

One Hundred Eleventh Congress  
of the  
United States of America

**AT THE FIRST SESSION**

*Begun and held at the City of Washington on Tuesday,  
the sixth day of January, two thousand and nine*

An Act

Making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “American Recovery and Reinvestment Act of 2009”.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

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TITLE I—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG  
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TITLE II—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

TITLE III—DEPARTMENT OF DEFENSE

TITLE IV—ENERGY AND WATER DEVELOPMENT

TITLE V—FINANCIAL SERVICES AND GENERAL GOVERNMENT

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TITLE VII—INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

TITLE VIII—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES,  
AND EDUCATION, AND RELATED AGENCIES

TITLE IX—LEGISLATIVE BRANCH

TITLE X—MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND  
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TITLE XI—STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

TITLE XII—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND  
RELATED AGENCIES

TITLE XIII—HEALTH INFORMATION TECHNOLOGY

TITLE XIV—STATE FISCAL STABILIZATION FUND

TITLE XV—ACCOUNTABILITY AND TRANSPARENCY

TITLE XVI—GENERAL PROVISIONS—THIS ACT

DIVISION B—TAX, UNEMPLOYMENT, HEALTH, STATE FISCAL RELIEF, AND  
OTHER PROVISIONS

TITLE I—TAX PROVISIONS

TITLE II—ASSISTANCE FOR UNEMPLOYED WORKERS AND STRUGGLING FAMILIES

TITLE III—PREMIUM ASSISTANCE FOR COBRA BENEFITS

TITLE IV—MEDICARE AND MEDICAID HEALTH INFORMATION TECHNOLOGY;

MISCELLANEOUS MEDICARE PROVISIONS

TITLE V—STATE FISCAL RELIEF

TITLE VI—BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM

TITLE VII—LIMITS ON EXECUTIVE COMPENSATION

### **SEC. 3. PURPOSES AND PRINCIPLES.**

(a) STATEMENT OF PURPOSES.—The purposes of this Act include the following:

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(1) To preserve and create jobs and promote economic recovery.

(2) To assist those most impacted by the recession.

(3) To provide investments needed to increase economic efficiency by spurring technological advances in science and health.

(4) To invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits.

(5) To stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.

(b) GENERAL PRINCIPLES CONCERNING USE OF FUNDS.—The President and the heads of Federal departments and agencies shall manage and expend the funds made available in this Act so as to achieve the purposes specified in subsection (a), including commencing expenditures and activities as quickly as possible consistent with prudent management.

### **SEC. 4. REFERENCES.**

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

### **SEC. 5. EMERGENCY DESIGNATIONS.**

(a) IN GENERAL.—Each amount in this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

(b) PAY-AS-YOU-GO.—All applicable provisions in this Act are designated as an emergency for purposes of pay-as-you-go principles.

**DIVISION A—APPROPRIATIONS  
PROVISIONS**

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, and for other purposes, namely:

**TITLE XII—TRANSPORTATION,  
2 AND HOUSING AND URBAN  
3 DEVELOPMENT**

**4 DEPARTMENT OF TRANSPORTATION**

**5 FEDERAL AVIATION ADMINISTRATION**

**6 GRANTS-IN-AID FOR AIRPORTS**

7 For an additional amount for “Grants-in-Aid for Air8  
ports”, to enable the Secretary of Transportation to make  
9 grants for discretionary projects as authorized by sub10  
chapter I of chapter 471 and subchapter I of chapter 475  
11 of title 49, United States Code, \$3,000,000,000: *Provided*,  
12 That such funds shall not be subject to apportionment for13  
mulas, special apportionment categories, or minimum per14  
centages under chapter 471: *Provided further*, That the  
15 conditions, certifications, and assurances required for  
16 grants under subchapter I of chapter 471 of such title  
17 apply: *Provided further*, That for purposes of applying sec18  
tion 1104 of this Act to this appropriation, the deadline  
19 for grantees to enter into contracts or other binding com20  
mitments to make use of not less than 50 percent of the  
21 funds awarded shall be 120 days after award of the grant.

**22 FEDERAL HIGHWAY ADMINISTRATION**

**23 HIGHWAY INFRASTRUCTURE INVESTMENT**

24 For projects and activities eligible under section 133  
25 of title 23, United States Code, section 144 of such title

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1 (without regard to subsection (g)), and sections 103, 119,  
2 134, 148, and 149 of such title, \$30,000,000,000, of  
3 which \$300,000,000 shall be for Indian reservation roads  
4 under section 204 of such title; \$250,000,000 shall be for

5 park roads and parkways under section 204 of such title;  
6 \$20,000,000 shall be for highway surface transportation  
7 and technology training under section 140(b) of such title;  
8 and \$20,000,000 shall be for disadvantaged business en-  
9 terprises bonding assistance under section 332(e) of title  
10 49, United States Code: *Provided*, That the amount set  
11 aside from this appropriation pursuant to section 1106 of  
12 this Act shall not be more than 0.2 percent of the funds  
13 made available under this heading instead of the percent  
14 age specified in such section: *Provided further*, That, after  
15 making the set-asides authorized by the previous provisos,  
16 the funds made available under this heading shall be dis-  
17 tributed among the States, and Puerto Rico, American  
18 Samoa, Guam, the Virgin Islands, and the Commonwealth  
19 of the Northern Mariana Islands, in the same ratio as the  
20 obligation limitation for fiscal year 2008 was distributed  
21 among the States in accordance with the formula specified  
22 in section 120(a)(6) of division K of Public Law 110-161,  
23 but, in the case of the Puerto Rico Highway Program and  
24 the Territorial Highway Program, under section 120(a)(5)  
25 of such division: *Provided further*, That 45 percent of the

