

In the House of Representatives, U. S.,

December 16, 2009.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2847) entitled “An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.”, with the following

HOUSE AMENDMENT TO SENATE AMENDMENT:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

1 ***DIVISION A—COMMERCE, JUSTICE,***
2 ***SCIENCE, AND RELATED AGENCIES AP-***
3 ***PROPRIATIONS ACT, 2010***

4 *That the following sums are appropriated, out of any*
5 *money in the Treasury not otherwise appropriated, for the*
6 *fiscal year ending September 30, 2010, and for other pur-*
7 *poses, namely:*

1 *TITLE I—INFRASTRUCTURE AND JOBS*2 *INVESTMENT*3 *CHAPTER 1—JUSTICE*4 *DEPARTMENT OF JUSTICE*5 *COMMUNITY ORIENTED POLICING SERVICES*6 *(INCLUDING TRANSFER OF FUNDS)*

7 *For an additional amount for “Community Oriented*
8 *Policing Services”, for grants under section 1701 of title*
9 *I of the 1968 Omnibus Crime Control and Safe Streets Act*
10 *(42 U.S.C. 3796dd) for hiring and rehiring of additional*
11 *career law enforcement officers under part Q of such title,*
12 *notwithstanding subsection (i) of such section,*
13 *\$1,179,000,000, of which \$2,950,000 shall be transferred to*
14 *“State and Local Law Enforcement Activities, Salaries and*
15 *Expenses” for management, administration and oversight*
16 *of such grants.*

17 *CHAPTER 2—ENERGY AND WATER*18 *DEVELOPMENT*19 *CORPS OF ENGINEERS—CIVIL WORKS*20 *DEPARTMENT OF THE ARMY*21 *CORPS OF ENGINEERS—CIVIL*22 *CONSTRUCTION*23 *(INCLUDING TRANSFERS OF FUNDS)*

24 *For an additional amount for “Construction”,*
25 *\$715,000,000: Provided, That section 102 of Public Law*

1 109–103 (33 U.S.C. 2221) shall not apply to funds provided
2 in this title: Provided further, That not less than
3 \$30,000,000 of the funds provided shall be for water-related
4 environmental infrastructure assistance: Provided further,
5 That up to \$30,000,000 of the funds provided under this
6 heading may be transferred to “Mississippi Rivers and
7 Tributaries” for authorized projects and activities: Provided
8 further, That notwithstanding any other provision of law,
9 funds provided under this heading shall not be cost shared
10 with the Inland Waterways Trust Fund as authorized in
11 Public Law 99–662: Provided further, That funds provided
12 under this heading shall only be allocated to programs,
13 projects or activities that heretofore received funds provided
14 in Acts making appropriations available for Energy and
15 Water Development and that are selected using only the fol-
16 lowing criteria in order of priority: programs, projects or
17 activities that can be commenced quickly; programs,
18 projects or activities that will create immediate employ-
19 ment; programs, projects or activities that will be executed
20 by contract or direct hire of temporary labor; and pro-
21 grams, projects or activities that are located in a State with
22 high unemployment: Provided further, That the limitation
23 concerning total project costs in section 902 of the Water
24 Resources Development Act of 1986 (33 U.S.C. 2280), shall
25 not apply during fiscal years 2010 and 2011 for any project

1 receiving funds provided in this title: Provided further,
2 That for projects that are being completed with funds ap-
3 propriated in this paragraph that would otherwise be ex-
4 pired for obligation, expired funds appropriated in this
5 paragraph may be used to pay the cost of associated super-
6 vision, inspection, overhead, engineering and design on
7 those projects and on subsequent claims, if any: Provided
8 further, That funds made available under this heading shall
9 be apportioned by the Office of Management and Budget
10 not later than 30 days after the date of enactment of this
11 Act and allocated by the Secretary of the Army to specific
12 programs, projects or activities not later than 45 days after
13 the date of enactment of this Act: Provided further, That
14 the Secretary of the Army shall submit a quarterly report
15 to the Committees on Appropriations of the House of Rep-
16 resentatives and the Senate detailing the allocation, obliga-
17 tion and expenditures of these funds, including an expla-
18 nation of how each selected program, project or activity ful-
19 fills the funding criteria above, beginning not later than
20 45 days after the date of enactment of this Act: Provided
21 further, That the Secretary shall have unlimited reprogram-
22 ming authority for the funds provided under this heading:
23 Provided further, That up to 0.5 percent of funds provided
24 under this heading may be transferred to “Expenses” for

1 *the purposes of management and oversight of the programs,*
2 *projects or activities funded by this paragraph.*

3 *DEPARTMENT OF THE INTERIOR*

4 *BUREAU OF RECLAMATION*

5 *WATER AND RELATED RESOURCES*

6 *(INCLUDING TRANSFERS OF FUNDS)*

7 *For an additional amount for “Water and Related Re-*
8 *sources”, \$100,000,000: Provided, That of the amount ap-*
9 *propriated under this heading, not less than \$26,000,000*
10 *shall be used for water reclamation and reuse projects au-*
11 *thorized under title XVI of Public Law 102–575: Provided*
12 *further, That up to \$30,000,000 of the funds provided under*
13 *this heading may be used for programs, projects, and activi-*
14 *ties authorized by Public Law 108–361 and up to*
15 *\$10,000,000 of the funds provided under this heading may*
16 *be transferred to the Department of the Interior for pro-*
17 *grams, projects, and activities authorized by titles II–V of*
18 *Public Law 102–575: Provided further, That funds pro-*
19 *vided under this heading shall only be allocated to pro-*
20 *grams, projects or activities that heretofore received funds*
21 *provided in Acts making appropriations available for En-*
22 *ergy and Water Development: Provided further, That for*
23 *projects that are being completed with funds appropriated*
24 *in this paragraph that would otherwise be expired for obli-*
25 *gation, expired funds appropriated in this paragraph may*

1 *be used to pay the cost of associated supervision, inspection,*
2 *overhead, engineering and design on those projects and on*
3 *subsequent claims, if any: Provided further, That the Sec-*
4 *retary of the Interior shall submit a quarterly report to the*
5 *Committees on Appropriations of the House of Representa-*
6 *tives and the Senate detailing the allocation, obligation and*
7 *expenditures of these funds, beginning not later than 45*
8 *days after the date of enactment of this Act: Provided fur-*
9 *ther, That the Secretary shall have unlimited reprogram-*
10 *ming authority for the funds provided under this heading:*
11 *Provided further, That up to 0.5 percent of funds appro-*
12 *priated under this heading may be transferred to “Policy*
13 *and Administration” for the purposes of management and*
14 *oversight of the programs, projects, or activities funded by*
15 *this paragraph.*

16 *DEPARTMENT OF ENERGY*

17 *ENERGY PROGRAMS*

18 *TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE*

19 *PROGRAM*

20 *For an additional amount for “Title 17 Innovative*
21 *Technology Loan Guarantee Program” for the cost of guar-*
22 *anteed loans authorized by section 1705 of the Energy Pol-*
23 *icy Act of 2005, \$2,000,000,000, available until expended:*
24 *Provided, That the cost of such loans, including the cost*

1 *of modifying such loans, shall be as defined in section 502*
2 *of the Congressional Budget Act of 1974.*

3 *GENERAL PROVISION, THIS CHAPTER*
4 *INCENTIVES FOR INNOVATIVE TECHNOLOGIES LOAN*
5 *GUARANTEE PROGRAM*

6 *SEC. 1201. (a) SPECIFIC APPROPRIATION OR CON-*
7 *TRIBUTION.—Section 1702 of the Energy Policy Act of 2005*
8 *(42 U.S.C. 16512) is amended—*

9 *(1) by striking subsection (b) and inserting the*
10 *following:*

11 *“(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—*

12 *“(1) IN GENERAL.—No guarantee shall be made*
13 *unless—*

14 *“(A) an appropriation for the cost has been*
15 *made;*

16 *“(B) the Secretary has received from the*
17 *borrower a payment in full for the cost of the ob-*
18 *ligation and deposited the payment into the*
19 *Treasury; or*

20 *“(C) a combination of appropriations or*
21 *payments from the borrower has been made suffi-*
22 *cient to cover the cost of the obligation.*

23 *“(2) LIMITATION.—The source of payments re-*
24 *ceived from a borrower under paragraph (1)(B) or*
25 *(C) shall not be a loan or other debt obligation that*

1 *is made or guaranteed by the Federal Government.”;*
2 *and*

3 *(2) by adding at the end the following:*

4 *“(k) CREDIT REPORT.—If, in the opinion of the Sec-*
5 *retary, a third-party credit rating of the applicant or*
6 *project is not relevant to the determination of the credit*
7 *risk of a project, if the project costs are not projected to*
8 *exceed \$100,000,000, and the applicant agrees to accept the*
9 *credit rating assigned to the applicant by the Secretary,*
10 *the Secretary may waive any otherwise applicable require-*
11 *ment (including any requirement described in part 609 of*
12 *title 10, Code of Federal Regulations) to provide a third-*
13 *party credit report.*

14 *“(l) DIRECT HIRE AUTHORITY.—*

15 *“(1) IN GENERAL.—Notwithstanding section*
16 *3304 and sections 3309 through 3318 of title 5,*
17 *United States Code, the head of the loan guarantee*
18 *program under this title (referred to in this subsection*
19 *as the ‘Executive Director’) may, on a determination*
20 *that there is a severe shortage of candidates or a se-*
21 *vere hiring need for particular positions to carry out*
22 *the functions of this title, recruit and directly appoint*
23 *highly qualified critical personnel with specialized*
24 *knowledge important to the function of the programs*
25 *under this title into the competitive service.*

1 “(2) *EXCEPTION.*—*The authority granted under*
2 *paragraph (1) shall not apply to positions in the ex-*
3 *cepted service or the Senior Executive Service.*

4 “(3) *REQUIREMENTS.*—*In exercising the author-*
5 *ity granted under paragraph (1), the Executive Di-*
6 *rector shall ensure that any action taken by the Exec-*
7 *utive Director—*

8 “(A) *is consistent with the merit principles*
9 *of section 2301 of title 5, United States Code;*
10 *and*

11 “(B) *complies with the public notice re-*
12 *quirements of section 3327 of title 5, United*
13 *States Code.*

14 “(4) *SUNSET.*—*The authority provided under*
15 *paragraph (1) shall terminate on January 1, 2011.*

16 “(m) *MULTIPLE SITES.*—*Notwithstanding any con-*
17 *trary requirement (including any provision under part*
18 *609.12 of title 10, Code of Federal Regulations) an eligible*
19 *project may be located on 2 or more non-contiguous sites*
20 *in the United States.”.*

21 (b) *APPLICATIONS FOR MULTIPLE ELIGIBLE*
22 *PROJECTS.*—*Section 1705 of the Energy Policy Act of 2005*
23 *(42 U.S.C. 16516) is amended—*

24 (1) *by redesignating subsection (e) as subsection*
25 *(f); and*

1 (2) *by inserting after subsection (d) the fol-*
2 *lowing:*

3 “(e) *MULTIPLE APPLICATIONS.—Notwithstanding any*
4 *contrary requirement (including any provision under part*
5 *609.3(a) of title 10, Code of Federal Regulations), a project*
6 *applicant or sponsor of an eligible project may submit an*
7 *application for more than 1 eligible project under this sec-*
8 *tion.”.*

9 (c) *ENERGY EFFICIENCY LOAN GUARANTEES.—Sec-*
10 *tion 1705(a) of the Energy Policy Act of 2005 (42 U.S.C.*
11 *16516(a)) is amended by adding at the end the following:*

12 “(4) *Energy efficiency projects, including*
13 *projects to retrofit residential, commercial, and indus-*
14 *trial buildings, facilities, and equipment.”.*

15 *CHAPTER 3—HOMELAND SECURITY*
16 *DEPARTMENT OF HOMELAND SECURITY*
17 *FEDERAL EMERGENCY MANAGEMENT AGENCY*
18 *FIREFIGHTER ASSISTANCE GRANTS*

19 *For an additional amount for “Firefighter Assistance*
20 *Grants” for necessary expenses for programs authorized by*
21 *section 34 of the Federal Fire Prevention and Control Act*
22 *of 1974 (15 U.S.C. 2229a), \$500,000,000: Provided, That*
23 *notwithstanding any provision under section 34(a)(1)(A) of*
24 *such Act specifying that grants must be used to increase*
25 *the number of firefighters in fire departments, the Secretary*

1 *of Homeland Security, in making grants under section 34*
2 *of such Act for fiscal year 2010, shall grant waivers from*
3 *the requirements of subsections (a)(1)(B), (c)(1), (c)(2), and*
4 *(c)(4)(A) of such section: Provided further, That section*
5 *34(a)(1)(E) of such Act shall not apply with respect to*
6 *funds appropriated in this or any other Act making appro-*
7 *priations for fiscal year 2010 for grants under section 34*
8 *of such Act: Provided further, That the Secretary of Home-*
9 *land Security, in making grants under section 34 of such*
10 *Act, shall ensure that funds appropriated under this or any*
11 *other Act making appropriations for fiscal year 2010 are*
12 *made available for the retention of firefighters and shall*
13 *award grants not later than 120 days after the date of en-*
14 *actment of this Act: Provided further, That the Secretary*
15 *may transfer any unused funds under this heading to make*
16 *grants for programs authorized by section 33 of such Act*
17 *(15 U.S.C. 2229) after notification to the Committees on*
18 *Appropriations of the Senate and the House of Representa-*
19 *tives.*

1 *CHAPTER 4—INTERIOR AND ENVIRONMENT*2 *DEPARTMENT OF THE INTERIOR*3 *BUREAU OF LAND MANAGEMENT*4 *MANAGEMENT OF LANDS AND RESOURCES*

5 *For an additional amount for “Management of Lands*
6 *and Resources”, for activities on all Bureau of Land Man-*
7 *agement lands using term employment, \$20,000,000.*

8 *UNITED STATES FISH AND WILDLIFE SERVICE*9 *RESOURCE MANAGEMENT*

10 *For an additional amount for “Resource Manage-*
11 *ment”, for activities using term employment, \$30,000,000.*

12 *NATIONAL PARK SERVICE*13 *OPERATION OF THE NATIONAL PARK SYSTEM*

14 *For an additional amount for “Operation of the Na-*
15 *tional Park System”, for activities on all national park*
16 *units using term employment, \$50,000,000.*

17 *DEPARTMENT-WIDE PROGRAMS*18 *WILDLAND FIRE MANAGEMENT*

19 *For an additional amount for “Wildland Fire Man-*
20 *agement”, for hazardous fuels reduction and related activi-*
21 *ties including necessary inventory and monitoring, using*
22 *term employment, \$20,000,000.*

1 ENVIRONMENTAL PROTECTION AGENCY

2 STATE AND TRIBAL ASSISTANCE GRANTS

3 (INCLUDING TRANSFERS OF FUNDS)

4 For an additional amount for “State and Tribal As-
5 sistance Grants”, \$2,000,000,000, of which \$1,000,000,000
6 shall be for capitalization grants for the Clean Water State
7 Revolving Funds under title VI of the Federal Water Pollu-
8 tion Control Act and \$1,000,000,000 shall be for capitaliza-
9 tion grants under section 1452 of the Safe Drinking Water
10 Act: Provided, That the Administrator may retain up to
11 1 percent of the funds appropriated herein for management
12 and oversight purposes: Provided further, That funds ap-
13 propriated herein shall not be subject to the matching or
14 cost share requirements of sections 602(b)(2), 602(b)(3) or
15 202 of the Federal Water Pollution Control Act nor the
16 matching requirements of section 1452(e) of the Safe Drink-
17 ing Water Act: Provided further, That the Administrator
18 shall reallocate funds appropriated herein for the Clean and
19 Drinking Water State Revolving Funds (Revolving Funds)
20 where projects are not under contract or construction with-
21 in 8 months of the date of enactment of this Act: Provided
22 further, That notwithstanding the priority rankings they
23 would otherwise receive under each program, priority for
24 funds appropriated herein shall be given to projects on a
25 State priority list that are ready to proceed to construction

1 *within 12 months of the date of enactment of this Act: Pro-*
2 *vided further, That notwithstanding the requirements of sec-*
3 *tion 603(d) of the Federal Water Pollution Control Act or*
4 *section 1452(f) of the Safe Drinking Water Act, for the*
5 *funds appropriated herein, each State shall use not less*
6 *than 50 percent of the amount of its capitalization grants*
7 *to provide additional subsidization to eligible recipients in*
8 *the form of forgiveness of principal, negative interest loans*
9 *or grants or any combination of these: Provided further,*
10 *That, to the extent there are sufficient eligible project appli-*
11 *cations, not less than 20 percent of the funds appropriated*
12 *herein for the Revolving Funds shall be for projects to ad-*
13 *dress green infrastructure, water or energy efficiency im-*
14 *provements or other environmentally innovative activities:*
15 *Provided further, That notwithstanding the limitation on*
16 *amounts specified in section 518(c) of the Federal Water*
17 *Pollution Control Act, up to 2.0 percent of the funds appro-*
18 *priated herein for the Clean Water State Revolving Funds*
19 *may be reserved by the Administrator for tribal grants*
20 *under section 518(c) of such Act: Provided further, That up*
21 *to 4 percent of the funds appropriated herein for tribal set-*
22 *asides under the Revolving Funds may be transferred to the*
23 *Indian Health Service to support management and over-*
24 *sight of tribal projects: Provided further, That none of the*
25 *funds appropriated herein shall be available for the pur-*

1 *chase of land or easements as authorized by section 603(c)*
2 *of the Federal Water Pollution Control Act or for activities*
3 *authorized by section 1452(k) of the Safe Drinking Water*
4 *Act: Provided further, That notwithstanding section*
5 *603(d)(2) of the Federal Water Pollution Control Act and*
6 *section 1452(f)(2) of the Safe Drinking Water Act, funds*
7 *may be used to buy, refinance, or restructure the debt obli-*
8 *gations of eligible recipients only where such debt was in-*
9 *curred on or after October 1, 2009: Provided further, That*
10 *section 1606 of title XVI of Public Law 111–5 shall apply*
11 *to the use of the funds provided under this heading.*

12 *DEPARTMENT OF AGRICULTURE*

13 *FOREST SERVICE*

14 *STATE AND PRIVATE FORESTRY*

15 *For an additional amount for “State and Private For-*
16 *estry”, for financial assistance to States and territories for*
17 *authorized activities using term employment, \$75,000,000.*

18 *NATIONAL FOREST SYSTEM*

19 *For an additional amount for “National Forest Sys-*
20 *tem”, for activities on the National Forest System using*
21 *term employment, \$40,000,000.*

22 *WILDLAND FIRE MANAGEMENT*

23 *For an additional amount for “Wildland Fire Man-*
24 *agement”, for hazardous fuels reduction and related activi-*
25 *ties using term employment, \$35,000,000.*

1 *GENERAL PROVISIONS, THIS CHAPTER*2 *(INCLUDING TRANSFER OF FUNDS)*

3 *SEC. 1401. Funds made available to the Environ-*
4 *mental Protection Agency by this Act for management and*
5 *oversight purposes shall remain available until September*
6 *30, 2012, and may be transferred to the “Environmental*
7 *Programs and Management” account as needed.*

