

In the Senate of the United States,

September 17, 2009.

Resolved, That the bill from the House of Representatives (H.R. 3288) entitled “An Act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

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

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TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$100,975,000, 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 \$10,107,000 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 \$2,400,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$26,265,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,123,000 shall be available for the Office of Public Affairs; not to exceed \$1,711,000 shall be available for the Office of the Executive Secretariat; not to exceed \$1,499,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$9,072,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed \$13,263,000 shall be available for the Office of the Chief

1 *Information Officer: Provided, That the Secretary of Trans-*
2 *portation is authorized to transfer funds appropriated for*
3 *any office of the Office of the Secretary to any other office*
4 *of the Office of the Secretary: Provided further, That no ap-*
5 *propriation for any office shall be increased or decreased*
6 *by more than 5 percent by all such transfers: Provided fur-*
7 *ther, That notice of any change in funding greater than*
8 *5 percent shall be submitted for approval to the House and*
9 *Senate Committees on Appropriations: Provided further,*
10 *That not to exceed \$60,000 shall be for allocation within*
11 *the Department for official reception and representation ex-*
12 *penses as the Secretary may determine: Provided further,*
13 *That notwithstanding any other provision of law, excluding*
14 *fees authorized in Public Law 107–71, there may be cred-*
15 *ited to this appropriation up to \$2,500,000 in funds re-*
16 *ceived in user fees: Provided further, That none of the funds*
17 *provided in this Act shall be available for the position of*
18 *Assistant Secretary for Public Affairs.*

19 *NATIONAL INFRASTRUCTURE INVESTMENTS*

20 *For capital investments in surface transportation in-*
21 *frastructure, \$1,100,000,000, to remain available through*
22 *September 30, 2012: Provided, That the Secretary of Trans-*
23 *portation shall distribute funds provided under this heading*
24 *as discretionary grants to be awarded to a State, local gov-*
25 *ernment, transit agency, or a collaboration among such en-*

1 *tities on a competitive basis for projects that will have a*
2 *significant impact on the Nation, a metropolitan area, or*
3 *a region: Provided further, That projects eligible for funding*
4 *provided under this heading shall include, but not be lim-*
5 *ited to, highway or bridge projects eligible under title 23,*
6 *United States Code; public transportation projects eligible*
7 *under chapter 53 of title 49, United States Code; passenger*
8 *and freight rail transportation projects; and port infra-*
9 *structure investments: Provided further, That in distrib-*
10 *uting funds provided under this heading, the Secretary*
11 *shall take such measures so as to ensure an equitable geo-*
12 *graphic distribution of funds, an appropriate balance in*
13 *addressing the needs of urban and rural communities, and*
14 *the investment in a variety of transportation modes: Pro-*
15 *vided further, That a grant funded under this heading shall*
16 *be not less than \$10,000,000 and not greater than*
17 *\$300,000,000: Provided further, That not more than 25 per-*
18 *cent of the funds made available under this heading may*
19 *be awarded to projects in a single State: Provided further,*
20 *That the Federal share of the costs for which an expenditure*
21 *is made under this heading shall be, at the option of the*
22 *recipient, up to 80 percent: Provided further, That the Sec-*
23 *retary shall give priority to projects that require a contribu-*
24 *tion of Federal funds in order to complete an overall financ-*
25 *ing package: Provided further, That not less than*

1 \$250,000,000 of the funds provided under this heading shall
2 be for projects located in rural communities: Provided fur-
3 ther, That for projects located in rural communities, the
4 minimum grant size shall be \$1,000,000 and the Secretary
5 may increase the Federal share of costs above 80 percent:
6 Provided further, That projects conducted using funds pro-
7 vided under this heading must comply with the require-
8 ments of subchapter IV of chapter 31 of title 40, United
9 States Code: Provided further, That the Secretary shall pub-
10 lish criteria on which to base the competition for any grants
11 awarded under this heading no sooner than 60 days after
12 enactment of this Act, require applications for funding pro-
13 vided under this heading to be submitted so sooner than
14 120 days after the publication of such criteria, and an-
15 nounce all projects selected to be funded from funds provided
16 under this heading no sooner than September 15, 2010: Pro-
17 vided further, That the Secretary may retain up to
18 \$25,000,000 of the funds provided under this heading, and
19 may transfer portions of those funds to the Administrators
20 of the Federal Highway Administration, the Federal Tran-
21 sit Administration, the Federal Railroad Administration
22 and the Federal Maritime Administration, to fund the
23 award and oversight of grants made under this heading.

1 *FINANCIAL MANAGEMENT CAPITAL*

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

6 *OFFICE OF CIVIL RIGHTS*

7 *For necessary expenses of the Office of Civil Rights,*
8 *\$9,667,000.*

9 *TRANSPORTATION PLANNING, RESEARCH, AND*
10 *DEVELOPMENT*

11 *For necessary expenses for conducting transportation*
12 *planning, research, systems development, development ac-*
13 *tivities, and making grants, to remain available until ex-*
14 *pended, \$8,233,000.*

15 *WORKING CAPITAL FUND*

16 *Necessary expenses for operating costs and capital out-*
17 *lays of the Working Capital Fund, not to exceed*
18 *\$147,500,000, shall be paid from appropriations made*
19 *available to the Department of Transportation: Provided,*
20 *That such services shall be provided on a competitive basis*
21 *to entities within the Department of Transportation: Pro-*
22 *vided further, That the above limitation on operating ex-*
23 *penses shall not apply to non-DOT entities: Provided fur-*
24 *ther, That no funds appropriated in this Act to an agency*
25 *of the Department shall be transferred to the Working Cap-*

1 *ital Fund without the approval of the agency modal admin-*
2 *istrator: Provided further, That no assessments may be lev-*
3 *ied against any program, budget activity, subactivity or*
4 *project funded by this Act unless notice of such assessments*
5 *and the basis therefor are presented to the House and Senate*
6 *Committees on Appropriations and are approved by such*
7 *Committees.*

8 *MINORITY BUSINESS RESOURCE CENTER PROGRAM*

9 *For the cost of guaranteed loans, \$353,000, as author-*
10 *ized by 49 U.S.C. 332: Provided, That such costs, including*
11 *the cost of modifying such loans, shall be as defined in sec-*
12 *tion 502 of the Congressional Budget Act of 1974: Provided*
13 *further, That these funds are available to subsidize total*
14 *loan principal, any part of which is to be guaranteed, not*
15 *to exceed \$18,367,000. In addition, for administrative ex-*
16 *penses to carry out the guaranteed loan program, \$570,000.*

17 *MINORITY BUSINESS OUTREACH*

18 *For necessary expenses of Minority Business Resource*
19 *Center outreach activities, \$3,074,000, to remain available*
20 *until September 30, 2011: Provided, That notwithstanding*
21 *49 U.S.C. 332, these funds may be used for business oppor-*
22 *tunities related to any mode of transportation.*

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, \$125,000,000, to be derived*
7 *from the Airport and Airway Trust Fund, to remain avail-*
8 *able until expended: Provided, That, in determining be-*
9 *tween or among carriers competing to provide service to a*
10 *community, the Secretary may consider the relative subsidy*
11 *requirements of the carriers: Provided further, That, if the*
12 *funds under this heading are insufficient to meet the costs*
13 *of the essential air service program in the current fiscal*
14 *year, the Secretary shall transfer such sums as may be nec-*
15 *essary to carry out the essential air service program from*
16 *any available amounts appropriated to or directly adminis-*
17 *tered by the Office of the Secretary for such fiscal year.*

18 *ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY*
19 *OF TRANSPORTATION*

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

24 *SEC. 102. None of the funds made available in this*
25 *Act to the Department of Transportation may be obligated*

1 *for the Office of the Secretary of Transportation to approve*
2 *assessments or reimbursable agreements pertaining to funds*
3 *appropriated to the modal administrations in this Act, ex-*
4 *cept for activities underway on the date of enactment of*
5 *this Act, unless such assessments or agreements have com-*
6 *pleted the normal reprogramming process for Congressional*
7 *notification.*

8 *SEC. 103. None of the funds made available under this*
9 *Act may be obligated or expended to establish or implement*
10 *a program under which essential air service communities*
11 *are required to assume subsidy costs commonly referred to*
12 *as the EAS local participation program.*

13 *SEC. 104. The Secretary or his or her designee may*
14 *engage in activities with States and State legislators to con-*
15 *sider proposals related to the reduction of motorcycle fatali-*
16 *ties.*

17 *SEC. 105 Such amounts as are required from amounts*
18 *provided in this Act to the Office of the Secretary of Trans-*
19 *portation for the Transportation Planning, Research and*
20 *Development program may be used for the development, co-*
21 *ordination, and analysis of data collection procedures and*
22 *national performance measures.*

1 *FEDERAL AVIATION ADMINISTRATION*
2 *OPERATIONS*
3 *(AIRPORT AND AIRWAY TRUST FUND)*
4 *(INCLUDING TRANSFER OF FUNDS)*
5 *For necessary expenses of the Federal Aviation Admin-*
6 *istration, not otherwise provided for, including operations*
7 *and research activities related to commercial space trans-*
8 *portation, administrative expenses for research and develop-*
9 *ment, establishment of air navigation facilities, the oper-*
10 *ation (including leasing) and maintenance of aircraft, sub-*
11 *sidizing the cost of aeronautical charts and maps sold to*
12 *the public, lease or purchase of passenger motor vehicles for*
13 *replacement only, in addition to amounts made available*
14 *by Public Law 108–176, \$9,359,131,000, of which*
15 *\$5,277,648,000 shall be derived from the Airport and Air-*
16 *way Trust Fund, of which not to exceed \$7,305,902,000*
17 *shall be available for air traffic organization activities; not*
18 *to exceed \$1,236,565,000 shall be available for aviation safe-*
19 *ty activities; not to exceed \$14,737,000 shall be available*
20 *for commercial space transportation activities; not to exceed*
21 *\$113,681,000 shall be available for financial services activi-*
22 *ties; not to exceed \$100,428,000 shall be available for human*
23 *resources program activities; not to exceed \$341,977,000*
24 *shall be available for region and center operations and re-*
25 *gional coordination activities; not to exceed \$196,063,000*

1 shall be available for staff offices; and not to exceed
2 \$49,778,000 shall be available for information services: Pro-
3 vided, That the Secretary utilize not less than \$18,500,000
4 of the funds provided for aviation safety activities to pay
5 for staff increases in the Office of Aviation Flight Standards
6 and the Office of Aircraft Certification: Provided further,
7 That none of the funds provided for increases to the staffs
8 of the aviation flight standards and aircraft certification
9 offices shall be used for other purposes: Provided further,
10 That not to exceed 2 percent of any budget activity, except
11 for aviation safety budget activity, may be transferred to
12 any budget activity under this heading: Provided further,
13 That no transfer may increase or decrease any appropria-
14 tion by more than 2 percent: Provided further, That any
15 transfer in excess of 2 percent shall be treated as a re-
16 programming of funds under section 405 of this Act and
17 shall not be available for obligation or expenditure except
18 in compliance with the procedures set forth in that section:
19 Provided further, That not later than March 31 of each fis-
20 cal year hereafter, the Administrator of the Federal Avia-
21 tion Administration shall transmit to Congress an annual
22 update to the report submitted to Congress in December
23 2004 pursuant to section 221 of Public Law 108–176: Pro-
24 vided further, That the amount herein appropriated shall
25 be reduced by \$100,000 for each day after March 31 that

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

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

22 *FACILITIES AND EQUIPMENT*

23 *(AIRPORT AND AIRWAY TRUST FUND)*

24 *For necessary expenses, not otherwise provided for, for*
25 *acquisition, establishment, technical support services, im-*

1 *provement by contract or purchase, and hire of national*
2 *airspace systems and experimental facilities and equip-*
3 *ment, as authorized under part A of subtitle VII of title*
4 *49, United States Code, including initial acquisition of nec-*
5 *essary sites by lease or grant; engineering and service test-*
6 *ing, including construction of test facilities and acquisition*
7 *of necessary sites by lease or grant; construction and fur-*
8 *nishing of quarters and related accommodations for officers*
9 *and employees of the Federal Aviation Administration sta-*
10 *tioned at remote localities where such accommodations are*
11 *not available; and the purchase, lease, or transfer of aircraft*
12 *from funds available under this heading, including aircraft*
13 *for aviation regulation and certification; to be derived from*
14 *the Airport and Airway Trust Fund, \$2,942,352,000, of*
15 *which \$2,472,352,000 shall remain available until Sep-*
16 *tember 30, 2012, and of which \$470,000,000 shall remain*
17 *available until September 30, 2010: Provided, That there*
18 *may be credited to this appropriation funds received from*
19 *States, counties, municipalities, other public authorities,*
20 *and private sources, for expenses incurred in the establish-*
21 *ment and modernization of air navigation facilities: Pro-*
22 *vided further, That upon initial submission to the Congress*
23 *of the fiscal year 2011 President's budget, the Secretary of*
24 *Transportation shall transmit to the Congress a comprehen-*
25 *sive capital investment plan for the Federal Aviation Ad-*

1 *ministration which includes funding for each budget line*
 2 *item for fiscal years 2011 through 2015, with total funding*
 3 *for each year of the plan constrained to the funding targets*
 4 *for those years as estimated and approved by the Office of*
 5 *Management and Budget.*

6 *RESEARCH, ENGINEERING, AND DEVELOPMENT*

7 *(AIRPORT AND AIRWAY TRUST FUND)*

8 *For necessary expenses, not otherwise provided for, for*
 9 *research, engineering, and development, as authorized*
 10 *under part A of subtitle VII of title 49, United States Code,*
 11 *including construction of experimental facilities and acqui-*
 12 *sition of necessary sites by lease or grant, \$175,000,000, to*
 13 *be derived from the Airport and Airway Trust Fund and*
 14 *to remain available until September 30, 2012: Provided,*
 15 *That there may be credited to this appropriation as offset-*
 16 *ting collections, funds received from States, counties, mu-*
 17 *nicipalities, other public authorities, and private sources,*
 18 *which shall be available for expenses incurred for research,*
 19 *engineering, and development.*

20 *GRANTS-IN-AID FOR AIRPORTS*

21 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

22 *(LIMITATION ON OBLIGATIONS)*

23 *(AIRPORT AND AIRWAY TRUST FUND)*

24 *For liquidation of obligations incurred for grants-in-*
 25 *aid for airport planning and development, and noise com-*

1 *patibility planning and programs as authorized under sub-*
2 *chapter I of chapter 471 and subchapter I of chapter 475*
3 *of title 49, United States Code, and under other law author-*
4 *izing such obligations; for procurement, installation, and*
5 *commissioning of runway incursion prevention devices and*
6 *systems at airports of such title; for grants authorized under*
7 *section 41743 of title 49, United States Code; and for in-*
8 *spection activities and administration of airport safety pro-*
9 *grams, including those related to airport operating certifi-*
10 *cates under section 44706 of title 49, United States Code,*
11 *\$3,000,000,000 to be derived from the Airport and Airway*
12 *Trust Fund and to remain available until expended: Pro-*
13 *vided, That none of the funds under this heading shall be*
14 *available for the planning or execution of programs the obli-*
15 *gations for which are in excess of \$3,515,000,000 in fiscal*
16 *year 2010, notwithstanding section 47117(g) of title 49,*
17 *United States Code: Provided further, That none of the*
18 *funds under this heading shall be available for the replace-*
19 *ment of baggage conveyor systems, reconfiguration of ter-*
20 *минаl baggage areas, or other airport improvements that*
21 *are necessary to install bulk explosive detection systems:*
22 *Provided further, That notwithstanding any other provision*
23 *of law, of funds limited under this heading, not more than*
24 *\$93,422,000 shall be obligated for administration, not less*
25 *than \$15,000,000 shall be available for the airport coopera-*

1 *tive research program, not less than \$22,472,000 shall be*
2 *for Airport Technology Research and \$8,000,000, to remain*
3 *available until expended, shall be available and transferred*
4 *to “Office of the Secretary, Salaries and Expenses” to carry*
5 *out the Small Community Air Service Development Pro-*
6 *gram.*

7 *(RESCISSION)*

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

12 *ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION*

13 *ADMINISTRATION*

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

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

1 navigation, or weather reporting: Provided, That the prohi-
2 bition of funds in this section does not apply to negotiations
3 between the agency and airport sponsors to achieve agree-
4 ment on “below-market” rates for these items or to grant
5 assurances that require airport sponsors to provide land
6 without cost to the FAA for air traffic control facilities.

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

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

19 *SEC. 114. None of the funds limited by this Act for*
20 *grants under the Airport Improvement Program shall be*
21 *made available to the sponsor of a commercial service air-*
22 *port if such sponsor fails to agree to a request from the*
23 *Secretary of Transportation for cost-free space in a non-*
24 *revenue producing, public use area of the airport terminal*
25 *or other airport facilities for the purpose of carrying out*

1 *a public service air passenger rights and consumer outreach*
2 *campaign.*

3 *SEC. 115. 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 Admin-*
6 *istration employee unless such employee actually performed*
7 *work during the time corresponding to such premium pay.*

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

12 *SEC. 117. The Secretary shall apportion to the sponsor*
13 *of an airport that received scheduled or unscheduled air*
14 *service from a large certified air carrier (as defined in part*
15 *241 of title 14 Code of Federal Regulations, or such other*
16 *regulations as may be issued by the Secretary under the*
17 *authority of section 41709) an amount equal to the min-*
18 *imum apportionment specified in 49 U.S.C. 47114(c), if*
19 *the Secretary determines that airport had more than 10,000*
20 *passenger boardings in the preceding calendar year, based*
21 *on data submitted to the Secretary under part 241 of title*
22 *14, Code of Federal Regulations.*

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

4 *Not to exceed \$415,396,000, together with advances*
5 *and reimbursements received by the Federal Highway Ad-*
6 *ministration, shall be paid in accordance with law from*
7 *appropriations made available by this Act to the Federal*
8 *Highway Administration for necessary expenses for admin-*
9 *istration and operation. In addition, not to exceed*
10 *\$3,524,000 shall be paid from appropriations made avail-*
11 *able by this Act and transferred to the Department of*
12 *Transportation's Office of Inspector General for costs asso-*
13 *ciated with audits and investigations of projects and pro-*
14 *grams of the Federal Highway Administration, and not to*
15 *exceed \$285,000 shall be paid from appropriations made*
16 *available by this Act and provided to that office through*
17 *reimbursement to conduct the annual audits of financial*
18 *statements in accordance with section 3521 of title 31,*
19 *United States Code. In addition, not to exceed \$3,124,000*
20 *shall be paid from appropriations made available by this*
21 *Act and transferred to the Appalachian Regional Commis-*
22 *sion in accordance with section 104 of title 23, United*
23 *States Code.*

1 *FEDERAL-AID HIGHWAYS*

2 *(LIMITATION ON OBLIGATIONS)*

3 *(HIGHWAY TRUST FUND)*

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

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

7 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

8 *(HIGHWAY TRUST FUND)*

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

16 *ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY*

17 *ADMINISTRATION*

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

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

1 *on the date before the date of enactment of the Safe,*
2 *Accountable, Flexible, Efficient Transportation Eq-*
3 *uity Act: A Legacy for Users); the highway use tax*
4 *evasion program; and the Bureau of Transportation*
5 *Statistics;*

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

13 *(3) determine the ratio that—*

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

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

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

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

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

22 (5) *distribute the obligation limitation provided*
23 *for Federal-aid highways, less the aggregate amounts*
24 *not distributed under paragraphs (1) and (2) and*
25 *amounts distributed under paragraph (4), for each of*