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1 funds distributed to a State under this heading shall be  
2 suballocated within the State in the manner and for the  
3 purposes described in section 133(d) of title 23, United  
4 States Code, (without regard to the comparison to fiscal  
5 year 2005 in paragraph (2)): *Provided further*, That in  
6 selecting projects to be funded, recipients shall give pri-  
7 ority to projects that can award contracts within 120 days  
8 of enactment of this Act, are included in an approved  
9 Statewide Transportation Improvement Program (STIP)  
10 and/or Metropolitan Transportation Improvement Pro-  
11 gram (TIP), are projected for completion within a three-  
12 year time frame, and are located in economically dis-  
13 tressed areas as defined by section 301 of the Public  
14 Works and Economic Development Act of 1965, as  
15 amended (42 U.S.C. 3161): *Provided further*, That funds  
16 made available under this heading shall be administered  
17 as if apportioned under chapter 1 of title 23, United  
18 States Code, except for funds made available for Indian

19 reservation roads and park roads and parkways which  
20 shall be administered in accordance with chapter 2 of title  
21 23, United States Code: *Provided further*, That the Fed22  
23 eral share payable on account of any project or activity  
24 carried out with funds made available under this heading  
25 shall, at the option of the recipient, be up to 100 percent  
of the total cost thereof: *Provided further*, That funds

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1 made available by this Act shall not be obligated for the  
2 purposes authorized under section 115(b) of title 23,  
3 United States Code: *Provided further*, That the provisions  
4 of section 1101(b) of Public Law 109–59 shall apply to  
5 funds made available under this heading: *Provided further*,  
6 That, in lieu of the redistribution required by section  
7 1104(b) of this Act, if less than 50 percent of the funds  
8 made available to each State and territory under this  
9 heading are obligated based on awarded contracts within  
10 120 days after the date of distribution of those funds to  
11 the States and territories, then the portion of the 50 per12  
13 cent of the total funding distributed to the State or terri13  
14 tory that has not been obligated based on awarded con14  
15 tracts shall be redistributed, in the manner described in  
16 section 120(c) of division K of Public Law 110–161, to  
17 those States and territories that have obligated, based on  
18 awarded contracts, at least 50 percent of the funds made  
19 available under this heading and are able to obligate  
20 amounts in addition to those previously distributed, except  
21 that, for those funds suballocated within the State, if less  
22 than 50 percent of the funds so suballocated within the  
23 State are obligated, based on awarded contracts, within  
24 90 days of suballocation, then the portion of the 50 per24  
25 cent of funding so suballocated that has not been obli25  
gated, based on awarded contracts, will be returned to the

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1 State for use anywhere in the State prior to being redis2  
tributed in accordance with the first part of this proviso:  
3 *Provided further*, That, in lieu of the redistribution re4  
quired by section 1104(b) of this Act, any funds made  
5 available under this heading that are not obligated, based  
6 on awarded contracts, by August 1, 2010, shall be redis7  
tributed, in the manner described in section 120(c) of divi8  
sion K of Public Law 110–161, to those States able to  
9 obligate amounts in addition to those previously distrib10  
uted, except that funds suballocated within the State that  
11 are not obligated, based on awarded contracts, by July 1,  
12 2010, will be returned to the State for use anywhere in  
13 the State prior to being redistributed in accordance with  
14 the first part of this proviso: *Provided further*, That not15  
withstanding section 1103 of this Act, funds made avail16  
able under this heading shall be apportioned not later than  
17 7 days after the date of enactment of this Act.

18 FEDERAL RAILROAD ADMINISTRATION  
19 CAPITAL ASSISTANCE FOR INTERCITY PASSENGER RAIL  
20 SERVICE

21 For an additional amount for “Capital Assistance for  
22 Intercity Passenger Rail Service” to enable the Secretary  
23 of Transportation to make grants for capital costs as au24  
thorized by chapter 244 of title 49 United States Code,  
25 \$300,000,000: *Provided*, That notwithstanding section

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1 1103 of this Act, the Secretary shall give preference to  
2 projects for the repair, rehabilitation, upgrade, or pur3  
chase of railroad assets or infrastructure that can be  
4 awarded within 180 days of enactment of this Act: *Pro5*  
*vided further*, That in awarding grants for the acquisition  
6 of a piece of rolling stock or locomotive, the Secretary shall  
7 give preference to FRA-compliant rolling stock and loco8  
motives: *Provided further*, That the Secretary shall give  
9 preference to projects that support the development of  
10 intercity high speed rail service: *Provided further*, That the  
11 Federal share shall be, at the option of the recipient, up  
12 to 100 percent.