8 *SEC. 1402. In carrying out the work for which funds*
9 *in this title are being made available, the Secretary of the*
10 *Interior and the Secretary of Agriculture shall utilize, to*
11 *the maximum extent practicable, the Public Lands Corps,*
12 *Youth Conservation Corps, Student Conservation Associa-*
13 *tion, Job Corps, Corps Network members, and other related*
14 *partnerships with Federal, State, local, tribal or non-profit*
15 *groups that serve young adults, underserved and minority*
16 *populations, veterans, and special needs individuals.*

17 *CHAPTER 5—LABOR, HEALTH AND HUMAN SERV-*18 *ICES, AND EDUCATION, AND RELATED AGEN-*19 *CIES*20 *DEPARTMENT OF LABOR*21 *EMPLOYMENT AND TRAINING ADMINISTRATION*22 *TRAINING AND EMPLOYMENT SERVICES*

23 *For an additional amount for “Training and Employ-*
24 *ment Services” for activities under the Workforce Invest-*
25 *ment Act of 1998 (“WIA”), \$1,250,000,000, which shall be*

1 *available for obligation on the date of enactment of this Act,*
2 *as follows:*

3 (1) *\$500,000,000 for grants to the States for*
4 *youth activities: Provided, That such funds shall be*
5 *used solely for summer employment programs for*
6 *youth: Provided further, That no portion of such*
7 *funds shall be reserved to carry out section*
8 *127(b)(1)(A) of the WIA: Provided further, That for*
9 *purposes of section 127(b)(1)(C)(iv) of the WIA, funds*
10 *available for youth activities shall be allotted as if the*
11 *total amount available for youth activities in the fis-*
12 *cal year does not exceed \$1,000,000,000: Provided fur-*
13 *ther, That the work readiness performance indicator*
14 *described in section 136(b)(2)(A)(ii)(I) of the WIA*
15 *shall be the only measure of performance used to as-*
16 *sess the effectiveness of summer employment for youth*
17 *provided with such funds: Provided further, That an*
18 *in-school youth shall meet the requirement that eligi-*
19 *ble youth be a low-income individual under section*
20 *101(13)(B) of the WIA if such youth has been deter-*
21 *mined to meet the eligibility requirements for free*
22 *meals under the National School Lunch Act (42*
23 *U.S.C. 1751 et seq.) during the most recent school*
24 *year; and*

1 (2) \$750,000,000 for a program of competitive
2 grants for worker training and placement in high
3 growth and emerging industry sectors: Provided, That
4 \$275,000,000 shall be for job training projects that
5 prepare workers for careers in energy efficiency and
6 renewable energy as described in section 171(e)(1)(B)
7 of the WIA, of which \$225,000,000 shall be for Path-
8 ways Out of Poverty projects: Provided further, That
9 in awarding grants from those funds not dedicated in
10 the preceding proviso, the Secretary of Labor shall
11 give priority to projects that prepare workers for ca-
12 reers in the health care sector.

13 DEPARTMENT OF EDUCATION

14 EDUCATION JOBS FUND

15 For necessary expenses for an Education Jobs Fund,
16 \$23,000,000,000, which shall remain available for obliga-
17 tion through September 30, 2010 and shall be administered
18 under the terms and conditions of sections 14001 through
19 14013 of title XIV, and title XV, of division A of the Amer-
20 ican Recovery and Reinvestment Act of 2009 (Public Law
21 111–5), except as follows:

22 (1) ALLOTMENTS TO STATES AND TERRI-
23 TORIES.—Such funds shall be available only for allo-
24 cations by the Secretary under subsections (a) and (d)
25 of section 14001.

1 (2) *RESERVATION.*—*With respect to funds appro-*
2 *priated under this heading, a State that receives an*
3 *allocation may reserve not more than 5 percent for—*

4 (A) *the administrative costs of carrying out*
5 *its responsibilities with respect to those funds,*
6 *provided the State reserves not more than 1 per-*
7 *cent of its total allocation for those costs; and*

8 (B) *retaining or creating positions in the*
9 *State educational agency or the State agency for*
10 *higher education, and other State agency posi-*
11 *tions related to the administration or support of*
12 *early childhood, elementary, secondary or post-*
13 *secondary education.*

14 (3) *AWARDS TO LOCAL EDUCATIONAL AGENCIES*
15 *AND PUBLIC INSTITUTIONS OF HIGHER EDUCATION.*—

16 (A) *Except as specified under paragraph*
17 *(2), an allocation of such funds to a State under*
18 *section 14001(d) shall be used only for awards to*
19 *local educational agencies and public institu-*
20 *tions of higher education for the support of ele-*
21 *mentary, secondary, and postsecondary edu-*
22 *cation. The Governor shall determine how the*
23 *funds appropriated under this heading are allo-*
24 *cated for elementary and secondary education*
25 *and for public institutions of higher education.*

1 *In making the determination in the preceding*
2 *sentence, the Governor shall allocate funds*
3 *among the categories of elementary and sec-*
4 *ondary education and public institutions of*
5 *higher education generally in proportion to any*
6 *reductions in State funds for such categories.*

7 *(B) Funds used to support elementary and*
8 *secondary education shall be distributed through*
9 *the State's primary elementary and secondary*
10 *funding formulae.*

11 *(C) Section 14002(a) and (b) shall not*
12 *apply.*

13 *(4) INAPPLICABILITY OF EDUCATION REFORM AS-*
14 *SURANCES.—Subsection (b)(2), and paragraphs (1)*
15 *through (5) of subsection (d), of section 14005 shall*
16 *not apply to any application for an allocation of such*
17 *funds.*

18 *(5) REQUIREMENT TO USE FUNDS TO RETAIN OR*
19 *CREATE EDUCATION JOBS.—Notwithstanding sections*
20 *14003(a) and 14004(a), such funds may be used only*
21 *for compensation and benefits and other expenses,*
22 *such as support services, necessary to retain existing*
23 *employees, for activities defined in section 101(31) of*
24 *the Workforce Investment Act of 1998, and to hire*
25 *new employees in order to provide early childhood, el-*

1 *ementary, secondary, or postsecondary educational*
2 *and related services or for modernization, renovation,*
3 *and repair of public school facilities and facilities of*
4 *institutions of higher education.*

5 (6) *PROHIBITION ON USE OF FUNDS FOR RAINY-*
6 *DAY FUNDS OR DEBT RETIREMENT.—A State that re-*
7 *ceives an allocation may not use such funds, directly*
8 *or indirectly, to establish, restore, or supplement a*
9 *rainy-day fund, or to supplant State funds in a man-*
10 *ner that has the effect of establishing, restoring, or*
11 *supplementing a rainy-day fund; or to reduce or re-*
12 *tire debt obligations incurred by the State, or to sup-*
13 *plant State funds in a manner that has the effect of*
14 *reducing or retiring debt obligations incurred by the*
15 *State, provided that this prohibition shall not apply*
16 *to fund balances that are necessary to comply with*
17 *any State requirement to maintain a balanced budg-*
18 *et.*

19 (7) *APPLICATION CONSIDERATIONS.—If, by a*
20 *date set by the Secretary, a Governor has not sub-*
21 *mitted an approvable application under section*
22 *14005(a), the Secretary may provide for the distribu-*
23 *tion of funds allocated under section 14001(d) to an-*
24 *other entity or other entities in the State, under such*
25 *terms and conditions as the Secretary may establish,*

1 *provided that all terms and conditions that apply to*
2 *the appropriation under this heading shall apply to*
3 *such funds distributed to such entity or entities.*

4 (8) *LOCAL EDUCATIONAL AGENCY APPLICA-*
5 *TION.—Section 442 of the General Education Provi-*
6 *sions Act does not apply to a local educational agency*
7 *that has previously submitted an application to the*
8 *State under title XIV of division A of the American*
9 *Recovery and Reinvestment Act of 2009. The assur-*
10 *ances provided under that application shall continue*
11 *to apply to funds awarded under this heading.*

12 (9) *MAINTENANCE OF EFFORT.—The Secretary*
13 *shall not allocate funds to a State under paragraph*
14 *(1) unless the Governor of the State provides an as-*
15 *urance to the Secretary that the State will—*

16 (A) *for fiscal year 2010—*

17 (i) *maintain State support for elemen-*
18 *tary, secondary, and public higher edu-*
19 *cation (not including support for capital*
20 *projects or research and development or tui-*
21 *tion and fees paid by students), in the ag-*
22 *gregate, at the level of such support for fis-*
23 *cal year 2009; or*

24 (ii) *maintain State support for ele-*
25 *mentary, secondary, and public higher edu-*

1 *cation (not including support for capital*
2 *projects or research and development or tui-*
3 *tion and fees paid by students), in the ag-*
4 *gregate, at a level no less than such support*
5 *for fiscal year 2006, provided that if a*
6 *State has enacted a reduction to such aggre-*
7 *gate level of fiscal year 2010 State support*
8 *for elementary, secondary, and public high-*
9 *er education after December 12, 2009, the*
10 *State shall maintain State support for ele-*
11 *mentary, secondary, and public higher edu-*
12 *cation at a percentage of the total revenues*
13 *available to the State that is equal to or*
14 *greater than the percentage provided for*
15 *such purpose for fiscal year 2010 prior to*
16 *December 12, 2009; and*

17 *(B) for fiscal year 2011—*

18 *(i) comply with subparagraph (A)(i);*

19 *or*

20 *(ii) maintain State support for ele-*
21 *mentary, secondary, and public higher edu-*
22 *cation (not including support for capital*
23 *projects or research and development or tui-*
24 *tion and fees paid by students), in the ag-*
25 *gregate, at a percentage of the total revenues*

1 *available to the State that is equal to or*
2 *greater than the percentage provided for*
3 *such purpose for fiscal year 2010.*

4 *STUDENT FINANCIAL ASSISTANCE*

5 *For an additional amount for “Student Financial As-*
6 *sistance” to carry out part C of title IV of the Higher Edu-*
7 *cation Act of 1965, \$300,000,000, which shall remain avail-*
8 *able through September 30, 2011.*

9 *RELATED AGENCIES*

10 *CORPORATION FOR NATIONAL AND COMMUNITY SERVICE*

11 *OPERATING EXPENSES*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For an additional amount for “Operating Expenses”*
14 *to carry out the Domestic Volunteer Service Act of 1973*
15 *(“1973 Act”) and the National and Community Service Act*
16 *of 1990 (“1990 Act”), \$132,000,000, which shall remain*
17 *available through September 30, 2011: Provided, That not*
18 *less than \$90,000,000 of the funds made available in this*
19 *paragraph shall be used to make additional awards to exist-*
20 *ing AmeriCorps grantees and may be used to provide ad-*
21 *justments to awards under subtitle C of title I of the 1990*
22 *Act made prior to September 30, 2011 for which the Chief*
23 *Executive Officer of the Corporation for National and Com-*
24 *munity Service (“CEO”) determines that a waiver of the*
25 *Federal share limitation is warranted under section*

1 2521.70 of title 45 of the Code of Federal Regulations: Pro-
2 vided further, That up to \$30,000,000 shall be for programs
3 under title I, part A of the 1973 Act: Provided further, That
4 any funds provided in the previous proviso shall not be
5 made available in connection with cost-share agreements
6 authorized under section 192A(g)(10) of the 1990 Act: Pro-
7 vided further, That of the amount made available in this
8 paragraph, not less than \$7,000,000 shall be transferred to
9 “Salaries and Expenses” to administer the funds provided
10 in this paragraph, including making any necessary infor-
11 mation technology upgrades: Provided further, That the
12 CEO shall provide to the Committees on Appropriations of
13 the House of Representatives and the Senate a fiscal year
14 2010 operating plan for the funds appropriated in this
15 paragraph prior to making any Federal obligations of such
16 funds in fiscal year 2010, but not later than 90 days after
17 the date of enactment of this Act, and a fiscal year 2011
18 operating plan for such funds in fiscal year 2011, but not
19 later than November 1, 2010, that detail the allocation of
20 resources and the increased number of members supported
21 by the AmeriCorps programs: Provided further, That the
22 CEO shall provide to the Committees on Appropriations of
23 the House of Representatives and the Senate a report on
24 the actual obligations, expenditures, and unobligated bal-
25 ances for each activity funded under this heading not later

1 *than 90 days after issuance of the operating plan, and*
2 *quarterly thereafter as long as funding provided under this*
3 *heading is available for obligation or expenditure.*

4 *NATIONAL SERVICE TRUST*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For an additional amount for “National Service*
7 *Trust” established under subtitle D of title I of the National*
8 *and Community Service Act of 1990 (“1990 Act”),*
9 *\$68,000,000, which shall remain available until expended:*
10 *Provided, That the Corporation for National and Commu-*
11 *nity Service may transfer additional funds from the*
12 *amount provided within “Operating Expenses” allocated to*
13 *grants under subtitle C of title I of the 1990 Act to the*
14 *National Service Trust upon determination that such trans-*
15 *fer is necessary to support the activities of national service*
16 *participants and after notice is transmitted to the Commit-*
17 *tees on Appropriations of the House of Representatives and*
18 *the Senate: Provided further, That the amount appro-*
19 *priated or transferred to the National Service Trust may*
20 *be invested under section 145(b) of the 1990 Act without*
21 *regard to the requirements to apportion funds under 31*
22 *U.S.C. 1513(b).*

1 *GENERAL PROVISION, THIS CHAPTER*
2 *ISSUER ALLOWED REFUNDABLE CREDIT FOR QUALIFIED*
3 *ZONE ACADEMY BONDS AND QUALIFIED SCHOOL CON-*
4 *STRUCTION BONDS*

5 *SEC. 1501. (a) IN GENERAL.—Section 6431 of the In-*
6 *ternal Revenue Code of 1986 is amended by adding at the*
7 *end the following new subsection:*

8 *“(f) APPLICATION OF SECTION TO QUALIFIED ZONE*
9 *ACADEMY BONDS AND QUALIFIED SCHOOL CONSTRUCTION*
10 *BONDS.—*

11 *“(1) IN GENERAL.—In the case of any specified*
12 *tax credit bond—*

13 *“(A) such bond shall be treated as a quali-*
14 *fied bond for purposes of this section,*

15 *“(B) subsection (a) shall be applied without*
16 *regard to the requirement that the qualified bond*
17 *be issued before January 1, 2011,*

18 *“(C) the amount of the payment determined*
19 *under subsection (b) with respect to any interest*
20 *payment date under such bond shall be equal to*
21 *the lesser of—*

22 *“(i) the amount of interest payable*
23 *under such bond on such date, or*

24 *“(ii) the amount of interest which*
25 *would have been payable under such bond*

1 on such date if such interest were deter-
2 mined at the applicable credit rate deter-
3 mined under section 54A(b)(3) with respect
4 to such bond,

5 “(D) interest on any such bond shall be in-
6 cludible in gross income for purposes of this title,
7 and

8 “(E) no credit shall be allowed under sec-
9 tion 54A with respect to such bond.

10 “(2) SPECIFIED TAX CREDIT BOND.—For pur-
11 poses of this subsection, the term ‘specified tax credit
12 bond’ means any qualified tax credit bond (as defined
13 in section 54A(d)) if—

14 “(A) such bond is a qualified zone academy
15 bond (as defined in section 54E) or a qualified
16 school construction bond (as defined in section
17 54F), and

18 “(B) the issuer of such bond makes an irrev-
19 ocable election to have this subsection apply.”.

20 (b) TECHNICAL CORRECTIONS RELATING TO QUALI-
21 FIED SCHOOL CONSTRUCTION BONDS.—

22 (1) The second sentence of section 54F(d)(1) of
23 such Code is amended by striking “by the State” and
24 inserting “by the State education agency (or such

1 *other agency as is authorized under State law to*
 2 *make such allocation)”*.

3 (2) *The second sentence of section 54F(e) of such*
 4 *Code is amended by striking “subsection (d)(4)” and*
 5 *inserting “paragraphs (2) and (4) of subsection (d)”*.

6 (c) *EFFECTIVE DATE.*—

7 (1) *IN GENERAL.*—*Except as otherwise provided*
 8 *in this subsection, the amendment made by this sec-*
 9 *tion shall apply to bonds issued after December 31,*
 10 *2009.*

11 (2) *TECHNICAL CORRECTIONS.*—*The amend-*
 12 *ments made by subsection (b) shall take effect as if in-*
 13 *cluded in section 1521 of the American Recovery and*
 14 *Reinvestment Tax Act of 2009.*

15 *CHAPTER 6—TRANSPORTATION AND HOUSING*

16 *AND URBAN DEVELOPMENT*

17 *DEPARTMENT OF TRANSPORTATION*

18 *FEDERAL AVIATION ADMINISTRATION*

19 *GRANTS-IN-AID FOR AIRPORTS*

20 *For an additional amount for “Grants-In-Aid for Air-*
 21 *ports”, to enable the Secretary of Transportation to make*
 22 *grants for discretionary projects as authorized by sub-*
 23 *chapter 1 of chapter 471 and subchapter 1 of chapter 475*
 24 *of title 49, United States Code, \$500,000,000: Provided,*
 25 *That such funds shall not be subject to apportionment for-*

1 *mulas, special apportionment categories, or minimum per-*
2 *centages under chapter 471 of such title: Provided further,*
3 *That the Secretary shall distribute funds provided under*
4 *this heading as discretionary grants to airports using the*
5 *criteria established under chapters 471 and 475 of such*
6 *title, but with priority given to those projects that dem-*
7 *onstrate to his satisfaction their ability to be completed*
8 *within 2 years of enactment of this Act: Provided further,*
9 *That the Secretary shall award grants under this heading*
10 *within 120 days of enactment of this Act: Provided further,*
11 *That the amount made available under this heading shall*
12 *not be subject to any limitation on obligations for the*
13 *Grants-in-Aid for Airports program set forth in any Act:*
14 *Provided further, That the Federal share payable of the*
15 *costs for which a grant is made under this heading shall*
16 *be, at the option of the recipient, up to 100 percent: Pro-*
17 *vided further, That the amounts provided under this head-*
18 *ing may be used for expenses the agency incurs in admin-*
19 *istering this program in addition to amounts provided for*
20 *administrative expenses for the Grants-in-Aid Airport Im-*
21 *provement Program from any other Act.*

22 *FEDERAL HIGHWAY ADMINISTRATION*

23 *HIGHWAY INFRASTRUCTURE INVESTMENT*

24 *For an additional amount for “Highway Infrastruc-*
25 *ture Investment” for restoration, repair, construction and*