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

9 *(6) distribute the obligation limitation provided*
10 *for Federal-aid highways, less the aggregate amounts*
11 *not distributed under paragraphs (1) and (2) and*
12 *amounts distributed under paragraphs (4) and (5),*
13 *for Federal-aid highways and highway safety con-*
14 *struction programs (other than the amounts appor-*
15 *tioned for the equity bonus program, but only to the*
16 *extent that the amounts apportioned for the equity*
17 *bonus program for the fiscal year are greater than*
18 *\$2,639,000,000, and the Appalachian development*
19 *highway system program) that are apportioned by the*
20 *Secretary under the Safe, Accountable, Flexible, Effi-*
21 *cient Transportation Equity Act: A Legacy for Users*
22 *and title 23, United States Code, in the ratio that—*

23 *(A) amounts authorized to be appropriated*
24 *for such programs that are apportioned to each*
25 *State for such fiscal year, bear to*

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

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

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

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

21 (d) *APPLICABILITY OF OBLIGATION LIMITATIONS TO*
22 *TRANSPORTATION RESEARCH PROGRAMS.*—*The obligation*
23 *limitation shall apply to transportation research programs*
24 *carried out under chapter 5 of title 23, United States Code,*
25 *and title V (research title) of the Safe, Accountable, Flexible,*

1 *Efficient Transportation Equity Act: A Legacy for Users,*
2 *except that obligation authority made available for such*
3 *programs under such limitation shall remain available for*
4 *a period of 3 fiscal years and shall be in addition to the*
5 *amount of any limitation imposed on obligations for Fed-*
6 *eral-aid highway and highway safety construction pro-*
7 *grams for future fiscal years.*

8 (e) *REDISTRIBUTION OF CERTAIN AUTHORIZED*
9 *FUNDS.—*

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

14 (A) *are authorized to be appropriated for*
15 *such fiscal year for Federal-aid highways pro-*
16 *grams; and*

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

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

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

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

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

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

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

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

24 (2) *RESTORATION.*—*Obligation authority used*
25 *as described in paragraph (1) shall be restored to the*

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

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

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

19 *SEC. 122. There is hereby appropriated to the Sec-*
20 *retary of Transportation \$165,000,000 for surface transpor-*
21 *tation priorities: Provided, That the amount provided by*
22 *this section shall be made available for the programs,*
23 *projects and activities identified under this section in the*
24 *committee report accompanying this Act: Provided further,*
25 *That funds provided by this section, at the request of a*

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

11 *SEC. 123. There is hereby appropriated to the Sec-*
12 *retary of Transportation \$1,400,000,000, to remain avail-*
13 *able through September 30, 2012: Provided, That of the*
14 *funds provided under this section, \$500,000,000 shall be*
15 *made available to pay subsidy and administrative costs*
16 *under chapter 6 of title 23, United States Code: Provided*
17 *further, That after making the set-aside required under the*
18 *preceding proviso, the funds provided under this section*
19 *shall be apportioned to the States in the same ratio as the*
20 *obligation limitation for fiscal year 2010 is distributed*
21 *among the States in section 120(a)(6) of this Act, and made*
22 *available for the restoration, repair, construction, and other*
23 *activities eligible under paragraph (b) of section 133 of title*
24 *23, United States Code: Provided further, That funds ap-*
25 *portioned under this section shall be administered as if ap-*

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

16 *SEC. 124. Not less than 15 days prior to waiving,*
17 *under his or her statutory authority, any Buy America re-*
18 *quirement for Federal-aid highway projects, the Secretary*
19 *of Transportation shall make an informal public notice and*
20 *comment opportunity on the intent to issue such waiver and*
21 *the reasons therefor: Provided, That the Secretary shall pro-*
22 *vide an annual report to the Appropriations Committees*
23 *of the Congress on any waivers granted under the Buy*
24 *America requirements.*

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

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

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

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

13 *(b) EXCEPTIONS.—*

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

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

1 lanes than prior to the date of imposition of the toll,
2 if—

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

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

16 SEC. 126. Item 4866A in the table contained in section
17 1702 of the Safe, Accountable, Flexible, Efficient Transpor-
18 tation Equity Act: A Legacy for Users (Public Law 109–
19 59) is amended by striking “Repair and restore” and in-
20 serting “Removal of and enhancements around”.

21 SEC. 127. Item 3923 in the table contained in section
22 1702 of the Safe, Accountable, Flexible, Efficient Transpor-
23 tation Equity Act: A Legacy for Users (Public Law 109–
24 59) is amended by striking “to 4 lanes from I–10 to West
25 U.S. 90”.

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

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

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

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

1 *FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION*

2 *MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS*

3 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

4 *(LIMITATION ON OBLIGATIONS)*

5 *(HIGHWAY TRUST FUND)*

6 *For payment of obligations incurred in the implemen-*
7 *tation, execution and administration of motor carrier safe-*
8 *ty operations and programs pursuant to section 31104(I)*
9 *of title 49, United States Code, and sections 4127 and 4134*
10 *of Public Law 109–59, \$238,500,000, to be derived from the*
11 *Highway Trust Fund (other than the Mass Transit Ac-*
12 *count), together with advances and reimbursements received*
13 *by the Federal Motor Carrier Safety Administration, the*
14 *sum of which shall remain available until expended: Pro-*
15 *vided, That none of the funds derived from the Highway*
16 *Trust Fund in this Act shall be available for the implemen-*
17 *tation, execution or administration of programs, the obliga-*
18 *tions for which are in excess of \$238,500,000, for “Motor*
19 *Carrier Safety Operations and Programs” of which*
20 *\$8,543,000, to remain available for obligation until Sep-*
21 *tember 30, 2012, is for the research and technology program*
22 *and \$1,000,000 shall be available for commercial motor ve-*
23 *hicle operator’s grants to carry out section 4134 of Public*
24 *Law 109–59: Provided further, That an additional*
25 *\$1,328,000 shall be appropriated from the General Fund*

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

10 *MOTOR CARRIER SAFETY GRANTS*
 11 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*
 12 *(LIMITATION ON OBLIGATIONS)*
 13 *(HIGHWAY TRUST FUND)*
 14 *(INCLUDING RESCISSION)*

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

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

1 *MOTOR CARRIER SAFETY*

2 *(HIGHWAY TRUST FUND)*

3 *(RESCISSION)*

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

7 *NATIONAL MOTOR CARRIER SAFETY PROGRAM*

8 *(HIGHWAY TRUST FUND)*

9 *(RESCISSION)*

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

13 *ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER*

14 *SAFETY ADMINISTRATION*

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

22 *NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION*

23 *OPERATIONS AND RESEARCH*

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

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

12 *OPERATIONS AND RESEARCH*

13 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

14 *(LIMITATION ON OBLIGATIONS)*

15 *(HIGHWAY TRUST FUND)*

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

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

4 *NATIONAL DRIVER REGISTER*

5 *(LIQUIDATION OF CONTRACT AUTHORIZATION)*

6 *(LIMITATION ON OBLIGATIONS)*

7 *(HIGHWAY TRUST FUND)*

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

17 *NATIONAL DRIVER REGISTER MODERNIZATION*

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

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

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

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

1 *ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY*2 *TRAFFIC SAFETY ADMINISTRATION*

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

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

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

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

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

3 *FEDERAL RAILROAD ADMINISTRATION*

4 *SAFETY AND OPERATIONS*

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

8 *RAILROAD RESEARCH AND DEVELOPMENT*

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

11 *RAILROAD REHABILITATION AND IMPROVEMENT FINANCING*

12 *PROGRAM*

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

1 *RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM*

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

5 *RAILROAD SAFETY TECHNOLOGY PROGRAM*

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

12 *OPERATING GRANTS TO THE NATIONAL RAILROAD*

13 *PASSENGER CORPORATION*

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

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

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

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

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

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

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

15 *CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS*

16 *AND INTERCITY PASSENGER RAIL SERVICE*

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

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

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

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

3 *ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD*

4 *ADMINISTRATION*

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

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

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

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

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

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

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

3 *SEC. 156. The Administrator of the Federal Railroad*
4 *Administration, in cooperation with the Illinois Depart-*
5 *ment of Transportation (IDOT), may provide technical and*
6 *financial assistance to IDOT and local and county officials*
7 *to study the feasibility of 10th Street, or other alternatives,*
8 *in Springfield, Illinois, as a route for consolidated freight*
9 *and passenger rail operations within the city of Spring-*
10 *field.*

11 *SEC. 157. (a) FUNDING LIMITATION.—Notwith-*
12 *standing any other provision of law, beginning on the date*
13 *of the enactment of this Act, amounts made available in*
14 *this Act for the National Railroad Passenger Corporation*
15 *(Amtrak) shall immediately cease to be available if after*
16 *March 31, 2010, Amtrak prohibits the secure transportation*
17 *of firearms on passenger trains.*

18 *(b) DEFINITION.—In this section, the term “secure*
19 *transportation of firearms” means—*

20 *(1) if an Amtrak station accepts checked baggage*
21 *for a specific Amtrak route, Amtrak passengers hold-*
22 *ing a ticket for such route are allowed to place an un-*
23 *loaded firearm or starter pistol in a checked bag on*
24 *such route if—*

1 (A) before checking the bag or boarding the
2 train, the passenger declares to Amtrak, either
3 orally or in writing, that the firearm is in his
4 or her bag and is unloaded;

5 (B) the firearm is carried in a hard-sided
6 container;

7 (C) such container is locked; and

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

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

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

15 (B) in other packaging specifically designed
16 to carry small amounts of ammunition.

17 *FEDERAL TRANSIT ADMINISTRATION*

18 *ADMINISTRATIVE EXPENSES*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For necessary administrative expenses of the Federal*
21 *Transit Administration's programs authorized by chapter*
22 *53 of title 49, United States Code, \$97,478,000: Provided,*
23 *That of the funds available under this heading, not to exceed*
24 *\$1,809,000 shall be available for travel: Provided further,*
25 *That none of the funds provided or limited in this Act may*

1 *be used to create a permanent office of transit security*
2 *under this heading: Provided further, That \$75,000 shall*
3 *be paid from appropriations made available by this Act*
4 *and provided to the Department of Transportation's Office*
5 *of Inspector General through reimbursement to conduct the*
6 *annual audits of financial statements in accordance with*
7 *section 3521 of title 31, United States Code: Provided fur-*
8 *ther, That upon submission to the Congress of the fiscal year*
9 *2010 President's budget, the Secretary of Transportation*
10 *shall transmit to Congress the annual report on new starts,*
11 *including proposed allocations of funds for fiscal year 2011.*

12 *FORMULA AND BUS GRANTS*

13 *(LIQUIDATION OF CONTRACT AUTHORITY)*

14 *(LIMITATION ON OBLIGATIONS)*

15 *(HIGHWAY TRUST FUND)*

16 *For payment of obligations incurred in carrying out*
17 *the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310,*
18 *5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section*
19 *3038 of Public Law 105-178, as amended, \$9,400,000,000*
20 *to be derived from the Mass Transit Account of the High-*
21 *way Trust Fund and to remain available until expended:*
22 *Provided, That funds available for the implementation or*
23 *execution of programs authorized under 49 U.S.C. 5305,*
24 *5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335,*
25 *5339, and 5340 and section 3038 of Public Law 105-178,*

1 *as amended, shall not exceed total obligations of*
2 *\$8,343,171,000 in fiscal year 2010.*

3 *RESEARCH AND UNIVERSITY RESEARCH CENTERS*

4 *For necessary expenses to carry out 49 U.S.C. 5306,*
5 *5312–5315, 5322, and 5506, \$67,670,000, to remain avail-*
6 *able until expended: Provided, That \$10,000,000 is avail-*
7 *able to carry out the transit cooperative research program*
8 *under section 5313 of title 49, United States Code,*
9 *\$4,300,000 is available for the National Transit Institute*
10 *under section 5315 of title 49, United States Code, and*
11 *\$7,000,000 is available for university transportation cen-*
12 *ters program under section 5506 of title 49, United States*
13 *Code: Provided further, That \$50,170,000 is available to*
14 *carry out national research programs under sections 5312,*
15 *5313, 5314, and 5322 of title 49, United States Code: Pro-*
16 *vided further, That of the funds available to carry out sec-*
17 *tion 5312 of title 49, United States Code, \$5,000,000 shall*
18 *be available to the Secretary to develop standards for asset*
19 *management plans, provide technical assistance to recipi-*
20 *ents engaged in the development or implementation of an*
21 *asset management plan, improve data collection through the*
22 *National Transit Database, and conduct a pilot program*
23 *designed to identify the best practices of asset management.*

1 *provided under this heading to be submitted no sooner than*
2 *120 days after the publication of such criteria, and an-*
3 *nounce all projects selected to be funded from funds provided*
4 *under this heading no sooner than September 15, 2010.*

5 *GRANTS TO THE WASHINGTON METROPOLITAN AREA*
6 *TRANSIT AUTHORITY*

7 *For grants to the Washington Metropolitan Area Tran-*
8 *sit Authority as authorized under section 601 of Public Law*
9 *110–432, \$150,000,000, to remain available through Sep-*
10 *tember 30, 2012: Provided, That the Secretary shall approve*
11 *grants for capital and preventive maintenance expenditures*
12 *for the Washington Metropolitan Area Transit Authority*
13 *only after receiving and reviewing a request for each spe-*
14 *cific project: Provided further, That prior to approving such*
15 *grants, the Secretary shall determine that the Washington*
16 *Metropolitan Area Transit Authority has placed the highest*
17 *priority on those investments that will improve the safety*
18 *of the system, including but not limited to fixing the track*
19 *signal system, replacing the 1000 series cars, installing*
20 *guarded turnouts, buying equipment for wayside worker*
21 *protection, and installing rollback protection on cars that*
22 *are not equipped with this safety feature.*

1 *istration, Capital investment grants” in any appropria-*
2 *tions Act prior to this Act may be used during this fiscal*
3 *year to satisfy expenses incurred for such projects.*

4 *SEC. 164. None of the funds provided or limited under*
5 *this Act may be used to issue a final regulation under sec-*
6 *tion 5309 of title 49, United States Code, except that the*
7 *Federal Transit Administration may continue to review*
8 *comments received on the proposed rule (Docket No. FTA–*
9 *2006–25737).*

10 *SEC. 165. Funds made available for Alaska or Hawaii*
11 *ferry boats or ferry terminal facilities pursuant to 49*
12 *U.S.C. 5309(m)(2)(B) may be used to construct new vessels*
13 *and facilities, or to improve existing vessels and facilities,*
14 *including both the passenger and vehicle-related elements of*
15 *such vessels and facilities, and for repair facilities: Pro-*
16 *vided, That not more than \$4,000,000 of the funds made*
17 *available pursuant to 49 U.S.C. 5309(m)(2)(B) may be*
18 *used by the City and County of Honolulu to operate a pas-*
19 *senger ferry boat service demonstration project to test the*
20 *viability of different intra-island ferry boat routes and tech-*
21 *nologies.*

22 *SEC. 166. Hereafter, the local share of the costs of the*
23 *Woodward Avenue Corridor projects funded under section*
24 *5309 shall include, at the option of the project sponsor, any*

1 *portion of the corridor advanced with 100 percent non-Fed-*
2 *eral funds.*

3 *SEC. 167. The Secretary of Transportation shall pro-*
4 *vide recommendations to Congress, including legislative*
5 *proposals, on how to strengthen its role in regulating the*
6 *safety of transit agencies operating heavy rail on fixed*
7 *guideway: Provided, That the Secretary shall include ac-*
8 *tions the Department of Transportation will take and what*
9 *additional legislative authorities it may need in order to*
10 *fully implement recommendations of the National Trans-*
11 *portation Safety Board directed at the Federal Transit Ad-*
12 *ministration, including but not limited to recommendations*
13 *related to crashworthiness, emergency access and egress,*
14 *event recorders, and hours of service: Provided further, That*
15 *the Secretary shall transmit to the House and Senate Com-*
16 *mittees on Appropriations a report outlining these rec-*
17 *ommendations and a plan for their implementation by the*
18 *Department of Transportation no later than 45 days after*
19 *enactment of this Act.*

20 *SEC. 168. Notwithstanding any other provision of law,*
21 *the Secretary of Transportation shall not reallocate any*
22 *funding made available for items 523, 267, and 131 of sec-*
23 *tion 3044 of the Safe, Accountable, Flexible, Efficient*
24 *Transportation Equity Act: A Legacy for Users (Public*
25 *Law 109–59).*

1 *SEC. 169. Notwithstanding any other provision of law,*
2 *the limitation on the total estimated amount of future obli-*
3 *gations of the Government and contingent commitments to*
4 *incur obligations covered by all outstanding letters of in-*
5 *tent, full funding grant agreements, and early systems work*
6 *agreements under subsection 5338(g) of title 49, United*
7 *States Code, may not be more than the sum of the amount*
8 *authorized under sections 5338(a)(3) and 5338(c) of title*
9 *49, United States Code, for such projects and an amount*
10 *equivalent to the last 5 fiscal years of funding allocated*
11 *under subsections 5309(m)(1)(A) and 5309(m)(2)(A)(ii) of*
12 *title 49, United States Code, for such projects, less an*
13 *amount the Secretary of Transportation reasonably esti-*
14 *mates is necessary for grants under section 5309 of title*
15 *49, United States Code, for those of such projects that are*
16 *not covered by a letter or agreement.*

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

21 *SEC. 171. Hereafter, for interstate multi-modal*
22 *projects which are in Interstate highway corridors, the Sec-*
23 *retary shall base the rating under section 5309(d) of title*
24 *49, United States Code, of the non-New Starts share of the*
25 *public transportation element of the project on the percent-*

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

12 *SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION*

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

22 *OPERATIONS AND MAINTENANCE*

23 *(HARBOR MAINTENANCE TRUST FUND)*

24 *For necessary expenses for operations, maintenance,*
25 *and capital asset renewal of those portions of the Saint*

1 *Lawrence Seaway owned, operated, and maintained by the*
2 *Saint Lawrence Seaway Development Corporation,*
3 *\$32,324,000, to be derived from the Harbor Maintenance*
4 *Trust Fund, pursuant to Public Law 99–662.*

5 *MARITIME ADMINISTRATION*

6 *MARITIME SECURITY PROGRAM*

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

11 *OPERATIONS AND TRAINING*

12 *For necessary expenses of operations and training ac-*
13 *tivities authorized by law, \$154,900,000, of which*
14 *\$11,240,000 shall remain available until expended for*
15 *maintenance and repair of training ships at State Mari-*
16 *time Schools Academies, and of which \$15,000,000 shall re-*
17 *main available until expended for capital improvements at*
18 *the United States Merchant Marine Academy, and of which*
19 *\$59,057,000 shall be available for operations at the United*
20 *States Merchant Marine Academy: Provided, That amounts*
21 *apportioned for the United States Merchant Marine Acad-*
22 *emy shall be available only upon allotments made person-*
23 *ally by the Secretary of Transportation and not a designee:*
24 *Provided further, That the Superintendent, Deputy Super-*
25 *intendent and the Director of the Office of Resource Man-*

1 *agement of the United States Merchant Marine Academy*
2 *may not be allotment holders for the United States Mer-*
3 *chant Marine Academy, and the Administrator of Maritime*
4 *Administration shall hold all allotments made by the Sec-*
5 *retary of Transportation under the previous proviso: Pro-*
6 *vided further, That 50 percent of the funding made avail-*
7 *able for the United States Merchant Marine Academy under*
8 *this heading shall be available only after the Secretary, in*
9 *consultation with the Superintendent and the Maritime Ad-*
10 *ministration, completes a plan detailing by program or ac-*
11 *tivity and by object class how such funding will be expended*
12 *at the Academy, and this plan is submitted to the House*
13 *and Senate Committees on Appropriations.*