13 CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL  
14 RAILROAD PASSENGER CORPORATION

15 For an additional amount for “Capital and Debt  
16 Service Grants to the National Railroad Passenger Cor17  
poration” (Amtrak) to enable the Secretary of Transpor18  
tation to make capital grants to Amtrak as authorized by  
19 section 101(c) of the Passenger Rail Investment and Im20  
provement Act of 2008 (Public Law 110–432),  
21 \$800,000,000: *Provided*, That priority shall be given to  
22 projects for the repair, rehabilitation, or upgrade of rail23  
road assets or infrastructure: *Provided further*, That none  
24 of the funds under this heading shall be used to subsidize  
25 the operating losses of Amtrak: *Provided further*, Notwith-

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1 standing section 1103 of this Act, funds made available  
2 under this heading shall be awarded not later than 7 days  
3 after the date of enactment of this Act.

4 FEDERAL TRANSIT ADMINISTRATION

5 TRANSIT CAPITAL ASSISTANCE

6 For transit capital assistance grants,  
7 \$6,000,000,000, of which \$5,400,000,000 shall be for  
8 grants under section 5307 of title 49, United States Code  
9 and shall be apportioned in accordance with section 5336  
10 of such title (other than subsections (i)(1) and (j)) but  
11 may not be combined or commingled with any other funds  
12 apportioned under such section 5336, and of which  
13 \$600,000,000 shall be for grants under section 5311 of  
14 such title and shall be apportioned in accordance with such  
15 section 5311 but may not be combined or commingled with  
16 any other funds apportioned under that section: *Provided*,  
17 That of the funds provided for section 5311 under this  
18 heading, 3 percent shall be made available for section  
19 5311(c)(1): *Provided further*, That applicable chapter 53  
20 requirements shall apply except that the Federal share of  
21 the costs for which a grant is made under this heading  
22 shall be, at the option of the recipient, up to 100 percent:  
23 *Provided further*, In lieu of the requirements of section  
24 1103 of this Act, funds made available under this heading  
25 shall be apportioned not later than 7 days after the date

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1 of enactment of this Act: *Provided further*, That for pur2  
poses of applying section 1104 of this Act to this appro3  
prietation, the deadline for grantees to enter into contracts  
4 or other binding commitments to make use of not less  
5 than 50 percent of the funds awarded shall be 120 days  
6 after apportionment: *Provided further*, That the provisions  
7 of section 1101(b) of Public Law 109–59 shall apply to  
8 funds made available under this heading: *Provided further*,  
9 That notwithstanding any other provision of law, of the  
10 funds apportioned in accordance with section 5336, up to  
11 three-quarters of 1 percent shall be available for adminis12  
trative expenses and program management oversight and  
13 of the funds apportioned in accordance with section 5311,  
14 up to one-half of 1 percent shall be available for adminis15  
trative expenses and program management oversight and  
16 both amounts shall remain available for obligation until  
17 September 30, 2012: *Provided further*, That the preceding  
18 proviso shall apply in lieu of the provisions in section 1106  
19 of this Act.

20 FIXED GUIDEWAY INFRASTRUCTURE INVESTMENT

21 For an amount for capital expenditures authorized  
22 under section 5309(b)(2) of title 49, United States Code,  
23 \$2,000,000,000: *Provided*, That the Secretary of Trans24  
portation shall apportion funds under this heading pursu25  
ant to the formula set forth in section 5337 of title 49,

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1 United States Code: *Provided further*, That the funds ap2  
propriated under this heading shall not be commingled  
3 with funds available under the Formula and Bus Grants  
4 account: *Provided further*, In lieu of the requirements of  
5 section 1103 of this Act, funds made available under this  
6 heading shall be apportioned not later than 7 days after  
7 the date of enactment of this Act: *Provided further*, That  
8 for purposes of applying section 1104 of this Act to this  
9 appropriation, the deadline for grantees to enter into con10  
tracts or other binding commitments to make use of not



11 less than 50 percent of the funds awarded shall be 120  
12 days after apportionment: *Provided further*, That applica13  
14 ble chapter 53 requirements shall apply except that the  
15 Federal share of the costs for which a grant is made under  
16 this heading shall be, at the option of the recipient, up  
17 to 100 percent: *Provided further*, That the provisions of  
18 section 1101(b) of Public Law 109–59 shall apply to funds  
19 made available under this heading: *Provided further*, That  
20 notwithstanding any other provision of law, up to 1 per20  
21 cent of the funds under this heading shall be available for  
22 administrative expenses and program management over22  
23 sight and shall remain available for obligation until Sep23  
24 tember 30, 2012: *Provided further*, That the preceding  
25 proviso shall apply in lieu of the provisions in section 1106  
of this Act.

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1 CAPITAL INVESTMENT GRANTS

2 For an additional amount for “Capital Investment  
3 Grants”, as authorized under section 5338(c)(4) of title  
4 49, United States Code, and allocated under section  
5 5309(m)(2)(A) of such title, to enable the Secretary of  
6 Transportation to make discretionary grants as authorized  
7 by section 5309(d) and (e) of such title, \$1,000,000,000:  
8 *Provided*, That such amount shall be allocated without re9  
10 gard to the limitation under section 5309(m)(2)(A)(i):  
11 *Provided further*, That in selecting projects to be funded,  
12 priority shall be given to projects that are currently in con12  
13 struction or are able to award contracts based on bids  
14 within 120 days of enactment of this Act: *Provided further*,  
15 That for purposes of applying section 1104 of this Act  
16 to this appropriation, the deadline for grantees to enter  
17 into contracts or other binding commitments to make use  
18 of not less than 50 percent of the funds awarded shall  
19 be 120 days after award: *Provided further*, That the provi19  
20 sions of section 1101(b) of Public Law 109–59 shall apply  
21 to funds made available under this heading: *Provided fur21*  
22 *ther*, That applicable chapter 53 requirements shall apply,  
23 except that notwithstanding any other provision of law,  
24 up to 1 percent of the funds under this heading shall be  
25 available for administrative expenses and program man25

agement oversight and shall remain available for obliga-

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1 tion until September 30, 2012: *Provided further*, That the  
2 preceding proviso shall apply in lieu of the provisions in  
3 section 1106 of this Act.