1 *other activities eligible under paragraph (b) of section 133*
2 *of title 23, United States Code, and for passenger and*
3 *freight rail transportation and port infrastructure projects*
4 *eligible for assistance under subsection 601(a)(8) of such*
5 *title, \$27,500,000,000, to remain available through Sep-*
6 *tember 30, 2011: Provided, That, after making the set-asides*
7 *required under this heading, 50 percent of the funds made*
8 *available under this heading shall be apportioned to States*
9 *using the formula set forth in section 104(b)(3) of title 23,*
10 *United States Code, and the remaining funds shall be ap-*
11 *portioned to States in the same ratio as the obligation limi-*
12 *tation for fiscal year 2008 was distributed among the States*
13 *in accordance with the formula specified in section*
14 *120(a)(6) of division K of Public Law 110–161: Provided*
15 *further, That funds made available under this heading shall*
16 *be apportioned not later than 21 days after the date of en-*
17 *actment of this Act: Provided further, That in selecting*
18 *projects to be carried out with funds apportioned under this*
19 *heading, priority shall be given to projects that are pro-*
20 *jected for completion within a 3-year time frame, and are*
21 *located in economically distressed areas as defined by sec-*
22 *tion 301 of the Public Works and Economic Development*
23 *Act of 1965, as amended (42 U.S.C. 3161): Provided fur-*
24 *ther, That in selecting projects to be carried out with funds*
25 *apportioned under this heading, States shall ensure an eq-*

1 *uitable geographic distribution of funds and an appropriate*
2 *balance in addressing the needs of urban and rural commu-*
3 *nities in the State: Provided further, That 90 days following*
4 *the date of such apportionment, the Secretary of Transpor-*
5 *tation shall withdraw from each State an amount equal to*
6 *50 percent of the funds awarded to that State less the*
7 *amount of funding under contract, as determined by the*
8 *Secretary, and the Secretary shall redistribute such*
9 *amounts to other States that have had no funds withdrawn*
10 *under this proviso in the manner described in section 120(c)*
11 *of division K of Public Law 110–161: Provided further,*
12 *That 1 year following the date of such apportionment, the*
13 *Secretary shall withdraw from each recipient of funds ap-*
14 *portioned under this heading any funds that are not under*
15 *contract, as determined by the Secretary, and the Secretary*
16 *shall redistribute such amounts to States that have had no*
17 *funds withdrawn under this proviso in the manner de-*
18 *scribed in section 120(c) of division K of Public Law 110–*
19 *161: Provided further, That at the request of a State, the*
20 *Secretary of Transportation may provide an extension of*
21 *such 1-year period only to the extent that he feels satisfied*
22 *that the State has encountered extreme conditions that cre-*
23 *ate an unworkable bidding environment or other extenu-*
24 *ating circumstances: Provided further, That before granting*
25 *such an extension, the Secretary shall send a letter to the*

1 *House and Senate Committees on Appropriations that pro-*
2 *vides a thorough justification for the extension: Provided*
3 *further, That 3 percent of the funds apportioned to a State*
4 *under this heading shall be set aside for the purposes de-*
5 *scribed in subsection 133(d)(2) of title 23, United States*
6 *Code (without regard to the comparison to fiscal year*
7 *2005): Provided further, That 30 percent of the funds ap-*
8 *portioned to a State under this heading shall be suballo-*
9 *cated within the State in the manner and for the purposes*
10 *described in the first sentence of subsection 133(d)(3)(A),*
11 *in subsection 133(d)(3)(B), and in subsection 133(d)(3)(D):*
12 *Provided further, That such suballocation shall be conducted*
13 *in every State: Provided further, That of the funds provided*
14 *under this heading, \$105,000,000 shall be for the Puerto*
15 *Rico highway program authorized under section 165 of title*
16 *23, United States Code, and \$45,000,000 shall be for the*
17 *territorial highway program authorized under section 215*
18 *of title 23, United States Code: Provided further, That of*
19 *the funds provided under this heading, \$60,000,000 shall*
20 *be for capital expenditures eligible under section 147 of title*
21 *23, United States Code (without regard to subsection(d)):*
22 *Provided further, That the Secretary of Transportation*
23 *shall distribute such \$60,000,000 as competitive discre-*
24 *tionary grants to States, with priority given to those*
25 *projects that demonstrate to his satisfaction their ability to*

1 *be completed within 2 years of enactment of this Act: Pro-*
2 *vided further, That of the funds provided under this head-*
3 *ing, \$550,000,000 shall be for investments in transportation*
4 *at Indian reservations and Federal lands: Provided further,*
5 *That of the funds identified in the preceding proviso,*
6 *\$310,000,000 shall be for the Indian Reservation Roads*
7 *program, \$170,000,000 shall be for the Park Roads and*
8 *Parkways program, \$60,000,000 shall be for the Forest*
9 *Highway Program, and \$10,000,000 shall be for the Refuge*
10 *Roads program: Provided further, That for investments at*
11 *Indian reservations and Federal lands, priority shall be*
12 *given to capital investments, and to projects and activities*
13 *that can be completed within 2 years of enactment of this*
14 *Act: Provided further, That 1 year following the enactment*
15 *of this Act, to ensure the prompt use of the \$550,000,000*
16 *provided for investments at Indian reservations and Fed-*
17 *eral lands, the Secretary shall have the authority to redis-*
18 *tribute unobligated funds within the respective program for*
19 *which the funds were appropriated: Provided further, That*
20 *up to 4 percent of the funding provided for Indian Reserva-*
21 *tion Roads may be used by the Secretary of the Interior*
22 *for program management and oversight and project-related*
23 *administrative expenses: Provided further, That section*
24 *134(f)(3)(C)(i)(II) of title 23, United States Code, shall not*
25 *apply to funds provided under this heading: Provided fur-*

1 *ther, That of the funds made available under this heading,*
2 *\$20,000,000 shall be for highway surface transportation*
3 *and technology training under section 140(b) of title 23,*
4 *United States Code, and \$20,000,000 shall be for disadvan-*
5 *tagged business enterprises bonding assistance under section*
6 *332(e) of title 49, United States Code: Provided further,*
7 *That funds made available under this heading shall be ad-*
8 *ministered as if apportioned under chapter 1 of title 23,*
9 *United States Code, except for funds made available for in-*
10 *vestments in transportation at Indian reservations and*
11 *Federal lands, and for the territorial highway program,*
12 *which shall be administered in accordance with chapter 2*
13 *of title 23, United States Code, and except for funds made*
14 *available for disadvantaged business enterprises bonding as-*
15 *sistance, which shall be administered in accordance with*
16 *chapter 3 of title 49, United States Code: Provided further,*
17 *That the Federal share payable on account of any project*
18 *or activity carried out with funds made available under*
19 *this heading shall be, at the option of the recipient, up to*
20 *100 percent of the total cost thereof: Provided further, That*
21 *funds made available by this paragraph shall not be obli-*
22 *gated for the purposes authorized under section 115(b) of*
23 *title 23, United States Code: Provided further, That funding*
24 *provided under this heading shall be in addition to any*
25 *and all funds provided for fiscal years 2010 and 2011 in*

1 *any other Act for “Federal-aid Highways” and shall not*
2 *affect the distribution of funds provided for “Federal-aid*
3 *Highways” in any other Act: Provided further, That the*
4 *amount made available under this heading shall not be sub-*
5 *ject to any limitation on obligations for Federal-aid high-*
6 *ways or highway safety construction programs set forth in*
7 *any Act: Provided further, That section 1101(b) of Public*
8 *Law 109–59 shall apply to funds apportioned under this*
9 *heading: Provided further, That the Administrator of the*
10 *Federal Highway Administration may retain up to*
11 *\$45,000,000 of the funds provided under this heading to*
12 *fund the oversight by the Administrator of projects and ac-*
13 *tivities carried out with funds made available to the Federal*
14 *Highway Administration in this Act, of which \$5,000,000*
15 *shall be for the Office of Expedited Project Delivery in the*
16 *Office of the Administrator of the Federal Highway Admin-*
17 *istration, and such funds shall be available through Sep-*
18 *tember 30, 2013.*

19 *FEDERAL RAILROAD ADMINISTRATION*
20 *CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER*
21 *CORPORATION*

22 *For an additional amount for “Capital Grants to the*
23 *National Railroad Passenger Corporation” to enable the*
24 *Secretary of Transportation to make capital grants to The*
25 *National Railroad Passenger Corporation (Amtrak) as au-*

1 *thorized by section 101(c) of the Passenger Rail Investment*
2 *and Improvement Act of 2008 (Public Law 110–432),*
3 *\$800,000,000, for fleet modernization, including rehabilita-*
4 *tion of existing and acquisition of new passenger equip-*
5 *ment, including fuel efficient locomotives: Provided, That*
6 *none of the funds provided under this heading shall be used*
7 *to subsidize the operating losses of Amtrak: Provided fur-*
8 *ther, That section 24305(f)(4)(B) of title 49, United States*
9 *Code, shall not apply to any new equipment acquired with*
10 *funds provided under this heading: Provided further, That*
11 *funds provided under this heading shall be awarded not*
12 *later than 60 days after the date of enactment of this Act.*

13 *FEDERAL TRANSIT ADMINISTRATION*

14 *TRANSIT CAPITAL ASSISTANCE*

15 *For an additional amount for “Transit Capital Assist-*
16 *ance” for transit capital assistance grants authorized under*
17 *section 5302(a)(1) of title 49, United States Code,*
18 *\$6,150,000,000: Provided, That the Secretary of Transpor-*
19 *tation shall provide 80 percent of the funds appropriated*
20 *under this heading for grants under section 5307 of title*
21 *49, United States Code, and apportion such funds in ac-*
22 *cordance with section 5336 of such title (other than sub-*
23 *sections (i)(1) and (j)): Provided further, That the Secretary*
24 *shall apportion 10 percent of the funds appropriated under*
25 *this heading in accordance with section 5340 of such title:*

1 *Provided further, That the Secretary shall provide 10 per-*
2 *cent of the funds appropriated under this heading for grants*
3 *under section 5311 of title 49, United States Code, and ap-*
4 *portion such funds in accordance with such section: Pro-*
5 *vided further, That funds apportioned under this heading*
6 *shall be apportioned not later than 21 days after the date*
7 *of enactment of this Act: Provided further, That 90 days*
8 *following the date of such apportionment, the Secretary*
9 *shall withdraw from each urbanized area or State an*
10 *amount equal to 50 percent of the funds apportioned to such*
11 *urbanized areas or States less the amount of funding under*
12 *contract, as determined by the Secretary, and the Secretary*
13 *shall redistribute such amounts to other urbanized areas or*
14 *States that have had no funds withdrawn under this proviso*
15 *utilizing whatever method he deems appropriate to ensure*
16 *that all funds redistributed under this proviso shall be uti-*
17 *lized promptly: Provided further, That 1 year following the*
18 *date of such apportionment, the Secretary shall withdraw*
19 *from each urbanized area or State any funds that are not*
20 *under contract, as determined by the Secretary, and the*
21 *Secretary shall redistribute such amounts to other urban-*
22 *ized areas or States that have had no funds withdrawn*
23 *under this proviso utilizing whatever method he deems ap-*
24 *propriate to ensure that all funds redistributed under this*
25 *proviso shall be utilized promptly: Provided further, That*

1 *at the request of an urbanized area or State, the Secretary*
2 *of Transportation may provide an extension of such 1-year*
3 *period if he feels satisfied that the urbanized area or State*
4 *has encountered an unworkable bidding environment or*
5 *other extenuating circumstances: Provided further, That be-*
6 *fore granting such an extension, the Secretary shall send*
7 *a letter to the House and Senate Committees on Appropria-*
8 *tions that provides a thorough justification for the exten-*
9 *sion: Provided further, That of the funds provided for sec-*
10 *tion 5311 of title 49, United States Code, 2.5 percent shall*
11 *be made available for section 5311(c)(1): Provided further,*
12 *That of the funding provided under this heading,*
13 *\$100,000,000 shall be distributed as discretionary grants to*
14 *public transit agencies for capital investments that will as-*
15 *sist in reducing the energy consumption or greenhouse gas*
16 *emissions of their public transportation systems: Provided*
17 *further, That for such grants on energy-related investments,*
18 *priority shall be given to projects based on the total energy*
19 *savings that are projected to result from the investment, and*
20 *projected energy savings as a percentage of the total energy*
21 *usage of the public transit agency: Provided further, That*
22 *applicable chapter 53 requirements shall apply to funding*
23 *provided under this heading, except that the Federal share*
24 *of the costs for which any grant is made under this heading*
25 *shall be, at the option of the recipient, up to 100 percent:*

1 *Provided further, That the amount made available under*
2 *this heading shall not be subject to any limitation on obliga-*
3 *tions for transit programs set forth in any Act: Provided*
4 *further, That section 1101(b) of Public Law 109–59 shall*
5 *apply to funds appropriated under this heading: Provided*
6 *further, That the funds appropriated under this heading*
7 *shall not be commingled with any prior year funds: Pro-*
8 *vided further, That a recipient and subrecipient of funds*
9 *made available under this heading may use up to 10 per-*
10 *cent of the amount apportioned to a State or urbanized area*
11 *for the operating costs of equipment and facilities for use*
12 *in public transportation or for eligible activities under sec-*
13 *tion 5311(f): Provided further, That in selecting projects to*
14 *be carried out with funds apportioned under this heading,*
15 *priority shall be given to projects that are located in eco-*
16 *nomically distressed areas as defined by section 301 of the*
17 *Public Works and Economic Development Act of 1965, as*
18 *amended (42 U.S.C. 3161): Provided further, That in select-*
19 *ing projects to be carried out with funds apportioned under*
20 *this heading, States shall ensure an equitable geographic*
21 *distribution of funds and an appropriate balance in ad-*
22 *dressing the needs of urban and rural communities in the*
23 *State: Provided further, That notwithstanding any other*
24 *provision of law, three-quarters of 1 percent of the funds*
25 *provided for grants under section 5307 and section 5340,*

1 *and one-half of 1 percent of the funds provided for grants*
2 *under section 5311, shall be available for administrative ex-*
3 *penses and program management oversight, and such funds*
4 *shall be available through September 30, 2013.*

5 *FIXED GUIDEWAY INFRASTRUCTURE INVESTMENT*

6 *For an amount for capital expenditures authorized*
7 *under section 5309(b)(2) of title 49, United States Code,*
8 *\$1,750,000,000: Provided, That the Secretary of Transpor-*
9 *tation shall apportion funds under this heading pursuant*
10 *to the formula set forth in section 5337 of title 49, United*
11 *States Code: Provided further, That the funds appropriated*
12 *under this heading shall not be commingled with any prior*
13 *year funds: Provided further, That funds made available*
14 *under this heading shall be apportioned not later than 21*
15 *days after the date of enactment of this Act: Provided fur-*
16 *ther, That 90 days following the date of such apportion-*
17 *ment, the Secretary shall withdraw from each urbanized*
18 *area an amount equal to 50 percent of the funds appor-*
19 *tioned to such urbanized area less the amount of funding*
20 *under contract, as determined by the Secretary, and the*
21 *Secretary shall redistribute such amounts to other urban-*
22 *ized areas that have had no funds withdrawn under this*
23 *proviso utilizing whatever method he deems appropriate to*
24 *ensure that all funds redistributed under this proviso shall*
25 *be utilized promptly: Provided further, That 1 year fol-*

1 *lowing the date of such apportionment, the Secretary shall*
2 *withdraw from each urbanized area any funds that are not*
3 *under contract, as determined by the Secretary, and the*
4 *Secretary shall redistribute such amounts to other urban-*
5 *ized areas that have had no funds withdrawn under this*
6 *proviso utilizing whatever method he deems appropriate to*
7 *ensure that all funds redistributed under this proviso shall*
8 *be utilized promptly: Provided further, That at the request*
9 *of an urbanized area, the Secretary of Transportation may*
10 *provide an extension of such 1-year period if he feels satis-*
11 *fied that the urbanized area has encountered an unworkable*
12 *bidding environment or other extenuating circumstances:*
13 *Provided further, That before granting such an extension,*
14 *the Secretary shall send a letter to the House and Senate*
15 *Committees on Appropriations that provides a thorough*
16 *justification for the extension: Provided further, That appli-*
17 *cable chapter 53 requirements shall apply except that the*
18 *Federal share of the costs for which a grant is made under*
19 *this heading shall be, at the option of the recipient, up to*
20 *100 percent: Provided further, That the provisions of section*
21 *1101(b) of Public Law 109–59 shall apply to funds made*
22 *available under this heading: Provided further, That not-*
23 *withstanding any other provision of law, up to 1 percent*
24 *of the funds under this heading shall be available for ad-*
25 *ministrative expenses and program management oversight*

1 *and shall remain available for obligation until September*
2 *30, 2013.*

3 *CAPITAL INVESTMENT GRANTS*

4 *For an additional amount for “Capital Investment*
5 *Grants”, as authorized under section 5338(c)(4) of title 49,*
6 *United States Code, and allocated under section*
7 *5309(m)(2)(A) of such title, to enable the Secretary of*
8 *Transportation to make discretionary grants as authorized*
9 *by section 5309(d) and (e) of such title, \$500,000,000, of*
10 *which \$1,500,000 shall be for the Office of Expedited Project*
11 *Delivery in the Office of the Administrator of the Federal*
12 *Transit Administration: Provided, That such amount shall*
13 *be allocated without regard to the limitation under section*
14 *5309(m)(2)(A)(i): Provided further, That in selecting*
15 *projects to be funded, priority shall be given to projects that*
16 *are able to award contracts within 90 days of enactment*
17 *of this Act: Provided further, That the provisions of section*
18 *1101(b) of Public Law 109–59 shall apply to funds made*
19 *available under this heading: Provided further, That funds*
20 *appropriated under this heading shall not be commingled*
21 *with any prior year funds: Provided further, That applica-*
22 *ble chapter 53 requirements shall apply, except that not-*
23 *withstanding any other provision of law, up to 1 percent*
24 *of the funds provided under this heading shall be available*
25 *for administrative expenses and program management*

1 oversight, and shall remain available through September 30,
 2 2013: Provided further, That, notwithstanding any other
 3 provision of law, the provisions of section 3011(f) of Public
 4 Law 109–59 shall apply to all projects evaluated under sec-
 5 tions 5309(d) and 5309(e) of title 49, United States Code,
 6 and funded in fiscal years 2010 and 2011 with funds made
 7 available in the Act or any other Act.

