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1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the "American Recovery
3 and Reinvestment Act of 2009".

4 SEC. 2. TABLE OF CONTENTS.

5 The table of contents for this Act is as follows:

DIVISION A—APPROPRIATIONS PROVISIONS

TITLE I—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG
ADMINISTRATION, AND RELATED AGENCIES

TITLE II—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGEN-
CIES

TITLE III—DEPARTMENT OF DEFENSE

TITLE IV—ENERGY AND WATER DEVELOPMENT

TITLE V—FINANCIAL SERVICES AND GENERAL GOVERNMENT

TITLE VI—DEPARTMENT OF HOMELAND SECURITY

TITLE VII—INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

TITLE VIII—DEPARTMENTS OF LABOR, HEALTH AND HUMAN
SERVICES, AND EDUCATION, AND RELATED AGEN-
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TITLE IX—LEGISLATIVE BRANCH

TITLE X—MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND
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TITLE XII—TRANSPORTATION, HOUSING AND URBAN DEVELOP-
MENT, 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

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

TITLE I—TAX PROVISIONS

TITLE II—ASSISTANCE FOR UNEMPLOYED WORKERS AND STRUG-
GLING FAMILIES

TITLE III—HEALTH INSURANCE ASSISTANCE

TITLE IV—HEALTH INFORMATION TECHNOLOGY

TITLE V—STATE FISCAL RELIEF

6 SEC. 3. PURPOSES AND PRINCIPLES.

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

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

TITLE I—TAX PROVISIONS

TITLE II—ASSISTANCE FOR UNEMPLOYED WORKERS AND STRUG-
GLING FAMILIES

TITLE III—PREMIUM ASSISTANCE FOR COBRA BENEFITS

TITLE IV—MEDICARE AND MEDICAID HEALTH INFORMATION
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SIONS

TITLE V—STATE FISCAL RELIEF

TITLE VI—BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM

TITLE VII—LIMITS ON EXECUTIVE COMPENSATION

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1 (3) GRANT RECIPIENT.—The term “grant re-
2 cipient” means a State or other recipient of assist-
3 ance provided under a covered program in this Act.
4 Such term does not include a Federal department or
5 agency.

6 (e) Notwithstanding any other provision of law, sec-
7 tions 3501–3521 of title 44, United States Code, shall not
8 apply to the provisions of this section.

9 DEPARTMENT OF HOUSING AND URBAN

10 DEVELOPMENT

11 PUBLIC AND INDIAN HOUSING

12 PUBLIC HOUSING CAPITAL FUND

13 For an additional amount for the “Public Housing
14 Capital Fund” to carry out capital and management ac-
15 tivities for public housing agencies, as authorized under
16 section 9 of the United States Housing Act of 1937 (42
17 U.S.C. 1437g) (the “Act”), \$4,000,000,000, to remain
18 available until September 30, 2011: *Provided*, That the
19 Secretary of Housing and Urban Development shall dis-
20 tribute \$3,000,000,000 of this amount by the same for-
21 mula used for amounts made available in fiscal year 2008,
22 except that the Secretary may determine not to allocate
23 funding to public housing agencies currently designated
24 as troubled or to public housing agencies that elect not
25 to accept such funding: *Provided further*, That the Sec-

1 retary shall obligate funds allocated by formula within 30
2 days of enactment of this Act: *Provided further*, That the
3 Secretary shall make available \$1,000,000,000 by com-
4 petition for priority investments, including investments
5 that leverage private sector funding or financing for ren-
6 ovations and energy conservation retrofit investments:
7 *Provided further*, That the Secretary shall obligate com-
8 petitive funding by September 30, 2009: *Provided further*,
9 That public housing authorities shall give priority to cap-
10 ital projects that can award contracts based on bids within
11 120 days from the date the funds are made available to
12 the public housing authorities: *Provided further*, That pub-
13 lic housing agencies shall give priority consideration to the
14 rehabilitation of vacant rental units: *Provided further*,
15 That public housing agencies shall prioritize capital
16 projects that are already underway or included in the 5-
17 year capital fund plans required by the Act (42 U.S.C.
18 1437c-1(a)): *Provided further*, That notwithstanding any
19 other provision of law, (1) funding provided under this
20 heading may not be used for operating or rental assistance
21 activities, and (2) any restriction of funding to replace-
22 ment housing uses shall be inapplicable: *Provided further*,
23 That notwithstanding any other provision of law, the Sec-
24 retary shall institute measures to ensure that funds pro-
25 vided under this heading shall serve to supplement and

1 not supplant expenditures from other Federal, State, or
2 local sources or funds independently generated by the
3 grantee: *Provided further*, That notwithstanding section
4 9(j), public housing agencies shall obligate 100 percent of
5 the funds within 1 year of the date on which funds become
6 available to the agency for obligation, shall expend at least
7 60 percent of funds within 2 years of the date on which
8 funds become available to the agency for obligation, and
9 shall expend 100 percent of the funds within 3 years of
10 such date: *Provided further*, That if a public housing agen-
11 cy fails to comply with the 1-year obligation requirement,
12 the Secretary shall recapture all remaining unobligated
13 funds awarded to the public housing agency and reallocate
14 such funds to agencies that are in compliance with those
15 requirements: *Provided further*, That if a public housing
16 agency fails to comply with either the 2-year or the 3-
17 year expenditure requirement, the Secretary shall recap-
18 ture the balance of the funds awarded to the public hous-
19 ing agency and reallocate such funds to agencies that are
20 in compliance with those requirements: *Provided further*,
21 That in administering funds appropriated or otherwise
22 made available under this heading, the Secretary may
23 waive or specify alternative requirements for any provision
24 of any statute or regulation in connection with the obliga-
25 tion by the Secretary or the use of these funds (except