4 DEPARTMENT OF HOUSING AND URBAN  
5 DEVELOPMENT

6 PUBLIC AND INDIAN HOUSING

7 PUBLIC HOUSING CAPITAL FUND

8 For an additional amount for “Public Housing Cap9  
ital Fund” to carry out capital and management activities  
10 for public housing agencies, as authorized under section  
11 9 of the United States Housing Act of 1937 (42 U.S.C.  
12 1437g) (“the Act”), \$5,000,000,000: *Provided*, That the  
13 Secretary of Housing and Urban Development shall dis14  
tribute at least \$4,000,000,000 of this amount by the  
15 same formula used for amounts made available in fiscal  
16 year 2008: *Provided further*, That public housing authori17  
ties shall give priority to capital projects that can award  
18 contracts based on bids within 120 days from the date  
19 the funds are made available to the public housing au20  
thorities: *Provided further*, That public housing agencies  
21 shall give priority consideration to the rehabilitation of va22  
cant rental units: *Provided further*, That notwithstanding  
23 any other provision of the Act or regulations, (1) funding  
24 provided herein may not be used for Operating Fund ac25  
tivities pursuant to section 9(g) of the Act, and (2) any

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1 restriction of funding to replacement housing uses shall  
2 be inapplicable: *Provided further*, That public housing  
3 agencies shall prioritize capital projects underway or al4  
ready in their 5-year plans: *Provided further*, That of the  
5 amount provided under this heading, the Secretary may  
6 obligate up to \$1,000,000,000, for competitive grants to

7 public housing authorities for activities including: (1) in8  
vestments that leverage private sector funding or financ9  
ing for housing renovations and energy conservation ret10  
rofit investments; (2) rehabilitation of units using sustain11  
able materials and methods that improve energy efficiency,  
12 reduce energy costs, or preserve and improve units with  
13 good access to public transportation or employment cen14  
ters; (3) increase the availability of affordable rental hous15  
ing by expediting rehabilitation projects to bring vacant  
16 units into use or by filling the capital investment gap for  
17 redevelopment or replacement housing projects which have  
18 been approved or are otherwise ready to proceed but are  
19 stalled due to the inability to obtain anticipated private  
20 capital; or (4) address the needs of seniors and persons  
21 with disabilities through improvements to housing and re22  
lated facilities which attract or promote the coordinated  
23 delivery of supportive services: *Provided further*, That the  
24 Secretary may waive statutory or regulatory provisions re25  
lated to the obligation and expenditure of capital funds

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1 if necessary to facilitate the timely expenditure of funds

2 (except for requirements related to fair housing, non3  
discrimination, labor standards, and the environment).

4 ELDERLY, DISABLED, AND SECTION 8 ASSISTED HOUSING

5 ENERGY RETROFIT

6 For grants or loans to owners of properties receiving

7 project-based assistance pursuant to section 202 of the

8 Housing Act of 1959 (12 U.S.C. 17012), section 811 of

9 the Cranston-Gonzalez National Affordable Housing Act

10 (42 U.S.C. 8013), or section 8 of the United States Hous11

ing Act of 1937 (42 U.S.C. 1437f), to accomplish energy

12 retrofit investments, \$2,500,000,000: *Provided*, That such

13 loans or grants shall be provided through the Office of

14 Affordable Housing Preservation of the Department of

15 Housing and Urban Development, on such terms and con16

ditions as the Secretary of Housing and Urban Develop17

ment deems appropriate: *Provided further*, That eligible

18 owners must have at least a satisfactory management re19

view rating, be in substantial compliance with applicable

20 performance standards and legal requirements, and com21

mit to an additional period of affordability determined by  
22 the Secretary: *Provided further*, That the Secretary shall  
23 undertake appropriate underwriting and oversight with re24  
spect to such transactions: *Provided further*, That the Sec25  
retary may set aside funds made available under this

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1 heading for an efficiency incentive payable upon satisfac2  
tory completion of energy retrofit investments, and may  
3 provide additional incentives if such investments resulted  
4 in extraordinary job creation for low-income and very low5  
income persons: *Provided further*, that of the funds pro6  
vided under this heading, 1 percent shall be available only  
7 for staffing, training, technical assistance, technology,  
8 monitoring, research and evaluation activities.