8 *MARITIME ADMINISTRATION*

9 *MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM*

10 *ACCOUNT*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For the cost of guaranteed loans, as authorized,*
 13 *\$100,000,000: Provided, That such costs, including the cost*
 14 *of modifying such loans, shall be as defined in section 502*
 15 *of the Congressional Budget Act of 1974, as amended: Pro-*
 16 *vided further, That the Maritime Administrator may retain*
 17 *and transfer to “Maritime Administration, Operations and*
 18 *Training” up to 2 percent of the funds provided under this*
 19 *heading to carry out the guaranteed loan program.*

20 *GENERAL PROVISION, DEPARTMENT OF TRANSPORTATION*

21 *SEC. 1601. (a) MAINTENANCE OF EFFORT.—*

22 *(1) CERTIFICATION.—*

23 *(A) CERTIFICATION THROUGH SEPTEMBER*

24 *30, 2010.—The certification made by the Gov-*

25 *ernor of each State under section 1201(a) of di-*

1 *vision A of the American Recovery and Reinvest-*
2 *ment Act of 2009 (Public Law 111–5, 123 Stat.*
3 *115, 212) shall continue in effect under this Act.*

4 (B) *CERTIFICATION THROUGH SEPTEMBER*
5 *30, 2011.—Not later than 30 days after the date*
6 *of enactment of this Act, for each amount that is*
7 *distributed to a State or agency thereof from an*
8 *appropriation in this Act for a covered program,*
9 *the Governor of the State shall certify to the Sec-*
10 *retary of Transportation that the State will*
11 *maintain its effort with regard to State funding*
12 *for the types of projects that are funded by the*
13 *appropriation. As part of this certification, the*
14 *Governor shall submit to the Secretary of Trans-*
15 *portation a statement identifying the amount of*
16 *State funds the State planned to expend from*
17 *State sources as of the date of enactment of this*
18 *Act for the period of October 1, 2010, through*
19 *September 30, 2011, for the types of projects that*
20 *are funded by the appropriation. For the period*
21 *of October 1, 2010, through September 30, 2011,*
22 *the Governor of a State may calculate planned*
23 *expenditures from State funds in the same man-*
24 *ner as under section 1201(a) of division A of the*
25 *American Recovery and Reinvestment Act of*

1 2009 or may calculate the amount by pro rating
2 the amount certified under section 1201(a) of di-
3 vision A of the American Recovery and Reinvest-
4 ment Act of 2009 to establish the amount of
5 planned expenditures for such period.

6 (2) *DEFINITION OF STATE FUNDS.*—For purposes
7 of the certifications required by section 1201(a) of di-
8 vision A of the American Recovery and Reinvestment
9 Act of 2009 and paragraph (1)(B), State funding
10 means State funds used for transportation purposes
11 that are expended by the State agency that is pri-
12 marily responsible for carrying out the covered pro-
13 gram. State funding does not include State transpor-
14 tation funds that are expended by or at the direction
15 of non-State governmental entities.

16 (b) *REQUIREMENT TO MAINTAIN EFFORT.*—

17 (1) *REPORTS.*—Each State shall submit to the
18 Department of Transportation for each covered pro-
19 gram the actual aggregate expenditures from State
20 funds during the period of February 17, 2009,
21 through September 30, 2011, as compared to the level
22 of such expenditures from State funds that were
23 planned to occur during such period as certified in
24 accordance with subsection (a). The State shall sub-
25 mit the maintenance of effort reports in the same

1 manner and in the same timeframe required by sub-
2 section (c), except the State is not required to submit
3 a maintenance of effort report on February 17, 2013.
4 The covered agencies shall submit the reports to Con-
5 gress in accordance with subsection (c)(1).

6 (2) *DETERMINATION OF MAINTENANCE OF EF-*
7 *FORT.*—A State is deemed to have met its level of ef-
8 fort if the aggregate amount of actual expenditures of
9 State funds reported in the February 17, 2012 report
10 in accordance with paragraph (1) meets or exceeds
11 the aggregate amount of planned expenditures of
12 State funds identified in the certification required by
13 subsection (a).

14 (3) *PENALTY FOR FAILURE TO MAINTAIN EF-*
15 *FORT.*—If a State is unable to maintain the level of
16 effort certified pursuant to subsection (a), the State
17 will be prohibited by the Secretary of Transportation
18 from receiving additional limitation pursuant to the
19 redistribution of the limitation on obligations for
20 Federal-aid highway and highway safety construction
21 programs that occurs after August 1 for fiscal year
22 2012.

23 (c) *PERIODIC REPORTS.*—

24 (1) *IN GENERAL.*—Notwithstanding any other
25 provision of law, each grant recipient shall submit to

1 *the covered agency from which they received funding*
2 *periodic reports on the use of the funds appropriated*
3 *in this chapter for the Department of Transportation*
4 *for covered programs. Such reports shall be collected*
5 *and compiled by the covered agency and transmitted*
6 *to Congress. Covered agencies may develop such re-*
7 *ports on behalf of grant recipients to ensure the accu-*
8 *racy and consistency of such reports.*

9 (2) *CONTENTS OF REPORTS.—For amounts re-*
10 *ceived under each covered program by a grant recipi-*
11 *ent under this chapter for the Department of Trans-*
12 *portation, the grant recipient shall include in the*
13 *periodic reports information tracking—*

14 (A) *the amount of Federal funds appro-*
15 *priated, allocated, obligated, and outlayed under*
16 *the appropriation;*

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

21 (C) *the number of projects for which con-*
22 *tracts have been awarded under the appropria-*
23 *tion and the amount of Federal funds associated*
24 *with such contracts;*

1 (D) the number of projects for which work
2 has begun under such contracts and the amount
3 of Federal funds associated with such contracts;

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

8 (F) the number of direct, on-project jobs cre-
9 ated or sustained by the Federal funds provided
10 for projects under the appropriation and, to the
11 extent possible, the estimated indirect jobs cre-
12 ated or sustained in the associated supplying in-
13 dustries, including the number of job-years cre-
14 ated and the total increase in employment since
15 the date of enactment of this Act.

16 (3) *TIMING OF REPORTS.*—Each grant recipient
17 shall submit the first of the periodic reports required
18 under this subsection not later than 1 year after the
19 date of enactment of the American Recovery and Re-
20 investment Act of 2009 and shall submit updated re-
21 ports not later than 15 months, 18 months, 2 years,
22 3 years, and 4 years after such date of enactment.

23 (d) *DEFINITIONS.*—In this section, the following defi-
24 nitions apply:

1 (1) *COVERED AGENCY.*—The term “covered agen-
2 cy” means the Federal Aviation Administration, the
3 Federal Highway Administration, the Federal Rail-
4 road Administration, the Federal Transit Adminis-
5 tration, and the Maritime Administration of the De-
6 partment of Transportation.

7 (2) *COVERED PROGRAM.*—The term “covered
8 program” means funds appropriated in this Act for
9 “Grants-in-Aid for Airports” to the Federal Aviation
10 Administration; for “Highway Infrastructure Invest-
11 ment” to the Federal Highway Administration; for
12 “Capital Grants to the National Railroad Passenger
13 Corporation” to the Federal Railroad Administration;
14 for “Transit Capital Assistance”, “Fixed Guideway
15 Infrastructure Investment”, and “Capital Investment
16 Grants” to the Federal Transit Administration; and
17 for “Maritime Guaranteed Loan (Title XI) Program
18 Account” to the Maritime Administration.

19 (3) *GRANT RECIPIENT.*—The term “grant recipi-
20 ent” means a State or other recipient of assistance
21 provided under a covered program in this Act. Such
22 term does not include a Federal department or agen-
23 cy.

1 (e) *EXEMPTION.*—*Notwithstanding any other provi-*
2 *sion of law, sections 3501–3521 of title 44, United States*
3 *Code, shall not apply to the provisions of this section.*

4 *DEPARTMENT OF HOUSING AND URBAN*
5 *DEVELOPMENT*

6 *PUBLIC AND INDIAN HOUSING*

7 *PUBLIC HOUSING CAPITAL FUND*

8 *For an additional amount for the “Public Housing*
9 *Capital Fund” to carry out capital and management ac-*
10 *tivities for public housing agencies, as authorized under sec-*
11 *tion 9 of the United States Housing Act of 1937 (42 U.S.C.*
12 *1437g) (in this heading referred to as the “Act”),*
13 *\$1,000,000,000: Provided, That the Secretary of Housing*
14 *and Urban Development shall make the funds provided*
15 *under this heading available by competition for priority in-*
16 *vestments, including investments that leverage private sec-*
17 *tor funding or financing for renovations and energy con-*
18 *servation retrofit investments: Provided further, That the*
19 *Secretary shall obligate the funds provided under this head-*
20 *ing by such competition within 60 days of the date of the*
21 *enactment of this Act: Provided further, That in using the*
22 *funds provided under this heading public housing authori-*
23 *ties shall give priority to capital projects that can award*
24 *contracts based on bids within 120 days from the date that*
25 *the funds are made available to the public housing authori-*

1 *ties: Provided further, That in using such funds provided*
2 *under this heading public housing agencies shall give pri-*
3 *ority consideration to the rehabilitation of vacant rental*
4 *units: Provided further, That in using such funds provided*
5 *under this heading public housing agencies shall prioritize*
6 *capital projects that are already underway or included in*
7 *the 5-year capital fund plans required by section 5A of the*
8 *Act (42 U.S.C. 1437c-1(a)): Provided further, That not-*
9 *withstanding any other provision of law, funds provided*
10 *under this heading (1) may not be used for operating or*
11 *rental assistance activities, and (2) shall not be subject to*
12 *any restriction of funding to replacement housing uses: Pro-*
13 *vided further, That notwithstanding section 9(j) of the Act,*
14 *public housing agencies shall obligate 50 percent of the*
15 *funds provided under this heading within 180 days of the*
16 *date on which such funds become available to the agency*
17 *for obligation, and shall expend 100 percent of such funds*
18 *within one year of the date on which such funds become*
19 *available to the agency for obligation: Provided further,*
20 *That if a public housing agency fails to comply with the*
21 *180-day obligation requirement under the preceding pro-*
22 *viso, the Secretary shall recapture all funds provided under*
23 *this heading awarded to the public housing agency that re-*
24 *main unobligated and reallocate such funds to agencies that*
25 *are in compliance with such requirement: Provided further,*

1 *That in administering funds appropriated or otherwise*
2 *made available under this heading, the Secretary may*
3 *waive or specify alternative requirements for any provision*
4 *of any statute or regulation in connection with the obliga-*
5 *tion by the Secretary or the use of such funds (except for*
6 *requirements related to fair housing, nondiscrimination,*
7 *labor standards, and the environment), upon a finding that*
8 *such a waiver is necessary to expedite or facilitate the use*
9 *of such funds: Provided further, That, in addition to waiv-*
10 *ers authorized under the preceding proviso, the Secretary*
11 *may direct that requirements relating to the procurement*
12 *of goods and services arising under State and local laws*
13 *and regulations shall not apply to funds provided under*
14 *this heading.*

15 **COMMUNITY PLANNING AND DEVELOPMENT**

16 **HOUSING TRUST FUND**

17 *For the Housing Trust Fund established pursuant to*
18 *section 1338 of the Federal Housing Enterprises Financial*
19 *Safety and Soundness Act of 1992 (12 U.S.C. 4568),*
20 *\$1,065,000,000, for use under such section: Provided, That*
21 *of the total amount provided under this heading,*
22 *\$65,000,000 shall be available to the Secretary of Housing*
23 *and Urban Development only for incremental project-based*
24 *voucher assistance or project-based rental assistance, to be*
25 *allocated to States pursuant to the formula established*

1 *under such section 1338, to be used solely in conjunction*
2 *with grant funds awarded under such section 1338.*

3 *CHAPTER 7—GENERAL PROVISIONS, THIS TITLE*

4 *TARP REDUCTION*

5 *SEC. 1701. The limitation under section 115(a)(3) of*
6 *the Emergency Economic Stabilization Act of 2008 (12*
7 *U.S.C. 5225(a)(3)) in effect on the date of the enactment*
8 *of this Act is decreased by \$150,000,000,000.*

9 *LIMIT ON FUNDS*

10 *SEC. 1702. All funds provided under this title shall*
11 *be subject to the requirements of section 1604 of division*
12 *A of the American Recovery and Reinvestment Act of 2009*
13 *(Public Law 111–5).*

14 *RECOVERY ACT REPORTING REQUIREMENTS*

15 *SEC. 1703. (a) Funds made available by this title shall*
16 *be subject to the reporting, transparency, and oversight re-*
17 *quirements established by title XV of division A of the*
18 *American Recovery and Reinvestment Act of 2009 (Public*
19 *Law 111–5), on the same basis as funds made available*
20 *in division A of that Act.*

21 *(b) Amounts appropriated in division A of the Amer-*
22 *ican Recovery and Reinvestment Act of 2009 (Public Law*
23 *111–5) to any Office of Inspector General or to the Recovery*
24 *Accountability and Transparency Board shall also be avail-*
25 *able for the same purposes with respect to any programs,*

1 *grants, projects, and activities for which funds are made*
 2 *available by this title.*

3 **TITLE II—SURFACE TRANSPORTATION**

4 **EXTENSION**

5 **SHORT TITLE**

6 *SEC. 2001. This title may be cited as the “Surface*
 7 *Transportation Extension Act of 2009”.*

8 **FEDERAL-AID HIGHWAYS**

9 *SEC. 2002. (a) IN GENERAL.—*

10 *(1) APPLICABILITY OF PROVISIONS.—Except as*
 11 *provided in this title, requirements, authorities, con-*
 12 *ditions, eligibilities, limitations, and other provisions*
 13 *authorized under titles I, V, and VI of SAFETEA-*
 14 *LU (119 Stat. 1144), the SAFETEA-LU Technical*
 15 *Corrections Act of 2008 (122 Stat. 1572), titles I and*
 16 *VI of the Intermodal Surface Transportation Effi-*
 17 *ciency Act of 1991 (105 Stat. 1914), titles I and V*
 18 *of the Transportation Equity Act for the 21st Century*
 19 *(112 Stat. 107), and title 23, United States Code (ex-*
 20 *cluding chapter 4 of that title), which would otherwise*
 21 *expire on or cease to apply after September 30, 2009,*
 22 *or the date specified in section 106(3) of the Con-*
 23 *tinuing Appropriations Resolution, 2010 (Public Law*
 24 *111–68), are incorporated by reference and shall con-*
 25 *tinue in effect through September 30, 2010.*

1 (2) *AUTHORIZATION OF APPROPRIATIONS.—Except*
2 *as provided in subsection (b), there are author-*
3 *ized to be appropriated out of the Highway Trust*
4 *Fund (other than the Mass Transit Account) for fiscal*
5 *year 2010 an amount equal to the sum of the*
6 *amounts authorized to be appropriated out of the*
7 *Highway Trust Fund (other than the Mass Transit*
8 *Account) for programs, projects, and activities for fis-*
9 *cal year 2009 under titles I, V, and VI of*
10 *SAFETEA-LU (119 Stat. 1144) and title 23, United*
11 *States Code (excluding administrative expenses under*
12 *section 104(a) and programs, projects, and activities*
13 *under chapter 4 of that title), minus \$1,394,358,419.*

14 (3) *USE OF FUNDS.—*

15 (A) *FISCAL YEAR 2010.—Except as otherwise*
16 *expressly provided in this title, funds authorized*
17 *to be appropriated under paragraph (2) for fis-*
18 *cal year 2010 shall be distributed, administered,*
19 *limited, and made available for obligation in the*
20 *same manner as the total amount of funds au-*
21 *thorized to be appropriated out of the Highway*
22 *Trust Fund (other than the Mass Transit Ac-*
23 *count) for fiscal year 2009 to carry out pro-*
24 *grams, projects, activities, eligibilities, and re-*
25 *quirements under SAFETEA-LU (119 Stat.*

1 1144), the SAFETEA–LU Technical Corrections
2 Act of 2008 (122 Stat. 1572), titles I and VI of
3 the Intermodal Surface Transportation Effi-
4 ciency Act of 1991 (105 Stat. 1914), titles I and
5 V of the Transportation Equity Act for the 21st
6 Century (112 Stat. 107), and title 23, United
7 States Code (excluding chapter 4 of that title).

8 (B) CALCULATION.—The amounts author-
9 ized to be appropriated under paragraph (2)
10 shall be calculated without regard to any rescis-
11 sion or cancellation of funds or contract author-
12 ity for fiscal year 2009 under SAFETEA–LU
13 (119 Stat. 1144) or any other law.

14 (C) DISTRIBUTION BETWEEN PROGRAMS.—
15 Funds authorized to be appropriated under
16 paragraph (2) shall be distributed under sub-
17 paragraph (A) among programs, projects, and
18 activities referenced in such subparagraph in the
19 ratio that—

20 (i) the amount authorized to be appro-
21 priated out of the Highway Trust Fund
22 (other than the Mass Transit Account) for
23 such program, project, or activity for fiscal
24 year 2009; bear to

1 (ii) *the amount authorized to be appro-*
2 *riated out of the Highway Trust Fund*
3 *(other than the Mass Transit Account) for*
4 *all such programs, projects, and activities*
5 *for fiscal year 2009.*

6 (D) *CONTRACT AUTHORITY.—*

7 (i) *IN GENERAL.—Except as provided*
8 *in clause (ii), funds authorized to be appro-*
9 *riated under this subsection shall be avail-*
10 *able for obligation in the same manner as*
11 *if such funds were apportioned under chap-*
12 *ter 1 of title 23, United States Code, and*
13 *subject to a limitation on obligations for*
14 *Federal-aid highways and highway safety*
15 *construction programs included in an Act*
16 *making appropriations for fiscal year 2010.*

17 (ii) *EXCEPTIONS.—*

18 (I) *IN GENERAL.—A limitation on*
19 *obligations described in clause (i) shall*
20 *not apply to any obligation under—*

21 (aa) *section 125 of title 23,*
22 *United States Code; or*

23 (bb) *section 105 of title 23,*
24 *United States Code, but only in*
25 *an amount equal to \$639,000,000.*

1 (II) *SPECIAL RULES.—Except as*
2 *otherwise expressly provided by this*
3 *title, any special rule that applied in*
4 *fiscal year 2009 to any program,*
5 *project, or activity for which funds are*
6 *authorized to be appropriated under*
7 *paragraph (2) shall continue to apply*
8 *through September 30, 2010.*

9 (4) *EXTENSION AND FLEXIBILITY FOR CERTAIN*
10 *ALLOCATED PROGRAMS.—*

11 (A) *FISCAL YEAR 2010.—*

12 (i) *IN GENERAL.—Notwithstanding*
13 *any other provision of law, for fiscal year*
14 *2010, the portion of the share of funds of a*
15 *State under paragraph (2) determined by*
16 *the amount that the State received or was*
17 *authorized to receive for fiscal year 2009 to*
18 *carry out sections 1307, 1702, and 1934 of*
19 *SAFETEA-LU (119 Stat. 1217, 1256, and*
20 *1485) and section 144(f)(1) of title 23,*
21 *United States Code, shall be—*

22 *(I) made available to the State for*
23 *programs specified in section 105(a)(2)*
24 *of title 23, United States Code (except*
25 *the high priority projects program),*

1 *and in the same proportion for each*
2 *such program that—*

3 *(aa) the amount apportioned*
4 *to the State for that program for*
5 *fiscal year 2009; bears to*

6 *(bb) the amount apportioned*
7 *to the State for fiscal year 2009*
8 *for all such programs; and*

9 *(II) administered in the same*
10 *manner and with the same period of*
11 *availability as such funding is admin-*
12 *istered under programs identified in*
13 *clause (i), except that no funds may be*
14 *used to carry out the project described*
15 *in section 1307(d)(1) of SAFETEA-*
16 *LU (119 Stat. 1217; 122 Stat. 1577).*

17 *(ii) TERRITORIES AND PUERTO*
18 *RICO.—*

19 *(I) IN GENERAL.—Notwith-*
20 *standing any other provision of law,*
21 *the portion of the share of funds of a*
22 *territory or Puerto Rico under para-*
23 *graph (2) determined by the amount*
24 *that the territory or Puerto Rico re-*
25 *ceived or was authorized to receive for*

1 *fiscal year 2009 to carry out section*
2 *1934 of SAFETEA-LU (119 Stat.*
3 *1485), shall be—*

4 *(aa) for a territory, made*
5 *available and administered in the*
6 *same manner as funding is made*
7 *available and administered under*
8 *section 215 of title 23, United*
9 *States Code; and*

10 *(bb) for Puerto Rico, made*
11 *available and administered in the*
12 *same manner as funding is made*
13 *available and administered under*
14 *section 165 of title 23, United*
15 *States Code.*

16 *(II) TERRITORY DEFINED.—In*
17 *this clause, the term “territory” means*
18 *any of the following territories of the*
19 *United States: American Samoa, the*
20 *Commonwealth of the Northern Mar-*
21 *iana Islands, Guam, or the United*
22 *States Virgin Islands.*

23 *(B) ADDITIONAL FUNDS.—*

24 *(i) IN GENERAL.—No additional funds*
25 *shall be provided for any project or activity*

1 under paragraph (3)(A) that the Secretary
2 of Transportation determines was suffi-
3 ciently funded before or during fiscal year
4 2009 to achieve the authorized purpose of
5 the project or activity.