14 *SHIP DISPOSAL*

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

19 *ASSISTANCE TO SMALL SHIPYARDS*

20 *To make grants to qualified shipyards as authorized*
21 *under section 3508 of Public Law 110–417 or section 54101*
22 *of title 46, United States Code, \$17,500,000, to remain*
23 *available until expended: Provided, That to be considered*
24 *for assistance, a qualified shipyard shall submit an appli-*
25 *cation for assistance no later than 60 days after enactment*

1 *of this Act: Provided further, That from applications sub-*
2 *mitted under the previous proviso, the Secretary of Trans-*
3 *portation shall make grants no later than 120 days after*
4 *enactment of this Act in such amounts as the Secretary de-*
5 *termines: Provided further, That not to exceed 2 percent of*
6 *the funds appropriated under this heading shall be avail-*
7 *able for necessary costs of grant administration.*

8 *MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM*

9 *ACCOUNT*

10 *(INCLUDING TRANSFER OF FUNDS)*

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

21 *ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION*

22 *SEC. 175. Notwithstanding any other provision of this*
23 *Act, the Maritime Administration is authorized to furnish*
24 *utilities and services and make necessary repairs in connec-*
25 *tion with any lease, contract, or occupancy involving Gov-*

1 *ernment property under control of the Maritime Adminis-*
 2 *tration, and payments received therefor shall be credited to*
 3 *the appropriation charged with the cost thereof: Provided,*
 4 *That rental payments under any such lease, contract, or*
 5 *occupancy for items other than such utilities, services, or*
 6 *repairs shall be covered into the Treasury as miscellaneous*
 7 *receipts.*

8 *SEC. 176. Section 51314 of title 46, United States*
 9 *Code, is amended in subsection (b) by inserting at the end*
 10 *“Such fees shall be credited to the Maritime Administra-*
 11 *tion’s Operations and Training appropriation, to remain*
 12 *available until expended, for those expenses directly related*
 13 *to the purposes of the fees. Fees collected in excess of actual*
 14 *expenses may be refunded to the Midshipmen through a*
 15 *mechanism approved by the Secretary. The Academy shall*
 16 *maintain a separate and detailed accounting of fee revenue*
 17 *and all associated expenses.”*

18 *PIPELINE AND HAZARDOUS MATERIALS SAFETY*

19 *ADMINISTRATION*

20 *ADMINISTRATIVE EXPENSES*

21 *(PIPELINE SAFETY FUND)*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For necessary administrative expenses of the Pipeline*
 24 *and Hazardous Materials Safety Administration,*
 25 *\$19,968,000, of which \$639,000 shall be derived from the*

1 *Pipeline Safety Fund: Provided, That \$1,000,000 shall be*
 2 *transferred to “Pipeline Safety” in order to fund “Pipeline*
 3 *safety information grants to communities” as authorized in*
 4 *section 60130 of title 49, United States Code.*

5 *HAZARDOUS MATERIALS SAFETY*

6 *For expenses necessary to discharge the hazardous ma-*
 7 *terials safety functions of the Pipeline and Hazardous Ma-*
 8 *terials Safety Administration, \$35,500,000, of which*
 9 *\$1,699,000 shall remain available until September 30,*
 10 *2012: Provided, That up to \$800,000 in fees collected under*
 11 *49 U.S.C. 5108(g) shall be deposited in the general fund*
 12 *of the Treasury as offsetting receipts: Provided further, That*
 13 *there may be credited to this appropriation, to be available*
 14 *until expended, funds received from States, counties, mu-*
 15 *nicipalities, other public authorities, and private sources*
 16 *for expenses incurred for training, for reports publication*
 17 *and dissemination, and for travel expenses incurred in per-*
 18 *formance of hazardous materials exemptions and approvals*
 19 *functions.*

20 *PIPELINE SAFETY*

21 *(PIPELINE SAFETY FUND)*

22 *(OIL SPILL LIABILITY TRUST FUND)*

23 *For expenses necessary to conduct the functions of the*
 24 *pipeline safety program, for grants-in-aid to carry out a*
 25 *pipeline safety program, as authorized by 49 U.S.C. 60107,*

1 *and to discharge the pipeline program responsibilities of*
2 *the Oil Pollution Act of 1990, \$105,239,000, of which*
3 *\$18,905,000 shall be derived from the Oil Spill Liability*
4 *Trust Fund and shall remain available until September 30,*
5 *2012; and of which \$86,334,000 shall be derived from the*
6 *Pipeline Safety Fund, of which \$47,332,000 shall remain*
7 *available until September 30, 2012: Provided, That not less*
8 *than \$1,043,000 of the funds provided under this heading*
9 *shall be for the one-call State grant program.*

10 *EMERGENCY PREPAREDNESS GRANTS*

11 *(EMERGENCY PREPAREDNESS FUND)*

12 *For necessary expenses to carry out 49 U.S.C. 5128(b),*
13 *\$188,000, to be derived from the Emergency Preparedness*
14 *Fund, to remain available until September 30, 2011: Pro-*
15 *vided, That not more than \$28,318,000 shall be made avail-*
16 *able for obligation in fiscal year 2010 from amounts made*
17 *available by 49 U.S.C. 5116(I) and 5128(b)–(c): Provided*
18 *further, That none of the funds made available by 49 U.S.C.*
19 *5116(I), 5128(b), or 5128(c) shall be made available for ob-*
20 *ligation by individuals other than the Secretary of Trans-*
21 *portation, or his or her designee.*

1 *RESEARCH AND INNOVATIVE TECHNOLOGY*2 *ADMINISTRATION*3 *RESEARCH AND DEVELOPMENT*

4 *For necessary expenses of the Research and Innovative*
5 *Technology Administration, \$13,179,000, of which*
6 *\$6,036,000 shall remain available until September 30,*
7 *2012: Provided, That there may be credited to this appro-*
8 *priation, to be available until expended, funds received from*
9 *States, counties, municipalities, other public authorities,*
10 *and private sources for expenses incurred for training.*

11 *OFFICE OF INSPECTOR GENERAL*12 *SALARIES AND EXPENSES*

13 *For necessary expenses of the Office of Inspector Gen-*
14 *eral to carry out the provisions of the Inspector General*
15 *Act of 1978, as amended, \$75,389,000: Provided, That the*
16 *Inspector General shall have all necessary authority, in car-*
17 *rying out the duties specified in the Inspector General Act,*
18 *as amended (5 U.S.C. App. 3), to investigate allegations*
19 *of fraud, including false statements to the government (18*
20 *U.S.C. 1001), by any person or entity that is subject to*
21 *regulation by the Department: Provided further, That the*
22 *funds made available under this heading shall be used to*
23 *investigate, pursuant to section 41712 of title 49, United*
24 *States Code: (1) unfair or deceptive practices and unfair*
25 *methods of competition by domestic and foreign air carriers*

1 *and ticket agents; and (2) the compliance of domestic and*
 2 *foreign air carriers with respect to item (1) of this proviso.*

3 *SURFACE TRANSPORTATION BOARD*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Surface Transportation*
 6 *Board, including services authorized by 5 U.S.C. 3109,*
 7 *\$28,332,000: Provided, That notwithstanding any other*
 8 *provision of law, not to exceed \$1,250,000 from fees estab-*
 9 *lished by the Chairman of the Surface Transportation*
 10 *Board shall be credited to this appropriation as offsetting*
 11 *collections and used for necessary and authorized expenses*
 12 *under this heading: Provided further, That the sum herein*
 13 *appropriated from the general fund shall be reduced on a*
 14 *dollar-for-dollar basis as such offsetting collections are re-*
 15 *ceived during fiscal year 2010, to result in a final appro-*
 16 *priation from the general fund estimated at no more than*
 17 *\$27,082,000.*

18 *GENERAL PROVISIONS—DEPARTMENT OF*

19 *TRANSPORTATION*

20 *SEC. 180. During the current fiscal year applicable*
 21 *appropriations to the Department of Transportation shall*
 22 *be available for maintenance and operation of aircraft; hire*
 23 *of passenger motor vehicles and aircraft; purchase of liabil-*
 24 *ity insurance for motor vehicles operating in foreign coun-*
 25 *tries on official department business; and uniforms or al-*

1 *lowances therefor, as authorized by law (5 U.S.C. 5901–*
2 *5902).*

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

8 *SEC. 182. None of the funds in this Act shall be avail-*
9 *able for salaries and expenses of more than 110 political*
10 *and Presidential appointees in the Department of Trans-*
11 *portation: Provided, That none of the personnel covered by*
12 *this provision may be assigned on temporary detail outside*
13 *the Department of Transportation.*

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

16 *SEC. 184. (a) No recipient of funds made available in*
17 *this Act shall disseminate personal information (as defined*
18 *in 18 U.S.C. 2725(3)) obtained by a State department of*
19 *motor vehicles in connection with a motor vehicle record*
20 *as defined in 18 U.S.C. 2725(1), except as provided in 18*
21 *U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.*

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

1 *SEC. 185. Funds received by the Federal Highway Ad-*
2 *ministration, Federal Transit Administration, and Federal*
3 *Railroad Administration from States, counties, municipali-*
4 *ties, other public authorities, and private sources for ex-*
5 *penses incurred for training may be credited respectively*
6 *to the Federal Highway Administration’s “Federal-Aid*
7 *Highways” account, the Federal Transit Administration’s*
8 *“Research and University Research Centers” account, and*
9 *to the Federal Railroad Administration’s “Safety and Op-*
10 *erations” account, except for State rail safety inspectors*
11 *participating in training pursuant to 49 U.S.C. 20105.*

12 *SEC. 186. Funds provided or limited in this Act under*
13 *the appropriate accounts within the Federal Highway Ad-*
14 *ministration, the Federal Railroad Administration and the*
15 *Federal Transit Administration shall be for the eligible pro-*
16 *grams, projects and activities in the corresponding amounts*
17 *identified in the committee report accompanying this Act*
18 *for “Ferry Boats and Ferry Terminal Facilities”, “Federal*
19 *Lands”, “Interstate Maintenance Discretionary”, “Trans-*
20 *portation, Community and System Preservation Program”,*
21 *“Delta Region Transportation Development Program”,*
22 *“Rail Line Relocation and Improvement Program”, “Rail-*
23 *highway crossing hazard eliminations”, “Capital Invest-*
24 *ment Grants”, “Alternatives analysis”, and “Bus and bus*
25 *facilities”.*

1 *SEC. 187. Notwithstanding any other provisions of*
2 *law, rule or regulation, the Secretary of Transportation is*
3 *authorized to allow the issuer of any preferred stock here-*
4 *tofore sold to the Department to redeem or repurchase such*
5 *stock upon the payment to the Department of an amount*
6 *determined by the Secretary.*

7 *SEC. 188. None of the funds in this Act to the Depart-*
8 *ment of Transportation may be used to make a grant unless*
9 *the Secretary of Transportation notifies the House and Sen-*
10 *ate Committees on Appropriations not less than 3 full busi-*
11 *ness days before any discretionary grant award, letter of*
12 *intent, or full funding grant agreement totaling \$1,000,000*
13 *or more is announced by the department or its modal ad-*
14 *ministrations from: (1) any discretionary grant program*
15 *of the Federal Highway Administration including the emer-*
16 *gency relief program; (2) the airport improvement program*
17 *of the Federal Aviation Administration; (3) any grant from*
18 *the Federal Railroad Administration; or (4) any program*
19 *of the Federal Transit Administration other than the for-*
20 *mula grants and fixed guideway modernization programs:*
21 *Provided, That the Secretary gives concurrent notification*
22 *to the House and Senate Committees on Appropriations for*
23 *any “quick release” of funds from the emergency relief pro-*
24 *gram: Provided further, That no notification shall involve*
25 *funds that are not available for obligation.*

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

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

14 *(1) to reimburse the actual expenses incurred by*
15 *the Department of Transportation in recovering im-*
16 *proper payments; and*

17 *(2) to pay contractors for services provided in re-*
18 *covering improper payments or contractor support in*
19 *the implementation of the Improper Payments Infor-*
20 *mation Act of 2002: Provided, That amounts in excess*
21 *of that required for paragraphs (1) and (2)—*

22 *(A) shall be credited to and merged with the*
23 *appropriation from which the improper pay-*
24 *ments were made, and shall be available for the*

1 *purposes and period for which such appropri-*
2 *tions are available; or*

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

14 *SEC. 191. Notwithstanding any other provision of law,*
15 *if any funds provided in or limited by this Act are subject*
16 *to a reprogramming action that requires notice to be pro-*
17 *vided to the House and Senate Committees on Appropria-*
18 *tions, said reprogramming action shall be approved or de-*
19 *nied solely by the Committees on Appropriations: Provided,*
20 *That the Secretary may provide notice to other congres-*
21 *sional committees of the action of the Committees on Appro-*
22 *priations on such reprogramming but not sooner than 30*
23 *days following the date on which the reprogramming action*
24 *has been approved or denied by the House and Senate Com-*
25 *mittees on Appropriations.*

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

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

19 *SEC. 194. (a) IN GENERAL.—Section 127(a)(11) of*
20 *title 23, United States Code, is amended by striking “that*
21 *portion of the Maine Turnpike designated Route 95 and*
22 *495, and that portion of Interstate Route 95 from the south-*
23 *ern terminus of the Maine Turnpike to the New Hampshire*
24 *State line, laws (including regulations)” and inserting “all*

1 *portions of the Interstate Highway System in the State,*
2 *laws (including regulations)”.*

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

6 (c) *REVERSION.*—*Effective as of the date that is 366*
7 *days after the date of enactment of this Act, section*
8 *127(a)(11) of title 23, United States Code, is amended by*
9 *striking “all portions of the Interstate Highway System in*
10 *the State, laws (including regulations)” and inserting “that*
11 *portion of the Maine Turnpike designated Route 95 and*
12 *495, and that portion of Interstate Route 95 from the south-*
13 *ern terminus of the Maine Turnpike to the New Hampshire*
14 *State line, laws (including regulations)”.*

15 *SEC. 195. The Secretary shall initiate an independent*
16 *and comprehensive study and analysis to supplement that*
17 *authorized under section 108, division C, of Public Law*
18 *111–8: Provided, That the Department of Transportation*
19 *shall work with and coordinate with the Departments of*
20 *Energy, Commerce and Agriculture to develop a comprehen-*
21 *sive understanding of the full value of river flow support*
22 *to users in the Mississippi and Missouri Rivers: Provided*
23 *further, That subjects of analysis shall include energy (in-*
24 *cluding hydropower and generation cooling), and water*
25 *transport (including water-compelled rates, projected total*

1 *transportation congestion considerations, transportation*
2 *energy efficiency, air quality and carbon emissions) and*
3 *water users (including the number and distribution of peo-*
4 *ple, households, municipalities, and business throughout the*
5 *Missouri and Mississippi River basins who use river water*
6 *for multiple purposes): Provided further, That in addition*
7 *to understanding current value, the Department is directed*
8 *to work with appropriate Federal partners to develop rec-*
9 *ommendations on how to minimize impediments to growth*
10 *and maximize water value of benefits related to energy pro-*
11 *duction and efficiency, congestion relief, trade and trans-*
12 *port efficiency, and air quality: Provided further, That the*
13 *Department of Transportation shall provide its analysis*
14 *and recommendations to the U.S. Army Corps of Engineers,*
15 *the White House, and the Congress: Provided further, That*
16 *\$2,000,000 is available until expended for such purposes.*

17 *SEC. 196. Notwithstanding any other provision of law,*
18 *funds made available under section 330 of the Fiscal Year*
19 *2002 Department of Transportation and Related Agencies*
20 *Appropriations Act (Public Law 107–87) for the Las Vegas,*
21 *Nevada Monorail Project, funds made available under sec-*
22 *tion 115 of the Fiscal Year 2004 Transportation, Treasury*
23 *and Independent Agencies Appropriations Act (Public Law*
24 *108–199) for the North Las Vegas Intermodal Transit Hub,*
25 *and funds made available for the CATRAIL RTC Rail*

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

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

15 *TITLE II*

16 *DEPARTMENT OF HOUSING AND URBAN*

17 *DEVELOPMENT*

18 *MANAGEMENT AND ADMINISTRATION*

19 *EXECUTIVE DIRECTION*

20 *For necessary salaries and expenses for Executive Di-*
21 *rection, \$25,969,000, of which not to exceed \$4,619,000 shall*
22 *be available for the immediate Office of the Secretary and*
23 *Deputy Secretary; not to exceed \$1,703,000 shall be avail-*
24 *able for the Office of Hearings and Appeals; not to exceed*
25 *\$778,000 shall be available for the Office of Small and Dis-*

1 *advantaged Business Utilization; not to exceed \$727,000*
2 *shall be available for the immediate Office of the Chief Fi-*
3 *nancial Officer; not to exceed \$1,474,000 shall be available*
4 *for the immediate Office of the General Counsel; not to ex-*
5 *ceed \$2,912,000 shall be available to the Office of the Assist-*
6 *ant Secretary for Congressional and Intergovernmental Re-*
7 *lations; not to exceed \$3,110,000 shall be available for the*
8 *Office of the Assistant Secretary for Public Affairs; not to*
9 *exceed \$1,218,000 shall be available for the Office of the As-*
10 *stant Secretary for Administration; not to exceed*
11 *\$2,125,000 shall be available to the Office of the Assistant*
12 *Secretary for Public and Indian Housing; not to exceed*
13 *\$1,781,000 shall be available to the Office of the Assistant*
14 *Secretary for Community Planning and Development; not*
15 *to exceed \$3,497,000 shall be available to the Office of the*
16 *Assistant Secretary for Housing, Federal Housing Commis-*
17 *sioner; not to exceed \$1,097,000 shall be available to the*
18 *Office of the Assistant Secretary for Policy Development*
19 *and Research; and not to exceed \$928,000 shall be available*
20 *to the Office of the Assistant Secretary for Fair Housing*
21 *and Equal Opportunity: Provided, That the Secretary of*
22 *the Department of Housing and Urban Development is au-*
23 *thorized to transfer funds appropriated for any office fund-*
24 *ed under this heading to any other office funded under this*
25 *heading following the written notification to the House and*

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

16 *ADMINISTRATION, OPERATIONS AND MANAGEMENT*

17 *For necessary salaries and expenses for administra-*
18 *tion, operations and management for the Department of*
19 *Housing and Urban Development, \$537,897,000, of which*
20 *not to exceed \$76,958,000 shall be available for the per-*
21 *sonnel compensation and benefits of the Office of Adminis-*
22 *tration; not to exceed \$11,277,000 shall be available for the*
23 *personnel compensation and benefits of the Office of Depart-*
24 *mental Operations and Coordination; not to exceed*
25 *\$51,275,000 shall be available for the personnel compensa-*