9 NATIVE AMERICAN HOUSING BLOCK GRANTS

10 For an additional amount for “Native American  
11 Housing Block Grants”, as authorized under title I of the  
12 Native American Housing Assistance and Self-Determina13  
tion Act of 1996 (“NAHASDA”) (25 U.S.C. 4111 et  
14 seq.), \$500,000,000: *Provided*, That \$250,000,000 of the  
15 amount appropriated under this heading shall be distrib16  
uted according to the same funding formula used in fiscal  
17 year 2008: *Provided further*, That in selecting projects to  
18 be funded, recipients shall give priority to projects that  
19 can award contracts based on bids within 120 days from  
20 the date that funds are available to the recipients: *Pro21*  
*vided further*, That in allocating the funds appropriated  
22 under this heading, the Secretary of Housing and Urban  
23 Development shall not require an additional action plan  
24 from grantees: *Provided further*, That the Secretary may  
25 obligate \$250,000,000 of the amount appropriated under

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1 this heading for competitive grants to eligible entities that  
2 apply for funds as authorized under NAHASDA: *Provided*

3 *further*, That in awarding competitive funds, the Secretary  
4 shall give priority to projects that will spur construction  
5 and rehabilitation and will create employment opportuni6  
ties for low-income and unemployed persons.  
7 COMMUNITY PLANNING AND DEVELOPMENT  
8 COMMUNITY DEVELOPMENT FUND  
9 For an additional amount for “Community Develop10  
ment Fund” \$1,000,000,000, to carry out the community  
11 development block grant program under title I of the  
12 Housing and Community Development Act of 1974 (42  
13 U.S.C. 5301 et seq.): *Provided*, That the amount appro14  
priated in this paragraph shall be distributed according  
15 to the same funding formula used in fiscal year 2008: *Pro16*  
*vided further*, That in allocating the funds appropriated  
17 in this paragraph, the Secretary of Housing and Urban  
18 Development shall not require an additional action plan  
19 from grantees: *Provided further*, That in selecting projects  
20 to be funded, recipients shall give priority to projects that  
21 can award contracts based on bids within 120 days from  
22 the date the funds are made available to the recipients;  
23 *Provided further*, That in administering funds provided in  
24 this paragraph, the Secretary may waive any provision of  
25 any statute or regulation that the Secretary administers

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1 in connection with the obligation by the Secretary or the  
2 use by the recipient of these funds (except for require3  
ments related to fair housing, nondiscrimination, labor  
4 standards, and the environment), upon a finding that such  
5 waiver is required to facilitate the timely use of such funds  
6 and would not be inconsistent with the overall purpose of  
7 the statute.

8 For a further additional amount for “Community De9  
velopment Fund”, \$4,190,000,000, to be used for neigh10  
borhood stabilization activities related to emergency as11  
sistance for the redevelopment of abandoned and fore12  
closed homes as authorized under division B, title III of  
13 the Housing and Economic Recovery Act of 2008 (Public  
14 Law 110–289), of which—

15 (1) not less than \$3,440,000,000 shall be allo16  
cated by a competition for which eligible entities

17 shall be States, units of general local government,  
18 and nonprofit entities or consortia of nonprofit enti19  
ties: *Provided*, That the award criteria for such com20  
petition shall include grantee capacity, leveraging  
21 potential, targeted impact of foreclosure prevention,  
22 and any additional factors determined by the Sec23  
retary of Housing and Urban Development: *Provided*  
24 *further*, that the Secretary may establish a minimum  
25 grant size: *Provided further*, That amounts made

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1 available under this Section may be used to (A) es2  
tablsh financing mechanisms for purchase and rede3  
velopment of foreclosed-upon homes and residential  
4 properties, including such mechanisms as soft-sec5  
onds, loan loss reserves, and shared-equity loans for  
6 low- and moderate-income homebuyers; (B) purchase  
7 and rehabilitate homes and residential properties  
8 that have been abandoned or foreclosed upon, in  
9 order to sell or rent such homes and properties; (C)  
10 establish and operate land banks for homes that  
11 have been foreclosed upon; (D) demolish foreclosed  
12 properties that have become blighted structures; and  
13 (E) redevelop demolished or vacant foreclosed prop14  
erties in order to sell or rent such properties; and  
15 (2) up to \$750,000,000 shall be awarded by  
16 competition to nonprofit entities or consortia of non17  
profit entities to provide community stabilization as18  
sistance by (A) accelerating state and local govern19  
ment and nonprofit productivity; (B) increasing the  
20 scale and efficiency of property transfers of fore21  
closed and vacant residential properties from finan22  
cial institutions and government entities to qualified  
23 local housing providers in order to return the prop24  
erties to productive affordable housing use; (C)  
25 building industry and property management capac-

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1 ity; and (D) partnering with private sector real es2  
tate developers and contractors and leveraging pri3  
vate sector capital: *Provided further*, That such com4  
munity stabilization assistance shall be provided pri5  
marily in States and areas with high rates of de6  
faults and foreclosures to support the acquisition, re7  
habilitation and property management of single-fam8  
ily and multi-family homes and to work in partner9  
ship with the private sector real estate industry and  
10 to leverage available private and public funds for  
11 those purposes: *Provided further*, That for purposes  
12 of this paragraph qualified local housing providers  
13 shall be nonprofit organizations with demonstrated  
14 capabilities in real estate development or acquisition  
15 and rehabilitation or property management of single16  
or multi-family homes, or local or state governments  
17 or instrumentalities of such governments: *Provided*  
18 *further*, That qualified local housing providers shall  
19 be expected to utilize and leverage additional local  
20 nonprofit, governmental, for-profit and private re21  
sources:  
22 *Provided further*, That in the case of any foreclosure on  
23 any dwelling or residential real property acquired with any  
24 amounts made available under this heading, any successor  
25 in interest in such property pursuant to the foreclosure