6 (ii) *RESERVATION AND REDISTRIBU-*
7 *TION AMONG STATES.—*

8 (I) *IN GENERAL.—Funds made*
9 *available in accordance with para-*
10 *graph (3)(A) for a project or activity*
11 *described in clause (i) shall be—*

12 (aa) *reserved by the Sec-*
13 *retary of Transportation; and*

14 (bb) *apportioned among all*
15 *States such that each State's share*
16 *of funds so apportioned is equal to*
17 *the State's share for fiscal year*
18 *2009 of funds apportioned or allo-*
19 *cated for the programs specified*
20 *in subclause (II).*

21 (II) *SPECIFIC PROGRAMS.—The*
22 *programs referred to in subclause (I)*
23 *are—*

1 (aa) the programs listed in
2 section 105(a)(2) of title 23,
3 United States Code;

4 (bb) the program authorized
5 by section 144(f)(1) of such title;
6 and

7 (cc) the program authorized
8 by section 1934 of SAFETEA-LU
9 (119 Stat. 1485).

10 (iii) *DISTRIBUTION AMONG PRO-*
11 *GRAMS.—Funds apportioned to a State*
12 *pursuant to clause (i) shall be—*

13 (I) made available to the State for
14 programs specified in section 105(a)(2)
15 of title 23, United States Code (except
16 the high priority projects program),
17 and in the same proportion for each
18 such program that—

19 (aa) the amount apportioned
20 to the State for that program for
21 fiscal year 2009; bears to

22 (bb) the amount apportioned
23 to the State for fiscal year 2009
24 for all such programs; and

1 (ii) administered in the same
2 manner and with the same period of
3 availability as such funding is admin-
4 istered under programs identified in
5 subclause (I).

6 (C) COMPETITIVE DISTRIBUTION OF CER-
7 TAIN DISCRETIONARY FUNDS.—

8 (i) PROJECTS OF NATIONAL AND RE-
9 GIONAL SIGNIFICANCE.—Notwithstanding
10 section 1301(m) of SAFETEA-LU (119
11 Stat. 1202), the Secretary shall allocate
12 funds authorized to be appropriated under
13 paragraph (2) for the projects of national
14 and regional significance program on the
15 basis of a competitive selection process in
16 accordance with sections 1301(d), 1301(e),
17 and 1301(f) of that Act (119 Stat. 1199).

18 (ii) NATIONAL CORRIDOR INFRASTRUC-
19 TURE IMPROVEMENT PROGRAM.—Notwith-
20 standing section 1302(e) of SAFETEA-LU
21 (119 Stat. 1205), the Secretary shall allo-
22 cate funds authorized to be appropriated
23 under paragraph (2) for the national cor-
24 ridor infrastructure improvement program
25 on the basis of a competitive selection proc-

1 *ess in accordance with section 1302(b) of*
2 *that Act (119 Stat. 1204).*

3 (5) *EXTENSION OF AUTHORIZATIONS UNDER*
4 *TITLE V OF SAFETEA-LU.—*

5 (A) *IN GENERAL.—The programs authorized*
6 *under paragraphs (1) through (5) of section*
7 *5101(a) of SAFETEA-LU (119 Stat. 1779) shall*
8 *be continued for fiscal year 2010 at the funding*
9 *levels authorized for those programs for fiscal*
10 *year 2009.*

11 (B) *DISTRIBUTION OF FUNDS.—Funds for*
12 *programs continued under subparagraph (A)*
13 *shall be distributed to major program areas*
14 *under those programs in the same proportions as*
15 *funds were allocated for those program areas for*
16 *fiscal year 2009, except that designations for spe-*
17 *cific activities shall not be required to be contin-*
18 *ued for fiscal year 2010.*

19 (C) *ADDITIONAL FUNDS.—*

20 (i) *IN GENERAL.—No additional funds*
21 *shall be provided for any project or activity*
22 *under this paragraph that the Secretary of*
23 *Transportation determines was sufficiently*
24 *funded before or during fiscal year 2009 to*

1 *achieve the authorized purpose of the project*
2 *or activity.*

3 *(ii) DISTRIBUTION.—Funds that would*
4 *have been made available under subpara-*
5 *graph (A) for a project or activity but for*
6 *the prohibition under clause (i) shall be dis-*
7 *tributed in accordance with subparagraph*
8 *(B).*

9 *(b) ADMINISTRATIVE EXPENSES.—*

10 *(1) AUTHORIZATION OF CONTRACT AUTHOR-*
11 *ITY.—Notwithstanding any other provision of this*
12 *title or any other law, there is authorized to be appro-*
13 *priated from the Highway Trust Fund (other than*
14 *the Mass Transit Account), \$420,562,000 for adminis-*
15 *trative expenses of the Federal-aid highway program*
16 *for fiscal year 2010.*

17 *(2) CONTRACT AUTHORITY.—Funds authorized to*
18 *be appropriated by this subsection shall be—*

19 *(A) available for obligation, and shall be*
20 *administered, in the same manner as if such*
21 *funds were apportioned under chapter 1 of title*
22 *23, United States Code, except that such funds*
23 *shall remain available until expended; and*

24 *(B) subject to a limitation on obligations*
25 *for Federal-aid highways and highway safety*

1 *construction programs included in an Act mak-*
2 *ing appropriations for fiscal year 2010.*

3 (c) *RECONCILIATION OF FUNDS.—The Secretary shall*
4 *reduce the amount apportioned or allocated for a program,*
5 *project, or activity continued under this section by any*
6 *amount apportioned or allocated for such program, project,*
7 *or activity pursuant to the Continuing Appropriations Res-*
8 *olution, 2010 (Public Law 111–68).*

9 (d) *REFERENCES.—Except as otherwise expressly pro-*
10 *vided, any reference in this section to an Act, or a provision*
11 *contained in an Act, shall be considered to include the*
12 *amendments made by that Act or provision.*

13 *EXTENSION OF HIGHWAY SAFETY PROGRAMS OF NATIONAL*
14 *HIGHWAY TRAFFIC SAFETY ADMINISTRATION*

15 *SEC. 2003. (a) CHAPTER 4 HIGHWAY SAFETY PRO-*
16 *GRAMS.—Section 2001(a)(1) of SAFETEA–LU (119 Stat.*
17 *1519) is amended—*

18 (1) *by striking “and”; and*

19 (2) *by inserting after “2009” the following: “,*
20 *and \$235,000,000 for fiscal year 2010”.*

21 (b) *HIGHWAY SAFETY RESEARCH AND DEVELOP-*
22 *MENT.—Section 2001(a)(2) of such Act (119 Stat. 1519) is*
23 *amended—*

24 (1) *by striking “and”; and*

25 (2) *by inserting after “2009” the following: “,*
26 *and \$105,500,000 for fiscal year 2010”.*

1 (c) *OCCUPANT PROTECTION INCENTIVE GRANTS.*—

2 (1) *EXTENSION OF PROGRAM.*—Section 405 of
3 title 23, United States Code, is amended—

4 (A) in subsection (a)(3) by striking “6” and
5 inserting “7”; and

6 (B) in subsection (a)(4)(C) by striking “in
7 each of the fifth and sixth fiscal years beginning
8 after September 30, 2003,” and inserting “in
9 each subsequent fiscal year”.

10 (2) *AUTHORIZATION OF APPROPRIATIONS.*—Sec-
11 tion 2001(a)(3) of such Act (119 Stat. 1519) is
12 amended—

13 (A) by striking “and”; and

14 (B) by inserting after “2009” the following:

15 “, and \$25,000,000 for fiscal year 2010”.

16 (d) *SAFETY BELT PERFORMANCE GRANTS.*—

17 (1) *EXTENSION OF PROGRAM.*—Section 406(c)(1)
18 of title 23, United States Code, is amended by strik-
19 ing “2009” and inserting “2010”.

20 (2) *AUTHORIZATION OF APPROPRIATIONS.*—Sec-
21 tion 2001(a)(4) of such Act (119 Stat. 1519) is
22 amended—

23 (A) by striking “and”; and

24 (B) by inserting after “2009” the following:

25 “, and \$124,500,000 for fiscal year 2010”.

1 (e) *STATE TRAFFIC SAFETY INFORMATION SYSTEM IM-*
2 *PROVEMENTS.*—Section 2001(a)(5) of such Act (119 Stat.
3 1519) is amended—

4 (1) by striking “and”; and

5 (2) by inserting after “2009” the following: “,
6 and \$34,500,000 for fiscal year 2010”.

7 (f) *ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES*
8 *INCENTIVE GRANT PROGRAM.*—

9 (1) *EXTENSION OF PROGRAM.*—Section 410 of
10 title 23, United States Code, is amended—

11 (A) in subsection (a)(3)(C) by striking “in
12 each of the fifth, sixth, seventh, and eighth fiscal
13 years” and inserting “in each subsequent fiscal
14 year”; and

15 (B) in subsection (b)(2)(C) by striking “and
16 2009” and inserting “, 2009, and 2010”.

17 (2) *AUTHORIZATION OF APPROPRIATIONS.*—Sec-
18 tion 2001(a)(6) of such Act (119 Stat. 1519) is
19 amended—

20 (A) by striking “and”; and

21 (B) by inserting after “2009” the following:
22 “, and \$139,000,000 for fiscal year 2010”.

23 (g) *NATIONAL DRIVER REGISTER.*—Section
24 2001(a)(7) of such Act (119 Stat. 1520) is amended—

25 (1) by striking “and”; and

1 (2) *by inserting after “2009” the following: “,*
2 *and \$4,000,000 for fiscal year 2010”.*

3 *(h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—*

4 (1) *EXTENSION OF PROGRAM.—Section 2009(a)*
5 *of such Act (23 U.S.C. 402 note; 119 Stat. 1535) is*
6 *amended by striking “2009” and inserting “2010”.*

7 (2) *AUTHORIZATION OF APPROPRIATIONS.—Sec-*
8 *tion 2001(a)(8) of such Act (119 Stat. 1520) is*
9 *amended—*

10 (A) *by striking “and”; and*

11 (B) *by inserting after “2009” the second*
12 *place it appears the following: “, and*
13 *\$29,000,000 for fiscal year 2010”.*

14 *(i) MOTORCYCLIST SAFETY.—*

15 (1) *EXTENSION OF PROGRAM.—Section*
16 *2010(d)(1)(B) of such Act (23 U.S.C. 402 note; 119*
17 *Stat. 1536) is amended by striking “and fourth” and*
18 *inserting “fourth, and fifth”.*

19 (2) *AUTHORIZATION OF APPROPRIATIONS.—Sec-*
20 *tion 2001(a)(9) of such Act (119 Stat. 1520) is*
21 *amended—*

22 (A) *by striking “and”; and*

23 (B) *by inserting after “2009” the following:*
24 *“, and \$7,000,000 for fiscal year 2010”.*

1 (j) *CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY*
2 *INCENTIVE GRANTS.*—

3 (1) *EXTENSION OF PROGRAM.*—Section
4 2011(c)(2) of such Act (23 U.S.C. 405 note; 119 Stat.
5 1538) is amended by striking “fourth fiscal year” and
6 inserting “fourth and fifth fiscal years”.

7 (2) *AUTHORIZATION OF APPROPRIATIONS.*—Sec-
8 tion 2001(a)(10) of such Act (119 Stat. 1520) is
9 amended—

10 (A) by striking “and”; and

11 (B) by inserting after “2009” the following:
12 “, and \$7,000,000 for fiscal year 2010”.

13 (k) *ADMINISTRATIVE EXPENSES.*—Section 2001(a)(11)
14 of such Act (119 Stat. 1520) is amended—

15 (1) by striking “and” the last place it appears;
16 and

17 (2) by inserting after “2009” the following: “,
18 and \$18,500,000 for fiscal year 2010”.

19 (l) *APPLICABILITY OF TITLE 23.*—Section 2001(c) of
20 such Act (119 Stat. 1520) is amended by striking “2009”
21 and inserting “2010”.

22 (m) *DRUG-IMPAIRED DRIVING ENFORCEMENT.*—Sec-
23 tion 2013(f) of such Act (23 U.S.C. 403 note; 119 Stat.
24 1540) is amended by striking “2009” and inserting “2010”.

1 (n) *OLDER DRIVER SAFETY; LAW ENFORCEMENT*
2 *TRAINING.*—Section 2017 of such Act (23 U.S.C. 402 note;
3 119 Stat. 1541) is amended—

4 (1) in subsection (a)(1) by striking “2009” and
5 inserting “2010”; and

6 (2) in subsection (b)(2) by striking “2009” and
7 inserting “2010”.

8 *EXTENSION OF FEDERAL MOTOR CARRIER SAFETY*

9 *ADMINISTRATION PROGRAMS*

10 *SEC. 2004. (a) MOTOR CARRIER SAFETY GRANTS.*—

11 Section 31104(a) of title 49, United States Code, is amend-
12 ed—

13 (1) by striking “and” at the end of paragraph
14 (4);

15 (2) by striking the period at the end of para-
16 graph (5) and inserting “; and”; and

17 (3) by adding at the end the following:

18 “(6) \$212,070,000 for fiscal year 2010.”.

19 (b) *ADMINISTRATIVE EXPENSES.*—Section 31104(i)(1)
20 of title 49, United States Code, is amended—

21 (1) by striking “and” at the end of subpara-
22 graph (D);

23 (2) by striking the period at the end of subpara-
24 graph (E) and inserting “; and”; and

25 (3) by adding at the end the following:

26 “(F) \$239,828,000 for fiscal year 2010.”.

1 (c) *HIGH PRIORITY ACTIVITIES.*—Section 31104(k)(2)
2 of title 49, United States Code, is amended by striking
3 “2009” and inserting “2010”.

4 (d) *GRANT PROGRAMS.*—Section 4101(c) of
5 *SAFETEA-LU* (119 Stat. 1715) is amended—

6 (1) in paragraph (1) by striking “2009” and in-
7 scribing “2010”;

8 (2) in paragraph (2) by striking “and 2009”
9 and inserting “2009, and 2010”;

10 (3) in paragraph (3) by striking “and 2009”
11 and inserting “2009, and 2010”;

12 (4) in paragraph (4) by striking “2009” and in-
13 scribing “2010”; and

14 (5) in paragraph (5) by striking “2009” and in-
15 scribing “2010”.

16 (e) *COMMERCIAL DRIVER’S LICENSE INFORMATION*
17 *SYSTEM MODERNIZATION.*—Section 4123(d) of *SAFETEA-*
18 *LU* (119 Stat. 1736) is amended—

19 (1) by striking “and” at the end of paragraph
20 (3);

21 (2) by striking the period at the end of para-
22 graph (4) and inserting “; and”; and

23 (3) by adding at the end the following:

24 “(5) \$8,000,000 for fiscal year 2010.”.

1 (f) *OUTREACH AND EDUCATION.*—Section 4127(e) of
2 *such Act (119 Stat. 1741) is amended by striking “and*
3 *2009” and inserting “2009, and 2010”.*

4 (g) *GRANT PROGRAM FOR COMMERCIAL MOTOR VEHI-*
5 *CLE OPERATORS.*—Section 4134(c) of *such Act (119 Stat.*
6 *1744) is amended by striking “2009” and inserting “2010”.*

7 (h) *WORKING GROUP FOR DEVELOPMENT OF PRAC-*
8 *TICES AND PROCEDURES TO ENHANCE FEDERAL-STATE*
9 *RELATIONS.*—Section 4213(d) of *such Act (119 Stat. 1759)*
10 *is amended by striking “2009” and inserting “2010”.*

11 (i) *OFFICE OF INTERMODALISM.*—Section 5503(i) of
12 *title 49, United States Code, is amended by striking “2009”*
13 *and inserting “2010”.*

14 *EXTENSION OF FEDERAL TRANSIT ASSISTANCE PROGRAMS*
15 *SEC. 2005. (a) EXTENSION OF TRANSIT PROGRAMS.*—
16 *Except as otherwise provided in this title, requirements, au-*
17 *thorities, conditions, eligibilities, limitations, and other*
18 *provisions authorized under title III of SAFETEA-LU*
19 *(119 Stat. 1544), the SAFETEA-LU Technical Corrections*
20 *Act of 2008 (122 Stat. 1572), title III of the Intermodal*
21 *Surface Transportation Efficiency Act of 1991 (105 Stat.*
22 *2087), title III of the Transportation Equity Act for the*
23 *21st Century (112 Stat. 338), and chapter 53 of title 49,*
24 *United States Code, which would otherwise expire on or*
25 *cease to apply after September 30, 2009, or the date speci-*
26 *fied in section 106(3) of the Continuing Appropriations*

1 *Resolution, 2010 (Public Law 111–68), are incorporated by*
2 *reference and shall continue in effect through September 30,*
3 *2010.*

4 *(b) AUTHORIZATIONS.—For fiscal year 2010—*

5 *(1) there shall be available from the Mass Tran-*
6 *sit Account of the Highway Trust Fund*
7 *\$8,343,171,000 for each Federal transit assistance*
8 *program under section 5338(b) of title 49, United*
9 *States Code, to be allocated among such programs in*
10 *proportion to the amounts provided for each such pro-*
11 *gram in fiscal year 2009; and*

12 *(2) there is authorized to be appropriated*
13 *\$2,164,581,000 for each Federal transit program*
14 *under subsections (c) and (d) of section 5338 of title*
15 *49, United States Code, and for administrative ex-*
16 *penditures under subsection (e) of such section.*

17 *(c) EXCEPTIONS.—*

18 *(1) PROJECTS FOR BUS AND BUS-RELATED FA-*
19 *CILITIES AND CLEAN FUELS GRANT PROGRAM.—The*
20 *project designations contained in section 3044 of*
21 *SAFETEA–LU (119 Stat. 1652) shall not apply to*
22 *funds made available under subsection (b)(1).*

23 *(2) ALLOCATIONS FOR NATIONAL RESEARCH AND*
24 *TECHNOLOGY PROGRAMS.—A program, project, or ac-*
25 *tivity identified in section 3046 of SAFETEA–LU*

1 (119 Stat. 1706) that the Secretary of Transportation
2 determines was sufficiently funded before or during
3 fiscal year 2009 to achieve the authorized purpose of
4 the program, project, or activity shall not be eligible
5 for funds authorized to be appropriated under sub-
6 section (b)(2).