1 *tion and benefits of the Office of Field Policy and Manage-*
2 *ment; not to exceed \$14,649,000 shall be available for the*
3 *personnel compensation and benefits of the Office of the*
4 *Chief Procurement Officer; not to exceed \$35,197,000 shall*
5 *be available for the personnel compensation and benefits of*
6 *the remaining staff in the Office of the Chief Financial Offi-*
7 *cer; not to exceed \$89,062,000 shall be available for the per-*
8 *sonnel compensation and benefits of the remaining staff in*
9 *the Office of the General Counsel; not to exceed \$3,296,000*
10 *shall be available for the personnel compensation and bene-*
11 *fits of the Office of Departmental Equal Employment Op-*
12 *portunity; not to exceed \$1,393,000 shall be available for*
13 *the personnel compensation and benefits for the Center for*
14 *Faith-Based and Community Initiatives; not to exceed*
15 *\$2,400,000 shall be available for the personnel compensa-*
16 *tion and benefits for the Office of Sustainability; not to ex-*
17 *ceed \$2,520,000 shall be available for the personnel com-*
18 *ensation and benefits for the Office of Strategic Planning*
19 *and Management; and not to exceed \$249,870,000 shall be*
20 *available for non-personnel expenses of the Department of*
21 *Housing and Urban Development: Provided, That, funds*
22 *provided under this heading may be used for necessary ad-*
23 *ministrative and non-administrative expenses of the De-*
24 *partment of Housing and Urban Development, not other-*
25 *wise provided for, including purchase of uniforms, or allow-*

1 *ances therefor, as authorized by 5 U.S.C. 5901–5902; hire*
2 *of passenger motor vehicles; services as authorized by 5*
3 *U.S.C. 3109: Provided further, That notwithstanding any*
4 *other provision of law, funds appropriated under this head-*
5 *ing may be used for advertising and promotional activities*
6 *that support the housing mission area: Provided further,*
7 *That the Secretary of Housing and Urban Development is*
8 *authorized to transfer funds appropriated for any office in-*
9 *cluded in Administration, Operations and Management to*
10 *any other office included in Administration, Operations*
11 *and Management only after such transfer has been sub-*
12 *mitted to, and received prior written approval by, the*
13 *House and Senate Committees on Appropriations: Provided*
14 *further, That no appropriation for any office shall be in-*
15 *creased or decreased by more than 10 percent by all such*
16 *transfers.*

17 *PERSONNEL COMPENSATION AND BENEFITS*

18 *PUBLIC AND INDIAN HOUSING*

19 *For necessary personnel compensation and benefits ex-*
20 *penses of the Office of Public and Indian Housing,*
21 *\$197,074,000.*

22 *COMMUNITY PLANNING AND DEVELOPMENT*

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

1 HOUSING

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

4 OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE

5 ASSOCIATION

6 *For necessary personnel compensation and benefits ex-*
7 *penses of the Office of the Government National Mortgage*
8 *Association, \$11,095,000, to be derived from the GNMA*
9 *guarantees of mortgage backed securities guaranteed loan*
10 *receipt account.*

11 POLICY DEVELOPMENT AND RESEARCH

12 *For necessary personnel compensation and benefits ex-*
13 *penses of the Office of Policy Development and Research,*
14 *\$21,138,000.*

15 FAIR HOUSING AND EQUAL OPPORTUNITY

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

19 OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

20 PERSONNEL COMPENSATION AND BENEFITS

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

1 *PUBLIC AND INDIAN HOUSING*
2 *TENANT-BASED RENTAL ASSISTANCE*
3 *(INCLUDING TRANSFER OF FUNDS)*

4 *For activities and assistance for the provision of ten-*
5 *ant-based rental assistance authorized under the United*
6 *States Housing Act of 1937, as amended (42 U.S.C. 1437*
7 *et seq.) (“the Act” herein), not otherwise provided for,*
8 *\$14,137,200,000, to remain available until expended, shall*
9 *be available on October 1, 2009 (in addition to the*
10 *\$4,000,000,000 previously appropriated under this heading*
11 *that will become available on October 1, 2009), and*
12 *\$4,000,000,000, to remain available until expended, shall*
13 *be available on October 1, 2010: Provided, That of the*
14 *amounts made available under this heading are provided*
15 *as follows:*

16 (1) *\$16,339,200,000 shall be available for renew-*
17 *als of expiring section 8 tenant-based annual con-*
18 *tributions contracts (including renewals of enhanced*
19 *vouchers under any provision of law authorizing such*
20 *assistance under section 8(t) of the Act) and includ-*
21 *ing renewal of other special purpose vouchers initially*
22 *funded in fiscal year 2008 and 2009 (such as Family*
23 *Unification, Veterans Affairs Supportive Housing*
24 *Vouchers and Non-elderly Disabled Vouchers): Pro-*
25 *vided, That notwithstanding any other provision of*

1 *law, from amounts provided under this paragraph*
2 *and any carryover, the Secretary for the calendar*
3 *year 2010 funding cycle shall provide renewal fund-*
4 *ing for each public housing agency based on voucher*
5 *management system (VMS) leasing and cost data for*
6 *the most recent Federal fiscal year and by applying*
7 *the most recent Annual Adjustment Factor as estab-*
8 *lished by the Secretary, and by making any necessary*
9 *adjustments for the costs associated with deposits to*
10 *family self-sufficiency program escrow accounts or*
11 *first-time renewals including tenant protection or*
12 *HOPE VI vouchers: Provided further, That none of*
13 *the funds provided under this paragraph may be used*
14 *to fund a total number of unit months under lease*
15 *which exceeds a public housing agency's authorized*
16 *level of units under contract: Provided further, That*
17 *the Secretary shall, to the extent necessary to stay*
18 *within the amount specified under this paragraph*
19 *(except as otherwise modified under this Act), pro*
20 *rate each public housing agency's allocation otherwise*
21 *established pursuant to this paragraph: Provided fur-*
22 *ther, That except as provided in the last two provisos,*
23 *the entire amount specified under this paragraph (ex-*
24 *cept as otherwise modified under this Act) shall be ob-*
25 *ligated to the public housing agencies based on the al-*

1 *location and pro rata method described above, and the*
2 *Secretary shall notify public housing agencies of their*
3 *annual budget not later than 60 days after enactment*
4 *of this Act: Provided further, That the Secretary may*
5 *extend the 60-day notification period with the prior*
6 *written approval of the House and Senate Committees*
7 *on Appropriations: Provided further, That public*
8 *housing agencies participating in the Moving to Work*
9 *demonstration shall be funded pursuant to their Mov-*
10 *ing to Work agreements and shall be subject to the*
11 *same pro rata adjustments under the previous pro-*
12 *visos: Provided further, That up to \$150,000,000 shall*
13 *be available only: (1) to adjust the allocations for*
14 *public housing agencies, after application for an ad-*
15 *justment by a public housing agency that experienced*
16 *a significant increase, as determined by the Sec-*
17 *retary, in renewal costs of tenant-based rental assist-*
18 *ance resulting from unforeseen circumstances or from*
19 *portability under section 8(r) of the Act; (2) for ad-*
20 *justments for public housing agencies with voucher*
21 *leasing rates at the end of the calendar year that ex-*
22 *ceed the average leasing for the 12-month period used*
23 *to establish the allocation; (3) for adjustments for the*
24 *costs associated with VASH vouchers; or (4) for*
25 *vouchers that were not in use during the 12-month*

1 *period in order to be available to meet a commitment*
2 *pursuant to section 8(o)(13) of the Act;*

3 (2) *\$103,000,000 shall be for section 8 rental as-*
4 *stance for relocation and replacement of housing*
5 *units that are demolished or disposed of pursuant to*
6 *the Omnibus Consolidated Rescissions and Appro-*
7 *propriations Act of 1996 (Public Law 104–134), conver-*
8 *sion of section 23 projects to assistance under section*
9 *8, the family unification program under section 8(x)*
10 *of the Act, relocation of witnesses in connection with*
11 *efforts to combat crime in public and assisted housing*
12 *pursuant to a request from a law enforcement or*
13 *prosecution agency, enhanced vouchers under any*
14 *provision of law authorizing such assistance under*
15 *section 8(t) of the Act, HOPE VI vouchers, manda-*
16 *tory and voluntary conversions, and tenant protection*
17 *assistance including replacement and relocation as-*
18 *stance or for project based assistance to prevent the*
19 *displacement of unassisted elderly tenants currently*
20 *residing in section 202 properties financed between*
21 *1959 and 1974 that are refinanced pursuant to Pub-*
22 *lic Law 106–569, as amended, or under the authority*
23 *as provided under this Act: Provided, That the Sec-*
24 *retary shall may provide replacement vouchers for all*
25 *units that were occupied within the previous 24*

1 *months that cease to be available as assisted housing,*
2 *subject only to the availability of funds;*

3 (3) *\$1,550,000,000 shall be for administrative*
4 *and other expenses of public housing agencies in ad-*
5 *ministering the section 8 tenant-based rental assist-*
6 *ance program, of which up to \$50,000,000 shall be*
7 *available to the Secretary to allocate to public hous-*
8 *ing agencies that need additional funds to administer*
9 *their section 8 programs, including fees associated*
10 *with section 8 tenant protection rental assistance, the*
11 *administration of disaster related vouchers, Veterans*
12 *Affairs Supportive Housing vouchers, and other in-*
13 *cremental vouchers: Provided, That no less than*
14 *\$1,500,000,000 of the amount provided in this para-*
15 *graph shall be allocated to public housing agencies for*
16 *the calendar year 2010 funding cycle based on section*
17 *8(q) of the Act (and related Appropriation Act provi-*
18 *sions) as in effect immediately before the enactment*
19 *of the Quality Housing and Work Responsibility Act*
20 *of 1998 (Public Law 105–276): Provided further,*
21 *That if the amounts made available under this para-*
22 *graph are insufficient to pay the amounts determined*
23 *under the previous proviso, the Secretary may de-*
24 *crease the amounts allocated to agencies by a uniform*
25 *percentage applicable to all agencies receiving fund-*

1 *ing under this paragraph or may, to the extent nec-*
2 *essary to provide full payment of amounts determined*
3 *under the previous proviso, utilize unobligated bal-*
4 *ances, including recaptures and carryovers, remain-*
5 *ing from funds appropriated to the Department of*
6 *Housing and Urban Development under this heading,*
7 *for fiscal year 2009 and prior fiscal years, notwith-*
8 *standing the purposes for which such amounts were*
9 *appropriated: Provided further, That amounts pro-*
10 *vided under this paragraph shall be only for activities*
11 *related to the provision of tenant-based rental assist-*
12 *ance authorized under section 8, including related de-*
13 *velopment activities;*

14 *(4) \$50,000,000 shall be available for family self-*
15 *sufficiency coordinators under section 23 of the Act;*

16 *(5) \$20,000,000 for incremental voucher assist-*
17 *ance through the Family Unification Program: Pro-*
18 *vided, That the assistance made available under this*
19 *paragraph shall continue to remain available for*
20 *family unification upon turnover: Provided further,*
21 *That the Secretary of Housing and Urban Develop-*
22 *ment shall make such funding available, notwith-*
23 *standing section 204 (competition provision) of this*
24 *title, to entities with demonstrated experience and re-*
25 *sources for supportive services;*

1 (6) \$75,000,000 for incremental rental voucher
2 assistance for use through a supported housing pro-
3 gram administered in conjunction with the Depart-
4 ment of Veterans Affairs as authorized under section
5 8(o)(19) of the United States Housing Act of 1937:
6 *Provided, That the Secretary of Housing and Urban*
7 *Development shall make such funding available, not-*
8 *withstanding section 204 (competition provision) of*
9 *this title, to public housing agencies that partner with*
10 *eligible VA Medical Centers or other entities as des-*
11 *ignated by the Secretary of the Department of Vet-*
12 *erans Affairs, based on geographical need for such as-*
13 *stance as identified by the Secretary of the Depart-*
14 *ment of Veterans Affairs, public housing agency ad-*
15 *ministrative performance, and other factors as speci-*
16 *fied by the Secretary of Housing and Urban Develop-*
17 *ment in consultation with the Secretary of the De-*
18 *partment of Veterans Affairs: Provided further, That*
19 *the Secretary of Housing and Urban Development*
20 *may waive, or specify alternative requirements for (in*
21 *consultation with the Secretary of the Department of*
22 *Veterans Affairs), any provision of any statute or reg-*
23 *ulation that the Secretary of Housing and Urban De-*
24 *velopment administers in connection with the use of*
25 *funds made available under this paragraph (except*

1 *for requirements related to fair housing, non-*
2 *discrimination, labor standards, and the environ-*
3 *ment), upon a finding by the Secretary that any such*
4 *waivers or alternative requirements are necessary for*
5 *the effective delivery and administration of such*
6 *voucher assistance: Provided further, That assistance*
7 *made available under this paragraph shall continue*
8 *to remain available for homeless veterans upon turn-*
9 *over; and*

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

13 *HOUSING CERTIFICATE FUND*

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

1 *PUBLIC HOUSING CAPITAL FUND*

2 *For the Public Housing Capital Fund Program to*
3 *carry out capital and management activities for public*
4 *housing agencies, as authorized under section 9 of the*
5 *United States Housing Act of 1937 (42 U.S.C. 1437g) (the*
6 *“Act”) \$2,500,000,000, to remain available until September*
7 *30, 2013: Provided, That notwithstanding any other provi-*
8 *sion of law or regulation, during fiscal year 2010 the Sec-*
9 *retary of Housing and Urban Development may not dele-*
10 *gate to any Department official other than the Deputy Sec-*
11 *retary and the Assistant Secretary for Public and Indian*
12 *Housing any authority under paragraph (2) of section 9(j)*
13 *regarding the extension of the time periods under such sec-*
14 *tion: Provided further, That for purposes of such section*
15 *9(j), the term “obligate” means, with respect to amounts,*
16 *that the amounts are subject to a binding agreement that*
17 *will result in outlays, immediately or in the future: Pro-*
18 *vided further, That up to \$15,345,000 shall be to support*
19 *the ongoing Public Housing Financial and Physical Assess-*
20 *ment activities of the Real Estate Assessment Center*
21 *(REAC): Provided further, That no funds may be used*
22 *under this heading for the purposes specified in section 9(k)*
23 *of the Act: Provided further, That of the total amount pro-*
24 *vided under this heading, not to exceed \$20,000,000 shall*
25 *be available for the Secretary to make grants, notwith-*

1 *standing section 204 of this Act, to public housing agencies*
2 *for emergency capital needs including safety and security*
3 *measures necessary to address crime and drug-related activ-*
4 *ity as well as needs resulting from unforeseen or unprevent-*
5 *able emergencies and natural disasters excluding Presi-*
6 *dentially declared emergencies and natural disasters under*
7 *the Robert T. Stafford Disaster Relief and Emergency Act*
8 *(42 U.S.C. 5121 et seq.) occurring in fiscal year 2010: Pro-*
9 *vided further, That of the amounts provided under this*
10 *heading \$50,000,000 shall be for grants to be competitively*
11 *awarded to public housing agencies for the construction, re-*
12 *habilitation or purchase of facilities to be used to provide*
13 *early education, adult education, job training or other ap-*
14 *propriate services to public housing residents: Provided fur-*
15 *ther, That grantees shall demonstrate an ability to leverage*
16 *other Federal, State, local or private resources for the con-*
17 *struction, rehabilitation or acquisition of such facilities,*
18 *and that selected grantees shall demonstrate a capacity to*
19 *pay the long-term costs of operating such facilities: Pro-*
20 *vided further, That of the total amount provided under this*
21 *heading, \$40,000,000 shall be for supportive services, service*
22 *coordinators and congregate services as authorized by sec-*
23 *tion 34 of the Act (42 U.S.C. 1437z-6) and the Native*
24 *American Housing Assistance and Self-Determination Act*
25 *of 1996 (25 U.S.C. 4101 et seq.): Provided further, That*

1 of the total amount provided under this heading up to
2 \$8,820,000 is to support the costs of administrative and ju-
3 dicial receiverships: Provided further, That from the funds
4 made available under this heading, the Secretary shall pro-
5 vide bonus awards in fiscal year 2010 to public housing
6 agencies that are designated high performers.

7 *PUBLIC HOUSING OPERATING FUND*

8 *For 2010 payments to public housing agencies for the*
9 *operation and management of public housing, as authorized*
10 *by section 9(e) of the United States Housing Act of 1937*
11 *(42 U.S.C. 1437g(e)), \$4,750,000,000: Provided, That, in*
12 *fiscal year 2009 and all fiscal years hereafter, no amounts*
13 *under this heading in any appropriations Act may be used*
14 *for payments to public housing agencies for the costs of op-*
15 *eration and management of public housing for any year*
16 *prior to the current year of such Act: Provided further, That*
17 *of the amounts made available under this heading, up to*
18 *\$15,000,000 may be transferred to and merged with the ap-*
19 *propriation for “Transformation Initiative”.*

20 *CHOICE NEIGHBORHOODS*

21 *For competitive grants under the Choice Neighborhoods*
22 *Initiative for transformation, rehabilitation and replace-*
23 *ment housing needs of both public and HUD-assisted hous-*
24 *ing and to transform neighborhoods of poverty into func-*
25 *tioning, sustainable mixed income neighborhoods with ap-*

1 *propriate services, public assets, transportation and access*
2 *to jobs, and schools, including public schools, community*
3 *schools, and charter schools, \$250,000,000, to remain avail-*
4 *able until September 30, 2013: Provided, That grant funds*
5 *may be used for resident and community services, commu-*
6 *nity development and affordable housing needs in the com-*
7 *munity, and for conversion of vacant or foreclosed prop-*
8 *erties to affordable housing: Provided further, That grantees*
9 *shall undertake comprehensive local planning with input*
10 *from residents and the community, and that grantees shall*
11 *provide a match in State, local, other Federal or private*
12 *funds: Provided further, That grantees may include local*
13 *governments, public housing authorities, and nonprofits:*
14 *Provided further, That for-profit developers may apply*
15 *jointly with a public entity: Provided further, That of the*
16 *amounts provided, not less than \$165,000,000 shall be*
17 *awarded to public housing authorities: Provided further,*
18 *That such grantees shall create partnerships with other*
19 *local organizations including assisted housing owners, serv-*
20 *ice agencies and resident organizations: Provided further,*
21 *That the Secretary shall consult with the Secretaries of*
22 *Education, Labor, Transportation, Health and Human*
23 *Services, Agriculture, and Commerce and the Adminis-*
24 *trator of the Environmental Protection Agency to coordi-*
25 *nate and leverage other appropriate Federal resources: Pro-*

1 *vided further, That within 60 days of the enactment of this*
2 *Act, HUD shall submit a plan to the House and Senate*
3 *Committees on Appropriations, for approval, describing an*
4 *array of performance measures that HUD will use in iden-*
5 *tifying functioning, sustainable, mixed-income neighbor-*
6 *hoods and a plan for how HUD will work with other agen-*
7 *cies: Provided further, That no more than ten percent of*
8 *funds made available under this heading may be provided*
9 *for planning grants to assist communities in developing*
10 *comprehensive strategies for implementing this program in*
11 *conjunction with community notice and input: Provided*
12 *further, That the Secretary shall develop and publish guide-*
13 *lines for the use of such competitive funds, including but*
14 *not limited to eligible activities, program requirements,*
15 *protections and services for affected residents, and perform-*
16 *ance metrics.*

17 *NATIVE AMERICAN HOUSING BLOCK GRANTS*

18 *For the Native American Housing Block Grants pro-*
19 *gram, as authorized under title I of the Native American*
20 *Housing Assistance and Self-Determination Act of 1996*
21 *(NAHASDA) (25 U.S.C. 4111 et seq.), \$670,000,000, to re-*
22 *main available until expended: Provided, That, notwith-*
23 *standing the Native American Housing Assistance and Self-*
24 *Determination Act of 1996, to determine the amount of the*
25 *allocation under title I of such Act for each Indian tribe,*

