 efficiency sector that have promise of replicability and help  
2 create a standardized home energy efficient retrofit mar-  
3 ket, \$50,000,000, to remain available until September 30,  
4 2013: *Provided*, That \$25,000,000 shall be for the Energy  
5 Efficient Mortgage Innovation pilot program, directed at  
6 the single family housing market: *Provided further*, That  
7 \$25,000,000 shall be for the Multifamily Energy Pilot, di-  
8 rected at the multifamily housing market.

9 OTHER ASSISTED HOUSING PROGRAMS

10 RENTAL HOUSING ASSISTANCE

11 For amendments to contracts under section 101 of  
12 the Housing and Urban Development Act of 1965 (12  
13 U.S.C. 1701s) and section 236(f)(2) of the National  
14 Housing Act (12 U.S.C. 1715z-1) in State-aided, non-in-  
15 sured rental housing projects, \$40,000,000, to remain  
16 available until expended.

17 RENT SUPPLEMENT

18 (RESCISSION)

19 Of the amounts recaptured from terminated con-  
20 tracts under section 101 of the Housing and Urban Devel-  
21 opment Act of 1965 (12 U.S.C. 1701s) and section 236

1 of the National Housing Act (12 U.S.C. 1715z-1)  
2 \$72,036,000 are rescinded: *Provided*, That no amounts  
3 may be rescinded from amounts that were designated by  
4 the Congress as an emergency requirement pursuant to  
5 the Concurrent Resolution on the Budget or the Balanced  
6 Budget and Emergency Deficit Control Act of 1985, as  
7 amended.

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-

1 eral fund shall be reduced as such collections are received  
2 during fiscal year 2010 so as to result in a final fiscal  
3 year 2010 appropriation from the general fund estimated  
4 at not more than \$9,000,000 and fees pursuant to such  
5 section 620 shall be modified as necessary to ensure such  
6 a final fiscal year 2010 appropriation: *Provided further,*  
7 That for the dispute resolution and installation programs,  
8 the Secretary of Housing and Urban Development may  
9 assess and collect fees from any program participant: *Pro-*  
10 *vided further,* That such collections shall be deposited into  
11 the Fund, and the Secretary, as provided herein, may use  
12 such collections, as well as fees collected under section  
13 620, for necessary expenses of such Act: *Provided further,*  
14 That notwithstanding the requirements of section 620 of  
15 such Act, the Secretary may carry out responsibilities of  
16 the Secretary under such Act through the use of approved  
17 service providers that are paid directly by the recipients  
18 of their services.

1                   FEDERAL HOUSING ADMINISTRATION  
2           MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT  
3                   (INCLUDING TRANSFER OF FUNDS)

4           During fiscal year 2010, commitments to guarantee  
5 single family loans insured under the Mutual Mortgage In-  
6 surance Fund shall not exceed a loan principal of  
7 \$400,000,000,000: *Provided*, That for new loans guaran-  
8 teed pursuant to section 255 of the National Housing Act  
9 (12 U.S.C. 1715z-20), the Secretary shall adjust the fac-  
10 tors used to calculate the principal limit (as such term  
11 is defined in HUD Handbook 4235.1) that were assumed  
12 in the President's Budget Request for 2010 for such  
13 loans, as necessary to ensure that the program operates  
14 at a net zero subsidy rate: *Provided further*, That during  
15 fiscal year 2010, obligations to make direct loans to carry  
16 out the purposes of section 204(g) of the National Hous-  
17 ing Act, as amended, shall not exceed \$50,000,000: *Pro-*  
18 *vided further*, That the foregoing amount shall be for loans  
19 to nonprofit and governmental entities in connection with  
20 sales of single family real properties owned by the Sec-  
21 retary and formerly insured under the Mutual Mortgage

1 Insurance Fund. For administrative contract expenses of  
2 the Federal Housing Administration, \$188,900,000, of  
3 which up to \$70,794,000 may be transferred to the Work-  
4 ing Capital Fund, and of which up to \$7,500,000 shall  
5 be for education and outreach of FHA single family loan  
6 products: *Provided further*, That to the extent guaranteed  
7 loan commitments exceed \$200,000,000,000 on or before  
8 April 1, 2010, an additional \$1,400 for administrative  
9 contract expenses shall be available for each \$1,000,000  
10 in additional guaranteed loan commitments (including a  
11 pro rata amount for any amount below \$1,000,000), but  
12 in no case shall funds made available by this proviso ex-  
13 ceed \$30,000,000.

14 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

15 For the cost of guaranteed loans, as authorized by  
16 sections 238 and 519 of the National Housing Act (12  
17 U.S.C. 1715z-3 and 1735c), including the cost of loan  
18 guarantee modifications, as that term is defined in section  
19 502 of the Congressional Budget Act of 1974, as amend-  
20 ed, \$8,600,000, to remain available until expended: *Pro-*  
21 *vided*, That commitments to guarantee loans shall not ex-

1 exceed \$15,000,000,000 in total loan principal, any part of  
2 which is to be guaranteed.

3 Gross obligations for the principal amount of direct  
4 loans, as authorized by sections 204(g), 207(l), 238, and  
5 519(a) of the National Housing Act, shall not exceed  
6 \$20,000,000, which shall be for loans to nonprofit and  
7 governmental entities in connection with the sale of single-  
8 family real properties owned by the Secretary and for-  
9 merly insured under such Act.

10 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION  
11 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN  
12 GUARANTEE PROGRAM ACCOUNT

13 New commitments to issue guarantees to carry out  
14 the purposes of section 306 of the National Housing Act,  
15 as amended (12 U.S.C. 1721(g)), shall not exceed  
16 \$500,000,000,000, to remain available until September  
17 30, 2011.

18 POLICY DEVELOPMENT AND RESEARCH  
19 RESEARCH AND TECHNOLOGY

20 For contracts, grants, and necessary expenses of pro-  
21 grams of research and studies relating to housing and

1 urban problems, not otherwise provided for, as authorized  
2 by title V of the Housing and Urban Development Act  
3 of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying  
4 out the functions of the Secretary of Housing and Urban  
5 Development under section 1(a)(1)(I) of Reorganization  
6 Plan No. 2 of 1968, \$48,000,000, to remain available  
7 until September 30, 2011.