7 (d) *CONTRACT AUTHORITY.*—A grant or contract ap-
8 proved by the Secretary and financed with amounts made
9 available from the Mass Transit Account of the Highway
10 Trust Fund through September 30, 2010, to carry out sec-
11 tions 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320,
12 5335, 5339 and 5340 of title 49, United States Code, and
13 section 3038 of the Transportation Equity Act for the 21st
14 Century (49 U.S.C. 5310 note; 112 Stat. 392) is a contrac-
15 tual obligation of the Government to pay the Federal share
16 of the cost of the project.

17 (e) *RECONCILIATION OF FUNDS.*—The Secretary shall
18 reduce the amount apportioned or allocated for a program,
19 project, or activity continued under this section by any
20 amount apportioned or allocated for such program, project,
21 or activity pursuant to the Continuing Appropriation Reso-
22 lution, 2010 (Public Law 111–68).

23 (f) *REFERENCES.*—Except as otherwise expressly pro-
24 vided, any reference in this section to an Act, or a provision

1 *contained in an Act, shall be considered to include the*
2 *amendments made by that Act or provision.*

3 *BOATING SAFETY EXTENSION*

4 *SEC. 2006. Section 4 of the Dingell-Johnson Sport*
5 *Fish Restoration Act (16 U.S.C. 777c) is amended—*

6 *(1) in subsection (a) by striking “2009, and the*
7 *period from October 1, 2009, through the date speci-*
8 *fied in section 106(3) of the first Continuing Appro-*
9 *propriations Resolution for Fiscal Year 2010 enacted*
10 *into law,” and inserting “2010,”; and*

11 *(2) in subsection (b)(1)(A) by striking “2009 and*
12 *the period from October 1, 2009, through the date*
13 *specified in section 106(3) of the first Continuing Ap-*
14 *propriations Resolution for Fiscal Year 2010 enacted*
15 *into law,” and inserting “2010,”.*

16 *LEVEL OF OBLIGATION LIMITATIONS*

17 *SEC. 2007. (a) HIGHWAY CATEGORY.—Section*
18 *8003(a) of SAFETEA-LU (119 Stat. 1917) is amended—*

19 *(1) by striking “and” at the end of paragraph*
20 *(4);*

21 *(2) by striking the period at the end of para-*
22 *graph (5) and inserting “; and”; and*

23 *(3) by adding at the end the following:*

24 *“(6) for fiscal year 2010, \$42,469,970,178.”.*

25 *(b) MASS TRANSIT CATEGORY.—Section 8003(b) of*
26 *SAFETEA-LU (119 Stat. 1917) is amended—*

1 (1) by striking “and” at the end of paragraph
2 (4);

3 (2) by striking the period at the end of para-
4 graph (5) and inserting “; and”; and

5 (3) by inserting after paragraph (5) the fol-
6 lowing:

7 “(6) for fiscal year 2010, \$10,338,065,000.”.

8 HAZARDOUS MATERIALS RESEARCH

9 SEC. 2008. Section 7131(c) of SAFETEA-LU (119
10 Stat. 1910) is amended by striking “2009” and inserting
11 “2010”.

12 EXTENSION AND EXPANSION OF EXPENDITURE AUTHORITY

13 FROM TRUST FUNDS

14 SEC. 2009. (a) HIGHWAY TRUST FUND.—

15 (1) HIGHWAY ACCOUNT.—Paragraph (1) of sec-
16 tion 9503(c) of the Internal Revenue Code of 1986 is
17 amended—

18 (A) by striking “September 30, 2009 (Octo-
19 ber 1, 2009” and inserting “September 30, 2010
20 (October 1, 2010”, and

21 (B) by striking “under” and all that follows
22 and inserting “under the Surface Transportation
23 Extension Act of 2009 or any other provision of
24 law which was referred to in this paragraph be-
25 fore the date of the enactment of such Act (as

1 *such Act and provisions of law are in effect on*
 2 *the date of the enactment of such Act).”.*

3 (2) *MASS TRANSIT ACCOUNT.*—*Paragraph (3) of*
 4 *section 9503(e) of such Code is amended—*

5 (A) *by striking “October 1, 2009” and in-*
 6 *serting “October 1, 2010”, and*

7 (B) *by striking “in accordance with” and*
 8 *all that follows and inserting “in accordance*
 9 *with the Surface Transportation Extension Act*
 10 *of 2009 or any other provision of law which was*
 11 *referred to in this paragraph before the date of*
 12 *the enactment of such Act (as such Act and pro-*
 13 *visions of law are in effect on the date of the en-*
 14 *actment of such Act).”.*

15 (3) *EXCEPTION TO LIMITATION ON TRANS-*
 16 *FERS.*—*Subparagraph (B) of section 9503(b)(6) of*
 17 *such Code is amended by striking “September 30,*
 18 *2009 (October 1, 2009” and inserting “September 30,*
 19 *2010 (October 1, 2010”.*

20 (b) *SPORT FISH RESTORATION AND BOATING TRUST*
 21 *FUND.*—

22 (1) *IN GENERAL.*—*Paragraph (2) of section*
 23 *9504(b) of such Code is amended—*

24 (A) *by striking “(as in effect” in subpara-*
 25 *graph (A) and all that follows in such subpara-*

1 *graph and inserting “(as in effect on the date of*
 2 *the enactment of the Surface Transportation Ex-*
 3 *tension Act of 2009),”*,

4 *(B) by striking “(as in effect” in subpara-*
 5 *graph (B) and all that follows in such subpara-*
 6 *graph and inserting “(as in effect on the date of*
 7 *the enactment of the Surface Transportation Ex-*
 8 *tension Act of 2009), and”, and*

9 *(C) by striking “(as in effect” in subpara-*
 10 *graph (C) and all that follows in such subpara-*
 11 *graph and inserting “(as in effect on the date of*
 12 *the enactment of the Surface Transportation Ex-*
 13 *tension Act of 2009).”*.

14 *(2) EXCEPTION TO LIMITATION ON TRANS-*
 15 *FERS.—Paragraph (2) of section 9504(d) of such Code*
 16 *is amended by striking “October 1, 2009” and insert-*
 17 *ing “October 1, 2010”.*

18 *(c) EFFECTIVE DATE.—The amendments made by this*
 19 *section shall take effect on September 30, 2009.*

20 *DETERMINATION OF HIGHWAY TRUST FUND BALANCES*

21 *SEC. 2010. (a) RESTORATION OF CERTAIN FOREGONE*
 22 *INTEREST TO HIGHWAY TRUST FUND.—Subsection (f) of*
 23 *section 9503 of the Internal Revenue Code of 1986 (relating*
 24 *to determination of trust fund balances after September 30,*
 25 *1998) is amended—*

26 *(1) by striking paragraph (2); and*

1 (2) *by adding at the end the following new para-*
2 *graph:*

3 “(2) *RESTORATION OF FOREGONE INTEREST.—*
4 *Out of money in the Treasury not otherwise appro-*
5 *propriated, there is hereby appropriated (without fiscal*
6 *year limitation)—*

7 “(A) \$14,700,000,000 to the Highway Ac-
8 *count (as defined in subsection (e)(5)(B)) of the*
9 *Highway Trust Fund, and*

10 “(B) \$4,800,000,000 to the Mass Transit
11 *Account of the Highway Trust Fund.”.*

12 (b) *REPEAL OF PROVISION PROHIBITING CREDITING*
13 *OF INTEREST TO HIGHWAY TRUST FUND.—*

14 (1) *IN GENERAL.—Paragraph (1) of section*
15 *9503(f) of such Code is amended by striking subpara-*
16 *graph (B).*

17 (2) *CONFORMING AMENDMENTS.—Such para-*
18 *graph, as amended by paragraph (1), is further*
19 *amended—*

20 (A) *by striking “, and” at the end of sub-*
21 *paragraph (A) and inserting a period, and*

22 (B) *by striking “1998” in the matter pre-*
23 *ceding subparagraph (A) and all that follows*
24 *through “the opening balance” and inserting*
25 *“1998, the opening balance”.*

1 *Technical Corrections Act of 2008 (122 Stat. 1572),*
2 *titles I through VI of the Intermodal Surface Trans-*
3 *portation Efficiency Act of 1991 (105 Stat. 1914), ti-*
4 *ties I through V of the Transportation Equity Act for*
5 *the 21st Century (112 Stat. 107), title 23, United*
6 *States Code, chapter 53 of title 49, United States*
7 *Code, chapter 303 of title 49, United States Code, or*
8 *part B of subtitle VI of title 49, United States Code.*

9 (2) *EXCLUSIONS.*—*Notwithstanding paragraph*
10 *(1), the term does not include a project or activity*
11 *funded pursuant to—*

12 (A) *section 1301 or 1302 of SAFETEA-LU*
13 *(119 Stat. 1198, 1204);*

14 (B) *section 5309(d) or 5309(e) of title 49,*
15 *United States Code;*

16 (C) *the national infrastructure investments*
17 *program in the Office of the Secretary of Trans-*
18 *portation; or*

19 (D) *section 122 of the Department of Trans-*
20 *portation Appropriations Act, 2010.*

21 (c) *REFERENCES.*—*Any reference in this section to an*
22 *Act, or a provision contained in an Act, shall be considered*
23 *to include the amendments made by that Act or provision.*

1 *BUY AMERICA REQUIREMENTS FOR HIGHWAY AND PUBLIC*
2 *TRANSPORTATION PROJECTS*

3 *SEC. 2013. (a) HIGHWAYS.—Section 313 of title 23,*
4 *United States Code, is amended—*

5 *(1) by redesignating subsections (c) through (f)*
6 *as subsections (e) through (h), respectively;*

7 *(2) by inserting after subsection (b) the fol-*
8 *lowing:*

9 *“(c) REQUIREMENTS FOR ISSUANCE OF WAIVERS.—*

10 *“(1) PUBLIC INTEREST WAIVERS.—The Secretary*
11 *may issue a waiver under subsection (b)(1) only after*
12 *the Secretary has considered the potential impacts of*
13 *the waiver on domestic manufacturing employment.*

14 *“(2) INSUFFICIENT DOMESTIC SOURCE WAIV-*
15 *ERS.—The Secretary may issue a waiver under sub-*
16 *section (b)(2) with respect to a material or product*
17 *only if the Secretary publishes notice of the waiver on*
18 *the Internet for a period of at least 5 business days*
19 *prior to issuance of the waiver and a sufficient do-*
20 *mestic source of the material or product does not*
21 *identify itself during the period.*

22 *“(d) TRANSPARENCY OF WAIVERS.—*

23 *“(1) IN GENERAL.—When the Secretary receives*
24 *a written request for a waiver under this section, the*
25 *Secretary shall—*

1 “(A) publish the request on the Internet
2 within 5 business days of the date of receipt of
3 the request; and

4 “(B) if the Secretary decides to issue a
5 waiver based on the request, publish on the Inter-
6 net, within 30 days following the date of
7 issuance of the waiver, a detailed written jus-
8 tification as to why the waiver is necessary, in-
9 cluding an identification of the amount of Fed-
10 eral funds associated with the waiver.

11 “(2) *EMPLOYMENT IMPACT STATEMENT.*—In
12 issuing a waiver based on a finding under subsection
13 (b)(1), the Secretary shall include, as part of the Sec-
14 retary’s written justification for the waiver decision,
15 a statement detailing the short- and long-term impact
16 of the decision on domestic manufacturing employ-
17 ment.”; and

18 (3) by adding at the end the following:

19 “(i) *APPLICATION TO BRIDGE PROJECTS.*—In the case
20 of a bridge project, the requirements of this section apply
21 to all construction contracts carried out within the scope
22 of the applicable decision under the National Environ-
23 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and
24 carried out on the bridge from abutment to abutment (in-
25 cluding the abutments) regardless of the funding source of

1 *the contracts if at least one contract for construction with*
2 *respect to the bridge is funded with amounts made available*
3 *under this title.”.*

4 (b) *PUBLIC TRANSPORTATION.*—Section 5323(j) of
5 *title 49, United States Code, is amended—*

6 (1) *in paragraph (2)(C) in the matter preceding*
7 *clause (i) by inserting “, but excluding a rolling stock*
8 *prototype” after “equipment”;*

9 (2) *by redesignating paragraphs (3) through (9)*
10 *as paragraphs (5) through (11), respectively; and*

11 (3) *by inserting after paragraph (2) the fol-*
12 *lowing:*

13 “(3) *REQUIREMENTS FOR ISSUANCE OF WAIV-*
14 *ER.*—

15 “(A) *PUBLIC INTEREST WAIVERS.*—*The Sec-*
16 *retary may issue a waiver under paragraph*
17 *(2)(A) only after the Secretary has considered*
18 *the potential impacts of the waiver on domestic*
19 *manufacturing employment.*

20 “(B) *INSUFFICIENT DOMESTIC SOURCE*
21 *WAIVERS.*—*The Secretary may issue a waiver*
22 *under paragraph (2)(B) with respect to a mate-*
23 *rial or product only if the Secretary publishes*
24 *notice of the waiver on the Internet for a period*
25 *of at least 5 business days prior to issuance of*

1 *the waiver and a sufficient domestic source of the*
2 *material or product does not identify itself dur-*
3 *ing the period.*

4 “(4) *TRANSPARENCY OF WAIVERS.—*

5 “(A) *IN GENERAL.—When the Secretary re-*
6 *ceives a written request for a waiver under this*
7 *subsection, the Secretary shall—*

8 “(i) *publish the request on the Internet*
9 *within 5 business days of the date of receipt*
10 *of the request; and*

11 “(ii) *if the Secretary decides to issue a*
12 *waiver based on the request, publish on the*
13 *Internet, within 30 days following the date*
14 *of issuance of the waiver, a detailed written*
15 *justification as to why the waiver is nec-*
16 *essary, including an identification of the*
17 *amount of Federal funds associated with the*
18 *waiver.*

19 “(B) *EMPLOYMENT IMPACT STATEMENT.—*
20 *In issuing a waiver based on a finding under*
21 *paragraph (2)(A), the Secretary shall include, as*
22 *part of the Secretary’s written justification of the*
23 *waiver decision, a statement detailing the short-*
24 *and long-term impact of the decision on domestic*
25 *manufacturing employment.”.*

1 (c) *IMPLEMENTATION.*—

2 (1) *FINAL GUIDANCE.*—*Not later than 120 days*
3 *after the date of enactment of this Act, the Secretary*
4 *shall issue final guidance to carry out the amend-*
5 *ments made by this section.*

6 (2) *EFFECTIVE DATE.*—*The requirements of the*
7 *amendments made by subsections (a) and (b) shall*
8 *begin to apply only after issuance of final guidance*
9 *by the Secretary under paragraph (1).*

10 (d) *SEMIANNUAL REPORT.*—*Not later than 6 months*
11 *after the date of enactment of this Act, and semiannually*
12 *thereafter through September 30, 2011, the Comptroller*
13 *General shall submit to the Committee on Transportation*
14 *and Infrastructure and the Committee on Education and*
15 *Labor of the House of Representatives and the Committee*
16 *on Environment and Public Works, the Committee on*
17 *Banking, Housing, and Urban Affairs, and the Committee*
18 *on Health, Education, Labor, and Pensions of the Senate*
19 *a report on the number of waivers issued by the Secretary*
20 *of Transportation under section 313(b) of title 23, United*
21 *States Code, and section 5323(j)(2) of title 49, United*
22 *States Code, the reasons relied upon for issuing the waivers,*
23 *and the amount of Federal funds associated with each waiv-*
24 *er and in total for the period examined.*

1 *TITLE III—UNEMPLOYMENT AND OTHER*
2 *EMERGENCY NEEDS*

3 *CHAPTER 1—AGRICULTURE AND RURAL*
4 *DEVELOPMENT*

5 *DEPARTMENT OF AGRICULTURE*

6 *GENERAL PROVISION, THIS CHAPTER*

7 *RELIEF FOR DISCRIMINATION IN A CREDIT PROGRAM OF*
8 *THE DEPARTMENT OF AGRICULTURE UNDER THE*
9 *EQUAL CREDIT OPPORTUNITY ACT*

10 *SEC. 3101. (a) IN GENERAL.—To the extent permitted*
11 *by the Constitution, and notwithstanding any other period*
12 *of limitations, in the case of an eligible complaint alleging*
13 *discrimination in violation of the Equal Credit Oppor-*
14 *tunity Act (15 U.S.C. 1691) involving a credit program of*
15 *the Department of Agriculture, a complainant may, before*
16 *the end of the filing period—*

17 (1) *file a civil action under subsection (c); or*

18 (2) *request administrative review under sub-*
19 *section (d).*

20 *(b) ELIGIBLE COMPLAINT.—For purposes of this sec-*
21 *tion, the term “eligible complaint” means any written com-*
22 *plaint—*

23 (1) *that is not employment related;*

1 (2) *that was filed with the Department of Agri-*
2 *culture after December 31, 1997, and before the ear-*
3 *lier of—*

4 (A) *2 years after the date of the alleged vio-*
5 *lation of the Equal Credit Opportunity Act; and*

6 (B) *the date of the enactment of this Act;*
7 *and*

8 (3) *with respect to which the complainant—*

9 (A) *was not a party to the consent decree*
10 *in the case entitled “Pigford v. Glickman”, ap-*
11 *proved by the United States District Court for*
12 *the District of Columbia on April 14, 1999; and*

13 (B) *has not obtained relief from the Depart-*
14 *ment of Agriculture or a court of competent ju-*
15 *risdiction.*

16 (c) *CIVIL ACTION.—A civil action may be filed under*
17 *this subsection if, with respect to the eligible complaint, the*
18 *complainant—*

19 (1) *has not requested administrative review; or*

20 (2) *has requested administrative review, and the*
21 *Secretary, with respect to each request, has either—*

22 (A) *issued a determination; or*

23 (B) *failed to issue a determination by a*
24 *date that is 180 days after the date such request*
25 *was made.*

1 (d) *ADMINISTRATIVE REVIEW.*—*Administrative review*
2 *may be requested under this subsection as follows:*

3 (1) *DETERMINATION ON THE MERITS.*—*A com-*
4 *plainant may request a determination on the merits*
5 *if the complainant, with respect to the eligible com-*
6 *plaint, has not filed a civil action.*

7 (2) *HEARING ON THE RECORD.*—*A complainant*
8 *may request a hearing on the record if the complain-*
9 *ant, with respect to the eligible complaint—*

10 (A) *has not filed a civil action;*

11 (B) *has requested a determination on the*
12 *merits, and the Secretary has not issued such de-*
13 *termination by the issuance deadline in sub-*
14 *section (f)(2)(A); and*

15 (C) *requests such hearing no later than 180*
16 *days after the issuance deadline in subsection*
17 *(f)(2)(A).*

18 (e) *INFORMAL RESOLUTION.*—*Notwithstanding any*
19 *other provision of this section, the Secretary may infor-*
20 *mally resolve an eligible complaint with a complainant.*

21 (f) *SPECIAL RULES FOR ADMINISTRATIVE REVIEW.*—
22 *For purposes of this section:*

23 (1) *REQUESTS FOR ADMINISTRATIVE REVIEW.*—
24 *A request for administrative review shall be—*

25 (A) *in writing; and*

1 (B) filed in accordance with procedures es-
2 tablished by the Secretary.