1 for requirements related to fair housing, nondiscrimina-
2 tion, labor standards, and the environment), upon a find-
3 ing that such a waiver is necessary to expedite or facilitate
4 the use of such funds: *Provided further*, That, in addition
5 to waivers authorized under the previous proviso, the Sec-
6 retary may direct that requirements relating to the pro-
7 curement of goods and services arising under state and
8 local laws and regulations shall not apply to amounts
9 made available under this heading: *Provided further*, That
10 of the funds made available under this heading, up to .5
11 percent shall be available for staffing, training, technical
12 assistance, technology, monitoring, travel, enforcement,
13 research and evaluation activities: *Provided further*, That
14 funds set aside in the previous proviso shall remain avail-
15 able until September 30, 2012: *Provided further*, That any
16 funds made available under this heading used by the Sec-
17 retary for personnel expenses related to administering
18 funding under this heading shall be transferred to "Per-
19 sonnel Compensation and Benefits, Office of Public and
20 Indian Housing" and shall retain the terms and conditions
21 of this account, including reprogramming provisions, ex-
22 cept that the period of availability set forth in the previous
23 proviso shall govern such transferred funds: *Provided fur-*
24 *ther*, That any funds made available under this heading
25 used by the Secretary for training or other administrative

1 expenses shall be transferred to “Administration, Oper-
2 ations, and Management”, for non-personnel expenses of
3 the Department of Housing and Urban Development: *Pro-*
4 *vided further*, That any funds made available under this
5 heading used by the Secretary for technology shall be
6 transferred to “Working Capital Fund”.

7 NATIVE AMERICAN HOUSING BLOCK GRANTS

8 For an additional amount for “Native American
9 Housing Block Grants”, as authorized under title I of the
10 Native American Housing Assistance and Self-Determina-
11 tion Act of 1996 (“NAHASDA”) (25 U.S.C. 4111 et
12 seq.), \$510,000,000 to remain available until September
13 30, 2011: *Provided*, That \$255,000,000 of the amount
14 provided under this heading shall be distributed according
15 to the same funding formula used in fiscal year 2008: *Pro-*
16 *vided further*, That the Secretary shall obligate funds allo-
17 cated by formula within 30 days of enactment of this Act:
18 *Provided further*, That the amounts distributed through
19 the formula shall be used for new construction, acqui-
20 sition, rehabilitation including energy efficiency and con-
21 servation, and infrastructure development: *Provided fur-*
22 *ther*, That in selecting projects to be funded, recipients
23 shall give priority to projects for which contracts can be
24 awarded within 180 days from the date that funds are
25 available to the recipients: *Provided further*, that the Sec-

1 retary may obligate \$255,000,000 of the amount provided
2 under this heading for competitive grants to eligible enti-
3 ties that apply for funds authorized under NAHASDA:
4 *Provided further*, That the Secretary shall obligate com-
5 petitive funding by September 30, 2009: *Provided further*,
6 That in awarding competitive funds, the Secretary shall
7 give priority to projects that will spur construction and
8 rehabilitation and will create employment opportunities
9 for low-income and unemployed persons: *Provided further*,
10 That recipients of funds under this heading shall obligate
11 100 percent of such funds within 1 year of the date funds
12 are made available to a recipient, expend at least 50 per-
13 cent of such funds within 2 years of the date on which
14 funds become available to such recipients for obligation
15 and expend 100 percent of such funds within 3 years of
16 such date: *Provided further*, That if a recipient fails to
17 comply with the 2-year expenditure requirement, the Sec-
18 retary shall recapture all remaining funds awarded to the
19 recipient and reallocate such funds through the funding
20 formula to recipients that are in compliance with these
21 requirements: *Provided further*, That if a recipient fails to
22 comply with the 3-year expenditure requirement, the Sec-
23 retary shall recapture the balance of the funds originally
24 awarded to the recipient: *Provided further*, That notwith-
25 standing any other provision of law, the Secretary may

1 set aside up to 2 percent of funds made available under
2 this paragraph for a housing entity eligible to receive fund-
3 ing under title VIII of NAHASDA (25 U.S.C. 4221 et
4 seq.): *Provided further*, That in administering funds ap-
5 propriated or otherwise made available under this heading,
6 the Secretary may waive or specify alternative require-
7 ments for any provision of any statute or regulation in
8 connection with the obligation by the Secretary or the use
9 of these funds (except for requirements related to fair
10 housing, nondiscrimination, labor standards, and the envi-
11 ronment), upon a finding that such a waiver is necessary
12 to expedite or facilitate the use of such funds: *Provided*
13 *further*, That of the funds made available under this head-
14 ing, up to .5 percent shall be available for staffing, train-
15 ing, technical assistance, technology, monitoring, travel,
16 enforcement, research and evaluation activities: *Provided*
17 *further*, That funds set aside in the previous proviso shall
18 remain available until September 30, 2012: *Provided fur-*
19 *ther*, That any funds made available under this heading
20 used by the Secretary for personnel expenses related to
21 administering funding under this heading shall be trans-
22 ferred to "Personnel Compensation and Benefits, Office
23 of Public and Indian Housing" and shall retain the terms
24 and conditions of this account, including reprogramming
25 provisions, except that the period of availability set forth

1 in the previous proviso shall govern such transferred
2 funds: *Provided further*, That any funds made available
3 under this heading used by the Secretary for training or
4 other administrative expenses shall be transferred to “Ad-
5 ministration, Operations, and Management”, for non-per-
6 sonnel expenses of the Department of Housing and Urban
7 Development: *Provided further*, That any funds made
8 available under this heading used by the Secretary for
9 technology shall be transferred to “Working Capital
10 Fund”.