1 *the Secretary shall apply the formula under section 302 of*
2 *such Act with the need component based on single-race Cen-*
3 *sus data and with the need component based on multi-race*
4 *Census data, and the amount of the allocation for each In-*
5 *dian tribe shall be the greater of the two resulting allocation*
6 *amounts: Provided further, That of the amounts made*
7 *available under this heading, \$3,500,000 shall be contracted*
8 *for assistance for a national organization representing Na-*
9 *tive American housing interests for providing training and*
10 *technical assistance to Indian housing authorities and trib-*
11 *ally designated housing entities as authorized under*
12 *NAHASDA; and \$4,250,000 shall be to support the inspec-*
13 *tion of Indian housing units, contract expertise, training,*
14 *and technical assistance in the training, oversight, and*
15 *management of such Indian housing and tenant-based as-*
16 *sistance, including up to \$300,000 for related travel: Pro-*
17 *vided further, That of the amount provided under this head-*
18 *ing, \$2,000,000 shall be made available for the cost of guar-*
19 *anteed notes and other obligations, as authorized by title*
20 *VI of NAHASDA: Provided further, That such costs, includ-*
21 *ing the costs of modifying such notes and other obligations,*
22 *shall be as defined in section 502 of the Congressional Budg-*
23 *et Act of 1974, as amended: Provided further, That these*
24 *funds are available to subsidize the total principal amount*

1 *of any notes and other obligations, any part of which is*
2 *to be guaranteed, not to exceed \$18,000,000.*

3 *NATIVE HAWAIIAN HOUSING BLOCK GRANT*

4 *For the Native Hawaiian Housing Block Grant pro-*
5 *gram, as authorized under title VIII of the Native American*
6 *Housing Assistance and Self-Determination Act of 1996 (25*
7 *U.S.C. 4111 et seq.), \$13,000,000, to remain available until*
8 *expended: Provided, That of this amount, \$300,000 shall be*
9 *for training and technical assistance activities, including*
10 *up to \$100,000 for related travel by Hawaii-based HUD*
11 *employees.*

12 *INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM*

13 *ACCOUNT*

14 *For the cost of guaranteed loans, as authorized by sec-*
15 *tion 184 of the Housing and Community Development Act*
16 *of 1992 (12 U.S.C. 1715z), \$7,000,000, to remain available*
17 *until expended: Provided, That such costs, including the*
18 *costs of modifying such loans, shall be as defined in section*
19 *502 of the Congressional Budget Act of 1974: Provided fur-*
20 *ther, That these funds are available to subsidize total loan*
21 *principal, any part of which is to be guaranteed, up to*
22 *\$919,000,000: Provided further, That up to \$750,000 shall*
23 *be for administrative contract expenses including manage-*
24 *ment processes and systems to carry out the loan guarantee*
25 *program.*

1 *COMMUNITY DEVELOPMENT FUND*
2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For assistance to units of State and local government,*
4 *and to other entities, for economic and community develop-*
5 *ment activities, and for other purposes, \$4,450,000,000, to*
6 *remain available until September 30, 2012, unless otherwise*
7 *specified: Provided, That of the total amount provided,*
8 *\$3,992,000,000 is for carrying out the community develop-*
9 *ment block grant program under title I of the Housing and*
10 *Community Development Act of 1974, as amended (the*
11 *“Act” herein) (42 U.S.C. 5301 et seq.): Provided further,*
12 *That unless explicitly provided for under this heading (ex-*
13 *cept for planning grants provided in the second paragraph*
14 *and amounts made available under the third paragraph),*
15 *not to exceed 20 percent of any grant made with funds ap-*
16 *propriated under this heading shall be expended for plan-*
17 *ning and management development and administration:*
18 *Provided further, That \$65,000,000 shall be for grants to*
19 *Indian tribes notwithstanding section 106(a)(1) of such Act,*
20 *of which, notwithstanding any other provision of law (in-*
21 *cluding section 204 of this Act), up to \$3,960,000 may be*
22 *used for emergencies that constitute imminent threats to*
23 *health and safety.*

24 *Of the amount made available under this heading,*
25 *\$171,000,000 shall be available for grants for the Economic*

1 *Development Initiative (EDI) to finance a variety of tar-*
2 *geted economic investments in accordance with the terms*
3 *and conditions specified in the explanatory statement ac-*
4 *companying this Act: Provided, That none of the funds pro-*
5 *vided under this paragraph may be used for program oper-*
6 *ations: Provided further, That, for fiscal years 2007, 2008*
7 *and 2009, no unobligated funds for EDI grants may be used*
8 *for any purpose except acquisition, planning, design, pur-*
9 *chase of equipment, revitalization, redevelopment or con-*
10 *struction.*

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

23 *The referenced explanatory statement under this head-*
24 *ing in title II of division K of Public Law 110–161 is*
25 *deemed to be amended by striking “Old Town Boys and*

1 *Girls Club, Albuquerque, NM, for renovation of the existing*
2 *Old Town Boys and Girls Club accompanied by construc-*
3 *tion of new areas for the Club” and inserting “Old Town*
4 *Boys and Girls Club, Albuquerque, NM, for renovation of*
5 *the Heights Boys and Girls Club”.*

6 *The referenced explanatory statement under this head-*
7 *ing in division I of Public Law 111–8 is deemed to be*
8 *amended with respect to “Hawaii County Office of Housing*
9 *and Community Development, HI” by striking “Senior*
10 *Housing Renovation Project” and inserting “Transitional*
11 *Housing Project”.*

12 *The referenced explanatory statement under the head-*
13 *ing “Community Development Fund” in title II of division*
14 *K of Public Law 110–161 is deemed to be amended with*
15 *respect to “Emergency Housing Consortium in San Jose,*
16 *CA” by striking “for construction of the Sobrato Transi-*
17 *tional Center, a residential facility for homeless individuals*
18 *and families” and inserting “for improvements to homeless*
19 *services and prevention facilities”.*

20 *Of the amounts made available under this heading,*
21 *\$150,000,000 shall be made available for a Sustainable*
22 *Communities Initiative to improve regional planning ef-*
23 *forts that integrate housing and transportation decisions,*
24 *and increase the capacity to improve land use and zoning:*
25 *Provided, That \$100,000,000 shall be for Regional Inte-*

1 *grated Planning Grants to support the linking of transpor-*
2 *tation and land use planning: Provided further, That not*
3 *less than \$25,000,000 of the funding made available for Re-*
4 *gional Integrated Planning Grants shall be awarded to met-*
5 *ropolitan areas of less than 500,000: Provided further, That*
6 *\$40,000,000 shall be for Community Challenge Planning*
7 *Grants to foster reform and reduce barriers to achieve af-*
8 *fordable, economically vital, and sustainable communities:*
9 *Provided further, That before funding is made available for*
10 *Regional Integrated Planning Grants or Community Chal-*
11 *lenge Planning Grants, the Secretary, in coordination with*
12 *the Secretary of Transportation, shall submit a plan to the*
13 *House and Senate Committees on Appropriations, the Sen-*
14 *ate Committee on Banking and Urban Affairs, and the*
15 *House Committee on Financial Services establishing grant*
16 *criteria as well as performance measures by which the suc-*
17 *cess of grantees will be measured: Provided further, That*
18 *the Secretary will consult with the Secretary of Transpor-*
19 *tation in selecting grant recipients: Provided further, That*
20 *up to \$10,000,000 shall be for a joint Department of Hous-*
21 *ing and Urban Development and Department of Transpor-*
22 *tation research effort that shall include a rigorous evalua-*
23 *tion of the Regional Integrated Planning Grants and Com-*
24 *munity Challenge Planning Grants programs: Provided*
25 *further, That of the amounts made available under this*

1 heading, \$25,000,000 shall be made available for the Rural
2 Innovation Fund for grants to Indian tribes, State housing
3 finance agencies, State community and/or economic devel-
4 opment agencies, local rural nonprofits and community de-
5 velopment corporations to address the problems of con-
6 centrated rural housing distress and community poverty:
7 Provided further, That of the funding made available under
8 the previous proviso, \$10,000,000 shall be made available
9 to promote economic development and entrepreneurship for
10 federally recognized Indian Tribes, through activities in-
11 cluding the capitalization of revolving loan programs and
12 business planning and development, funding is also made
13 available for technical assistance to increase capacity
14 through training and outreach activities: Provided further,
15 That of the amounts made available under this heading,
16 \$25,000,000 is for grants pursuant to section 107 of the
17 Housing and Community Development Act of 1974 (42
18 U.S.C. 5307).

19 COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM

20 ACCOUNT

21 Subject to section 502 of the Congressional Budget Act
22 of 1974, during fiscal year 2010, commitments to guarantee
23 loans under section 108 of the Housing and Community
24 Development Act of 1974, any part of which is guaranteed,
25 shall not exceed a total principal amount of \$275,000,000,

1 *notwithstanding any aggregate limitation on outstanding*
2 *obligations guaranteed in subsection (k) of such section 108:*
3 *Provided, That the Secretary shall collect fees from bor-*
4 *rowers, notwithstanding subsection (m) of such section 108,*
5 *to result in a credit subsidy cost of zero, and such fees shall*
6 *be collected in accordance with section 502(7) of the Con-*
7 *gressional Budget Act of 1974.*

8 *HOME INVESTMENT PARTNERSHIPS PROGRAM*

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

19 *SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY*
20 *PROGRAM*

21 *For the Self-Help and Assisted Homeownership Op-*
22 *portunity Program, as authorized under section 11 of the*
23 *Housing Opportunity Program Extension Act of 1996, as*
24 *amended, \$85,000,000, to remain available until September*
25 *30, 2012: Provided, That of the total amount provided*

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

13 *HOMELESS ASSISTANCE GRANTS*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For the emergency shelter grants program as author-*
16 *ized under subtitle B of title IV of the McKinney-Vento*
17 *Homeless Assistance Act, as amended; the supportive hous-*
18 *ing program as authorized under subtitle C of title IV of*
19 *such Act; the section 8 moderate rehabilitation single room*
20 *occupancy program as authorized under the United States*
21 *Housing Act of 1937, as amended, to assist homeless indi-*
22 *viduals pursuant to section 441 of the McKinney-Vento*
23 *Homeless Assistance Act; and the shelter plus care program*
24 *as authorized under subtitle F of title IV of such Act,*
25 *\$1,875,000,000, of which \$1,870,000,000 shall remain*

1 available until September 30, 2012, and of which
2 \$5,000,000 shall remain available until expended for reha-
3 bilitation projects with 10-year grant terms: Provided, That
4 not less than 30 percent of funds made available, excluding
5 amounts provided for renewals under the Shelter Plus Care
6 Program and emergency shelter grants, shall be used for
7 permanent housing for individuals and families: Provided
8 further, That all funds awarded for services shall be
9 matched by not less than 25 percent in funding by each
10 grantee: Provided further, That for all match requirements
11 applicable to funds made available under this heading for
12 this fiscal year and prior years, a grantee may use (or could
13 have used) as a source of match funds other funds adminis-
14 tered by the Secretary and other Federal agencies unless
15 there is (or was) a specific statutory prohibition on any
16 such use of any such funds: Provided further, That the Sec-
17 retary shall renew on an annual basis expiring contracts
18 or amendments to contracts funded under the shelter plus
19 care program if the program is determined to be needed
20 under the applicable continuum of care and meets appro-
21 priate program requirements and financial standards, as
22 determined by the Secretary: Provided further, That all
23 awards of assistance under this heading shall be required
24 to coordinate and integrate homeless programs with other
25 mainstream health, social services, and employment pro-

1 *grams for which homeless populations may be eligible, in-*
 2 *cluding Medicaid, State Children’s Health Insurance Pro-*
 3 *gram, Temporary Assistance for Needy Families, Food*
 4 *Stamps, and services funding through the Mental Health*
 5 *and Substance Abuse Block Grant, Workforce Investment*
 6 *Act, and the Welfare-to-Work grant program: Provided fur-*
 7 *ther, That up to \$6,000,000 of the funds appropriated under*
 8 *this heading shall be available for the national homeless*
 9 *data analysis project: Provided further, That up to*
 10 *\$12,750,000 of the funds made available under this heading*
 11 *may be transferred to and merged with the appropriation*
 12 *for “Transformation Initiative”: Provided further, That all*
 13 *balances for Shelter Plus Care renewals previously funded*
 14 *from the Shelter Plus Care Renewal account and trans-*
 15 *ferred to this account shall be available, if recaptured, for*
 16 *Shelter Plus Care renewals in fiscal year 2010.*

17 *HOUSING PROGRAMS*

18 *PROJECT-BASED RENTAL ASSISTANCE*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For activities and assistance for the provision of*
 21 *project-based subsidy contracts under the United States*
 22 *Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the Act”),*
 23 *not otherwise provided for, \$7,700,000,000, to remain avail-*
 24 *able until expended, shall be available on October 1, 2009,*
 25 *and \$400,000,000, to remain available until expended, shall*

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

4 (1) *Up to \$7,868,000,000 shall be available for*
5 *expiring or terminating section 8 project-based sub-*
6 *sidy contracts (including section 8 moderate rehabili-*
7 *tation contracts), for amendments to section 8 project-*
8 *based subsidy contracts (including section 8 moderate*
9 *rehabilitation contracts), for contracts entered into*
10 *pursuant to section 441 of the McKinney-Vento*
11 *Homeless Assistance Act (42 U.S.C. 11401), for re-*
12 *newal of section 8 contracts for units in projects that*
13 *are subject to approved plans of action under the*
14 *Emergency Low Income Housing Preservation Act of*
15 *1987 or the Low-Income Housing Preservation and*
16 *Resident Homeownership Act of 1990, and for admin-*
17 *istrative and other expenses associated with project-*
18 *based activities and assistance funded under this*
19 *paragraph.*

20 (2) *Not less than \$232,000,000 but not to exceed*
21 *\$258,000,000 shall be available for performance-based*
22 *contract administrators for section 8 project-based as-*
23 *sistance: Provided, That the Secretary of Housing and*
24 *Urban Development may also use such amounts for*
25 *performance-based contract administrators for the ad-*

1 *ministration of: interest reduction payments pursuant*
2 *to section 236(a) of the National Housing Act (12*
3 *U.S.C. 1715z-1(a)); rent supplement payments pur-*
4 *suant to section 101 of the Housing and Urban Devel-*
5 *opment Act of 1965 (12 U.S.C. 1701s); section*
6 *236(f)(2) rental assistance payments (12 U.S.C.*
7 *1715z-1(f)(2)); project rental assistance contracts for*
8 *the elderly under section 202(c)(2) of the Housing Act*
9 *of 1959 (12 U.S.C. 1701q); project rental assistance*
10 *contracts for supportive housing for persons with dis-*
11 *abilities under section 811(d)(2) of the Cranston-Gon-*
12 *zalez National Affordable Housing Act (42 U.S.C.*
13 *8013(d)(2)); project assistance contracts pursuant to*
14 *section 202(h) of the Housing Act of 1959 (Public*
15 *Law 86-372; 73 Stat. 667); and loans under section*
16 *202 of the Housing Act of 1959 (Public Law 86-372;*
17 *73 Stat. 667).*

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

21 *(4) Amounts recaptured under this heading, the*
22 *heading “Annual Contributions for Assisted Hous-*
23 *ing”, or the heading “Housing Certificate Fund” may*
24 *be used for renewals of or amendments to section 8*
25 *project-based contracts or for performance-based con-*

1 *tract administrators, notwithstanding the purposes*
2 *for which such amounts were appropriated.*

3 *HOUSING FOR THE ELDERLY*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For capital advances, including amendments to cap-*
6 *ital advance contracts, for housing for the elderly, as au-*
7 *thorized by section 202 of the Housing Act of 1959, as*
8 *amended, and for project rental assistance for the elderly*
9 *under section 202(c)(2) of such Act, including amendments*
10 *to contracts for such assistance and renewal of expiring con-*
11 *tracts for such assistance for up to a 1-year term, and for*
12 *supportive services associated with the housing,*
13 *\$785,000,000, to remain available until September 30,*
14 *2013, of which up to \$542,000,000 shall be for capital ad-*
15 *vance and project-based rental assistance awards: Provided,*
16 *That amounts for project rental assistance contracts are to*
17 *remain available for the liquidation of valid obligations for*
18 *10 years following the date of such obligation: Provided fur-*
19 *ther, That of the amount provided under this heading, up*
20 *to \$90,000,000 shall be for service coordinators and the con-*
21 *tinuation of existing congregate service grants for residents*
22 *of assisted housing projects, and of which up to \$25,000,000*
23 *shall be for grants under section 202b of the Housing Act*
24 *of 1959 (12 U.S.C. 1701q-2) for conversion of eligible*
25 *projects under such section to assisted living or related use*

1 *and for substantial and emergency capital repairs as deter-*
2 *mined by the Secretary: Provided further, That of the*
3 *amount made available under this heading, \$20,000,000*
4 *shall be available to the Secretary of Housing and Urban*
5 *Development only for making competitive grants to private*
6 *nonprofit organizations and consumer cooperatives for cov-*
7 *ering costs of architectural and engineering work, site con-*
8 *trol, and other planning relating to the development of sup-*
9 *portive housing for the elderly that is eligible for assistance*
10 *under section 202 of the Housing Act of 1959 (12 U.S.C.*
11 *1701q): Provided further, That amounts under this heading*
12 *shall be available for Real Estate Assessment Center inspec-*
13 *tions and inspection-related activities associated with sec-*
14 *tion 202 capital advance projects: Provided further, That*
15 *the Secretary may waive the provisions of section 202 gov-*
16 *erning the terms and conditions of project rental assistance,*
17 *except that the initial contract term for such assistance*
18 *shall not exceed 5 years in duration.*

19 *HOUSING FOR PERSONS WITH DISABILITIES*

20 *(INCLUDING TRANSFER OF FUNDS)*

21 *For capital advance contracts, including amendments*
22 *to capital advance contracts, for supportive housing for per-*
23 *sons with disabilities, as authorized by section 811 of the*
24 *Cranston-Gonzalez National Affordable Housing Act (42*
25 *U.S.C. 8013), for project rental assistance for supportive*

1 *housing for persons with disabilities under section*
2 *811(d)(2) of such Act, including amendments to contracts*
3 *for such assistance and renewal of expiring contracts for*
4 *such assistance for up to a 1-year term, and for supportive*
5 *services associated with the housing for persons with dis-*
6 *abilities as authorized by section 811(b)(1) of such Act, and*
7 *for tenant-based rental assistance contracts entered into*
8 *pursuant to section 811 of such Act, \$265,000,000, of which*
9 *up to \$129,000,000 shall be for capital advances and*
10 *project-based rental assistance contracts, to remain avail-*
11 *able until September 30, 2013: Provided, That amounts for*
12 *project rental assistance contracts are to remain available*
13 *for the liquidation of valid obligations for 10 years fol-*
14 *lowing the date of such obligation: Provided further, That,*
15 *of the amount provided under this heading, \$87,100,000*
16 *shall be for amendments or renewal of tenant-based assist-*
17 *ance contracts entered into prior to fiscal year 2005 (only*
18 *one amendment authorized for any such contract): Provided*
19 *further, That all tenant-based assistance made available*
20 *under this heading shall continue to remain available only*
21 *to persons with disabilities: Provided further, That the Sec-*
22 *retary may waive the provisions of section 811 governing*
23 *the terms and conditions of project rental assistance and*
24 *tenant-based assistance, except that the initial contract*
25 *term for such assistance shall not exceed 5 years in dura-*

1 *tion: Provided further, That amounts made available under*
2 *this heading shall be available for Real Estate Assessment*
3 *Center inspections and inspection-related activities associ-*
4 *ated with section 811 Capital Advance Projects.*