8           FAIR HOUSING AND EQUAL OPPORTUNITY

9                   FAIR HOUSING ACTIVITIES

10       For contracts, grants, and other assistance, not oth-  
11 erwise provided for, as authorized by title VIII of the Civil  
12 Rights Act of 1968, as amended by the Fair Housing  
13 Amendments Act of 1988, and section 561 of the Housing  
14 and Community Development Act of 1987, as amended,  
15 \$72,000,000, to remain available until September 30,  
16 2011, of which \$42,500,000 shall be to carry out activities  
17 pursuant to such section 561: *Provided*, That notwith-  
18 standing 31 U.S.C. 3302, the Secretary may assess and  
19 collect fees to cover the costs of the Fair Housing Training  
20 Academy, and may use such funds to provide such train-  
21 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: *Provided further,*  
4 That of the funds made available under this heading,  
5 \$500,000 shall be available to the Secretary of Housing  
6 and Urban Development for the creation and promotion  
7 of translated materials and other programs that support  
8 the assistance of persons with limited English proficiency  
9 in utilizing the services provided by the Department of  
10 Housing and Urban Development.

11 OFFICE OF LEAD HAZARD CONTROL AND HEALTHY

12 HOMES

13 LEAD HAZARD REDUCTION

14 For the Lead Hazard Reduction Program, as Author-  
15 ized by section 1011 of the Residential Lead-Based Paint  
16 Hazard Reduction Act of 1992, \$140,000,000, to remain  
17 available until September 30, 2011, of which not less than  
18 \$20,000,000 shall be for the Healthy Homes Initiative,  
19 pursuant to sections 501 and 502 of the Housing and  
20 Urban Development Act of 1970 that shall include re-  
21 search, studies, testing, and demonstration efforts, includ-

1 ing education and outreach concerning lead-based paint  
2 poisoning and other housing-related diseases and hazards:  
3 *Provided*, That for purposes of environmental review, pur-  
4 suant to the National Environmental Policy Act of 1969  
5 (42 U.S.C. 4321 et seq.) and other provisions of the law  
6 that further the purposes of such Act, a grant under the  
7 Healthy Homes Initiative, Operation Lead Elimination  
8 Action Plan (LEAP), or the Lead Technical Studies pro-  
9 gram under this heading or under prior appropriations  
10 Acts for such purposes under this heading, shall be consid-  
11 ered to be funds for a special project for purposes of sec-  
12 tion 305(c) of the Multifamily Housing Property Disposi-  
13 tion Reform Act of 1994: *Provided further*, That of the  
14 total amount made available under this heading,  
15 \$48,000,000 shall be made available on a competitive  
16 basis for areas with the highest lead paint abatement  
17 needs: *Provided further*, That each recipient of funds pro-  
18 vided under the second proviso shall make a matching con-  
19 tribution in an amount not less than 25 percent: *Provided*  
20 *further*, That the Secretary may waive the matching re-  
21 quirement cited in the preceding proviso on a case by case

1 basis if the Secretary determines that such a waiver is nec-  
2 essary to advance the purposes of this program: *Provided*  
3 *further*, That each applicant shall submit a detailed plan  
4 and strategy that demonstrates adequate capacity that is  
5 acceptable to the Secretary to carry out the proposed use  
6 of funds pursuant to a notice of funding availability: *Pro-*  
7 *vided further*, That amounts made available under this  
8 heading in this or prior appropriations Acts, and that still  
9 remain available, may be used for any purpose under this  
10 heading notwithstanding the purpose for which such  
11 amounts were appropriated if a program competition is  
12 undersubscribed and there are other program competitions  
13 under this heading that are oversubscribed.

14 MANAGEMENT AND ADMINISTRATION

15 WORKING CAPITAL FUND

16 (INCLUDING TRANSFER OF FUNDS)

17 For additional capital for the Working Capital Fund  
18 (42 U.S.C. 3535) for the maintenance of infrastructure  
19 for Department-wide information technology systems, for  
20 the continuing operation and maintenance of both Depart-  
21 ment-wide and program-specific information systems, and

1 for program-related maintenance activities, \$200,000,000,  
2 to remain available until September 30, 2011: *Provided*,  
3 That any amounts transferred to this Fund under this Act  
4 shall remain available until expended: *Provided further*,  
5 That any amounts transferred to this Fund from amounts  
6 appropriated by previously enacted appropriations Acts or  
7 from within this Act may be used only for the purposes  
8 specified under this Fund, in addition to the purposes for  
9 which such amounts were appropriated: *Provided further*,  
10 That up to \$15,000,000 may be transferred to this ac-  
11 count from all other accounts in this title (except for the  
12 Office of the Inspector General account) that make funds  
13 available for salaries and expenses.

14 OFFICE OF INSPECTOR GENERAL

15 For necessary salaries and expenses of the Office of  
16 Inspector General in carrying out the Inspector General  
17 Act of 1978, as amended, \$125,000,000: *Provided*, That  
18 the Inspector General shall have independent authority  
19 over all personnel issues within this office.

1                                   TRANSFORMATION INITIATIVE  
2                                   (INCLUDING TRANSFER OF FUNDS)

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

5           In addition, of the amounts made available in this  
6 Act under each of the following headings under this title,  
7 the Secretary may transfer to, and merge with, this ac-  
8 count up to 1 percent from each such account, and such  
9 transferred amounts shall be available until September 30,  
10 2012, for (1) research, evaluation, and program metrics;  
11 (2) program demonstrations; (3) technical assistance and  
12 capacity building; and (4) information technology: “Public  
13 Housing Capital Fund”, “Revitalization of Severely Dis-  
14 tressed Public Housing”, “Brownfields Redevelopment”,  
15 “Section 108 Loan Guarantees”, “Energy Innovation  
16 Fund”, “Housing Opportunities for Persons With AIDS”,  
17 “Community Development Fund”, “HOME Investment  
18 Partnerships Program”, “Self-Help and Assisted Home-  
19 ownership Opportunity Program”, “Housing for the El-  
20 derly”, “Housing for Persons With Disabilities”, “Hous-  
21 ing Counseling Assistance”, “Payment to Manufactured