11 COMMUNITY PLANNING AND DEVELOPMENT

12 COMMUNITY DEVELOPMENT FUND

13 For an additional amount for “Community Develop-
14 ment Fund” \$1,000,000,000, to remain available until
15 September 30, 2010 to carry out the community develop-
16 ment block grant program under title I of the Housing
17 and Community Development Act of 1974 (42 U.S.C.
18 5301 et seq.): *Provided*, That the amount appropriated in
19 this paragraph shall be distributed pursuant to 42 U.S.C.
20 5306 to grantees that received funding in fiscal year 2008:
21 *Provided further*, That in administering the funds appro-
22 priated in this paragraph, the Secretary of Housing and
23 Urban Development shall establish requirements to expedite
24 the use of the funds: *Provided further*, That in select-
25 ing projects to be funded, recipients shall give priority to

1 projects that can award contracts based on bids within
2 120 days from the date the funds are made available to
3 ~~the recipients/~~ *Provided further,* That in administering
4 funds appropriated or otherwise made available under this
5 heading, the Secretary may waive or specify ~~attentive~~ re-
6 quirements for any provision of any statute or regulation
7 in connection with the obligation by the Secretary or the
8 use by the recipient of these funds (except for require-
9 ments related to fair housing, nondiscrimination, labor
10 standards, and the environment), upon a finding that such
11 waiver is necessary to expedite or facilitate the timely use
12 of such funds and would not be inconsistent with the over-
13 all purpose of the statute.

14 For the provision of emergency assistance for the re-
15 development of abandoned and foreclosed homes, as au-
16 thorized under division B, title III of the Housing and
17 Economic Recovery Act of 2008 ("the Act") (Public Law
18 110-289) (42 U.S.C. 5301 note), \$2,000,000,000, to re-
19 main available until September 30, 2010: *Provided,* That
20 grantees shall expend at least 50 percent of allocated
21 funds within 2 years of the date funds become available
22 to the grantee for obligation, and 100 percent of such
23 funds within 3 years of such date: *Provided further,* That
24 unless otherwise noted herein, the provisions of the Act
25 govern the use of the additional funds made available

(alternative

1 under this heading: *Provided further*, That notwith-
2 standing the provisions of sections 2301(b) and (c)(1) and
3 section 2302 of the Act, funding under this paragraph
4 shall be allocated by competitions for which eligible enti-
5 ties shall be States, units of general local government, and
6 nonprofit entities or consortia of nonprofit entities, which
7 may submit proposals in partnership with for profit enti-
8 ties: *Provided further*, That in selecting grantees, the Sec-
9 retary of Housing and Urban Development shall ensure
10 that the grantees are in areas with the greatest number
11 and percentage of foreclosures and can expend funding
12 within the period allowed under this heading: *Provided fur-*
13 *ther*, That additional award criteria for such competitions
14 shall include demonstrated grantee capacity to execute
15 projects, leveraging potential, concentration of investment
16 to achieve neighborhood stabilization, and any additional
17 factors determined by the Secretary of Housing and
18 Urban Development: *Provided further*, That the Secretary
19 may establish a minimum grant size: *Provided further*,
20 That the Secretary shall publish criteria on which to base
21 competition for any grants awarded under this heading
22 not later than 75 days after the enactment of this Act
23 and applications shall be due to HUD not later than 150
24 days after the enactment of this Act: *Provided further*,
25 That the Secretary shall obligate all funding within 1 year

1 of enactment of this Act: *Provided further*, That section
2 2301(d)(4) of the Act is repealed: *Provided further*, That
3 section 2301(c)(3)(C) of the Act is amended to read “es-
4 tablish and operate land banks for homes and residential
5 properties that have been foreclosed upon”: *Provided fur-*
6 *ther*, That funding used for section 2301(c)(3)(E) of the
7 Act shall be available only for the redevelopment of demol-
8 ished or vacant properties as housing: *Provided further*,
9 That no amounts made available from a grant under this
10 heading may be used to demolish any public housing (as
11 such term is defined in section 3 of the United States
12 Housing Act of 1937 (42 U.S.C. 1437a)): *Provided fur-*
13 *ther*, That a grantee may not use more than 10 percent
14 of its grant under this heading for demolition activities
15 under section 2301(c)(3)(C) and (D) unless the Secretary
16 determines that such use represents an appropriate re-
17 sponse to local market conditions: *Provided further*, That
18 the recipient of any grant or loan from amounts made
19 available under this heading or, after the date of enact-
20 ment under division B, title III of the Housing and Eco-
21 nomic Recovery Act of 2008, may not refuse to lease a
22 dwelling unit in housing with such loan or grant to a par-
23 ticipant under section 8 of the United States Housing Act
24 of 1937 (42 U.S.C 1437f) because of the status of the
25 prospective tenant as such a participant ~~under section 8.~~