5 *HOUSING COUNSELING ASSISTANCE*

6 *For contracts, grants, and other assistance excluding*
7 *loans, as authorized under section 106 of the Housing and*
8 *Urban Development Act of 1968, as amended, \$100,000,000,*
9 *including up to \$2,500,000 for administrative contract*
10 *services, to remain available until September 30, 2011: Pro-*
11 *vided, That funds shall be used for providing counseling*
12 *and advice to tenants and homeowners, both current and*
13 *prospective, with respect to property maintenance, finan-*
14 *cial management/literacy, and such other matters as may*
15 *be appropriate to assist them in improving their housing*
16 *conditions, meeting their financial needs, and fulfilling the*
17 *responsibilities of tenancy or homeownership; for program*
18 *administration; and for housing counselor training: Pro-*
19 *vided further, That of the amounts made available under*
20 *this heading, not less than \$15,000,000 shall be awarded*
21 *to HUD-certified housing counseling agencies located in the*
22 *100 metropolitan statistical areas with the highest rate of*
23 *home foreclosures for the purpose of assisting homeowners*
24 *with inquiries regarding mortgage-modification assistance*
25 *and mortgage scams.*

ENERGY INNOVATION FUND

1
2 *For an Energy Innovation Fund to enable the Federal*
3 *Housing Administration and the new Office of Sustain-*
4 *ability to catalyze innovations in the residential energy effi-*
5 *ciency sector that have promise of replicability and help*
6 *create a standardized home energy efficient retrofit market,*
7 *\$75,000,000, to remain available until September 30, 2013:*
8 *Provided, That \$20,000,000 shall be for the Energy Effi-*
9 *cient Mortgage Innovation pilot program, directed at the*
10 *single family housing market: Provided further, That*
11 *\$20,000,000 shall be for the Multifamily Energy Pilot, di-*
12 *rected at the multifamily housing market: Provided further,*
13 *That \$35,000,000 shall be for the Local Initiatives Fund*
14 *so as to leverage additional public and private sector cap-*
15 *ital to stimulate the development of model residential en-*
16 *ergy efficient retrofits in ten or more communities: Pro-*
17 *vided further, That selected communities shall have dem-*
18 *onstrated capacity to conduct energy efficient retrofit ac-*
19 *tivities, and no community shall receive more than*
20 *\$10,000,000.*

*OTHER ASSISTED HOUSING PROGRAMS**RENTAL HOUSING ASSISTANCE*

23 *For amendments to contracts under section 101 of the*
24 *Housing and Urban Development Act of 1965 (12 U.S.C.*
25 *1701s) and section 236(f)(2) of the National Housing Act*

1 *(12 U.S.C. 1715z-1) in State-aided, non-insured rental*
2 *housing projects, \$40,000,000, to remain available until ex-*
3 *pended.*

4 *RENT SUPPLEMENT*

5 *(RESCISSION)*

6 *Of the amounts recaptured from terminated contracts*
7 *under section 101 of the Housing and Urban Development*
8 *Act of 1965 (12 U.S.C. 1701s) and section 236 of the Na-*
9 *tional Housing Act (12 U.S.C. 1715z-1) \$27,600,000 are*
10 *rescinded hereby permanently cancelled: Provided, That no*
11 *amounts may be cancelled from amounts that were des-*
12 *ignated by the Congress as an emergency requirement pur-*
13 *suant to the Concurrent Resolution on the Budget or the*
14 *Balanced Budget and Emergency Deficit Control Act of*
15 *1985, as amended.*

16 *PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND*

17 *For necessary expenses as authorized by the National*
18 *Manufactured Housing Construction and Safety Standards*
19 *Act of 1974 (42 U.S.C. 5401 et seq.), up to \$16,000,000,*
20 *to remain available until expended, of which \$7,000,000 is*
21 *to be derived from the Manufactured Housing Fees Trust*
22 *Fund: Provided, That not to exceed the total amount appro-*
23 *priated under this heading shall be available from the gen-*
24 *eral fund of the Treasury to the extent necessary to incur*
25 *obligations and make expenditures pending the receipt of*

1 *collections to the Fund pursuant to section 620 of such Act:*
2 *Provided further, That the amount made available under*
3 *this heading from the general fund shall be reduced as such*
4 *collections are received during fiscal year 2010 so as to re-*
5 *sult in a final fiscal year 2010 appropriation from the gen-*
6 *eral fund estimated at not more than \$9,000,000 and fees*
7 *pursuant to such section 620 shall be modified as necessary*
8 *to ensure such a final fiscal year 2010 appropriation: Pro-*
9 *vided further, That for the dispute resolution and installa-*
10 *tion programs, the Secretary of Housing and Urban Devel-*
11 *opment may assess and collect fees from any program par-*
12 *ticipant: Provided further, That such collections shall be de-*
13 *posited into the Fund, and the Secretary, as provided here-*
14 *in, may use such collections, as well as fees collected under*
15 *section 620, for necessary expenses of such Act: Provided*
16 *further, That notwithstanding the requirements of section*
17 *620 of such Act, the Secretary may carry out responsibil-*
18 *ities of the Secretary under such Act through the use of ap-*
19 *proved service providers that are paid directly by the recipi-*
20 *ents of their services.*

21 *FEDERAL HOUSING ADMINISTRATION*

22 *MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT*

23 *(INCLUDING TRANSFERS OF FUNDS)*

24 *During fiscal year 2010, commitments to guarantee*
25 *single family loans insured under the Mutual Mortgage In-*

1 *urance Fund shall not exceed a loan principal of*
2 *\$400,000,000,000: Provided, That for the cost of new guar-*
3 *anteed loans, as authorized by section 255 of the National*
4 *Housing Act (12 U.S.C. 1715z-20), \$288,000,000; and, in*
5 *addition, to the extent that new guaranteed loan commit-*
6 *ments under section 255 will and do exceed*
7 *\$30,000,000,000, an additional \$26,600 shall be available*
8 *for each \$1,000,000 in such additional commitments (in-*
9 *cluding a pro rata amount for any new guaranteed loan*
10 *commitment amount below \$1,000,000): Provided further,*
11 *That the Secretary shall reduce the principal limit factors*
12 *applicable to mortgage loans insured under such section 255*
13 *in fiscal year 2010 by 5 percent from what was assumed*
14 *for calculating the subsidy rates published in the President's*
15 *budget for fiscal year 2010: Provided further, That during*
16 *fiscal year 2010, obligations to make direct loans to carry*
17 *out the purposes of section 204(g) of the National Housing*
18 *Act, as amended, shall not exceed \$50,000,000: Provided*
19 *further, That the foregoing amount shall be for loans to non-*
20 *profit and governmental entities in connection with sales*
21 *of single family real properties owned by the Secretary and*
22 *formerly insured under the Mutual Mortgage Insurance*
23 *Fund. For administrative contract expenses, of the federal*
24 *housing administration \$188,900,000, of \$70,794,000 may*
25 *be transferred to the Working capital fund, and of which*

1 up to \$7,500,000 shall be for education and outreach of
2 FHA single family loan products: Provided further, That
3 to the extent guaranteed loan commitments exceed
4 \$200,000,000,000 on or before April 1, 2010, an additional
5 \$1,400 for administrative contract expenses shall be avail-
6 able for each \$1,000,000 in additional guaranteed loan
7 commitments (including a pro rata amount for any
8 amount below \$1,000,000), but in no case shall funds made
9 available by this proviso exceed \$30,000,000.

10 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

11 For the cost of guaranteed loans, as authorized by sec-
12 tions 238 and 519 of the National Housing Act (12 U.S.C.
13 1715z-3 and 1735c), including the cost of loan guarantee
14 modifications, as that term is defined in section 502 of the
15 Congressional Budget Act of 1974, as amended, \$8,600,000,
16 to remain available until expended: Provided, That com-
17 mitments to guarantee loans shall not exceed
18 \$15,000,000,000 in total loan principal, any part of which
19 is to be guaranteed.

20 Gross obligations for the principal amount of direct
21 loans, as authorized by sections 204(g), 207(l), 238, and
22 519(a) of the National Housing Act, shall not exceed
23 \$20,000,000, which shall be for loans to nonprofit and gov-
24 ernmental entities in connection with the sale of single-fam-

1 *ily real properties owned by the Secretary and formerly in-*
 2 *sured under such Act.*

3 *GOVERNMENT NATIONAL MORTGAGE ASSOCIATION*
 4 *GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN*
 5 *GUARANTEE PROGRAM ACCOUNT*

6 *New commitments to issue guarantees to carry out the*
 7 *purposes of section 306 of the National Housing Act, as*
 8 *amended (12 U.S.C. 1721(g)), shall not exceed*
 9 *\$500,000,000,000, to remain available until September 30,*
 10 *2011.*

11 *POLICY DEVELOPMENT AND RESEARCH*

12 *For contracts, grants, and necessary expenses of pro-*
 13 *grams of research and studies relating to housing and*
 14 *urban problems, not otherwise provided for, as authorized*
 15 *by title V of the Housing and Urban Development Act of*
 16 *1970 (12 U.S.C. 1701z-1 et seq.), including carrying out*
 17 *the functions of the Secretary of Housing and Urban Devel-*
 18 *opment under section 1(a)(1)(I) of Reorganization Plan No.*
 19 *2 of 1968, \$48,000,000, to remain available until September*
 20 *30, 2011.*

21 *FAIR HOUSING AND EQUAL OPPORTUNITY*

22 *FAIR HOUSING ACTIVITIES*

23 *For contracts, grants, and other assistance, not other-*
 24 *wise provided for, as authorized by title VIII of the Civil*
 25 *Rights Act of 1968, as amended by the Fair Housing*

1 *Amendments Act of 1988, and section 561 of the Housing*
2 *and Community Development Act of 1987, as amended,*
3 *\$72,000,000, to remain available until September 30, 2011,*
4 *of which \$42,500,000 shall be to carry out activities pursu-*
5 *ant to such section 561 of which up to \$2,000,000 shall be*
6 *made available to carryout authorized activities to protect*
7 *the public from mortgage rescue scams: Provided, That not-*
8 *withstanding 31 U.S.C. 3302, the Secretary may assess and*
9 *collect fees to cover the costs of the Fair Housing Training*
10 *Academy, and may use such funds to provide such training:*
11 *Provided further, That no funds made available under this*
12 *heading shall be used to lobby the executive or legislative*
13 *branches of the Federal Government in connection with a*
14 *specific contract, grant or loan: Provided further, That of*
15 *the funds made available under this heading, \$500,000 shall*
16 *be available to the Secretary of Housing and Urban Devel-*
17 *opment for the creation and promotion of translated mate-*
18 *rials and other programs that support the assistance of per-*
19 *sons with limited English proficiency in utilizing the serv-*
20 *ices provided by the Department of Housing and Urban De-*
21 *velopment.*

1 a competitive basis for areas with the highest lead paint
2 abatement needs: Provided further, That each recipient of
3 funds provided under the second proviso shall make a
4 matching contribution in an amount not less than 25 per-
5 cent: Provided further, That the Secretary may waive the
6 matching requirement cited in the preceding proviso on a
7 case by case basis if the Secretary determines that such a
8 waiver is necessary to advance the purposes of this pro-
9 gram: Provided further, That each applicant shall submit
10 a detailed plan and strategy that demonstrates adequate ca-
11 pacity that is acceptable to the Secretary to carry out the
12 proposed use of funds pursuant to a notice of funding avail-
13 ability: Provided further, That amounts made available
14 under this heading in this or prior appropriations Acts,
15 and that still remain available, may be used for any pur-
16 pose under this heading notwithstanding the purpose for
17 which such amounts were appropriated if a program com-
18 petition is undersubscribed and there are other program
19 competitions under this heading that are oversubscribed:
20 Provided further, That of the total amount made available
21 under this heading, \$250,000 shall be allocated through the
22 Office of Healthy Homes and Lead Hazard Control to con-
23 duct communications and outreach to potential applicants
24 to the Lead Hazard Reduction Demonstration Grant pro-
25 gram.

1 *MANAGEMENT AND ADMINISTRATION*2 *WORKING CAPITAL FUND*

3 *For additional capital for the Working Capital Fund*
4 *(42 U.S.C. 3535) for the maintenance of infrastructure for*
5 *Department-wide information technology systems, for the*
6 *continuing operation and maintenance of both Department-*
7 *wide and program-specific information systems, and for*
8 *program-related maintenance activities, \$200,000,000, to*
9 *remain available until September 30, 2011: Provided, That*
10 *any amounts transferred to this Fund under this Act shall*
11 *remain available until expended: Provided further, That*
12 *any amounts transferred to this Fund from amounts appro-*
13 *priated by previously enacted appropriations Acts or from*
14 *within this Act may be used for the purposes specified under*
15 *this Fund, in addition to the purposes for which such*
16 *amounts were appropriated: Provided further, That up to*
17 *\$15,000,000 may be transferred to this account from all*
18 *other accounts in this title (except for the Office of the In-*
19 *spector General account) that make funds available for sala-*
20 *ries and expenses.*

21 *OFFICE OF INSPECTOR GENERAL*

22 *For necessary salaries and expenses of the Office of In-*
23 *spector General in carrying out the Inspector General Act*
24 *of 1978, as amended, \$126,000,000: Provided, That the In-*

1 *spector General shall have independent authority over all*
2 *personnel issues within this office.*

3 *TRANSFORMATION INITIATIVE*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For necessary expenses for combating mortgage fraud,*
6 *\$20,000,000, to remain available until expended.*

7 *In addition, of the amounts made available in this Act*
8 *under each of the following headings under this title, the*
9 *Secretary may transfer to, and merge with, this account*
10 *up to 1 percent from each such account, and such trans-*
11 *ferred amounts shall be available until September 30, 2013,*
12 *for (1) research, evaluation, and program metrics; (2) pro-*
13 *gram demonstrations; (3) technical assistance and capacity*
14 *building; and (4) information technology: “Public Housing*
15 *Capital Fund”, “Choice Neighborhoods Initiative”, “En-*
16 *ergy Innovation Fund”, “Housing Opportunities for Per-*
17 *sons With AIDS”, “Community Development Fund”,*
18 *“HOME Investment Partnerships Program”, “Self-Help*
19 *and Assisted Homeownership Opportunity Program”,*
20 *“Housing for the Elderly”, “Housing for Persons With Dis-*
21 *abilities”, “Housing Counseling Assistance”, “Payment to*
22 *Manufactured Housing Fees Trust Fund”, “Mutual Mort-*
23 *gage Insurance Program Account”, “General and Special*
24 *Risk Program Account”, “Research and Technology”,*
25 *“Lead Hazard Reduction”, “Rental Housing Assistance”,*

1 and “Fair Housing Activities”: Provided, That of the
2 amounts made available under this paragraph, not less
3 than \$100,000,000 shall be available for information tech-
4 nology modernization, including development and deploy-
5 ment of a Next Generation of Voucher Management System
6 and development and deployment of modernized Federal
7 Housing Administration systems: Provided further, That
8 not more than 25 percent of the funds made available for
9 information technology modernization may be obligated
10 until the Secretary submits to the Committees on Appro-
11 priations a plan for expenditure that (1) identifies for each
12 modernization project (a) the functional and performance
13 capabilities to be delivered and the mission benefits to be
14 realized, (b) the estimated lifecycle cost, and (c) key mile-
15 stones to be met; (2) demonstrates that each modernization
16 project is (a) compliant with the department’s enterprise
17 architecture, (b) being managed in accordance with appli-
18 cable lifecycle management policies and guidance, (c) sub-
19 ject to the department’s capital planning and investment
20 control requirements, and (d) supported by an adequately
21 staffed project office; and (3) has been reviewed by the Gov-
22 ernment Accountability Office: Provided further, That of the
23 amounts made available under this paragraph, not less
24 than \$40,000,000 shall be available for technical assistance
25 and capacity building: Provided further, That technical as-

1 *sistance activities shall include, technical assistance for*
2 *HUD programs, including HOME, Community Develop-*
3 *ment Block Grant, homeless programs, HOPE VI, Choice*
4 *Neighborhoods, Public Housing, the Housing Choice Vouch-*
5 *er Program, Fair Housing Initiative Program, Housing*
6 *Counseling, Health Homes, Sustainable Communities, En-*
7 *ergy Innovation Fund and other technical assistance as de-*
8 *termined by the Secretary: Provided further, That of the*
9 *amounts made available for research, evaluation and pro-*
10 *gram metrics and program demonstrations, the Secretary*
11 *shall include an assessment of the housing needs of Native*
12 *Americans: Provided further, That of the amounts made*
13 *available for research, evaluation and program metrics and*
14 *program demonstrations, the Secretary shall include plan-*
15 *ning, demonstrations, or evaluations related to pre-pur-*
16 *chase housing counseling and the Moving-to-Work dem-*
17 *onstration program: Provided further, That the Secretary*
18 *shall submit a plan to the House and Senate Committees*
19 *on Appropriations for approval detailing how the funding*
20 *provided under this heading will be allocated to each of the*
21 *four categories identified under this heading and for what*
22 *projects or activities funding will be used: Provided further,*
23 *That following the initial approval of this plan, the Sec-*
24 *retary may amend the plan with the approval of the House*
25 *and Senate Committees on Appropriations.*

1 *GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND*
2 *URBAN DEVELOPMENT*
3 *(INCLUDING RESCISSION OF FUNDS)*

4 *SEC. 201. Fifty percent of the amounts of budget au-*
5 *thority, or in lieu thereof 50 percent of the cash amounts*
6 *associated with such budget authority, that are recaptured*
7 *from projects described in section 1012(a) of the Stewart*
8 *B. McKinney Homeless Assistance Amendments Act of 1988*
9 *(42 U.S.C. 1437 note) shall be rescission or in the case of*
10 *cash, shall be remitted to the Treasury, and such amounts*
11 *of budget authority or cash recaptured and not rescission*
12 *or remitted to the Treasury shall be used by State housing*
13 *finance agencies or local governments or local housing agen-*
14 *cies with projects approved by the Secretary of Housing and*
15 *Urban Development for which settlement occurred after*
16 *January 1, 1992, in accordance with such section. Notwith-*
17 *standing the previous sentence, the Secretary may award*
18 *up to 15 percent of the budget authority or cash recaptured*
19 *and not rescission or remitted to the Treasury to provide*
20 *project owners with incentives to refinance their project at*
21 *a lower interest rate.*

22 *SEC. 202. None of the amounts made available under*
23 *this Act may be used during fiscal year 2010 to investigate*
24 *or prosecute under the Fair Housing Act any otherwise law-*
25 *ful activity engaged in by one or more persons, including*

1 *the filing or maintaining of a non-frivolous legal action,*
2 *that is engaged in solely for the purpose of achieving or*
3 *preventing action by a Government official or entity, or a*
4 *court of competent jurisdiction.*

5 *SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of*
6 *the AIDS Housing Opportunity Act (42 U.S.C.*
7 *12903(c)(1)(A)), from any amounts made available under*
8 *this title for fiscal year 2010 that are allocated under such*
9 *section, the Secretary of Housing and Urban Development*
10 *shall allocate and make a grant, in the amount determined*
11 *under subsection (b), for any State that—*

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

14 *(2) is not otherwise eligible for an allocation for*
15 *fiscal year 2010 under such clause (ii) because the*
16 *areas in the State outside of the metropolitan statis-*
17 *tical areas that qualify under clause (I) in fiscal year*
18 *2010 do not have the number of cases of acquired im-*
19 *munodeficiency syndrome (AIDS) required under*
20 *such clause.*

21 *(b) The amount of the allocation and grant for any*
22 *State described in subsection (a) shall be an amount based*
23 *on the cumulative number of AIDS cases in the areas of*
24 *that State that are outside of metropolitan statistical areas*
25 *that qualify under clause (I) of such section 854(c)(1)(A)*