1 Housing Fees Trust Fund”, “Mutual Mortgage Insurance  
2 Program Account”, “General and Special Risk Program  
3 Account”, “Research and Technology”, “Lead Hazard Re-  
4 duction”, “Rental Housing Assistance”, and “Fair Hous-  
5 ing Activities”: *Provided*, That of the amounts made avail-  
6 able under this paragraph, not less than \$80,000,000 shall  
7 be available for information technology modernization, in-  
8 cluding development and deployment of a Next Generation  
9 of Voucher Management System and development and de-  
10 ployment of modernized Federal Housing Administration  
11 systems: *Provided further*, That not more than 25 percent  
12 of the funds made available for information technology  
13 modernization may be obligated until the Secretary sub-  
14 mits to the Committees on Appropriations a plan for ex-  
15 penditure that (1) identifies for each modernization  
16 project (a) the functional and performance capabilities to  
17 be delivered and the mission benefits to be realized, (b)  
18 the estimated lifecycle cost, and (c) key milestones to be  
19 met; (2) demonstrates that each modernization project is  
20 (a) compliant with the department’s enterprise architec-  
21 ture, (b) being managed in accordance with applicable

AND NOT MORE THAN \$180,000,000

1 lifecycle management policies and guidance, (c) subject to  
2 the department's capital planning and investment control  
3 requirements, and (d) supported by an adequately staffed  
4 project office; and (3) has been reviewed by the Govern-  
5 ment Accountability Office: *Provided further*, That of the  
6 amounts made available under this paragraph, not less  
7 than \$45,000,000 shall be available for technical assist-  
8 ance and capacity building: *Provided further*, That tech-  
9 nical assistance activities shall include, technical assist-  
10 ance for HUD programs, including HOME, Community  
11 Development Block Grant, homeless programs, HOPWA<sup>( )</sup>,  
12 HOPE VI, Public Housing, the Housing Choice Voucher  
13 Program, Fair Housing Initiative Program, Housing  
14 Counseling, Healthy Homes, Sustainable Communities,  
15 Energy Innovation Fund and other technical assistance as  
16 determined by the Secretary: *Provided further*, That of the  
17 amounts made available for research, evaluation and pro-  
18 gram metrics and program demonstrations, the Secretary  
19 shall include an assessment of the housing needs of Native  
20 Americans, including sustainable building practices: *Pro-*  
21 *vided further*, That of the amounts made available for re-

1 search, evaluation and program metrics and program dem-  
2 onstrations, the Secretary shall include an evaluation of  
3 the Moving-to-Work demonstration program: *Provided*  
4 *further*, That the Secretary shall submit a plan to the  
5 House and Senate Committees on Appropriations for ap-  
6 proval detailing how the funding provided under this head-  
7 ing will be allocated to each of the four categories identi-  
8 fied under this heading and for what projects or activities  
9 funding will be used: *Provided further*, That following the  
10 initial approval of this plan, the Secretary may amend the  
11 plan with the approval of the House and Senate Commit-  
12 tees on Appropriations.

13 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND  
14 URBAN DEVELOPMENT

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

1 amounts of budget authority or cash recaptured and not  
2 rescission 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 rescission or remit-  
10 ted to the Treasury to provide project owners with incen-  
11 tives 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.

1 12903(c)(1)(A)), from any amounts made available under  
2 this title for fiscal year 2010 that are allocated under such  
3 section, the Secretary of Housing and Urban Development  
4 shall allocate and make a grant, in the amount determined  
5 under subsection (b), for any State that—

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

8 (2) is not otherwise eligible for an allocation for  
9 fiscal year 2010 under such clause (ii) because the  
10 areas in the State outside of the metropolitan statis-  
11 tical areas that qualify under clause (i) in fiscal year  
12 2010 do not have the number of cases of acquired  
13 immunodeficiency syndrome (AIDS) required under  
14 such clause.

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

1 (i) and (ii) of such section and States deemed eligible  
2 under subsection (a).

3 (c) Notwithstanding any other provision of law, the  
4 amount allocated for fiscal year 2010 under section 854(c)  
5 of the AIDS Housing Opportunity Act (42 U.S.C.  
6 12903(c)), to the City of New York, New York, on behalf  
7 of the New York-Wayne-White Plains, New York-New  
8 Jersey Metropolitan Division (hereafter “metropolitan di-  
9 vision”) of the New York-Newark-Edison, NY-NJ-PA  
10 Metropolitan Statistical Area, shall be adjusted by the  
11 Secretary of Housing and Urban Development by: (1) allo-  
12 cating to the City of Jersey City, New Jersey, the propor-  
13 tion of the metropolitan area’s or division’s amount that  
14 is based on the number of cases of AIDS reported in the  
15 portion of the metropolitan area or division that is located  
16 in Hudson County, New Jersey, and adjusting for the pro-  
17 portion of the metropolitan division’s high incidence bonus  
18 if this area in New Jersey also has a higher than average  
19 per capita incidence of AIDS; and (2) allocating to the  
20 City of Paterson, New Jersey, the proportion of the metro-  
21 politan area’s or division’s amount that is based on the

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

12 (d) Notwithstanding any other provision of law, the  
13 amount allocated for fiscal year 2010 under section 854(c)  
14 of the AIDS Housing Opportunity Act (42 U.S.C.  
15 12903(e)) to areas with a higher than average per capita  
16 incidence of AIDS, shall be adjusted by the Secretary on  
17 the basis of area incidence reported over a 3-year period.

18 SEC. 204. Except as explicitly provided in law, any  
19 grant, cooperative agreement or other assistance made  
20 pursuant to title II of this Act shall be made on a competi-  
21 tive basis and in accordance with section 102 of the De-

1 partment of Housing and Urban Development Reform Act  
2 of 1989 (42 U.S.C. 3545).

3       SEC. 205. Funds of the Department of Housing and  
4 Urban Development subject to the Government Corpora-  
5 tion Control Act or section 402 of the Housing Act of  
6 1950 shall be available, without regard to the limitations  
7 on administrative expenses, for legal services on a contract  
8 or fee basis, and for utilizing and making payment for  
9 services and facilities of the Federal National Mortgage  
10 Association, Government National Mortgage Association,  
11 Federal Home Loan Mortgage Corporation, Federal Fi-  
12 nancing Bank, Federal Reserve banks or any member  
13 thereof, Federal Home Loan banks, and any insured bank  
14 within the meaning of the Federal Deposit Insurance Cor-  
15 poration Act, as amended (12 U.S.C. 1811-1).