1 ~~of the United States Housing Act of 1937 (42 U.S.C.~~
2 ~~1437f) because of the status of the prospective tenant as~~
3 ~~such a participant:~~ *Provided further,* That in addition to
4 the eligible uses in section 2301, the Secretary may also
5 use up to 10 percent of the funds provided under this
6 heading for grantees for the provision of capacity building
7 of and support for local communities receiving funding
8 under section 2301 of the Act or under this heading: *Pro-*
9 *vided further,* That in ~~administering~~ funds appropriated *(administering*
10 or otherwise made available under this section, the Sec-
11 retary may waive or specify alternative requirements for
12 any provision of any statute or regulation in connection
13 with the obligation by the Secretary or the use of funds
14 except for requirements related to fair housing, non-
15 discrimination, labor standards and the environment, upon
16 a finding that such a waiver is necessary to expedite or
17 facilitate the use of such funds: *Provided further,* That in
18 the case of any acquisition of a foreclosed upon dwelling
19 or residential real property acquired after the date of en-
20 actment with any amounts made available under this
21 heading or under division B, title III of the Housing and
22 Economic Recovery Act of 2008 (Public Law 110-289),
23 *ec)* The initial successor in interest in such property pursuant
24 to the foreclosure shall assume such interest subject to:
25 (1) the provision by such successor in interest of a notice

1 to vacate to any bona fide tenant at least 90 days before
2 the effective date of such notice; and (2) the rights of any
3 bona fide tenant, as of the date of such notice of fore-
4 closure: (A) under any bona fide lease entered into before
5 the notice of foreclosure to occupy the premises until the
6 end of the remaining term of the lease, except that a suc-
7 cessor in interest may terminate a lease effective on the
8 date of sale of the unit to a purchaser who will occupy
9 the unit as a primary residence, subject to the receipt by
10 the tenant of the 90-day notice under this paragraph; or
11 (B) without a lease or with a lease terminable at will under
12 State law, subject to the receipt by the tenant of the 90-
13 day notice under this paragraph, except that nothing in
14 this paragraph shall affect the requirements for termi-
15 nation of any Federal- or State-subsidized tenancy or of
16 any State or local law that provides longer time periods
17 or other additional protections for tenants: *Provided fur-*
18 *ther*, That, for purposes of this paragraph, a lease or ten-
19 ancy shall be considered bona fide only if: (1) the mort-
20 gator under the contract is not the tenant; (2) the lease
21 or tenancy was the result of an arms-length transaction;
22 and (3) the lease or tenancy requires the receipt of rent
23 that is not substantially less than fair market rent for the
24 property: *Provided further*, That the recipient of any grant
25 or loan from amounts made available under this heading

1 or, after the ~~day~~ of enactment, under division B, title ~~II~~
2 of the Housing and Economic Recovery Act of 2008 (Pub-
3 lic Law 110-289) may not refuse to lease a dwelling unit
4 in housing assisted with such loan or grant to a holder
5 of a voucher or certificate of eligibility under section 8
6 of the United States Housing Act of 1937 (42 U.S.C.
7 1437f) because of the status of the prospective tenant as
8 such a holder: *Provided further*, That in the case of any
9 qualified foreclosed housing for which funds made avail-
10 able under this heading or, after the ~~day~~ of enactment,
11 under division B, title ~~II~~ of the Housing and Economic
12 Recovery Act of 2008 (Public Law 110-289) are used and
13 in which a recipient of assistance under section 8(o) of
14 the U.S. Housing Act of 1937 resides at the time of fore-
15 closure, the initial successor in interest shall be subject
16 to the lease and to the housing assistance payments con-
17 tract for the occupied unit: *Provided further*, That
18 vacating the property prior to sale shall not constitute
19 good cause for termination of the tenancy unless the prop-
20 erty is unmarketable while occupied or unless the owner
21 or subsequent purchaser desires the unit for personal or
22 family use: *Provided further*, That if a public housing
23 agency is unable to make payments under the contract to
24 the immediate successor in interest after foreclosures, due
25 to (1) an action or inaction by the successor in interest,

(date
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(date
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1 including the rejection of payments or the failure of the
2 successor to maintain the unit in compliance with section
3 8(o)(8) of the United States Housing Act of 1937 (42
4 U.S.C.1437f) or (2) an inability to identify the successor,
5 the agency may use funds that would have been used to
6 pay the rental amount on behalf of the family—(i) to pay
7 for utilities that are the responsibility of the owner under
8 the lease or applicable law, after taking reasonable steps
9 to notify the owner that it intends to make payments to
10 a utility provider in lieu of payments to the owner, except
11 prior notification shall not be required in any case in
12 which the unit will be or has been rendered uninhabitable
13 due to the termination or threat of termination of service,
14 in which case the public housing agency shall notify the
15 owner within a reasonable time after making such pay-
16 ment; or (ii) for the family's reasonable moving costs, in-
17 cluding security deposit costs: *Provided further*, That this
18 paragraph shall not preempt any Federal, State or local
19 law that provides more protections for tenants,

20 ~~HOME INVESTMENT PARTNERSHIPS PROGRAM~~ - *le*

21 For an additional amount for capital investments in
22 low-income housing tax credit projects, \$2,250,000,000, to
23 remain available until September 30, 2011: *Provided*,
24 That such funds shall be made available to State housing
25 credit agencies, as defined in section 42(h) of the Internal