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1 shall assume such interest subject to—(1) the provision  
2 by such successor in interest of a notice to vacate to any  
3 bona fide tenant at least 90 days before the effective date  
4 of such notice; and (2) the rights of any bona fide tenant,  
5 as of the date of such notice of foreclosure (A) under any  
6 bona fide lease entered into before the notice of foreclosure  
7 to occupy the premises until the end of the remaining term  
8 of the lease, except that a successor in interest may termi9  
nate a lease effective on the date of sale of the unit to  
10 a purchaser who will occupy the unit as a primary resi11  
dence, subject to the receipt by the tenant of the 90-day  
12 notice under this paragraph; or (B) without a lease or with

13 a lease terminable at will under State law, subject to the  
14 receipt by the tenant of the 90-day notice under this para15  
graph, except that nothing in this paragraph shall affect  
16 the requirements for termination of any Federal- or State17  
subsidized tenancy or of any State or local law that pro18  
vides longer time periods or other additional protections  
19 for tenants: *Provided further*, That, for purposes of this  
20 paragraph, a lease or tenancy shall be considered bona fide  
21 only if (1) the mortgagor under the contract is not the  
22 tenant; (2) the lease or tenancy was the result of an arms23  
length transaction; and (3) the lease or tenancy requires  
24 the receipt of rent that is not substantially less than fair  
25 market rent for the property: *Provided further*, That the

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1 recipient of any grant or loan from amounts made avail2  
able under this heading may not refuse to lease a dwelling  
3 unit in housing assisted with such loan or grant to a hold4  
er of a voucher or certificate of eligibility under section  
5 8 of the United States Housing Act of 1937 (42 U.S.C.  
6 1437f) because of the status of the prospective tenant as  
7 such a holder: *Provided further*, That in the case of any  
8 qualified foreclosed housing for which funds made avail9  
able under this heading are used and in which a recipient  
10 of assistance under section 8(o) of the U.S. Housing Act  
11 of 1937 resides at the time of acquisition or financing,  
12 the owner and any successor in interest shall be subject  
13 to the lease and to the housing assistance payments con14  
tract for the occupied unit: *Provided further*, That  
15 vacating the property prior to sale shall not constitute  
16 good cause for termination of the tenancy unless the prop17  
erty is unmarketable while occupied or unless the owner  
18 or subsequent purchaser desires the unit for personal or  
19 family use: *Provided further*, That this paragraph shall not  
20 preempt any State or local law that provides more protec21  
tion for tenants: *Provided further*, That amounts made  
22 available under this heading may be used for the costs  
23 of demolishing foreclosed housing that is deteriorated or  
24 unsafe: *Provided further*, That the amount for demolition  
25 of such housing may not exceed 10 percent of amounts



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1 allocated under this paragraph to States and units of gen2  
eral local government: *Provided further*, That no amounts  
3 from a grant made under this paragraph may be used to  
4 demolish any public housing (as such term is defined in  
5 section 3 of the United States Housing Act of 1937 (42  
6 U.S.C. 1437a)): *Provided further*, That section 2301(d)(4)  
7 of the Housing and Economic Recovery Act of 2008 (Pub8  
lic Law 110–289) is repealed.

9 HOME INVESTMENT PARTNERSHIPS PROGRAM

10 For an additional amount for “HOME Investment  
11 Partnerships Program” as authorized under Title II of the  
12 Cranston-Gonzalez National Affordable Housing Act (“the  
13 Act”), \$1,500,000,000: *Provided*, That the amount appro14  
priated under this heading shall be distributed according  
15 to the same funding formula used in fiscal year 2008: *Pro16*  
*vided further*, That the Secretary of Housing and Urban  
17 Development may waive statutory or regulatory provisions  
18 related to the obligation of such funds if necessary to fa19  
cilitate the timely expenditure of funds (except for require20  
ments related to fair housing, nondiscrimination, labor  
21 standards, and the environment): *Provided further*, That  
22 in selecting projects to be funded, recipients shall give pri23  
ority to projects that can award contracts based on bids  
24 within 120 days from the date that funds are available  
25 to the recipients.

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1 SELF-HELP AND ASSISTED HOMEOWNERSHIP

2 OPPORTUNITY PROGRAM

3 For an additional amount for “Self-Help and As4  
sisted Homeownership Opportunity Program”, as author5  
ized under section 11 of the Housing Opportunity Pro6  
gram Extension Act of 1996, \$10,000,000: *Provided*, That  
7 in awarding competitive grant funds, the Secretary of

8 Housing and Urban Development shall give priority to the  
9 provision and rehabilitation of sustainable, affordable sin10  
11 areas: *Provided further*, That in selecting projects to be  
12 funded, grantees shall give priority to projects that can  
13 award contracts based on bids within 120 days from the  
14 date the funds are made available to the grantee.