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

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

1           SEC. 208. The Secretary of Housing and Urban De-  
2 velopment shall provide quarterly reports to the House  
3 and Senate Committees on Appropriations regarding all  
4 uncommitted, unobligated, recaptured and excess funds in  
5 each program and activity within the jurisdiction of the  
6 Department and shall submit additional, updated budget  
7 information to these Committees upon request.

8           SEC. 209. (a) Notwithstanding any other provision  
9 of law, the amount allocated for fiscal year 2010 under  
10 section 854(c) of the AIDS Housing Opportunity Act (42  
11 U.S.C. 12903(c)), to the City of Wilmington, Delaware,  
12 on behalf of the Wilmington, Delaware-Maryland-New  
13 Jersey Metropolitan Division (hereafter “metropolitan di-  
14 vision”), shall be adjusted by the Secretary of Housing  
15 and Urban Development by allocating to the State of New  
16 Jersey the proportion of the metropolitan division’s  
17 amount that is based on the number of cases of AIDS  
18 reported in the portion of the metropolitan division that  
19 is located in New Jersey, and adjusting for the proportion  
20 of the metropolitan division’s high incidence bonus if this  
21 area in New Jersey also has a higher than average per

1 capita incidence of AIDS. The State of New Jersey shall  
2 use amounts allocated to the State under this subsection  
3 to carry out eligible activities under section 855 of the  
4 AIDS Housing Opportunity Act (42 U.S.C. 12904) in the  
5 portion of the metropolitan division that is located in New  
6 Jersey.

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

18 (c) Notwithstanding section 854(c) of the AIDS  
19 Housing Opportunity Act (42 U.S.C. 12903(c)), the Sec-  
20 retary of Housing and Urban Development may adjust the  
21 allocation of the amounts that otherwise would be allo-

1 cated for fiscal year 2010 under section 854(c) of such  
2 Act, upon the written request of an applicant, in conjunc-  
3 tion with the State(s), for a formula allocation on behalf  
4 of a metropolitan statistical area, to designate the State  
5 or States in which the metropolitan statistical area is lo-  
6 cated as the eligible grantee(s) of the allocation. In the  
7 case that a metropolitan statistical area involves more  
8 than one State, such amounts allocated to each State shall  
9 be in proportion to the number of cases of AIDS reported  
10 in the portion of the metropolitan statistical area located  
11 in that State. Any amounts allocated to a State under this  
12 section shall be used to carry out eligible activities within  
13 the portion of the metropolitan statistical area located in  
14 that State.

15       SEC. 210. The President's formal budget request for  
16 fiscal year 2011, as well as the Department of Housing  
17 and Urban Development's congressional budget justifica-  
18 tions to be submitted to the Committees on Appropriations  
19 of the House of Representatives and the Senate, shall use  
20 the identical account and sub-account structure provided  
21 under this Act.

1           SEC. 211. 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.

1       SEC. 212. (a) Notwithstanding any other provision  
2 of law, subject to the conditions listed in subsection (b),  
3 for fiscal years 2010 and 2011, the Secretary of Housing  
4 and Urban Development may authorize the transfer of  
5 some or all project-based assistance, debt and statutorily  
6 required low-income and very low-income use restrictions,  
7 associated with one or more multifamily housing project  
8 to another multifamily housing project or projects.

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

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

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

18           (3) The receiving project or projects shall meet  
19 or exceed applicable physical standards established  
20 by 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  
8 receiving project or projects shall not be required to  
9 vacate their units in the transferring project or  
10 projects until new units in the receiving project are  
11 available for occupancy.

12           (6) The Secretary determines that this transfer  
13 is 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,  
20 such project by the Secretary.

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

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

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

16          (c) For purposes of this section—

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

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

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

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

11           (C) housing that is assisted under section  
12 202 of the Housing Act of 1959 as amended by  
13 section 801 of the Cranston-Gonzales National  
14 Affordable Housing Act;

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

19 or

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

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

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

5           (B) assistance for housing constructed or  
6 substantially rehabilitated pursuant to assist-  
7 ance provided under section 8(b)(2) of such Act  
8 (as such section existed immediately before Oc-  
9 tober 1, 1983);

10           (C) rent supplement payments under sec-  
11 tion 101 of the Housing and Urban Develop-  
12 ment Act of 1965;

13           (D) interest reduction payments under sec-  
14 tion 236 and/or additional assistance payments  
15 under section 236(f)(2) of the National Hous-  
16 ing Act; and

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

19           (4) the term “receiving project or projects”  
20 means the multifamily housing project or projects to  
21 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. 213. The funds made available for Native Alas-  
12 kans under the heading “Native American Housing Block  
13 Grants” in title III 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. 214. 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.).

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  
6 the Higher Education Act of 1965 (20 U.S.C.  
7 1002));

8           (2) is under 24 years of age;

9           (3) is not a veteran;

10          (4) is unmarried;

11          (5) does not have a dependent child;

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

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

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

12           SEC. 216. Notwithstanding the limitation in the first  
13 sentence of section 255(g) of the National Housing Act  
14 (12 U.S.C. 1715z–g)), the Secretary of Housing and  
15 Urban Development may, until September 30, 2010, in-  
16 sure and enter into commitments to insure mortgages  
17 under section 255(g) of the National Housing Act (12  
18 U.S.C. 1715z–20).

19           SEC. 217. Notwithstanding any other provision of  
20 law, in fiscal year 2010, in managing and disposing of any  
21 multifamily property that is owned or has a mortgage held

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

1   fect prior to foreclosure, subject to the exercise of contrac-  
2   tual abatement remedies to assist relocation of tenants for  
3   imminent major threats to health and safety. After dis-  
4   position of any multifamily property described under this  
5   section, the contract and allowable rent levels on such  
6   properties shall be subject to the requirements under sec-  
7   tion 524 of MAHRAA.