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: *Provided further*, That of the funds made available under this heading, up to 1 percent shall be available for staffing, training, technical assistance, technology, monitoring, travel, enforcement, research and evaluation activities: *Provided further*, That funds set aside in the previous proviso shall remain available until September 30, 2012: *Provided further*, That any funds made available under this heading used by the Secretary for personnel expenses related to administering funding under this heading shall be transferred to "Personnel Compensation and Benefits, Community Planning and Development" and shall retain the terms and conditions of this account, including reprogramming provisions, except that the period of availability set forth in the previous proviso shall govern such transferred funds: *Provided further*, That any funds made available under this heading used by the Secretary for training or other administrative expenses shall be transferred to "Administration, Operations, and Management", for non-personnel expenses of the Department of Housing and Urban Development: *Provided further*, That any funds made available under this heading used by the Secretary for technology shall be transferred to "Working Capital Fund".

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1 Revenue Code of 1986, and shall be apportioned among
2 the States based on the percentage of HOME funds ap-
3 portioned to each State and the participating jurisdictions
4 therein for Fiscal Year 2008: *Provided further*, That the
5 housing credit agencies in each State shall distribute these
6 funds competitively under this heading and pursuant to
7 their qualified allocation plan (as defined in section 42(m)
8 of the Internal Revenue Code of 1986) to owners of
9 projects who have received or receive simultaneously an
10 award of low-income housing tax credits under section
11 42(h) of the Internal Revenue Code of 1986: *Provided fur-*
12 *ther*, That housing credit agencies in each State shall com-
13 mit not less than 75 percent of such funds within one year
14 of the date of enactment of this Act, and shall dem-
15 onstrate that the project owners shall have expended 75
16 percent of the funds made available under this heading
17 within two years of the date of enactment of this Act, and
18 shall have expended 100 percent of the funds within 3
19 years of the date of enactment of this Act: *Provided fur-*
20 *ther*, That failure by an owner to expend funds within the
21 parameters required within the previous proviso shall re-
22 sult in a redistribution of these funds by a housing credit
23 agency to a more deserving project in such State, except
24 any funds not expended after 3 years from enactment
25 shall be redistributed by the Secretary to other States that

1 have fully utilized the funds made available to them: *Pro-*
2 *vided further*, That projects awarded low income housing
3 tax credits under section 42(h) of the IRC of 1986 in fis-
4 cal years 2007, 2008, or 2009 shall be eligible for funding
5 under this heading: *Provided further*, That housing credit
6 agencies shall give priority to projects that are expected
7 to be completed within 3 years of enactment: *Provided fur-*
8 *ther*, That any assistance provided to an eligible low in-
9 come housing tax credit project under this heading shall
10 be made in the same manner and be subject to the same
11 limitations (including rent, income, and use restrictions,
12 in lieu of corresponding limitations under the HOME pro-
13 gram) as required by the state housing credit agency with
14 respect to an awards of low income housing credits under
15 section 42 of the IRC of 1986: *Provided further*, That the
16 housing credit agency shall perform asset management
17 functions, or shall contract for the performance of such
18 services, in either case, at the owner's expense, to ensure
19 compliance with section 42 of the IRC of 1986, and the
20 long term viability of buildings funded by assistance under
21 this heading: *Provided further*, That the term eligible basis
22 (as such term is defined in such section 42) of a qualified
23 low-income housing tax credit building receiving assistance
24 under this heading shall not be reduced by the amount
25 of any grant described under this heading: *Provided fur-*

1 *ther*, That the Secretary shall be given access upon reason-
2 able notice to a State housing credit agency to information
3 related to the award of Federal funds from such housing
4 credit agency pursuant to this heading and shall establish
5 an Internet site that shall identify all projects selected for
6 an award, including the amount of the award and such
7 site shall provide linkage to the housing credit agency allo-
8 cation plan which describes the process that was used to
9 make the award decision. *Provided further*, That in admin-
10 istering funds under this heading, the Secretary may
11 waive any provision of any statute or regulation that the
12 Secretary administers in connection with the obligation by
13 the Secretary or the use by the recipient of these funds
14 except for requirements imposed by this heading and re-
15 quirements related to fair housing, non-discrimination,
16 labor standards and the environment, upon a finding that
17 such waiver is required to expedite the use of such funds:
18 *Provided further*, That for purposes of environmental com-
19 pliance review, funds under this heading that are made
20 available to State housing credit agencies for distribution
21 to projects awarded low income housing tax credits shall
22 be treated as funds under the HOME program and shall
23 be subject to Section 288 of the HOME Investment Part-
24 nership Act.

~~HOMELESSNESS PREVENTION FUND~~ 

1
2 For homelessness prevention and rapid re-housing ac-
3 tivities, \$1,500,000,000, to remain available until Sep-
4 tember 30, 2011: *Provided*, That funds provided under
5 this heading shall be used for the provision of short-term
6 or medium-term rental assistance; housing relocation and
7 stabilization services including housing search, mediation
8 or outreach to property owners, credit repair, security or
9 utility deposits, utility payments, rental assistance for a
10 final month at a location, moving cost assistance, and case
11 management; or other appropriate activities for homeless-
12 ness prevention and rapid re-housing of persons who have
13 become homeless: *Provided further*, That grantees receiv-
14 ing such assistance shall collect data on the use of the
15 funds awarded and persons served with this assistance in
16 the HUD Homeless Management Information System
17 ("HMIS") or other comparable database: *Provided fur-*
18 *ther*, That grantees may use up to 5 percent of any grant
19 for administrative costs: *Provided further*, That funding
20 made available under this heading shall be allocated to eli-
21 gible grantees (as defined and designated in sections 411
22 and 412 of subtitle B of title IV of the McKinney-Vento
23 Homeless Assistance Act, (the "Act")) pursuant to the
24 formula authorized by section 413 of the Act: *Provided*
25 *further*, That the Secretary may establish a minimum