#### 15 HOMELESS ASSISTANCE GRANTS

16 For an additional amount for “Homeless Assistance  
17 Grants”, for the emergency shelter grants program as au18  
19 authorized under subtitle B of tile IV of the McKinney-Vento  
20 Homeless Assistance Act, \$1,500,000,000: *Provided*, That  
21 in addition to homeless prevention activities specified in  
22 the emergency shelter grant program, funds provided  
23 under this heading may be used for the provision of short23  
24 term or medium-term rental assistance; housing relocation  
25 and stabilization services including housing search, medi25  
26 ation or outreach to property owners, legal services, credit

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1 repair, resolution of security or utility deposits, utility pay2  
3 ments, rental assistance for a final month at a location,  
4 and moving costs assistance; or other appropriate home4  
5 lessness prevention activities; *Provided further*, That these  
6 funds shall be allocated pursuant to the formula author6  
7 ized by section 413 of such Act: *Provided further*, That  
8 the Secretary of Housing and Urban Development may  
9 waive statutory or regulatory provisions related to the obli9  
10 gation and use of emergency shelter grant funds necessary  
11 to facilitate the timely expenditure of funds.

#### 11 OFFICE OF HEALTHY HOMES AND LEAD HAZARD 12 CONTROL

#### 13 LEAD HAZARD REDUCTION

14 For an additional amount for “Lead Hazard Reduc15  
16 tion”, for the Lead Hazard Reduction Program as author16  
17 ized by section 1011 of the Residential Lead-Based Paint  
18 Hazard Reduction Act of 1992, \$100,000,000: *Provided*,  
19 That for purposes of environmental review, pursuant to  
20 the National Environmental Policy Act of 1969 (42 U.S.C.  
21 4321 et seq.) and other provisions of law that further the  
22 purposes of such Act, a grant under the Healthy Homes

22 Initiative, Operation Lead Elimination Action Plan  
23 (LEAP), or the Lead Technical Studies program under  
24 this heading or under prior appropriations Acts for such  
25 purposes under this heading, shall be considered to be

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1 funds for a special project for purposes of section 305(e)  
2 of the Multifamily Housing Property Disposition Reform  
3 Act of 1994: *Provided further*, That of the total amount  
4 made available under this heading, \$30,000,000 shall be  
5 made available on a competitive basis for areas with the  
6 highest lead paint abatement needs.

7 GENERAL PROVISIONS, THIS TITLE

8 **SEC. 12001. MAINTENANCE OF EFFORT AND REPORTING**  
9 **REQUIREMENTS TO ENSURE TRANSPARENCY**  
10 **AND ACCOUNTABILITY.**

11 (a) MAINTENANCE OF EFFORT.—Not later than 30  
12 days after the date of enactment of this Act, for each  
13 amount that is distributed to a State or agency thereof  
14 from an appropriation in this Act for a covered program,  
15 the Governor of the State shall certify that the State will  
16 maintain its effort with regard to State funding for the  
17 types of projects that are funded by the appropriation. As  
18 part of this certification, the Governor shall submit to the  
19 covered agency a statement identifying the amount of  
20 funds the State planned to expend as of the date of enact21  
22 ment of this Act from non-Federal sources in the period  
23 beginning on the date of enactment of this Act through  
24 September 30, 2010, for the types of projects that are  
25 funded by the appropriation.

(b) PERIODIC REPORTS.—

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1 (1) IN GENERAL.—Notwithstanding any other  
2 provision of law, each grant recipient shall submit to  
3 the covered agency from which they received funding

4 periodic reports on the use of the funds appropriated  
5 in this Act for covered programs. Such reports shall  
6 be collected and compiled by the covered agency and  
7 transmitted to Congress.

8 (2) CONTENTS OF REPORTS.—For amounts re9  
ceived under each covered program by a grant re10  
cipient under this Act, the grant recipient shall in11  
clude in the periodic reports information tracking—

12 (A) the amount of Federal funds appro13  
priated, allocated, obligated, and outlayed under  
14 the appropriation;

15 (B) the number of projects that have been  
16 put out to bid under the appropriation and the  
17 amount of Federal funds associated with such  
18 projects;

19 (C) the number of projects for which con20  
tracts have been awarded under the appropria21  
tion and the amount of Federal funds associ22  
ated with such contracts;

23 (D) the number of projects for which work  
24 has begun under such contracts and the

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1 amount of Federal funds associated with such  
2 contracts;

3 (E) the number of projects for which work  
4 has been completed under such contracts and  
5 the amount of Federal funds associated with  
6 such contracts;

7 (F) the number of jobs created or sus8  
tained by the Federal funds provided for  
9 projects under the appropriation, including in10  
formation on job sectors and pay levels; and

11 (G) for each covered program report infor12  
mation tracking the actual aggregate expendi13  
tures by each grant recipient from non-Federal  
14 sources for projects eligible for funding under  
15 the program during the period beginning on the  
16 date of enactment of this Act through Sep17  
tember 30, 2010, as compared to the level of  
18 such expenditures that were planned to occur

19 during such period as of the date of enactment  
20 of this Act.  
21 (3) TIMING OF REPORTS.—Each grant recipient  
22 shall submit the first of the periodic reports required  
23 under this subsection not later than 30 days after  
24 the date of enactment of this Act and shall submit  
25 updated reports not later than 60 days, 120 days,

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1 180 days, 1 year, and 3 years after such date of en2  
actment.  
3 (c) DEFINITIONS.—In this section, the following defi4  
nitions apply:  
5 (1) COVERED AGENCY.—The term “covered  
6 agency” means the Federal Aviation Administration,  
7 the Federal Highway Administration, the Federal  
8 Railroad Administration, and the Federal Transit  
9 Administration of the Department of Transpor10  
tation.  
11 (2) COVERED PROGRAM.—The term “covered  
12 program” means funds appropriated in this Act for  
13 “Grants-in-Aid for Airports” to the Federal Aviation  
14 Administration; for “Highway Infrastructure Invest15  
ment” to the Federal Highway Administration; for  
16 “Capital Assistance for Intercity Passenger Rail  
17 Service” to the Federal Railroad Administration; for  
18 “Transit Capital Assistance”, “Fixed Guideway In19  
frastructure Investment”, and “Capital Investment  
20 Grants” to the Federal Transit Administration.  
21 (3) GRANT RECIPIENT.—The term “grant re22  
cipient” means a State or other recipient of assist23  
ance provided under a covered program in this Act.  
24 Such term does not include a Federal department or  
25 agency.