8       SEC. 218. During fiscal year 2010, in the provision  
9   of rental assistance under section 8(o) of the United  
10  States Housing Act of 1937 (42 U.S.C. 1437f(o)) in con-  
11  nection with a program to demonstrate the economy and  
12  effectiveness of providing such assistance for use in as-  
13  sisted living facilities that is carried out in the counties  
14  of the State of Michigan notwithstanding paragraphs (3)  
15  and (18)(B)(iii) of such section 8(o), a family residing in  
16  an assisted living facility in any such county, on behalf  
17  of which a public housing agency provides assistance pur-  
18  suant to section 8(o)(18) of such Act, may be required,  
19  at the time the family initially receives such assistance,  
20  to pay rent in an amount exceeding 40 percent of the  
21  monthly adjusted income of the family by such a percent-

1 age or amount as the Secretary of Housing and Urban  
2 Development determines to be appropriate.

3 SEC. 219. The Secretary of Housing and Urban De-  
4 velopment shall report quarterly to the House of Rep-  
5 resentatives and Senate Committees on Appropriations on  
6 HUD's use of all sole source contracts, including terms  
7 of the contracts, cost, and a substantive rationale for  
8 using a sole source contract.

9 SEC. 220. Notwithstanding any other provision of  
10 law, the recipient of a grant under section 202b of the  
11 Housing Act of 1959 (12 U.S.C. 1701q) after December  
12 26, 2000, in accordance with the unnumbered paragraph  
13 at the end of section 202(b) of such Act, may, at its op-  
14 tion, establish a single-asset nonprofit entity to own the  
15 project and may lend the grant funds to such entity, which  
16 may be a private nonprofit organization described in sec-  
17 tion 831 of the American Homeownership and Economic  
18 Opportunity Act of 2000.

19 SEC. 221. (a) The amounts provided under the sub-  
20 heading "Program Account" under the heading "Commu-  
21 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. 222. 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

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

4           SEC. 223. Public housing agencies that own and oper-  
5           ate 400 or fewer public housing units may elect to be ex-  
6           empt from any asset management requirement imposed by  
7           the Secretary of Housing and Urban Development in con-  
8           nection with the operating fund rule: *Provided*, That an  
9           agency seeking a discontinuance of a reduction of subsidy  
10          under the operating fund formula shall not be exempt  
11          from asset management requirements.

12          SEC. 224. With respect to the use of amounts pro-  
13          vided in this Act and in future Acts for the operation, cap-  
14          ital improvement and management of public housing as  
15          authorized by sections 9(d) and 9(e) of the United States  
16          Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the  
17          Secretary shall not impose any requirement or guideline  
18          relating to asset management that restricts or limits in  
19          any way the use of capital funds for central office costs  
20          pursuant to section 9(g)(1) or 9(g)(2) of the United States  
21          Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Pro-*

1 *vided*, That a public housing agency may not use capital  
2 funds authorized under section 9(d) for activities that are  
3 eligible under section 9(e) for assistance with amounts  
4 from the operating fund in excess of the amounts per-  
5 mitted under section 9(g)(1) or 9(g)(2).

6       SEC. 225. No official or employee of the Department  
7 of Housing and Urban Development shall be designated  
8 as an allotment holder unless the Office of the Chief Fi-  
9 nancial Officer has determined that such allotment holder  
10 has implemented an adequate system of funds control and  
11 has received training in funds control procedures and di-  
12 rectives. The Chief Financial Officer shall ensure that, not  
13 later than 90 days after the date of enactment of this Act,  
14 a trained allotment holder shall be designated for each  
15 HUD subaccount under the headings “Executive Direc-  
16 tion” and heading “Administration, Operations, and Man-  
17 agement” as well as each account receiving appropriations  
18 for “personnel compensation and benefits” within the De-  
19 partment of Housing and Urban Development.

20       SEC. 226. The Secretary of Housing and Urban De-  
21 velopment shall report quarterly to the House of Rep-

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

19       SEC. 227. Payment of attorney fees in program-re-  
20 lated litigation must be paid from individual program of-  
21 fice personnel benefits and compensation funding. The an-

1 nual budget submission for program office personnel ben-  
2 efit and compensation funding must include program-re-  
3 lated litigation costs for attorney fees as a separate line  
4 item request.

5 SEC. 228. The Secretary of the Department of Hous-  
6 ing and Urban Development shall for Fiscal Year 2010  
7 and subsequent fiscal years, notify the public through the  
8 Federal Register and other means, as determined appro-  
9 priate, of the issuance of a notice of the availability of  
10 assistance or notice of funding availability (NOFA) for  
11 any program or discretionary fund administered by the  
12 Secretary that is to be competitively awarded. Notwith-  
13 standing any other provision of law, for Fiscal Year 2010  
14 and subsequent fiscal years, the Secretary may make the  
15 NOFA available only on the Internet at the appropriate  
16 government website or websites or through other electronic  
17 media, as determined by the Secretary.

18 ~~PREPAYMENT AND REFINANCING~~

19 SEC. 229. (a) APPROVAL OF PREPAYMENT OF  
20 DEBT.—Upon request of the project sponsor of a project  
21 assisted with a loan under section 202 of the Housing Act

1 of 1959 (as in effect before the enactment of the Cran-  
2 ston-Gonzalez National Affordable Housing Act), for  
3 which the Secretary's consent to prepayment is required,  
4 the Secretary shall approve the prepayment of any indebt-  
5 edness to the Secretary relating to any remaining principal  
6 and interest under the loan as part of a prepayment plan  
7 under which—

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

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

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

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

10                           (i) the project owner shall address the  
11 physical needs of the project;

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

19                           (iii) the overall cost for providing  
20 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



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

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

13          SEC. 230. No property identified by the Secretary of  
14          Housing and Urban Development as surplus Federal prop-  
15          erty for use to assist the homeless shall be made available  
16          to any homeless group unless the group is a member in  
17          good standing under any of HUD's homeless assistance  
18          programs or is in good standing with any other program  
19          which receives funds from any other Federal or State  
20          agency or entity: *Provided*, That an exception may be  
21          made for an entity not involved with Federal homeless pro-

1 grams to use surplus Federal property for the homeless  
2 only after the Secretary or another responsible Federal  
3 agency has fully and comprehensively reviewed all relevant  
4 finances of the entity, the track record of the entity in  
5 assisting the homeless, the ability of the entity to manage  
6 the property, including all costs, the ability of the entity  
7 to administer homeless programs in a manner that is ef-  
8 fective to meet the needs of the homeless population that  
9 is expected to use the property and any other related  
10 issues that demonstrate a commitment to assist the home-  
11 less: *Provided further*, That the Secretary shall not require  
12 the entity to have cash in hand in order to demonstrate  
13 financial ability but may rely on the entity's prior dem-  
14 onstrated fundraising ability or commitments for in-kind  
15 donations of goods and services: *Provided further*, That  
16 the Secretary shall make all such information and its deci-  
17 sion regarding the award of the surplus property available  
18 to the committees of jurisdiction, including a full justifica-  
19 tion of the appropriateness of the use of the property to  
20 assist the homeless as well as the appropriateness of the  
21 group seeking to obtain the property to use such property

1 to assist the homeless: *Provided further*, That, this section  
2 shall apply to properties in fiscal years 2009 and 2010  
3 made available as surplus Federal property for use to as-  
4 sist the homeless.