1 grant size: *Provided further*, That grantees shall expend
2 at least 60 percent of funds within 2 years of the date
3 that funds became available to them for obligation, and
4 100 percent of funds within 3 years of such date, and the
5 Secretary may recapture unexpended funds in violation of
6 the 2-year expenditure requirement and reallocate such
7 funds to grantees in compliance with that requirement:
8 *Provided further*, That the Secretary may waive statutory
9 or regulatory provisions (except provisions for fair hous-
10 ing, nondiscrimination, labor standards, and the environ-
11 ment) necessary to facilitate the timely expenditure of
12 funds: *Provided further*, That the Secretary shall publish
13 a notice to establish such requirements as may be nec-
14 essary to carry out the provisions of this section within
15 30 days of enactment of ~~the Act~~ and that this notice shall
16 take effect upon issuance: *Provided further*, That of the
17 funds provided under this heading, up to .5 percent shall
18 be available for staffing, training, technical assistance,
19 technology, monitoring, research and evaluation activities:
20 *Provided further*, That funds set aside under the previous
21 proviso shall remain available until September 30, 2012:
22 *Provided further*, That any funds made available under
23 this heading used by the Secretary for personnel expenses
24 related to administering funding under this heading shall
25 be transferred to "Community Planning and Development

(this

1 Personnel Compensation and Benefits” and shall retain
 2 the terms and conditions of this account including re-
 3 programming provisions except that the period of avail-
 4 ability set forth in the previous proviso shall govern such
 5 transferred funds: *Provided further*, That any funds made
 6 available under this heading used by the Secretary for
 7 training or other administrative expenses shall be trans-
 8 ferred to ~~and merged with funding provided to~~ “Adminis-
 9 tration, Operations, and Management” for non-personnel
 10 expenses of the Department of Housing and Urban Devel-
 11 opment: *Provided further*, That any funding made avail-
 12 able under this heading used by the Secretary for tech-
 13 nology shall be transferred to ~~and merged with the fund-~~
 14 ~~ing provided to~~ “Working Capital Fund.”

15 ~~ASSISTED HOUSING STABILITY AND ENERGY AND~~ } - lc
 16 ~~GREEN RETROFIT INVESTMENTS~~

17 For assistance to owners of properties receiving
 18 project-based assistance pursuant to section 202 of the
 19 Housing Act of 1959 (12 U.S.C. 17012), section 811 of
 20 the Cranston-Gonzalez National Affordable Housing Act
 21 (42 U.S.C. 8013), or section 8 of the United States Hous-
 22 ing Act of 1937 as amended (42 U.S.C. 1437f),
 23 \$2,250,000,000, of which \$2,000,000,000 shall be for an
 24 additional amount for paragraph (1) under the heading
 25 “Project-Based Rental Assistance” in Public Law 110-

⇒ Housing Programs ⇒ CSC

1 161 for payments to owners for 12-month periods, and
2 of which \$250,000,000 shall be for grants or loans for
3 energy retrofit and green investments in such assisted
4 housing: *Provided*, That projects funded with grants or
5 loans provided under this heading must comply with the
6 requirements of subchapter IV of chapter 31 of title 40,
7 United States Code: *Provided further*, That such grants
8 or loans shall be provided through the policies, procedures,
9 contracts, and transactional infrastructure of the author-
10 ized programs administered by the Office of Affordable
11 Housing Preservation of the Department of Housing and
12 Urban Development, on such terms and conditions as the
13 Secretary of Housing and Urban Development deems ap-
14 propriate to ensure the maintenance and preservation of
15 the property, the continued operation and maintenance of
16 energy efficiency technologies, and the timely expenditure
17 of funds: *Provided further*, That the Secretary may provide
18 incentives to owners to undertake energy or green retrofits
19 as a part of such grant or loan terms, including, but not
20 limited to, fees to cover investment oversight and imple-
21 mentation by said owner, or to encourage job creation for
22 low-income or very low-income individuals: *Provided fur-*
23 *ther*, That the Secretary may share in a portion of future
24 property utility savings resulting from improvements made
25 by grants or loans made available under this heading: *Pro-*

1 *vided further*, That the grants or loans shall include a fi-
2 nancial assessment and physical inspection of such prop-
3 erty: *Provided further*, That eligible owners must have at
4 least a satisfactory management review rating, be in sub-
5 stantial compliance with applicable performance standards
6 and legal requirements, and commit to an additional pe-
7 riod of affordability determined by the Secretary, but of
8 not fewer than 15 years: *Provided further*, That the Sec-
9 retary shall undertake appropriate underwriting and over-
10 sight with respect to grant and loan transactions and may
11 set aside up to 5 percent of the funds made available
12 under this heading for grants or loans for such purpose:
13 *Provided further*, That the Secretary shall take steps nec-
14 essary to ensure that owners receiving funding for energy
15 and green retrofit investments under this heading shall ex-
16 pend such funding within 2 years of the date they received
17 the funding: *Provided further*, That in administering funds
18 appropriated or otherwise made available under this head-
19 ing, the Secretary may waive or specify alternative re-
20 quirements for any provision of any statute or regulation
21 in connection with the obligation by the Secretary or the
22 use of these funds (except for requirements related to fair
23 housing, nondiscrimination, labor standards, and the envi-
24 ronment), upon a finding that such a waiver is necessary
25 to expedite or facilitate the use of such funds: *Provided*