3 (2) *RESPONSIBILITY OF SECRETARY.*—If a com-
4 plainant requests a determination on the merits
5 under subsection (d)(1), then, unless a complainant,
6 with respect to the eligible complaint, files a civil ac-
7 tion or requests a hearing on the record, the Secretary
8 shall, with respect to the eligible complaint, take the
9 following actions:

10 (A) *ISSUANCE OF DETERMINATION.*—The
11 Secretary shall, not later than an issuance dead-
12 line that is 1 year after the date on which the
13 complainant requests a determination on the
14 merits—

15 (i) investigate the eligible complaint;

16 and

17 (ii) issue a written determination.

18 (B) *NOTICE OF FAILURE TO ISSUE TIMELY*
19 *DETERMINATION.*—If the Secretary does not issue
20 a written determination by the issuance deadline
21 in subparagraph (A), the Secretary shall
22 promptly issue to the complainant, in writing
23 and by registered mail, notice—

24 (i) that the Secretary has not issued a
25 timely determination; and

1 (ii) of the period of time during which
2 the complainant may bring a civil action or
3 request a hearing on the record.

4 (3) *FINALITY OF DETERMINATION WITH RESPECT*
5 *TO HEARING ON THE RECORD.*—A determination with
6 respect to a hearing on the record shall be final.

7 (4) *JUDICIAL REVIEW OF ADMINISTRATIVE DE-*
8 *TERMINATION.*—A determination on the merits or a
9 determination with respect to a hearing on the record
10 shall be subject to *de novo* review.

11 (g) *FILING PERIOD.*—

12 (1) *IN GENERAL.*—For purposes of this section,
13 the term “filing period” means the 2-year period be-
14 ginning on the date of enactment of this Act.

15 (2) *TOLLING.*—The running of the filing period
16 in paragraph (1), for the purpose of filing a civil ac-
17 tion under subsection (c) or requesting a hearing on
18 the record under subsection (d)(2), shall be tolled for
19 the period that, with respect to the eligible com-
20 plaint—

21 (A) begins on the date of a request for a de-
22 termination on the merits; and

23 (B) ends on the date on which the Secretary
24 issues a determination with respect to a deter-

1 *mination on the merits or a hearing on the*
2 *record.*

3 *(h) RELIEF.—*

4 *(1) AMOUNT.—Subject to paragraph (2), a com-*
5 *plainant shall, under subsection (a), and may, under*
6 *subsection (e), be awarded such relief as the complain-*
7 *ant would be afforded under the Equal Credit Oppor-*
8 *tunity Act, including—*

9 *(A) actual damages;*

10 *(B) the costs of the action, together with a*
11 *reasonable attorney's fee; and*

12 *(C) debt relief, including—*

13 *(i) write-downs or write-offs of the*
14 *principal on a loan;*

15 *(ii) write-downs or write-offs of the in-*
16 *terest on a loan;*

17 *(iii) reduction of the interest rate on a*
18 *loan;*

19 *(iv) waiver or reduction of penalties*
20 *with respect to a loan; or*

21 *(v) other modification of the terms of a*
22 *loan.*

23 *(2) LIMITATIONS ON RELIEF.—*

1 (A) *IN GENERAL.*—*The total amount*
2 *awarded under this section for all claims shall*
3 *not exceed \$100,000,000.*

4 (B) *ACTUAL DAMAGES, COSTS, AND ATTOR-*
5 *NEY'S FEES.*—*The sum of the total amount*
6 *awarded under paragraph (1)(A) for all claims,*
7 *plus the total amount awarded under paragraph*
8 *(1)(B) for all claims, shall not exceed*
9 *\$40,000,000.*

10 (C) *DEBT RELIEF.*—*The total amount*
11 *awarded under paragraph (1)(C) for all claims*
12 *shall not exceed \$60,000,000.*

13 (3) *EXEMPTION FROM TAXATION.*—*Any award*
14 *under clauses (ii), (iii), or (iv) of subparagraph (C)*
15 *of paragraph (1) shall not be included in gross in-*
16 *come for purposes of chapter 1 of the Internal Rev-*
17 *enue Code of 1986.*

18 (i) *FUNDING.*—

19 (1) *There is hereby appropriated to the Sec-*
20 *retary, for relief awarded under subsection (h)(1),*
21 *\$100,000,000, to remain available until expended.*

22 (2) *Of the funds derived from interest on the*
23 *cushion of credit payments including funds in the*
24 *current fiscal year, as authorized by section 313 of the*
25 *Rural Electrification Act of 1936, an additional*

1 \$100,000,000 shall not be obligated and an additional
2 \$100,000,000 are rescinded.

3 (j) *SECRETARY*.—For purposes of this section, the term
4 “Secretary” means the Secretary of Agriculture.

5 *CHAPTER 2—FINANCIAL SERVICES AND*
6 *GENERAL GOVERNMENT*

7 *SMALL BUSINESS ADMINISTRATION*

8 *BUSINESS LOANS PROGRAM ACCOUNT*

9 For an additional amount for “Business Loans Pro-
10 gram Account” for fee reductions and eliminations under
11 section 501 of division A of the American Recovery and
12 Reinvestment Act of 2009 (Public Law 111–5) and for the
13 cost of guaranteed loans under section 502 of such division,
14 \$354,000,000: Provided, That such cost shall be as defined
15 in section 502 of the Congressional Budget Act of 1974: Pro-
16 vided further, That authority to guarantee loans under sec-
17 tion 502 of division A of the American Recovery and Rein-
18 vestment Act of 2009 shall remain in effect through Sep-
19 tember 30, 2010, notwithstanding subsection (f) of such sec-
20 tion.

21 *GENERAL PROVISION, THIS CHAPTER*

22 *RESCISSIONS*

23 *SEC. 3201. The following funds are hereby rescinded*
24 *from the following accounts and programs in the specified*
25 *amounts:*

1 (1) “*National Telecommunications and Informa-*
 2 *tion Administration—Digital-to-Analog Converter*
 3 *Box Program*” in the Department of Commerce,
 4 \$111,000,000.

5 (2) “*Special Supplemental Nutrition Program*
 6 *for Women, Infants, and Children (WIC)*” of the De-
 7 *partment of Agriculture, \$243,000,000, to be derived*
 8 *from unobligated balances available from amounts*
 9 *placed in reserve in title I of division A of the Amer-*
 10 *ican Recovery and Reinvestment Act of 2009 (Public*
 11 *Law 111–5; 123 Stat. 115).*

12 CHAPTER 3—LABOR, HEALTH AND HUMAN

13 SERVICES, AND EDUCATION

14 GENERAL PROVISIONS, THIS CHAPTER

15 ASSISTANCE FOR UNEMPLOYED WORKERS AND STRUGGLING

16 FAMILIES

17 SEC. 3301. (a)(1) Section 4007 of the Supplemental
 18 Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C.
 19 3304 note) is amended—

20 (A) by striking “December 31, 2009” each place
 21 it appears and inserting “June 30, 2010”;

22 (B) in the heading for subsection (b)(2), by strik-
 23 ing “DECEMBER 31, 2009” and inserting “JUNE 30,
 24 2010”; and

1 (C) in subsection (b)(3), by striking “May 31,
2 2010” and inserting “November 30, 2010”.

3 (2) Section 2002(e) of the Assistance for Unemployed
4 Workers and Struggling Families Act, as contained in Pub-
5 lic Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is
6 amended—

7 (A) in paragraph (1)(B), by striking “January
8 1, 2010” and inserting “July 1, 2010”;

9 (B) in the heading for paragraph (2), by strik-
10 ing “JANUARY 1, 2010” and inserting “JULY 1, 2010”;
11 and

12 (C) in paragraph (3), by striking “June 30,
13 2010” and inserting “December 31, 2010”.

14 (3) Section 2005 of the Assistance for Unemployed
15 Workers and Struggling Families Act, as contained in Pub-
16 lic Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is
17 amended—

18 (A) by striking “January 1, 2010” each place it
19 appears and inserting “July 1, 2010”; and

20 (B) in subsection (c), by striking “June 1, 2010”
21 and inserting “December 1, 2010”.

22 (4) Section 5 of the Unemployment Compensation Ex-
23 tension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304
24 note) is amended by striking “May 30, 2010” and inserting
25 “November 30, 2010”.

1 (b) *Section 4004(e)(1) of the Supplemental Appropria-*
2 *tions Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note)*
3 *is amended by striking “by reason of” and all that follows*
4 *and inserting the following: “by reason of—*

5 *“(A) the amendments made by section*
6 *2001(a) of the Assistance for Unemployed Work-*
7 *ers and Struggling Families Act;*

8 *“(B) the amendments made by sections 2*
9 *through 4 of the Worker, Homeownership, and*
10 *Business Assistance Act of 2009; and*

11 *“(C) the amendments made by section*
12 *3301(a)(1) of the Jobs for Main Street Act, 2010;*
13 *and”.*

14 *EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE*
15 *FOR COBRA BENEFITS*

16 *SEC. 3302. (a) EXTENSION OF ELIGIBILITY PERIOD.—*
17 *Subsection (a)(3)(A) of section 3001 of division B of the*
18 *American Recovery and Reinvestment Act of 2009 (Public*
19 *Law 111–5) is amended by striking “December 31, 2009”*
20 *and inserting “June 30, 2010”.*

21 (i) *EXTENSION OF MAXIMUM DURATION OF ASSIST-*
22 *ANCE.—Subsection (a)(2)(A)(i)(I) of such section is*
23 *amended by striking “9 months” and inserting “15*
24 *months”.*

1 (c) *RULES RELATED TO 2009 EXTENSION.*—Sub-
2 *section (a) of such section is further amended by adding*
3 *at the end the following:*

4 “(16) *RULES RELATED TO 2009 EXTENSION.*—

5 “(A) *ELECTION TO PAY PREMIUMS RETRO-*
6 *ACTIVELY AND MAINTAIN COBRA COVERAGE.*—*In*
7 *the case of any premium for a period of coverage*
8 *during an assistance eligible individual’s transi-*
9 *tion period, such individual shall be treated for*
10 *purposes of any COBRA continuation provision*
11 *as having timely paid the amount of such pre-*
12 *mium if—*

13 “(i) *such individual was covered under*
14 *the COBRA continuation coverage to which*
15 *such premium relates for the period of cov-*
16 *erage immediately preceding such transition*
17 *period, and*

18 “(ii) *such individual pays, not later*
19 *than 60 days after the date of the enactment*
20 *of this paragraph (or, if later, 30 days after*
21 *the date of provision of the notification re-*
22 *quired under subparagraph (D)(ii)), the*
23 *amount of such premium, after the applica-*
24 *tion of paragraph (1)(A).*

1 “(B) *REFUNDS AND CREDITS FOR RETRO-*
2 *ACTIVE PREMIUM ASSISTANCE ELIGIBILITY.*—*In*
3 *the case of an assistance eligible individual who*
4 *pays, with respect to any period of COBRA con-*
5 *tinuation coverage during such individual’s*
6 *transition period, the premium amount for such*
7 *coverage without regard to paragraph (1)(A),*
8 *rules similar to the rules of paragraph (12)(E)*
9 *shall apply.*

10 “(C) *TRANSITION PERIOD.*—

11 “(i) *IN GENERAL.*—*For purposes of*
12 *this paragraph, the term ‘transition period’*
13 *means, with respect to any assistance eligi-*
14 *ble individual, any period of coverage if—*

15 “(I) *such period begins before the*
16 *date of the enactment of this para-*
17 *graph, and*

18 “(II) *paragraph (1)(A) applies to*
19 *such period by reason of the amend-*
20 *ment made by section 3302(b) of the*
21 *Jobs for Main Street Act, 2010.*

22 “(ii) *CONSTRUCTION.*—*Any period*
23 *during the period described in subclauses*
24 *(I) and (II) of clause (i) for which the ap-*
25 *plicable premium has been paid pursuant*

1 to subparagraph (A) shall be treated as a
2 period of coverage referred to in such para-
3 graph, irrespective of any failure to timely
4 pay the applicable premium (other than
5 pursuant to subparagraph (A)) for such pe-
6 riod.

7 “(D) NOTIFICATION.—

8 “(i) IN GENERAL.—In the case of an
9 individual who was an assistance eligible
10 individual at any time on or after October
11 31, 2009, or experiences a qualifying event
12 (consisting of a reduction of hours or termi-
13 nation of employment) relating to COBRA
14 continuation coverage on or after such date,
15 the administrator of the group health plan
16 (or other entity) involved shall provide an
17 additional notification with information re-
18 garding the amendments made by the Jobs
19 for Main Street Act, 2010 within 60 days
20 after the date of the enactment of such Act
21 or, in the case of a qualifying event occur-
22 ring after such date of enactment, consistent
23 with the timing of notifications under para-
24 graph (7)(A).

1 “(ii) *TO INDIVIDUALS WHO LOST AS-*
2 *SISTANCE.—In the case of an assistance eli-*
3 *gible individual described in subparagraph*
4 *(A)(i) who did not timely pay the premium*
5 *for any period of coverage during such indi-*
6 *vidual’s transition period or paid the pre-*
7 *mium for such period without regard to*
8 *paragraph (1)(A), the administrator of the*
9 *group health plan (or other entity) involved*
10 *shall provide to such individual, within the*
11 *first 60 days of such individual’s transition*
12 *period, an additional notification with in-*
13 *formation regarding the amendments made*
14 *by the Jobs for Main Street Act, 2010, in-*
15 *cluding information on the ability under*
16 *subparagraph (A) to make retroactive pre-*
17 *mium payments with respect to the transi-*
18 *tion period of the individual in order to*
19 *maintain COBRA continuation coverage.*

20 “(iii) *APPLICATION OF RULES.—Rules*
21 *similar to the rules of paragraph (7) shall*
22 *apply with respect to notifications under*
23 *this subparagraph.”.*

24 (d) *CLARIFICATIONS RELATING TO SECTION 3001 OF*
25 *ARRA.—*

1 (1) *CLARIFICATION THAT ELIGIBILITY AND NO-*
2 *TICE IS BASED ON TIMING OF QUALIFYING EVENT.—*

3 *Subsection (a) of such section is amended—*

4 (A) *in paragraph (3)(A)—*

5 (i) *by striking “at any time” and in-*
6 *serting “such qualified beneficiary is eligi-*
7 *ble for COBRA continuation coverage re-*
8 *lated to a qualifying event occurring”; and*

9 (ii) *by striking “, such qualified bene-*
10 *ficiary is eligible for COBRA continuation*
11 *coverage”; and*

12 (B) *in paragraph (7)(A), by striking “be-*
13 *come entitled to elect COBRA continuation cov-*
14 *erage” and inserting “have a qualifying event re-*
15 *lating to COBRA continuation coverage”.*

16 (2) *CLARIFICATION REGARDING RETIREE COV-*
17 *ERAGE.—Subsection (a)(2)(A)(i) of such section is*
18 *amended by inserting “coverage under a retiree health*
19 *plan,” after “other than”.*

20 (3) *CLARIFICATION REGARDING COBRA CONTINU-*
21 *ATION RESULTING FROM REDUCTIONS IN HOURS.—*

22 *Subsection (a) of such section is further amended—*

23 (A) *in paragraph (3)(C), by inserting before*
24 *the period at the end the following: “or consists*
25 *of a reduction of hours followed by such an in-*

1 *voluntary termination of employment during*
2 *such period”*; and

3 *(B) by adding at the end the following:*

4 “(17) *SPECIAL RULES IN CASE OF INDIVIDUALS*
5 *LOSING COVERAGE BECAUSE OF A REDUCTION OF*
6 *HOURS.—*

7 “(A) *NEW ELECTION PERIOD.—*

8 “(i) *IN GENERAL.—For the purposes of*
9 *the COBRA continuation provisions, in the*
10 *case of an individual described in subpara-*
11 *graph (C) who did not make (or who made*
12 *and discontinued) an election of COBRA*
13 *continuation coverage on the basis of the re-*
14 *duction of hours of employment, the invol-*
15 *untary termination of employment of such*
16 *individual after the date of the enactment of*
17 *the Jobs for Main Street Act, 2010, shall be*
18 *treated as a qualifying event.*

19 “(ii) *COUNTING COBRA DURATION PE-*
20 *RIOD FROM PREVIOUS QUALIFYING*
21 *EVENT.—In any case of an individual re-*
22 *ferred to in clause (i), the period of such in-*
23 *dividual’s continuation coverage shall be de-*
24 *termined as though the qualifying event*
25 *were the reduction of hours of employment.*

1 “(iii) *CONSTRUCTION.*—*Nothing in*
2 *this paragraph shall be construed as requir-*
3 *ing an individual referred to in clause (i)*
4 *to make a payment for COBRA continu-*
5 *ation coverage between the reduction of*
6 *hours and the involuntary termination of*
7 *employment.*

8 “(iv) *PREEXISTING CONDITIONS.*—
9 *With respect to an individual referred to in*
10 *clause (i) who elects COBRA continuation*
11 *coverage pursuant to such clause, rules*
12 *similar to the rules in paragraph (4)(C)*
13 *shall apply.*

14 “(B) *NOTICES.*—*In the case of an indi-*
15 *vidual described in subparagraph (C), the ad-*
16 *ministrator of the group health plan (or other*
17 *entity) involved shall provide, during the 60-day*
18 *period beginning on the date of such individual’s*
19 *termination of employment, an additional notifi-*
20 *cation described in paragraph (7)(A), including*
21 *information on the provisions of this paragraph.*
22 *Rules similar to the rules of paragraph (7) shall*
23 *apply with respect to such notification.*

24 “(C) *INDIVIDUALS DESCRIBED.*—*Individ-*
25 *uals described in this subparagraph are individ-*

1 uals who are assistance eligible individuals on
2 the basis of a qualifying event consisting of a re-
3 duction of hours occurring during the period de-
4 scribed in paragraph (3)(A) followed by an in-
5 voluntary termination of employment insofar as
6 such termination of employment occurred after
7 the date of the enactment of the Jobs for Main
8 Street Act, 2010.”.

9 (4) *CLARIFICATION OF PERIOD OF ASSIST-*
10 *ANCE.*—Subsection (a)(2)(A)(ii)(I) of such section is
11 amended by striking “of the first month”.

12 (5) *ENFORCEMENT.*—Subsection (a)(5) of such
13 section is amended by adding at the end the fol-
14 lowing: “In addition to civil actions that may be
15 brought to enforce applicable provisions of such Act or
16 other laws, the appropriate Secretary or an affected
17 individual may bring a civil action to enforce such
18 determinations and for appropriate relief. In addi-
19 tion, such Secretary may assess a penalty against a
20 plan sponsor or health insurance issuer of not more
21 than \$110 per day for each failure to comply with
22 such determination of such Secretary after 10 days
23 after the date of the plan sponsor’s or issuer’s receipt
24 of the determination.”.