5       SEC. 231. The Secretary of the Department of Hous-  
6 ing and Urban Development is authorized to transfer up  
7 to 5 percent of funds appropriated for any account under  
8 this title under the heading “Personnel Compensation and  
9 Benefits” to any other account under this title under the  
10 heading “Personnel Compensation and Benefits” only  
11 after such transfer has been submitted to, and received  
12 prior written approval by, the House and Senate Commit-  
13 tees on Appropriations: *Provided*, That, no appropriation  
14 for any such account shall be increased or decreased by  
15 more than 10 percent by all such transfers.

16       SEC. 232. The Secretary of Housing and Urban De-  
17 velopment may increase, pursuant to this section, the  
18 number of Moving-to-Work agencies authorized under sec-  
19 tion 204, title II, of the Departments of Veterans Affairs  
20 and Housing and Urban Development and Independent  
21 Agencies Appropriations Act, 1996 (Public Law 104–134;

1 110 Stat. 1321) by adding to the program three Public  
2 Housing Agencies that meet the following requirements:  
3 is a High Performing Agency under the Public Housing  
4 Assessment System (PHAS). No PHA shall be granted  
5 this designation through this section that administers in  
6 excess of 5,000 aggregate housing vouchers and public  
7 housing units. No PHA granted this designation through  
8 this section shall receive more funding under sections 8  
9 or 9 of the United States Housing Act of 1937 than they  
10 otherwise would have received absent this designation. In  
11 addition to other reporting requirements, all Moving-to-  
12 Work agencies shall report financial data to the Depart-  
13 ment of Housing and Urban Development as specified by  
14 the Secretary, so that the effect of Moving-to-Work policy  
15 changes can be measured.

16 SEC. 233. Notwithstanding any other provision of  
17 law, in determining the market value of any multifamily  
18 real property or multifamily loan for any noncompetitive  
19 sale to a State or local government, the Secretary shall  
20 in fiscal year 2010 consider, but not be limited to, industry  
21 standard appraisal practices, including the cost of repairs

1 needed to bring the property into such condition as to sat-  
2 isfy minimum State and local code standards and the cost  
3 of maintaining the affordability restrictions imposed by  
4 the Secretary on the multifamily real property or multi-  
5 family loan.

6 SEC. 234. The Disaster Housing Assistance Pro-  
7 grams, administered by the Department of Housing and  
8 Urban Development, shall be considered a “program of  
9 the Department of Housing and Urban Development”  
10 under section 904 of the McKinney Act for the purpose  
11 of income verifications and matching.

12 ~~REPORT ON COST OF GOVERNMENT-OWNED RESIDENTIAL~~  
13 HOMES

14 SEC. 235. (a) IN GENERAL.—The Secretary of Hous-  
15 ing and Urban Development shall prepare a report, and  
16 post such report on the public website of the Department  
17 of Housing and Urban Development (in this section re-  
18 ferred to as the “Department”), regarding the number of  
19 homes owned by the Department and the budget impact  
20 of acquiring, maintaining, and selling such homes.

1 (b) CONTENT.—The report required by this section  
2 shall include—

3 (1) the number of residential homes that the  
4 Department owned during the years 2004 ~~and~~ 2009; <sup>(through</sup>

5 (2) an itemized breakdown of the total annual  
6 financial impact, including losses and gains from  
7 selling homes and maintenance and acquisition of  
8 homes, of home ownership by the Department since  
9 2004;

10 (3) a detailed explanation of the reasons for the  
11 ownership by the Department of the homes;

12 (4) a list of the 10 urban areas in which the  
13 Department owns the most homes and the rate of  
14 homelessness in each of those areas; and

15 (5) a list of the 10 States in which the Depart-  
16 ment owns the most homes and the rate of home-  
17 lessness in each of those States.

18 ~~SEC. 236. The first numbered paragraph under the~~  
19 ~~heading “Tenant-Based Rental Assistance” in the Depart-~~  
20 ~~ment of Housing and Urban Development Appropriations~~  
21 ~~Act, 2009 (Public Law 111–8) is amended by adding the~~

1 following before the period at the end: “: *Provided further,*  
2 That up to \$200,000,000 from the \$4,000,000,000 which  
3 are available on October 1, 2009 may be available until  
4 December 15, 2009 to adjust allocations for public hous-  
5 ing agencies to prevent termination of assistance to fami-  
6 lies”.

236

7 SEC. ~~237~~. The matter under the heading “Commu-  
8 nity Development Fund”, under the heading “Community  
9 Planning and Development”, under the heading “Depart-  
10 ment of Housing and Urban Development” in chapter 10  
11 of title I of division B of the Consolidated Security, Dis-  
12 aster Assistance, and Continuing Appropriations Act,  
13 2009 (Public Law 110–329; 122 Stat. 3601) is amended  
14 by striking “: *Provided further,* That none of the funds  
15 provided under this heading may be used by a State or  
16 locality as a matching requirement, share, or contribution  
17 for any other Federal program”.

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

210

1 TITLE III  
2 RELATED AGENCIES

3 ACCESS BOARD

4 For expenses necessary for the Access Board, as au-  
5 thorized by section 502 of the Rehabilitation Act of 1973,  
6 as amended, \$7,300,000: *Provided*, That, notwithstanding  
7 any other provision of law, there may be credited to this  
8 appropriation funds received for publications and training  
9 expenses.