1 *further*, That of the funds provided under this heading,
2 up to 1 percent shall be available for staffing, training,
3 technical assistance, technology, monitoring, research and
4 evaluation activities: *Provided further*, That funds set
5 aside in the previous proviso shall remain available until
6 September 30, 2012: *Provided further*, That funding made
7 available under this heading and used by the Secretary
8 for personnel expenses related to administering funding
9 under this heading shall be transferred to ~~and merged~~
10 ~~with funding provided to~~ "Housing Compensation and
11 Benefits" and shall retain the terms and conditions of this
12 account including reprogramming provisos except that the
13 period of availability set forth in the previous proviso shall
14 govern such transferred funds: *Provided further*, That any
15 funding made available under this heading used by the
16 Secretary for training and other administrative expenses
17 shall be transferred to ~~and merged with funding provided~~
18 ~~to~~ "Administration, Operations and Management" for
19 non-personnel expenses of the Department of Housing and
20 Urban Development: *Provided further*, That any funding
21 made available under this heading used by the Secretary
22 for technology shall be transferred to ~~and merged with~~
23 ~~funding provided to~~ "Working Capital Fund."

for grants
and loans

Personnel

1 OFFICE OF HEALTHY HOMES AND LEAD HAZARD
2 CONTROL

3 For an additional amount for the "Lead Hazard Re-
4 duction Program", as authorized by section 1011 of the
5 Residential Lead-Based Paint Hazard Reduction Act of
6 1992, and by sections 501 and 502 of the Housing and
7 Urban Development Act of 1974, \$100,000,000, to remain
8 available until September 30, 2011: *Provided*, That for
9 purposes of environmental review, pursuant to the Na-
10 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
11 et seq.) and other provisions of law that further the pur-
12 poses of such Act, a grant under the Healthy Homes Ini-
13 tiative, Operation Lead Elimination Action Plan (LEAP),
14 or the Lead Technical Studies program under this heading
15 or under prior appropriations Acts for such purposes
16 under this heading, shall be considered to be funds for
17 a special project for purposes of section 305(e) of the Mul-
18 tifamily Housing Property Disposition Reform Act of
19 1994: *Provided further*, That funds shall be awarded first
20 to applicants which had applied under the Lead Hazard
21 Reduction Program Notices of Funding Availability for
22 fiscal year 2008, and were found in the application review
23 to be qualified for award, but were not awarded because
24 of funding limitations, and that any funds which remain
25 after reservation of funds for such grants shall be added

1 to the amount of funds to be awarded under the Lead
2 Hazard Reduction Program Notices of Funding Avail-
3 ability for fiscal year 2009: *Provided further*, That each
4 applicant for the Lead Hazard Program Notices of Fund-
5 ing Availability for fiscal year 2009 shall submit a detailed
6 plan and strategy that demonstrates adequate capacity
7 that is acceptable to the Secretary to carry out the pro-
8 posed use of funds: *Provided further*, That recipients of
9 funds under this heading shall expend at least 50 percent
10 of such funds within 2 years of the date on which funds
11 become available to such jurisdictions for obligation, and
12 expend 100 percent of such funds within 3 years of such
13 date: *Provided further*, That if a recipient fails to comply
14 with the 2-year expenditure requirement, the Secretary
15 shall recapture all remaining funds awarded to the recipi-
16 ent and reallocate such funds to recipients that are in
17 compliance with those requirements: *Provided further*,
18 That if a recipient fails to comply with the 3-year expendi-
19 ture requirement, the Secretary shall recapture the bal-
20 ance of the funds awarded to the recipient: *Provided fur-*
21 *ther*, That in administering funds appropriated or other-
22 wise made available under this heading, the Secretary may
23 waive or specify alternative requirements for any provision
24 of any statute or regulation in connection with the obliga-
25 tion by the Secretary or the use of these funds (except

1 for requirements related to fair housing, nondiscrimina-
2 tion, labor standards and the environment), upon a finding
3 that such a waiver is necessary to expedite or facilitate
4 the use of such funds: *Provided further*, That of the funds
5 made available under this heading, up to .5 percent shall
6 be available for staffing, training, technical assistance,
7 technology, monitoring, travel, enforcement, research and
8 evaluation activities: *Provided further*, That funds set
9 aside in the previous proviso shall remain available until
10 September 30, 2012: *Provided further*, That any funds
11 made available under this heading used by the Secretary
12 for personnel expenses related to administering funding
13 under this heading shall be transferred to "Personnel
14 Compensation and Benefits, Office of ~~Healthy Homes~~ and
15 ~~Lead Hazard Control~~" and shall retain the terms and con-
16 ditions of this account, including reprogramming provi-
17 sions, except that the period of availability set forth in
18 the previous proviso shall govern such transferred funds:
19 *Provided further*, That any funds made available under
20 this heading used by the Secretary for training or other
21 administrative expenses shall be transferred to "Adminis-
22 tration, Operations, and Management", for non-personnel
23 expenses of the Department of Housing and Urban Devel-
24 opment: *Provided further*, That any funds made available

Lead Hazard
Control
and Healthy
Home

1 under this heading used by the Secretary for technology
2 shall be transferred to "Working Capital Fund".