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**1 SEC. 12002. FHA LOAN LIMITS FOR 2009.**

2 (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—

3 For mortgages for which the mortgagee issues credit ap4  
proval for the borrower during calendar year 2009, if the  
5 dollar amount limitation on the principal obligation of a  
6 mortgage determined under section 203(b)(2) of the Na7  
tional Housing Act (12 U.S.C. 1709(b)(2)) for any size  
8 residence for any area is less than such dollar amount lim9  
itation that was in effect for such size residence for such  
10 area for 2008 pursuant to section 202 of the Economic  
11 Stimulus Act of 2008 (Public Law 110-185; 122 Stat.  
12 620), notwithstanding any other provision of law, the max13  
imum dollar amount limitation on the principal obligation  
14 of a mortgage for such size residence for such area for  
15 purposes of such section 203(b)(2) shall be considered (ex16  
cept for purposes of section 255(g) of such Act (12 U.S.C.  
17 1715z-20(g))) to be such dollar amount limitation in ef18  
fect for such size residence for such area for 2008.

19 (b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—

20 Notwithstanding any other provision of law, if the Sec21  
retary of Housing and Urban Development determines, for  
22 any geographic area that is smaller than an area for which  
23 dollar amount limitations on the principal obligation of a  
24 mortgage are determined under section 203(b)(2) of the  
25 National Housing Act, that a higher such maximum dollar  
26 amount limitation is warranted for any particular size or

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1 sizes of residences in such sub-area by higher median  
2 home prices in such sub-area, the Secretary may, for mort3  
gages for which the mortgagee issues credit approval for  
4 the borrower during calendar year 2009, increase the max5  
imum dollar amount limitation for such size or sizes of  
6 residences for such sub-area that is otherwise in effect (in7  
cluding pursuant to subsection (a) of this section), but in  
8 no case to an amount that exceeds the amount specified  
9 in section 202(a)(2) of the Economic Stimulus Act of  
10 2008.

**11 SEC. 12003. GSE CONFORMING LOAN LIMITS FOR 2009.**

12 (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—

13 For mortgages originated during calendar year 2009, if

14 the limitation on the maximum original principal obliga15  
tion of a mortgage that may purchased by the Federal  
16 National Mortgage Association or the Federal Home Loan  
17 Mortgage Corporation determined under section 302(b)(2)  
18 of the Federal National Mortgage Association Charter Act  
19 (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Fed20  
eral Home Loan Mortgage Corporation Act (12 U.S.C.  
21 1754(a)(2)), respectively, for any size residence for any  
22 area is less than such maximum original principal obliga23  
tion limitation that was in effect for such size residence  
24 for such area for 2008 pursuant to section 201 of the Eco25  
nomic Stimulus Act of 2008 (Public Law 110-185; 122

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1 Stat. 619), notwithstanding any other provision of law, the  
2 limitation on the maximum original principal obligation of  
3 a mortgage for such Association and Corporation for such  
4 size residence for such area shall be such maximum limita5  
tion in effect for such size residence for such area for  
6 2008.

7 (b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—

8 Notwithstanding any other provision of law, if the Direc9  
tor of the Federal Housing Finance Agency determines,  
10 for any geographic area that is smaller than an area for  
11 which limitations on the maximum original principal obli12  
gation of a mortgage are determined for the Federal Na13  
tional Mortgage Association or the Federal Home Loan  
14 Mortgage Corporation, that a higher such maximum origi15  
nal principal obligation limitation is warranted for any  
16 particular size or sizes of residences in such sub-area by  
17 higher median home prices in such sub-area, the Director  
18 may, for mortgages originated during 2009, increase the  
19 maximum original principal obligation limitation for such  
20 size or sizes of residences for such sub-area that is other21  
wise in effect (including pursuant to subsection (a) of this  
22 section) for such Association and Corporation, but in no  
23 case to an amount that exceeds the amount specified in  
24 the matter following the comma in section 201(a)(1)(B)  
25 of the Economic Stimulus Act of 2008.

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**1 SEC. 12004. FHA REVERSE MORTGAGE LOAN LIMITS FOR  
2 2009.**

3 For mortgages for which the mortgagee issues credit  
4 approval for the borrower during calendar year 2009, the  
5 second sentence of section 255(g) of the National Housing  
6 Act (12 U.S.C. 171520(g)) shall be considered to require  
7 that in no case may the benefits of insurance under such  
8 section 255 exceed 150 percent of the maximum dollar  
9 amount in effect under the sixth sentence of section  
10 305(a)(2) of the Federal Home Loan Mortgage Corpora11  
tion Act (12 U.S.C. 1454(a)(2)).