10 FEDERAL MARITIME COMMISSION

11 SALARIES AND EXPENSES

12 For necessary expenses of the Federal Maritime  
13 Commission as authorized by section 201(d) of the Mer-  
14 chant Marine Act, 1936, as amended (46 U.S.C. App.  
15 1111), including services as authorized by 5 U.S.C. 3109;  
16 hire of passenger motor vehicles as authorized by 31  
17 U.S.C. 1343(b); and uniforms or allowances therefore, as  
18 authorized by 5 U.S.C. 5901–5902, \$24,135,000: *Pro-*  
19 *vided*, That not to exceed \$2,000 shall be available for offi-  
20 cial reception and representation expenses.

SC  
SALARIES AND EXPENSES

1 NATIONAL RAILROAD PASSENGER CORPORATION

2 OFFICE OF INSPECTOR GENERAL

3 SALARIES AND EXPENSES

4 For necessary expenses of the Office of Inspector  
5 General for the National Railroad Passenger Corporation  
6 to carry out the provisions of the Inspector General Act  
7 of 1978, as amended, \$19,000,000: *Provided*, That the In-  
8 spector General shall have all necessary authority, in car-  
9 rying out the duties specified in the Inspector General Act,  
10 as amended (5 U.S.C. App. 3), to investigate allegations  
11 of fraud, including false statements to the government (18  
12 U.S.C. 1001), by any person or entity that is subject to  
13 regulation by the National Railroad Passenger Corpora-  
14 tion: *Provided further*, That the Inspector General may  
15 enter into contracts and other arrangements for audits,  
16 studies, analyses, and other services with public agencies  
17 and with private persons, subject to the applicable laws  
18 and regulations that govern the obtaining of such services  
19 within the National Railroad Passenger Corporation: *Pro-*  
20 *vided further*, That the Inspector General may select, ap-  
21 point, and employ such officers and employees as may be

1 necessary for carrying out the functions, powers, and du-  
2 ties of the Office of Inspector General, subject to the appli-  
3 cable laws and regulations that govern such selections, ap-  
4 pointments, and employment within Amtrak: *Provided fur-*  
5 *ther*, That concurrent with the President's budget request  
6 for fiscal year 2011, the Inspector General shall submit  
7 to the House and Senate Committees on Appropriations  
8 a budget request for fiscal year 2011 in similar format  
9 and substance to those submitted by executive agencies  
10 of the Federal Government.

11 NATIONAL TRANSPORTATION SAFETY BOARD

12 SALARIES AND EXPENSES

13 For necessary expenses of the National Transpor-  
14 tation Safety Board, including hire of passenger motor ve-  
15 hicles and aircraft; services as authorized by 5 U.S.C.  
16 3109, but at rates for individuals not to exceed the per  
17 diem rate equivalent to the rate for a GS-15; uniforms,  
18 or allowances therefor, as authorized by law (5 U.S.C.  
19 5901-5902) \$98,050,000, of which not to exceed \$2,000  
20 may be used for official reception and representation ex-  
21 penses: *Provided*, That of the funds provided under this

1 heading, \$2,416,000 shall remain available through Sep-  
2 tember 30, 2011: *Provided further*, That of the funds pro-  
3 vided, up to \$100,000 shall be provided through reim-  
4 bursement to the Department of Transportation's Office  
5 of Inspector General to audit the National Transportation  
6 Safety Board's financial statements. The amounts made  
7 available to the National Transportation Safety Board in  
8 this Act include amounts necessary to make lease pay-  
9 ments on an obligation incurred in fiscal year 2001 for  
10 a capital lease.

11 NEIGHBORHOOD REINVESTMENT CORPORATION  
12 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT  
13 CORPORATION

14 For payment to the Neighborhood Reinvestment Cor-  
15 poration for use in neighborhood reinvestment activities,  
16 as authorized by the Neighborhood Reinvestment Corpora-  
17 tion Act (42 U.S.C. 8101–8107), \$133,000,000, of which  
18 \$5,000,000 shall be for a multi-family rental housing pro-  
19 gram: *Provided*, That section 605(a) of the Neighborhood  
20 Reinvestment Corporation Act (42 U.S.C. 8104) is  
21 amended by adding at the end of the first sentence, prior

1 to the period, “, except that the board-appointed officers  
2 may be paid salary at a rate not to exceed level II of the  
3 Executive Schedule”: *Provided further*, That in addition,  
4 \$35,000,000 shall be made available until expended for  
5 capital grants to rehabilitate or finance the rehabilitation  
6 of affordable housing units, including necessary adminis-  
7 trative expenses: *Provided further*, That in addition,  
8 \$65,000,000 shall be made available until expended to the  
9 Neighborhood Reinvestment Corporation for mortgage  
10 foreclosure mitigation activities, under the following terms  
11 and conditions:

12           (1) The Neighborhood Reinvestment Corpora-  
13 tion (“NRC”), shall make grants to counseling inter-  
14 mediaries approved by the Department of Housing  
15 and Urban Development (HUD) (with match to be  
16 determined by the NRC based on affordability and  
17 the economic conditions of an area; a match also  
18 may be waived by the NRC based on the aforemen-  
19 tioned conditions) to provide mortgage foreclosure  
20 mitigation assistance primarily to States and areas  
21 with high rates of defaults and foreclosures to help

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

18 (2) Mortgage foreclosure mitigation assistance  
19 shall only be made available to homeowners of  
20 owner-occupied homes with mortgages in default or  
21 in danger of default. These mortgages shall likely be

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

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

1 turing and refinancing strategies or the approval of  
2 a work-out strategy by all interested parties.

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

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

1 use other criteria to demonstrate capacity in under-  
2 served areas.

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

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

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

19 (9) The NRC shall continue to report bi-annu-  
20 ally to the House and Senate Committees on Appro-  
21 priations as well as the Senate Banking Committee

1       and House Financial Services Committee on its ef-  
2       forts to mitigate mortgage default.

3       UNITED STATES INTERAGENCY COUNCIL ON  
4                                   HOMELESSNESS  
5                                   OPERATING EXPENSES

6       For necessary expenses (including payment of sala-  
7       ries, authorized travel, hire of passenger motor vehicles,  
8       the rental of conference rooms, and the employment of ex-  
9       perts and consultants under section 3109 of title 5, United  
10      States Code) of the United States Interagency Council on  
11      Homelessness in carrying out the functions pursuant to  
12      title II of the McKinney-Vento Homeless Assistance Act,  
13      as amended, \$2,450,000.