1 *in fiscal year 2010, in proportion to AIDS cases among*
2 *cities and States that qualify under clauses (I) and (ii) of*
3 *such section and States deemed eligible under subsection*
4 *(a).*

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

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

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

15 *SEC. 204. Except as explicitly provided in law, any*
16 *grant, cooperative agreement or other assistance made pur-*
17 *suant to title II of this Act shall be made on a competitive*
18 *basis and in accordance with section 102 of the Department*
19 *of Housing and Urban Development Reform Act of 1989*
20 *(42 U.S.C. 3545).*

21 *SEC. 205. Funds of the Department of Housing and*
22 *Urban Development subject to the Government Corporation*
23 *Control Act or section 402 of the Housing Act of 1950 shall*
24 *be available, without regard to the limitations on adminis-*
25 *trative expenses, for legal services on a contract or fee basis,*

1 *and for utilizing and making payment for services and fa-*
2 *cilities of the Federal National Mortgage Association, Gov-*
3 *ernment National Mortgage Association, Federal Home*
4 *Loan Mortgage Corporation, Federal Financing Bank, Fed-*
5 *eral Reserve banks or any member thereof, Federal Home*
6 *Loan banks, and any insured bank within the meaning of*
7 *the Federal Deposit Insurance Corporation Act, as amended*
8 *(12 U.S.C. 1811–1).*

9 *SEC. 206. Unless otherwise provided for in this Act*
10 *or through a reprogramming of funds, no part of any ap-*
11 *propriation for the Department of Housing and Urban De-*
12 *velopment shall be available for any program, project or*
13 *activity in excess of amounts set forth in the budget esti-*
14 *mates submitted to Congress.*

15 *SEC. 207. Corporations and agencies of the Depart-*
16 *ment of Housing and Urban Development which are subject*
17 *to the Government Corporation Control Act, are hereby au-*
18 *thorized to make such expenditures, within the limits of*
19 *funds and borrowing authority available to each such cor-*
20 *poration or agency and in accordance with law, and to*
21 *make such contracts and commitments without regard to*
22 *fiscal year limitations as provided by section 104 of such*
23 *Act as may be necessary in carrying out the programs set*
24 *forth in the budget for 2010 for such corporation or agency*
25 *except as hereinafter provided: Provided, That collections*

1 *of these corporations and agencies may be used for new loan*
2 *or mortgage purchase commitments only to the extent ex-*
3 *pressly provided for in this Act (unless such loans are in*
4 *support of other forms of assistance provided for in this or*
5 *prior appropriations Acts), except that this proviso shall*
6 *not apply to the mortgage insurance or guaranty operations*
7 *of these corporations, or where loans or mortgage purchases*
8 *are necessary to protect the financial interest of the United*
9 *States Government.*

10 *SEC. 208. The Secretary of Housing and Urban Devel-*
11 *opment shall provide quarterly reports to the House and*
12 *Senate Committees on Appropriations regarding all uncom-*
13 *mitted, unobligated, recaptured and excess funds in each*
14 *program and activity within the jurisdiction of the Depart-*
15 *ment and shall submit additional, updated budget informa-*
16 *tion to these Committees upon request.*

17 *SEC. 209. (a) Notwithstanding any other provision of*
18 *law, the amount allocated for fiscal year 2010 under section*
19 *854(c) of the AIDS Housing Opportunity Act (42 U.S.C.*
20 *12903(c)), to the City of Wilmington, Delaware, on behalf*
21 *of the Wilmington, Delaware-Maryland-New Jersey Metro-*
22 *politan Division (hereafter “metropolitan division”), shall*
23 *be adjusted by the Secretary of Housing and Urban Devel-*
24 *opment by allocating to the State of New Jersey the propor-*
25 *tion of the metropolitan division’s amount that is based on*

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

11 *(b) Notwithstanding any other provision of law, the*
12 *Secretary of Housing and Urban Development shall allocate*
13 *to Wake County, North Carolina, the amounts that other-*
14 *wise would be allocated for fiscal year 2010 under section*
15 *854(c) of the AIDS Housing Opportunity Act (42 U.S.C.*
16 *12903(c)) to the City of Raleigh, North Carolina, on behalf*
17 *of the Raleigh-Cary, North Carolina Metropolitan Statis-*
18 *tical Area. Any amounts allocated to Wake County shall*
19 *be used to carry out eligible activities under section 855*
20 *of such Act (42 U.S.C. 12904) within such metropolitan sta-*
21 *tistical area.*

22 *(c) Notwithstanding section 854(c) of the AIDS Hous-*
23 *ing Opportunity Act (42 U.S.C. 12903(c)), the Secretary*
24 *of Housing and Urban Development may adjust the alloca-*
25 *tion of the amounts that otherwise would be allocated for*

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

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

21 *SEC. 211. A public housing agency or such other entity*
22 *that administers Federal housing assistance for the Housing*
23 *Authority of the county of Los Angeles, California, the*
24 *States of Alaska, Iowa, and Mississippi shall not be re-*
25 *quired to include a resident of public housing or a recipient*

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

17 SEC. 212. (a) Notwithstanding any other provision of
18 law, subject to the conditions listed in subsection (b), for
19 fiscal years 2009 and 2010, the Secretary of Housing and
20 Urban Development may authorize the transfer of some or
21 all project-based assistance, debt and statutorily required
22 low-income and very low-income use restrictions, associated
23 with one or more multifamily housing project to another
24 multifamily housing project or projects.

1 **(b)** *The transfer authorized in subsection (a) is subject*
2 *to the following conditions:*

3 **(1)** *The number of low-income and very low-in-*
4 *come units and the net dollar amount of Federal as-*
5 *sistance provided by the transferring project shall re-*
6 *main the same in the receiving project or projects.*

7 **(2)** *The transferring project shall, as determined*
8 *by the Secretary, be either physically obsolete or eco-*
9 *nomically non-viable.*

10 **(3)** *The receiving project or projects shall meet or*
11 *exceed applicable physical standards established by*
12 *the Secretary.*

13 **(4)** *The owner or mortgagor of the transferring*
14 *project shall notify and consult with the tenants re-*
15 *siding in the transferring project and provide a cer-*
16 *tification of approval by all appropriate local govern-*
17 *mental officials.*

18 **(5)** *The tenants of the transferring project who*
19 *remain eligible for assistance to be provided by the re-*
20 *ceiving project or projects shall not be required to va-*
21 *cate their units in the transferring project or projects*
22 *until new units in the receiving project are available*
23 *for occupancy.*

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

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

8 (8) *If the transferring project meets the require-*
9 *ments of subsection (c)(2)(E), the owner or mortgagor*
10 *of the receiving project or projects shall execute and*
11 *record either a continuation of the existing use agree-*
12 *ment or a new use agreement for the project where,*
13 *in either case, any use restrictions in such agreement*
14 *are of no lesser duration than the existing use restric-*
15 *tions.*

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

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

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

24 (1) *the terms “low-income” and “very low-in-*
25 *come” shall have the meanings provided by the statute*

1 *and/or regulations governing the program under*
2 *which the project is insured or assisted;*

3 (2) *the term “multifamily housing project”*
4 *means housing that meets one of the following condi-*
5 *tions—*

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

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

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

17 (D) *housing that is assisted under section*
18 *202 of the Housing Act of 1959, as such section*
19 *existed before the enactment of the Cranston-*
20 *Gonzales National Affordable Housing Act; or*

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

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

24 (A) *assistance provided under section 8(b)*
25 *of the United States Housing Act of 1937;*

1 (B) assistance for housing constructed or
2 substantially rehabilitated pursuant to assistance
3 provided under section 8(b)(2) of such Act (as
4 such section existed immediately before October
5 1, 1983);

6 (C) rent supplement payments under sec-
7 tion 101 of the Housing and Urban Development
8 Act of 1965;

9 (D) interest reduction payments under sec-
10 tion 236 and/or additional assistance payments
11 under section 236(f)(2) of the National Housing
12 Act; and

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

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

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

1 (6) the term “Secretary” means the Secretary of
2 Housing and Urban Development.

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

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

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

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

18 (2) is under 24 years of age;

19 (3) is not a veteran;

20 (4) is unmarried;

21 (5) does not have a dependent child;

22 (6) is not a person with disabilities, as such
23 term is defined in section 3(b)(3)(E) of the United
24 States Housing Act of 1937 (42 U.S.C.

1 1437a(b)(3)(E)) and was not receiving assistance
2 under such section 8 as of November 30, 2005; and
3 (7) is not otherwise individually eligible, or has
4 parents who, individually or jointly, are not eligible,
5 to receive assistance under section 8 of the United
6 States Housing Act of 1937 (42 U.S.C. 1437f).

7 (b) For purposes of determining the eligibility of a per-
8 son to receive assistance under section 8 of the United States
9 Housing Act of 1937 (42 U.S.C. 1437f), any financial as-
10 sistance (in excess of amounts received for tuition) that an
11 individual receives under the Higher Education Act of 1965
12 (20 U.S.C. 1001 et seq.), from private sources, or an institu-
13 tion of higher education (as defined under the Higher Edu-
14 cation Act of 1965 (20 U.S.C. 1002)), shall be considered
15 income to that individual, except for a person over the age
16 of 23 with dependent children.

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

23 SEC. 217. Notwithstanding any other provision of law,
24 in fiscal year 2010, in managing and disposing of any mul-
25 tifamily property that is owned or has a mortgage held by

1 *the Secretary of Housing and Urban Development, the Sec-*
2 *retary 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 units*
5 *in the property. To the extent the Secretary determines, in*
6 *consultation with the tenants and the local government, that*
7 *such a multifamily property owned or held by the Secretary*
8 *is not feasible for continued rental assistance payments*
9 *under such section 8 or other programs, based on consider-*
10 *ation of (1) the costs of rehabilitating and operating the*
11 *property and all available Federal, State, and local re-*
12 *sources, including rent adjustments under section 524 of the*
13 *Multifamily Assisted Housing Reform and Affordability*
14 *Act of 1997 (“MAHRAA”) and (2) environmental condi-*
15 *tions that cannot be remedied in a cost-effective fashion, the*
16 *Secretary may, in consultation with the tenants of that*
17 *property, contract for project-based rental assistance pay-*
18 *ments with an owner or owners of other existing housing*
19 *properties, or provide other rental assistance. The Secretary*
20 *shall also take appropriate steps to ensure that project-based*
21 *contracts remain in effect prior to foreclosure, subject to the*
22 *exercise of contractual abatement remedies to assist reloca-*
23 *tion of tenants for imminent major threats to health and*
24 *safety. After disposition of any multifamily property de-*
25 *scribed under this section, the contract and allowable rent*

1 *levels on such properties shall be subject to the requirements*
2 *under section 524 of MAHRAA.*

3 *SEC. 218. The Secretary of Housing and Urban Devel-*
4 *opment shall report quarterly to the House of Representa-*
5 *tives and Senate Committees on Appropriations on HUD's*
6 *use of all sole source contracts, including terms of the con-*
7 *tracts, cost, and a substantive rationale for using a sole*
8 *source contract.*

9 *SEC. 219. Notwithstanding any other provision of law,*
10 *the recipient of a grant under section 202b of the Housing*
11 *Act of 1959 (12 U.S.C. 1701q) after December 26, 2000,*
12 *in accordance with the unnumbered paragraph at the end*
13 *of section 202(b) of such Act, may, at its option, establish*
14 *a single-asset nonprofit entity to own the project and may*
15 *lend the grant funds to such entity, which may be a private*
16 *nonprofit organization described in section 831 of the*
17 *American Homeownership and Economic Opportunity Act*
18 *of 2000.*

19 *SEC. 220. (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-*
22 *antee, or make commitments to guarantee, notes, or other*
23 *obligations issued by any State on behalf of non-entitlement*
24 *communities in the State in accordance with the require-*
25 *ments of section 108 of the Housing and Community Devel-*

1 *opment Act of 1974: Provided, That, any State receiving*
2 *such a guarantee or commitment shall distribute all funds*
3 *subject to such guarantee to the units of general local gov-*
4 *ernment in non-entitlement areas that received the commit-*
5 *ment.*

6 *(b) Not later than 60 days after the date of enactment*
7 *of this Act, the Secretary of Housing and Urban Develop-*
8 *ment shall promulgate regulations governing the adminis-*
9 *tration of the funds described under subsection (a).*

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

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

14 *(2) in subsection (o), by striking “September 30,*
15 *2009” and inserting “September 30, 2010”.*

16 *SEC. 222. Public housing agencies that own and oper-*
17 *ate 400 or fewer public housing units may elect to be exempt*
18 *from any asset management requirement imposed by the*
19 *Secretary of Housing and Urban Development in connec-*
20 *tion with the operating fund rule: Provided, That an agency*
21 *seeking a discontinuance of a reduction of subsidy under*
22 *the operating fund formula shall not be exempt from asset*
23 *management requirements.*

24 *SEC. 223. With respect to the use of amounts provided*
25 *in this Act and in future Acts for the operation, capital*

1 *improvement and management of public housing as author-*
2 *ized by sections 9(d) and 9(e) of the United States Housing*
3 *Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary*
4 *shall not impose any requirement or guideline relating to*
5 *asset management that restricts or limits in any way the*
6 *use of capital funds for central office costs pursuant to sec-*
7 *tion 9(g)(1) or 9(g)(2) of the United States Housing Act*
8 *of 1937 (42 U.S.C. 1437g(g)(1), (2)): Provided, That a pub-*
9 *lic housing agency may not use capital funds authorized*
10 *under section 9(d) for activities that are eligible under sec-*
11 *tion 9(e) for assistance with amounts from the operating*
12 *fund in excess of the amounts permitted under section*
13 *9(g)(1) or 9(g)(2).*

14 *SEC. 224. The Secretary of Housing and Urban Devel-*
15 *opment shall report quarterly to the House of Representa-*
16 *tives and Senate Committees on Appropriations on the sta-*
17 *tus of all section 8 project-based housing, including the*
18 *number of all project-based units by region as well as an*
19 *analysis of all federally subsidized housing being refinanced*
20 *under the Mark-to-Market program. The Secretary shall in*
21 *the report identify all existing units maintained by region*
22 *as section 8 project-based units and all project-based units*
23 *that have opted out of section 8 or have otherwise been*
24 *eliminated as section 8 project-based units. The Secretary*
25 *shall identify in detail and by project all the efforts made*

1 *by the Department to preserve all section 8 project-based*
2 *housing units and all the reasons for any units which opted*
3 *out or otherwise were lost as section 8 project-based units.*
4 *Such analysis shall include a review of the impact of the*
5 *loss of any subsidized units in that housing marketplace,*
6 *such as the impact of cost and the loss of available sub-*
7 *sidized, low-income housing in areas with scarce housing*
8 *resources for low-income families.*

9 *SEC. 225. No official or employee of the Department*
10 *of Housing and Urban Development shall be designated as*
11 *an allotment holder unless the Office of the Chief Financial*
12 *Officer has determined that such allotment holder has im-*
13 *plemented an adequate system of funds control and has re-*
14 *ceived training in funds control procedures and directives.*
15 *The Chief Financial Officer shall ensure that, not later than*
16 *90 days after the date of enactment of this Act, a trained*
17 *allotment holder shall be designated for each HUD sub-*
18 *account under the headings “Executive Direction” and*
19 *heading “Administration, Operations, and Management”*
20 *as well as each account receiving appropriations for “per-*
21 *sonnel compensation and benefits” within the Department*
22 *of Housing and Urban Development.*

23 *SEC. 226. Payment of attorney fees in program-related*
24 *litigation must be paid from individual program office per-*
25 *sonnel benefits and compensation funding. The annual*

1 budget submission for program office personnel benefit and
2 compensation funding must include program-related litiga-
3 tion costs for attorney fees as a separate line item request.

4 *SEC. 227. The Secretary of the Department of Housing*
5 *and Urban Development shall for Fiscal Year 2010 and*
6 *subsequent fiscal years, notify the public through the Fed-*
7 *eral Register and other means, as determined appropriate,*
8 *of the issuance of a notice of the availability of assistance*
9 *or notice of funding availability (NOFA) for any program*
10 *or discretionary fund administered by the Secretary that*
11 *is to be competitively awarded. Notwithstanding any other*
12 *provision of law, for Fiscal Year 2010 and subsequent fiscal*
13 *years, the Secretary may make the NOFA available only*
14 *on the Internet at the appropriate government website or*
15 *websites or through other electronic media, as determined*
16 *by the Secretary.*

17 *PREPAYMENT AND REFINANCING*

18 *SEC. 228. (a) APPROVAL OF PREPAYMENT OF DEBT.—*
19 *Upon request of the project sponsor of a project assisted with*
20 *a loan under section 202 of the Housing Act of 1959 (as*
21 *in effect before the enactment of the Cranston-Gonzalez Na-*
22 *tional Affordable Housing Act), for which the Secretary's*
23 *consent to prepayment is required, the Secretary shall ap-*
24 *prove the prepayment of any indebtedness to the Secretary*

1 *relating to any remaining principal and interest under the*
2 *loan as part of a prepayment plan under which—*

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

17 *(2) the prepayment may involve refinancing of*
18 *the loan if such refinancing results—*

19 *(A) in a lower interest rate on the principal*
20 *of the loan for the project and in reductions in*
21 *debt service related to such loan; or*

22 *(B) in the case of a project that is assisted*
23 *with a loan under such section 202 carrying an*
24 *interest rate of 6 percent or lower, a transaction*
25 *under which—*

1 (i) the project owner shall address the
2 physical needs of the project;

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

10 (iii) the overall cost for providing rent-
11 al assistance under section 8 for the project
12 (if any) is not increased, except, upon ap-
13 proval by the Secretary to—

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

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

1 *the Secretary for properties owned by*
2 *eligible owners (as such term is defined*
3 *in section 202(k) of the Housing Act of*
4 *1959 (12 U.S.C. 1701q(k));*

5 *(iv) the project owner may charge ten-*
6 *ants rent sufficient to meet debt service pay-*
7 *ments and operating cost requirements, as*
8 *approved by the Secretary, if project-based*
9 *rental assistance is not available or is in-*
10 *sufficient for the debt service and operating*
11 *cost of the project after refinancing. Such*
12 *approval by the Secretary—*

13 *(I) shall be the basis for the owner*
14 *to agree to terminate the project-based*
15 *rental assistance contract that is insuf-*
16 *ficient for the debt service and oper-*
17 *ating cost of the project after refi-*
18 *nancing; and*

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

23 *(v) units to be occupied by tenants as-*
24 *sisted under section 8(t) of the United*
25 *States Housing Act of 1937 (42 U.S.C.*

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

8 (vi) there shall be a use agreement of
9 20 years from the date of the maturity date
10 of the original 202 loan for all units, in-
11 cluding units to be occupied by tenants as-
12 sisted under section 8(t) of the United
13 States Housing Act of 1937 (42 U.S.C.
14 1437f(t)).