3 ~~OFFICE OF INSPECTOR GENERAL~~ — (le)

4 For an additional amount for the necessary salaries
5 and expenses of the Office of Inspector General in car-
6 rying out the Inspector General Act of 1978, as amended,
7 \$15,000,000, to remain available until September 30,
8 2013: *Provided*, That the Inspector General shall have
9 independent authority over all personnel issues within this
10 office.

11 GENERAL PROVISIONS—DEPARTMENT OF
12 HOUSING AND URBAN DEVELOPMENT

13 SEC. 1202. FHA LOAN LIMITS FOR 2009. (a) LOAN
14 LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages
15 for which the mortgagee issues credit approval for the bor-
16 rower during calendar year 2009, if the dollar amount lim-
17 itation on the principal obligation of a mortgage deter-
18 mined under section 203(b)(2) of the National Housing
19 Act (12 U.S.C. 1709(b)(2)) for any size residence for any
20 area is less than such dollar amount limitation that was
21 in effect for such size residence for such area for 2008
22 pursuant to section 202 of the Economic Stimulus Act of
23 2008 (Public Law 110-185; 122 Stat. 620), notwith-
24 standing any other provision of law, the maximum dollar
25 amount limitation on the principal obligation of a mort-

] MANAGEMENT AND ADMINISTRATION [CSC

1 gage for such size residence for such area for purposes
2 of such section 203(b)(2) shall be considered (except for
3 purposes of section 255(g) of such Act (12 U.S.C. 1715z-
4 20(g))) to be such dollar amount limitation in effect for
5 such size residence for such area for 2008.

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

7 Notwithstanding any other provision of law, if the Sec-
8 retary of Housing and Urban Development determines, for
9 any geographic area that is smaller than an area for which
10 dollar amount limitations on the principal obligation of a
11 mortgage are determined under section 203(b)(2) of the
12 National Housing Act, that a higher such maximum dollar
13 amount limitation is warranted for any particular size or
14 sizes of residences in such sub-area by higher median
15 home prices in such sub-area, the Secretary may, for mort-
16 gages for which the mortgagee issues credit approval for
17 the borrower during calendar year 2009, increase the max-
18 imum dollar amount limitation for such size or sizes of
19 residences for such sub-area that is otherwise in effect (in-
20 cluding pursuant to subsection (a) of this section), but in
21 no case to an amount that exceeds the amount specified
22 in section 202(a)(2) of the Economic Stimulus Act of
23 2008.

24 SEC. 1203. GSE CONFORMING LOAN LIMITS FOR
25 2009. (a) LOAN LIMIT FLOOR BASED ON 2008 LEV-

1 ELS.—For mortgages originated during calendar year
2 2009, if the limitation on the maximum original principal
3 obligation of a mortgage that may ^{(be} purchased by the Fed-
4 eral National Mortgage Association or the Federal Home
5 Loan Mortgage Corporation determined under section
6 302(b)(2) of the Federal National Mortgage Association
7 Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2)
8 of the Federal Home Loan Mortgage Corporation Act (12
9 U.S.C. 1754(a)(2)), respectively, for any size residence for
10 any area is less than such maximum original principal ob-
11 ligation limitation that was in effect for such size residence
12 for such area for 2008 pursuant to section 201 of the Eco-
13 nomic Stimulus Act of 2008 (Public Law 110-185; 122
14 Stat. 619), notwithstanding any other provision of law, the
15 limitation on the maximum original principal obligation of
16 a mortgage for such Association and Corporation for such
17 size residence for such area shall be such maximum limita-
18 tion in effect for such size residence for such area for
19 2008.

20 (b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—
21 Notwithstanding any other provision of law, if the Direc-
22 tor of the Federal Housing Finance Agency determines,
23 for any geographic area that is smaller than an area for
24 which limitations on the maximum original principal obli-
25 gation of a mortgage are determined for the Federal Na-

1 tional Mortgage Association or the Federal Home Loan
2 Mortgage Corporation, that a higher such maximum origi-
3 nal principal obligation limitation is warranted for any
4 particular size or sizes of residences in such sub-area by
5 higher median home prices in such sub-area, the Director
6 may, for mortgages originated during 2009, increase the
7 maximum original principal obligation limitation for such
8 size or sizes of residences for such sub-area that is other-
9 wise in effect (including pursuant to subsection (a) of this
10 section) for such Association and Corporation, but in no
11 case to an amount that exceeds the amount specified in
12 the matter following the comma in section 201(a)(1)(B)
13 of the Economic Stimulus Act of 2008.

14 SEC. 1204. FHA REVERSE MORTGAGE LOAN LIMITS
15 FOR 2009. For mortgages for which the mortgagee issues
16 credit approval for the borrower during calendar year
17 2009, the second sentence of section 255(g) of the Na-
18 tional Housing Act (12 U.S.C. 1715z-20(g)) shall be con-
19 sidered to require that in no case may the benefits of in-
20 surance under such section 255 exceed 150 percent of the
21 maximum dollar amount in effect under the sixth sentence
22 of section 305(a)(2) of the Federal Home Loan Mortgage
23 Corporation Act (12 U.S.C. 1454(a)(2)).