1 TITLE IV

2 GENERAL PROVISIONS—THIS ACT

3 SEC. 401. Such sums as may be necessary for fiscal  
4 year 2010 pay raises for programs funded in this Act shall  
5 be absorbed within the levels appropriated in this Act or  
6 previous appropriations Acts.

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

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

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

1 under existing law, or under existing Executive order  
2 issued pursuant to existing law.

3       SEC. 405. Except as otherwise provided in this Act,  
4 none of the funds provided in this Act, provided by pre-  
5 vious appropriations Acts to the agencies or entities fund-  
6 ed in this Act that remain available for obligation or ex-  
7 penditure in fiscal year 2010, or provided from any ac-  
8 counts in the Treasury derived by the collection of fees  
9 and available to the agencies funded by this Act, shall be  
10 available for obligation or expenditure through a re-  
11 programming of funds that: (1) creates a new program;  
12 (2) eliminates a program, project, or activity; (3) increases  
13 funds or personnel for any program, project, or activity  
14 for which funds have been denied or restricted by the Con-  
15 gress; (4) proposes to use funds directed for a specific ac-  
16 tivity by either the House or Senate Committees on Ap-  
17 propriations for a different purpose; (5) augments existing  
18 programs, projects, or activities in excess of \$5,000,000  
19 or 10 percent, whichever is less; (6) reduces existing pro-  
20 grams, projects, or activities by \$5,000,000 or 10 percent,  
21 whichever is less; or (7) creates, reorganizes, or restruc-

1 tures a branch, division, office, bureau, board, commis-  
2 sion, agency, administration, or department different from  
3 the budget justifications submitted to the Committees on  
4 Appropriations or the table accompanying the explanatory  
5 statement accompanying this Act, whichever is more de-  
6 tailed, unless prior approval is received from the House  
7 and Senate Committees on Appropriations: *Provided*, That  
8 not later than 60 days after the date of enactment of this  
9 Act, each agency funded by this Act shall submit a report  
10 to the Committees on Appropriations of the Senate and  
11 of the House of Representatives to establish the baseline  
12 for application of reprogramming and transfer authorities  
13 for the current fiscal year: *Provided further*, That the re-  
14 port shall include: (1) a table for each appropriation with  
15 a separate column to display the President's budget re-  
16 quest, adjustments made by Congress, adjustments due to  
17 enacted rescissions, if appropriate, and the fiscal year en-  
18 acted level; (2) a delineation in the table for each appro-  
19 priation both by object class and program, project, and  
20 activity as detailed in the budget appendix for the respec-  
21 tive appropriation; and (3) an identification of items of

1 special congressional interest: *Provided further*, That the  
2 amount appropriated or limited for salaries and expenses  
3 for an agency shall be reduced by \$100,000 per day for  
4 each day after the required date that the report has not  
5 been submitted to the Congress.

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

18 SEC. 407. All Federal agencies and departments that  
19 are funded under this Act shall issue a report to the House  
20 and Senate Committees on Appropriations on all sole  
21 source contracts by no later than July 30, 2010. Such re-

1 port shall include the contractor, the amount of the con-  
2 tract and the rationale for using a sole source contract.

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

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

9 (2) contains elements likely to induce high lev-  
10 els of emotional response or psychological stress in  
11 some participants;

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

15 (4) contains any methods or content associated  
16 with religious or quasi-religious belief systems or  
17 “new age” belief systems as defined in Equal Em-  
18 ployment Opportunity Commission Notice N-  
19 915.022, 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

1 projects for the removal of an immediate threat to public  
2 health and safety or brownsfield as defined in the Small  
3 Business Liability Relief and Brownsfield Revitalization  
4 Act (Public Law 107–118) shall be considered a public  
5 use for purposes of eminent domain.

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

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

1 form the duties of his former position and has not been  
2 restored thereto.

3 SEC. 412. No funds appropriated pursuant to this  
4 Act may be expended in contravention of sections 2  
5 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–  
6 10c, popularly known as the “Buy American Act”).

7 SEC. 413. No funds appropriated or otherwise made  
8 available under this Act shall be made available to any  
9 person or entity that has been found to violate the Buy  
10 American Act (41 U.S.C. 10a–10c).

11 SEC. 414. None of the funds made available in this  
12 Act may be used for first-class airline accommodations in  
13 contravention of sections 301–10.122 and 301–10.123 of  
14 title 41, Code of Federal Regulations.

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

20 SEC. 416. (a) Any agency receiving funds made avail-  
21 able in this Act, shall, subject to subsections (b) and (c),

1 post on the public website of that agency any report re-  
2 quired to be submitted by the Congress in this or any  
3 other Act, upon the determination by the head of the agen-  
4 cy that it shall serve the national interest.

5 (b) Subsection (a) shall not apply to a report if—

6 (1) the public posting of the report com-  
7 promises national security; or

8 (2) the report contains proprietary information.

9 (c) The head of the agency posting such report shall  
10 do so only after such report has been made available to  
11 the requesting Committee or Committees of Congress for  
12 no less than 45 days.

13 SEC. 417. None of the funds made available in this  
14 Act may be used to establish, issue, implement, admin-  
15 ister, or enforce any prohibition or restriction on the es-  
16 tablishment or effectiveness of any occupancy preference  
17 for veterans in supportive housing for the elderly that: (1)  
18 is provided assistance by the Department of Housing and  
19 Urban Development; and (2)(A) is or would be located on  
20 property of the Department of Veterans Affairs; or (B)

1 is subject to an enhanced use lease with the Department  
2 of Veterans Affairs.

INSERT  
229A

3 ~~SEC. 418. None of the funds made available under~~  
4 ~~this Act may be distributed to the Association of Commu-~~  
5 ~~nity Organizations for Reform Now (ACORN) or its sub-~~  
6 ~~sidaries.~~

7 SEC. 419. Specific projects contained in the report  
8 of the Committee on Appropriations of the House of Rep-  
9 resentatives accompanying this Act (H. Rept. 111-218)  
10 that are considered congressional earmarks for purposes  
11 of clause 9 of rule XXI of the Rules of the House of Rep-  
12 resentatives, when intended to be awarded to a for-profit  
13 entity, shall be awarded under a full and open competition.  
14

229A

Sec. 418. None of the funds made available under this Act or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

DEVISION

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

4        And the Senate agree to the same.