15 *USE OF SURPLUS FEDERAL PROPERTY FOR THE HOMELESS*

16 *SEC. 229. No property identified by the Secretary of*
17 *Housing and Urban Development as surplus Federal prop-*
18 *erty for use to assist the homeless shall be made available*
19 *to any homeless group unless the group is a member in good*
20 *standing under any of HUD's homeless assistance programs*
21 *or is in good standing with any other program which re-*
22 *ceives funds from any other Federal or State agency or enti-*
23 *ty: Provided, That an exception may be made for an entity*
24 *not involved with Federal homeless programs to use surplus*
25 *Federal property for the homeless only after the Secretary*

1 *or another responsible Federal agency has fully and com-*
2 *prehensively reviewed all relevant finances of the entity, the*
3 *track record of the entity in assisting the homeless, the abil-*
4 *ity of the entity to manage the property, including all costs,*
5 *the ability of the entity to administer homeless programs*
6 *in a manner that is effective to meet the needs of the home-*
7 *less population that is expected to use the property and any*
8 *other related issues that demonstrate a commitment to as-*
9 *sist the homeless: Provided further, That the Secretary shall*
10 *not require the entity to have cash in hand in order to dem-*
11 *onstrate financial ability but may rely on the entity's prior*
12 *demonstrated fundraising ability or commitments for in-*
13 *kind donations of goods and services: Provided further, That*
14 *the Secretary shall make all such information and its deci-*
15 *sion regarding the award of the surplus property available*
16 *to the committees of jurisdiction, including a full justifica-*
17 *tion of the appropriateness of the use of the property to as-*
18 *sist the homeless as well as the appropriateness of the group*
19 *seeking to obtain the property to use such property to assist*
20 *the homeless: Provided further, That, this section shall*
21 *apply to properties in fiscal year 2009 and 2010 made*
22 *available as surplus Federal property for use to assist the*
23 *homeless.*

24 *SEC. 230. The Secretary of Housing and Urban Devel-*
25 *opment shall increase, pursuant to this section, the number*

1 of Moving-to-Work agencies authorized under section 204,
2 title II, of the Departments of Veterans Affairs and Housing
3 and Urban Development and Independent Agencies Appro-
4 priations Act, 1996 (Public Law 104–134; 110 Stat. 1321)
5 by adding to the program three Public Housing Agencies
6 that meet the following requirements: is a High Performing
7 Agency under the Public Housing Assessment System
8 (PHAS). No PHA shall be granted this designation through
9 this section that administers in excess of 5,000 aggregate
10 housing vouchers and public housing units. No PHA grant-
11 ed this designation through this section shall receive more
12 funding under sections 8 or 9 of the United States Housing
13 Act of 1937 than they otherwise would have received absent
14 this designation. In addition to other reporting require-
15 ments, all Moving-to-Work agencies shall report financial
16 data to the Department of Housing and Urban Develop-
17 ment as specified by the Secretary, so that the effect of Mov-
18 ing-to-Work policy changes can be measured.

19 SEC. 231. Notwithstanding any other provision of law,
20 in determining the market value of any multifamily real
21 property or multifamily loan for any noncompetitive sale
22 to a State or local government, the Secretary shall in fiscal
23 year 2010 consider, but not be limited to, industry standard
24 appraisal practices, including the cost of repairs needed to
25 bring the property into such condition as to satisfy min-

1 *of Housing and Urban Development (in this section referred*
2 *to as the “Department”), regarding the number of homes*
3 *owned by the Department and the budget impact of acquir-*
4 *ing, maintaining, and selling such homes.*

5 (b) *CONTENT.—The report required by this section*
6 *shall include—*

7 (1) *the number of residential homes that the De-*
8 *partment owned during the years 2004 and 2009;*

9 (2) *an itemized breakdown of the total annual fi-*
10 *nancial impact, including losses and gains from sell-*
11 *ing homes and maintenance and acquisition of homes,*
12 *of home ownership by the Department since 2004;*

13 (3) *a detailed explanation of the reasons for the*
14 *ownership by the Department of the homes;*

15 (4) *a list of the 10 urban areas in which the De-*
16 *partment owns the most homes and the rate of home-*
17 *lessness in each of those areas; and*

18 (5) *a list of the 10 States in which the Depart-*
19 *ment owns the most homes and the rate of homeless-*
20 *ness in each of those States.*

21 *SEC. 235. None of the funds made available in this*
22 *Act shall be used to restrict implementation or enforcement*
23 *of the community service requirements under section 12(c)*
24 *of the United States Housing Act of 1937 (42 U.S.C.*
25 *1437j(c)).*

1 *SEC. 236. The first numbered paragraph under the*
2 *heading “Tenant-Based Rental Assistance” in the Depart-*
3 *ment of Housing and Urban Development Appropriations*
4 *Act, 2009 (Public Law 111–8) is amended by adding the*
5 *following before the period at the end:*

6 *“: Provided further, That up to \$200,000,000 from the*
7 *\$4,000,000,000 which are available on October 1, 2009 may*
8 *be available to adjust allocations for public housing agencies*
9 *to prevent termination of assistance to families”.*

10 *SEC. 237. The matter under the heading “COMMUNITY*
11 *DEVELOPMENT FUND”, under the heading “COMMUNITY*
12 *PLANNING AND DEVELOPMENT”, under the heading “DE-*
13 *PARTMENT OF HOUSING AND URBAN DEVELOP-*
14 *MENT” in chapter 10 of title I of division B of the Consoli-*
15 *dated Security, Disaster Assistance, and Continuing Ap-*
16 *propriations Act, 2009 (Public Law 110–329; 122 Stat.*
17 *3601) is amended by striking “: Provided further, That*
18 *none of the funds provided under this heading may be used*
19 *by a State or locality as a matching requirement, share,*
20 *or contribution for any other Federal program”.*

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

1

TITLE III

2

RELATED AGENCIES

3

ACCESS BOARD

4

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$7,400,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

10

FEDERAL MARITIME COMMISSION

11

SALARIES AND EXPENSES

12

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, \$24,558,000: Provided, That not to exceed \$2,000 shall be available for official reception and representation expenses.

21

NATIONAL RAILROAD PASSENGER CORPORATION

22

OFFICE OF INSPECTOR GENERAL

23

SALARIES AND EXPENSES

24

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to

25

1 *carry out the provisions of the Inspector General Act of*
2 *1978, as amended, \$19,000,000: Provided, That the Inspec-*
3 *tor General shall have all necessary authority, in carrying*
4 *out the duties specified in the Inspector General Act, as*
5 *amended (5 U.S.C. App. 3), to investigate allegations of*
6 *fraud, including false statements to the government (18*
7 *U.S.C. 1001), by any person or entity that is subject to*
8 *regulation by the National Railroad Passenger Corpora-*
9 *tion: Provided further, That the Inspector General may*
10 *enter into contracts and other arrangements for audits,*
11 *studies, analyses, and other services with public agencies*
12 *and with private persons, subject to the applicable laws and*
13 *regulations that govern the obtaining of such services within*
14 *the National Railroad Passenger Corporation: Provided*
15 *further, That the Inspector General may select, appoint,*
16 *and employ such officers and employees as may be nec-*
17 *essary for carrying out the functions, powers, and duties*
18 *of the Office of Inspector General, subject to the applicable*
19 *laws and regulations that govern such selections, appoint-*
20 *ments, and employment within Amtrak: Provided further,*
21 *That concurrent with the President's budget request for fis-*
22 *cal year 2011, the Inspector General shall submit to the*
23 *House and Senate Committees on Appropriations a budget*
24 *request for fiscal year 2011 in similar format and substance*

1 *to those submitted by executive agencies of the Federal Gov-*
2 *ernment.*

3 *NATIONAL TRANSPORTATION SAFETY BOARD*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the National Transportation*
6 *Safety Board, including hire of passenger motor vehicles*
7 *and aircraft; services as authorized by 5 U.S.C. 3109, but*
8 *at rates for individuals not to exceed the per diem rate*
9 *equivalent to the rate for a GS-15; uniforms, or allowances*
10 *therefor, as authorized by law (5 U.S.C. 5901-5902)*
11 *\$96,900,000, of which not to exceed \$2,000 may be used for*
12 *official reception and representation expenses: Provided,*
13 *That of funds provided under this heading, \$2,416,000 shall*
14 *remain available through September 30, 2011: Provided*
15 *further, That of the funds provided, up to \$100,000 shall*
16 *be provided through reimbursement to the Department of*
17 *Transportation's Office of Inspector General to audit the*
18 *National Transportation Safety Board's financial state-*
19 *ments. The amounts made available to the National Trans-*
20 *portation Safety Board in this Act include amounts nec-*
21 *essary to make lease payments due in fiscal year 2010 only,*
22 *on an obligation incurred in fiscal year 2001 for a capital*
23 *lease.*

1 *determined by the NRC based on affordability and the*
2 *economic conditions of an area; a match also may be*
3 *waived by the NRC based on the aforementioned con-*
4 *ditions) to provide mortgage foreclosure mitigation*
5 *assistance primarily to States and areas with high*
6 *rates of defaults and foreclosures to help eliminate the*
7 *default and foreclosure of mortgages of owner-occupied*
8 *single-family homes that are at risk of such fore-*
9 *closure. Other than areas with high rates of defaults*
10 *and foreclosures, grants may also be provided to ap-*
11 *proved counseling intermediaries based on a geo-*
12 *graphic analysis of the Nation by the NRC which de-*
13 *termines where there is a prevalence of mortgages that*
14 *are risky and likely to fail, including any trends for*
15 *mortgages that are likely to default and face fore-*
16 *closure. A State Housing Finance Agency may also be*
17 *eligible where the State Housing Finance Agency*
18 *meets all the requirements under this paragraph. A*
19 *HUD-approved counseling intermediary shall meet*
20 *certain mortgage foreclosure mitigation assistance*
21 *counseling requirements, as determined by the NRC,*
22 *and shall be approved by HUD or the NRC as meet-*
23 *ing these requirements.*

24 (2) *Mortgage foreclosure mitigation assistance*
25 *shall only be made available to homeowners of owner-*

1 *occupied homes with mortgages in default or in dan-*
2 *ger of default. These mortgages shall likely be subject*
3 *to a foreclosure action and homeowners will be pro-*
4 *vided such assistance that shall consist of activities*
5 *that are likely to prevent foreclosures and result in*
6 *the long-term affordability of the mortgage retained*
7 *pursuant to such activity or another positive outcome*
8 *for the homeowner. No funds made available under*
9 *this paragraph may be provided directly to lenders or*
10 *homeowners to discharge outstanding mortgage bal-*
11 *ances or for any other direct debt reduction payments.*

12 *(3) The use of Mortgage Foreclosure Mitigation*
13 *Assistance by approved counseling intermediaries and*
14 *State Housing Finance Agencies shall involve a rea-*
15 *sonable analysis of the borrower's financial situation,*
16 *an evaluation of the current value of the property*
17 *that is subject to the mortgage, counseling regarding*
18 *the assumption of the mortgage by another non-Fed-*
19 *eral party, counseling regarding the possible purchase*
20 *of the mortgage by a non-Federal third party, coun-*
21 *seling and advice of all likely restructuring and refi-*
22 *nancing strategies or the approval of a work-out*
23 *strategy by all interested parties.*

24 *(4) NRC may provide up to 15 percent of the*
25 *total funds under this paragraph to its own charter*

1 *members with expertise in foreclosure prevention*
2 *counseling, subject to a certification by the NRC that*
3 *the procedures for selection do not consist of any pro-*
4 *cedures or activities that could be construed as an un-*
5 *acceptable conflict of interest or have the appearance*
6 *of impropriety.*

7 *(5) HUD-approved counseling entities and State*
8 *Housing Finance Agencies receiving funds under this*
9 *paragraph shall have demonstrated experience in suc-*
10 *cessfully working with financial institutions as well*
11 *as borrowers facing default, delinquency and fore-*
12 *closure as well as documented counseling capacity,*
13 *outreach capacity, past successful performance and*
14 *positive outcomes with documented counseling plans*
15 *(including post mortgage foreclosure mitigation coun-*
16 *seling), loan workout agreements and loan modifica-*
17 *tion agreements. NRC may use other criteria to dem-*
18 *onstrate capacity in underserved areas.*

19 *(6) Of the total amount made available under*
20 *this paragraph, up to \$3,000,000 may be made avail-*
21 *able to build the mortgage foreclosure and default*
22 *mitigation counseling capacity of counseling inter-*
23 *mediaries through NRC training courses with HUD-*
24 *approved counseling intermediaries and their part-*
25 *ners, except that private financial institutions that*

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

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

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

10 *(9) The NRC shall continue to report bi-annu-*
11 *ally to the House and Senate Committees on Appro-*
12 *priations as well as the Senate Banking Committee*
13 *and House Financial Services Committee on its ef-*
14 *forts to mitigate mortgage default.*

15 *UNITED STATES INTERAGENCY COUNCIL ON*

16 *HOMELESSNESS*

17 *OPERATING EXPENSES*

18 *For necessary expenses (including payment of salaries,*
19 *authorized travel, hire of passenger motor vehicles, the rent-*
20 *al of conference rooms, and the employment of experts and*
21 *consultants under section 3109 of title 5, United States*
22 *Code) of the United States Interagency Council on Home-*
23 *lessness in carrying out the functions pursuant to title II*
24 *of the McKinney-Vento Homeless Assistance Act, as amend-*
25 *ed, \$2,680,000.*

TITLE IV

GENERAL PROVISIONS—THIS ACT

1
2 *SEC. 401. Such sums as may be necessary for fiscal*
3 *year 2010 pay raises for programs funded in this Act shall*
4 *be absorbed within the levels appropriated in this Act or*
5 *previous appropriations Acts.*
6

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 fund-*
11 *ed in this Act.*

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

16 *SEC. 404. The expenditure of any appropriation under*
17 *this Act for any consulting service through procurement*
18 *contract pursuant to section 3109 of title 5, United States*
19 *Code, shall be limited to those contracts where such expendi-*
20 *tures are a matter of public record and available for public*
21 *inspection, except where otherwise provided under existing*
22 *law, or under existing Executive order issued pursuant to*
23 *existing law.*

24 *SEC. 405. Except as otherwise provided in this Act,*
25 *none of the funds provided in this Act, provided by previous*

1 *appropriations Acts to the agencies or entities funded in*
2 *this Act that remain available for obligation or expenditure*
3 *in fiscal year 2010, or provided from any accounts in the*
4 *Treasury derived by the collection of fees and available to*
5 *the agencies funded by this Act, shall be available for obliga-*
6 *tion or expenditure through a reprogramming of funds that:*
7 *(1) creates a new program; (2) eliminates a program,*
8 *project, or activity; (3) increases funds or personnel for any*
9 *program, project, or activity for which funds have been de-*
10 *nied or restricted by the Congress; (4) proposes to use funds*
11 *directed for a specific activity by either the House or Senate*
12 *Committees on Appropriations for a different purpose; (5)*
13 *augments existing programs, projects, or activities in excess*
14 *of \$5,000,000 or 10 percent, whichever is less; (6) reduces*
15 *existing programs, projects, or activities by \$5,000,000 or*
16 *10 percent, whichever is less; or (7) creates, reorganizes, or*
17 *restructures a branch, division, office, bureau, board, com-*
18 *mission, agency, administration, or department different*
19 *from the budget justifications submitted to the Committees*
20 *on Appropriations or the table accompanying the explana-*
21 *tory statement accompanying this Act, whichever is more*
22 *detailed, unless prior approval is received from the House*
23 *and Senate Committees on Appropriations: Provided, That*
24 *not later than 60 days after the date of enactment of this*
25 *Act, each agency funded by this Act shall submit a report*

1 *to the Committees on Appropriations of the Senate and of*
2 *the House of Representatives to establish the baseline for*
3 *application of reprogramming and transfer authorities for*
4 *the current fiscal year: Provided further, That the report*
5 *shall include: (1) a table for each appropriation with a sep-*
6 *arate column to display the President's budget request, ad-*
7 *justments made by Congress, adjustments due to enacted re-*
8 *scissions, if appropriate, and the fiscal year enacted level;*
9 *(2) a delineation in the table for each appropriation both*
10 *by object class and program, project, and activity as de-*
11 *tailed in the budget appendix for the respective appropria-*
12 *tion; and (3) an identification of items of special congres-*
13 *sional interest: Provided further, That the amount appro-*
14 *priated or limited for salaries and expenses for an agency*
15 *shall be reduced by \$100,000 per day for each day after*
16 *the required date that the report has not been submitted*
17 *to the Congress.*

18 *SEC. 406. Except as otherwise specifically provided by*
19 *law, not to exceed 50 percent of unobligated balances re-*
20 *maining available at the end of fiscal year 2010 from ap-*
21 *propriations made available for salaries and expenses for*
22 *fiscal year 2010 in this Act, shall remain available through*
23 *September 30, 2011, for each such account for the purposes*
24 *authorized: Provided, That a request shall be submitted to*
25 *the House and Senate Committees on Appropriations for*

1 approval prior to the expenditure of such funds: Provided
2 further, That these requests shall be made in compliance
3 with reprogramming guidelines under section 405 of this
4 Act.

5 *SEC. 407. All Federal agencies and departments that*
6 *are funded under this Act shall issue a report to the House*
7 *and Senate Committees on Appropriations on all sole*
8 *source contracts by no later than July 30, 2010. Such report*
9 *shall include the contractor, the amount of the contract and*
10 *the rationale for using a sole source contract.*

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

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

17 *(2) contains elements likely to induce high levels*
18 *of emotional response or psychological stress in some*
19 *participants;*

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

23 *(4) contains any methods or content associated*
24 *with religious or quasi-religious belief systems or*
25 *“new age” belief systems as defined in Equal Employ-*

1 *ment Opportunity Commission Notice N-915.022,*
2 *dated September 2, 1988; or*

3 *(5) is offensive to, or designed to change, partici-*
4 *pants' personal values or lifestyle outside the work-*
5 *place.*

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

9 *SEC. 409. No funds in this Act may be used to support*
10 *any Federal, State, or local projects that seek to use the*
11 *power of eminent domain, unless eminent domain is em-*
12 *ployed only for a public use: Provided, That for purposes*
13 *of this section, public use shall not be construed to include*
14 *economic development that primarily benefits private enti-*
15 *ties: Provided further, That any use of funds for mass tran-*
16 *sit, railroad, airport, seaport or highway projects as well*
17 *as utility projects which benefit or serve the general public*
18 *(including energy-related, communication-related, water-re-*
19 *lated and wastewater-related infrastructure), other struc-*
20 *tures designated for use by the general public or which have*
21 *other common-carrier or public-utility functions that serve*
22 *the general public and are subject to regulation and over-*
23 *sight by the government, and projects for the removal of an*
24 *immediate threat to public health and safety or brownsfield*
25 *as defined in the Small Business Liability Relief and*

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

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

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

20 *SEC. 412. No funds appropriated pursuant to this Act*
21 *may be expended by an entity unless the entity agrees that*
22 *in expending the assistance the entity will comply with sec-*
23 *tions 2 through 4 of the Act of March 3, 1933 (41 U.S.C.*
24 *10a–10c, popularly known as the “Buy American Act”).*

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

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

12 *SEC. 415. None of the funds made available under this*
13 *Act may be distributed to the Association of Community*
14 *Organizations for Reform Now (ACORN) or its subsidi-*
15 *aries.*

16 *SEC. 416. (a) Notwithstanding any other provision of*
17 *this Act and except as provided in subsection (b), any re-*
18 *port required to be submitted by a Federal agency or de-*
19 *partment to the Committee on Appropriations of either the*
20 *Senate or the House of Representatives in this Act shall*
21 *be posted on the public website of that agency upon receipt*
22 *by the committee.*

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

24 *(1) the public posting of the report compromises*
25 *national security; or*

1 (2) *the report contains proprietary information.*
2 *This Act may be cited as the “Transportation, Hous-*
3 *ing and Urban Development, and Related Agencies Appro-*
4 *priations Act, 2010”.*

Attest:

Secretary.

111TH CONGRESS
1ST SESSION

H.R. 3288

AMENDMENT