1 (6) *AMENDMENTS RELATING TO SECTION 3001 OF*
2 *ARRA.—*

3 (A) *Subsection (g) of section 35 of the Inter-*
4 *nal Revenue Code of 1986 is amended by strik-*
5 *ing “section 3002(a) of the Health Insurance As-*
6 *istance for the Unemployed Act of 2009” and*
7 *inserting “section 3001(a) of title III of division*
8 *B of the American Recovery and Reinvestment*
9 *Act of 2009”.*

10 (B) *Section 139C of such Code is amended*
11 *by striking “section 3002 of the Health Insur-*
12 *ance Assistance for the Unemployed Act of 2009”*
13 *and inserting “section 3001 of title III of divi-*
14 *sion B of the American Recovery and Reinvest-*
15 *ment Act of 2009”.*

16 (C) *Section 6432 of such Code is amend-*
17 *ed—*

18 (i) *in subsection (a), by striking “sec-*
19 *tion 3002(a) of the Health Insurance Assist-*
20 *ance for the Unemployed Act of 2009” and*
21 *inserting “section 3001(a) of title III of di-*
22 *vision B of the American Recovery and Re-*
23 *investment Act of 2009”;*

24 (ii) *in subsection (c)(3), by striking*
25 *“section 3002(a)(1)(A) of such Act” in sub-*

1 *section (c)(3) and inserting “section*
2 *3001(a)(1)(A) of title III of division B of*
3 *the American Recovery and Reinvestment*
4 *Act of 2009”; and*

5 *(iii) by redesignating subsections (e)*
6 *and (f) as subsections (f) and (g), respec-*
7 *tively, and inserting after subsection (d) the*
8 *following new subsection:*

9 “(e) *EMPLOYER DETERMINATION OF QUALIFYING*
10 *EVENT AS INVOLUNTARY TERMINATION.—For purposes of*
11 *this section, in any case in which—*

12 “(1) *based on a reasonable interpretation of sec-*
13 *tion 3001(a)(3)(C) of division B of the American Re-*
14 *covery and Reinvestment Act of 2009 and adminis-*
15 *trative guidance thereunder, an employer determines*
16 *that the qualifying event with respect to COBRA con-*
17 *tinuation coverage for an individual was involuntary*
18 *termination of a covered employee’s employment, and*

19 “(2) *the employer maintains supporting docu-*
20 *mentation of the determination, including an attesta-*
21 *tion by the employer of involuntary termination with*
22 *respect to the covered employee,*

23 *the qualifying event for the individual shall be deemed to*
24 *be involuntary termination of the covered employee’s em-*
25 *ployment.”.*

1 (D) Subsection (a) of section 6720C of such
2 Code is amended by striking “section
3 3002(a)(2)(C) of the Health Insurance Assistance
4 for the Unemployed Act of 2009” and inserting
5 “section 3001(a)(2)(C) of title III of division B
6 of the American Recovery and Reinvestment Act
7 of 2009”.

8 (e) *EFFECTIVE DATE.*—The amendments made by this
9 section shall take effect as if included in the provisions of
10 section 3001 of division B of the American Recovery and
11 Reinvestment Act of 2009 to which they relate, except
12 that—

13 (1) the amendments made by subsections (d)(2)
14 and (d)(3) shall apply to periods of coverage begin-
15 ning after the date of the enactment of this Act; and

16 (2) the amendment made by subsection (d)(5)
17 shall take effect on the date of the enactment of this
18 Act.

19 *EXTENSION OF RECOVERY ACT INCREASE IN FMAP*

20 *SEC. 3303. Section 5001 of the American Recovery and*
21 *Reinvestment Act of 2009 (Public Law 111–5) is amend-*
22 *ed—*

23 (1) in subsection (a)(3), by striking “first cal-
24 endar quarter” and inserting “first 3 calendar quar-
25 ters”;

1 (2) *in subsection (b)(2), by inserting before the*
 2 *period at the end the following: “and such paragraph*
 3 *shall not apply to calendar quarters beginning on or*
 4 *after October 1, 2010”;*

5 (3) *in subsection (c)(4)(C)(ii), by striking “De-*
 6 *cember 2009” and “January 2010” and inserting*
 7 *“June 2010” and “July 2010”, respectively;*

8 (4) *in subsection (d), by inserting “ending before*
 9 *October 1, 2010” after “entire fiscal years” and after*
 10 *“with respect to fiscal years”;*

11 (5) *in subsection (g)(1), by striking “September*
 12 *30, 2011” and inserting “March 31, 2012”; and*

13 (6) *in subsection (h)(3), by striking “December*
 14 *31, 2010” and inserting “June 30, 2011”.*

15 *REPEAL OF EARNED INCOME THRESHOLD FOR DETER-*
 16 *MINING REFUNDABLE PORTION OF CHILD TAX CREDIT*

17 *SEC. 3304. (a) IN GENERAL.—Clause (i) of section*
 18 *24(d)(1)(B) of the Internal Revenue Code of 1986 is amend-*
 19 *ed to read as follows:*

20 *“(i) 15 percent of the taxpayer’s*
 21 *earned income (within the meaning of sec-*
 22 *tion 32) which is taken into account in*
 23 *computing taxable income, or”.*

24 **(b) CONFORMING AMENDMENTS.—***Subsection (d) of*
 25 *section 24 of such Code is amended—*

26 *(1) by striking paragraph (3), and*

1 **“SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRA-**
2 **TION OF FEDERAL PROGRAMS AND FEDER-**
3 **ALLY ASSISTED PROGRAMS.**

4 “(a) *IN GENERAL.*—Notwithstanding any other provi-
5 sion of law, any refund (or advance payment with respect
6 to a refundable credit) made to any individual under this
7 title shall not be taken into account as income, and shall
8 not be taken into account as resources for the month of re-
9 ceipt and the following 11 months, for purposes of deter-
10 mining the eligibility of such individual (or any other indi-
11 vidual) for benefits or assistance (or the amount or extent
12 of benefits or assistance) under any Federal program or
13 under any State or local program financed in whole or in
14 part with Federal funds.

15 “(b) *TERMINATION.*—Subsection (a) shall not apply to
16 any amount received after December 31, 2010.”.

17 (b) *CLERICAL AMENDMENT.*—The table of sections for
18 such subchapter is amended by adding at the end the fol-
19 lowing new item:

“Sec. 6409. Refunds disregarded in the administration of Federal programs and
Federally assisted programs.”.

20 (c) *EFFECTIVE DATE.*—The amendment made by this
21 section shall apply to amounts received after December 31,
22 2009.

1 *PERMANENT EXTENSION OF FEE WITHHOLDING PROCE-*
2 *DURES TO TITLE XVI AND TO QUALIFIED NON-ATTOR-*
3 *NEY REPRESENTATIVES*

4 *SEC. 3307. (a) PERMANENT EXTENSION OF ATTORNEY*
5 *FEE WITHHOLDING PROCEDURES TO TITLE XVI.—*

6 (1) *IN GENERAL.—Section 302 of the Social Se-*
7 *curity Protection Act of 2004 (Public Law 108–203;*
8 *118 Stat. 519) is amended—*

9 (A) *in the section heading, by striking*
10 *“TEMPORARY”; and*

11 (B) *in subsection (c), by striking “EFFEC-*
12 *TIVE DATE.—” and all that follows through “The*
13 *amendments” and inserting “EFFECTIVE*
14 *DATE.—The amendments”, and by striking*
15 *paragraph (2).*

16 (2) *CLERICAL AMENDMENT.—The item relating*
17 *to section 302 in the table of contents in section 1(b)*
18 *of such Act is amended by striking “Temporary ex-*
19 *tension” and inserting “Extension”.*

20 (b) *PERMANENT EXTENSION OF FEE WITHHOLDING*
21 *PROCEDURES TO QUALIFIED NON-ATTORNEY REPRESENTA-*
22 *TIVES.—*

23 (1) *IN GENERAL.—Section 206 of the Social Se-*
24 *curity Act (42 U.S.C. 406) is amended by adding at*
25 *the end the following new subsection:*

1 “(e)(1) *The Commissioner shall provide for the exten-*
2 *sion of the fee withholding procedures and assessment proce-*
3 *dures that apply under the preceding provisions of this sec-*
4 *tion to agents and other persons, other than attorneys, who*
5 *represent claimants under this title before the Commis-*
6 *sioner.*

7 “(2) *Fee-withholding procedures may be extended*
8 *under paragraph (1) to any nonattorney representative*
9 *only if such representative meets at least the following pre-*
10 *requisites:*

11 “(A) *The representative has been awarded a*
12 *bachelor’s degree from an accredited institution of*
13 *higher education, or has been determined by the Com-*
14 *missioner to have equivalent qualifications derived*
15 *from training and work experience.*

16 “(B) *The representative has passed an examina-*
17 *tion, written and administered by the Commissioner,*
18 *which tests knowledge of the relevant provisions of*
19 *this Act and the most recent developments in agency*
20 *and court decisions affecting this title and title XVI.*

21 “(C) *The representative has secured professional*
22 *liability insurance, or equivalent insurance, which the*
23 *Commissioner has determined to be adequate to pro-*
24 *tect claimants in the event of malpractice by the rep-*
25 *resentative.*

1 “(D) *The representative has undergone a criminal background check to ensure the representative’s fitness to practice before the Commissioner.*

4 “(E) *The representative demonstrates ongoing completion of qualified courses of continuing education, including education regarding ethics and professional conduct, which are designed to enhance professional knowledge in matters related to entitlement to, or eligibility for, benefits based on disability under this title and title XVI. Such continuing education, and the instructors providing such education, shall meet such standards as the Commissioner may prescribe.*

14 “(3)(A) *The Commissioner may assess representatives reasonable fees to cover the cost to the Social Security Administration of administering the prerequisites described in paragraph (2).*

18 “(B) *Fees collected under subparagraph (A) shall be credited to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or deposited as miscellaneous receipts in the general fund of the Treasury, based on such allocations as the Commissioner determines appropriate.*

24 “(C) *The fees authorized under this paragraph shall be collected and available for obligation only to the extent*

1 *and in the amount provided in advance in appropriations*
2 *Acts. Amounts so appropriated are authorized to remain*
3 *available until expended for administering the prerequisites*
4 *described in paragraph (2).”.*

5 (2) *CONFORMING AMENDMENTS.—*

6 (A) *Section 1631(d)(2)(A) of such Act (42*
7 *U.S.C. 1383(d)(2)(A)) is amended—*

8 (i) *in clause (iv), by striking “and” at*
9 *the end;*

10 (ii) *in clause (v), by striking the pe-*
11 *riod at the end and inserting “; and”; and*

12 (iii) *by adding at the end the following*
13 *new clause:*

14 “(vi) *by substituting, in subsection (e)(1)—*

15 “(I) *‘subparagraphs (B) and (C) of*
16 *section 1631(d)(2)’ for ‘the preceding provi-*
17 *sions of this section’; and*

18 “(II) *‘title XVI’ for ‘this title’.*”.

19 (B) *Section 303(e)(2) of the Social Security*
20 *Protection Act of 2004 (Public Law 108–203;*
21 *118 Stat. 523) is amended by striking “AND*
22 *FINAL REPORT” in the heading and by striking*
23 *the last sentence.*

24 (3) *EFFECTIVE DATE.—The Commissioner of So-*
25 *cial Security shall provide for full implementation of*

1 ***DIVISION B—STATUTORY PAY-***
2 ***AS-YOU-GO ACT OF 2009***

3 ***SEC. 101. SHORT TITLE.***

4 *This division may be cited as the “Statutory Pay-As-*
5 *You-Go Act of 2009”.*

6 ***SEC. 102. PURPOSE.***

7 *The purpose of this division is to reestablish a statu-*
8 *tory procedure to enforce a rule of budget neutrality on new*
9 *revenue and direct spending legislation.*

10 ***SEC. 103. DEFINITIONS.***

11 *As used in this division—*

12 (1) *The term “BBEDCA” means the Balanced*
13 *Budget and Emergency Deficit Control Act of 1985.*

14 (2) *The definitions set forth in section 3 of the*
15 *Congressional Budget and Impoundment Control Act*
16 *of 1974 and in section 250 of BBEDCA shall apply*
17 *to this division, except to the extent that they are spe-*
18 *cifically modified as follows:*

19 (A) *The term “outyear” means a fiscal year*
20 *that occurs one or more years after the budget*
21 *year.*

22 (B) *In section 250(c)(8)(C), the reference to*
23 *the food stamp program shall be deemed to be a*
24 *reference to the Supplemental Nutrition Assist-*
25 *ance Program.*

1 (3) *The term “AMT” means the Alternative Min-*
2 *imum Tax for individuals under sections 55–59 of the*
3 *Internal Revenue Code of 1986, the term “EGTRRA”*
4 *means the Economic Growth and Tax Relief Rec-*
5 *onciliation Act of 2001 (Public Law 107–16), and the*
6 *term “JGTRRA” means the Jobs and Growth Tax*
7 *Relief and Reconciliation Act of 2003 (Public Law*
8 *108–27).*

9 (4)(A) *The term “budgetary effects” means the*
10 *amounts by which PAYGO legislation changes direct*
11 *spending or revenues relative to the baseline and shall*
12 *be determined on the basis of estimates included by*
13 *reference in the PAYGO Act or prepared under sec-*
14 *tion 104(d)(3), as applicable. Budgetary effects that*
15 *increase direct spending or decrease revenues are*
16 *termed “costs” and budgetary effects that increase*
17 *revenues or decrease direct spending are termed “sav-*
18 *ings”.*

19 (B) *For purposes of these definitions, off-budget*
20 *effects shall be counted as budgetary effects unless such*
21 *changes flow directly from amendments to title II of*
22 *the Social Security Act and related provisions of the*
23 *Internal Revenue Code of 1986 and debt service effects*
24 *shall not be counted as budgetary effects.*

1 (C) Solely for purposes of recording entries on a
2 PAYGO scorecard, provisions in appropriations Acts
3 are also considered to be budgetary effects for purposes
4 of this division if such provisions make outyear modi-
5 fications to substantive law, except that provisions for
6 which the outlay effects net to zero over a period con-
7 sisting of the current year, the budget year, and the
8 4 subsequent years shall not be considered budgetary
9 effects. For purposes of this paragraph, the term,
10 “modifications to substantive law” refers to changes
11 to or restrictions on entitlement law or other manda-
12 tory spending contained in appropriations Acts, not-
13 withstanding section 250(c)(8) of BBEDCA. Provi-
14 sions in appropriations Acts that are neither outyear
15 modifications to substantive law nor changes in reve-
16 nues have no budgetary effects for purposes of this di-
17 vision.

18 (D) If a provision is designated as an emergency
19 requirement under this division and is also des-
20 ignated as an emergency requirement under the ap-
21 plicable rules of the House of Representatives, CBO
22 shall not include the cost of such a provision in its
23 estimate of the PAYGO legislation’s budgetary effects.

24 (5) The term “debit” refers to the net total
25 amount, when positive, by which costs recorded on the

1 *PAYGO scorecards for a fiscal year exceed savings re-*
2 *corded on those scorecards for that year.*

3 (6) *The term “entitlement law” refers to a sec-*
4 *tion of law which provides entitlement authority.*

5 (7) *The term “PAYGO legislation” or a*
6 *“PAYGO Act” refers to a bill or joint resolution that*
7 *affects direct spending or revenue relative to the base-*
8 *line. The budgetary effects of changes in revenues and*
9 *outyear modifications to substantive law included in*
10 *appropriation Acts as defined in paragraph (4) shall*
11 *be treated as if they were contained in PAYGO legis-*
12 *lation.*

13 (8) *The term “timing shift” refers to a delay of*
14 *the date on which direct spending would otherwise*
15 *occur from the ninth outyear to the tenth outyear or*
16 *an acceleration of the date on which revenues would*
17 *otherwise occur from the tenth outyear to the ninth*
18 *outyear.*

19 **SEC. 104. PAYGO ESTIMATES AND PAYGO SCORECARDS.**

20 (a) *PAYGO ESTIMATES.—(1) A PAYGO Act shall in-*
21 *clude by reference an estimate of its budgetary effects as*
22 *determined under section 308(a)(3) of the Congressional*
23 *Budget Act of 1974, if timely submitted for printing in the*
24 *Congressional Record by the chairs of the Committees on*
25 *the Budget of the House of Representatives and the Senate,*

1 *as applicable, before the vote on the PAYGO legislation. The*
2 *Clerk of the House or the Secretary of the Senate, as appli-*
3 *cable, shall also incorporate by reference such estimate*
4 *printed in the relevant portion of the Congressional Record*
5 *under section 308(a)(3) of the Congressional Budget Act of*
6 *1974 into the enrollment of a PAYGO Act. Budgetary effects*
7 *that are not so included shall be determined under section*
8 *104(d)(3).*

9 (2)(A) *Section 308(a) of the Congressional Budget Act*
10 *of 1974 is amended by adding at the end the following new*
11 *paragraph:*

12 “(3) *CBO PAYGO ESTIMATES.—Before a vote in*
13 *either House on a PAYGO Act that, if determined in*
14 *the affirmative, would clear such Act for enrollment,*
15 *the chairs of the Committees on the Budget of the*
16 *House and Senate, as applicable, shall request from*
17 *the Director of the Congressional Budget Office an es-*
18 *timate of the budgetary effects of such Act under the*
19 *Statutory Pay-As-You-Go Act of 2009. If such an esti-*
20 *mate is timely provided, the chairs of the Committees*
21 *on the Budget of the House of Representatives and the*
22 *Senate shall post such estimate on their respective*
23 *committee websites and cause it to be printed in the*
24 *Congressional Record under the heading ‘PAYGO ES-*
25 *TIMATE’. For purposes of this section, the Director*

1 of the Congressional Budget Office shall not count
2 timing shifts in his estimates of the budgetary effects
3 of PAYGO legislation (as defined in section 103 of the
4 Statutory Pay-As-You-Go Act of 2009).”.

5 (B) The side heading of section 308(a) of the Congres-
6 sional Budget Act of 1974 is amended by striking “RE-
7 PORTS ON”.

8 (b) Section 308 of the Congressional Budget Act of
9 1974 is amended by adding at the end the following new
10 subsection:

11 “(d) SCOREKEEPING GUIDELINES.—The Director of
12 the Congressional Budget Office shall provide estimates
13 under this section in accordance with the scorekeeping
14 guidelines determined under section 252(d)(5) of the Bal-
15 anced Budget and Emergency Deficit Control Act of 1985.
16 Upon agreement, the chairs of the Committees on the Budget
17 of the House of Representatives and the Senate shall submit
18 updates to such guidelines for printing in the Congressional
19 Record.”.

20 (c) CURRENT POLICY ADJUSTMENTS FOR CERTAIN
21 LEGISLATION.—For purposes of calculating budgetary ef-
22 fects under this division, CBO shall adjust its estimates as
23 described below for any provision of legislation designated
24 as meeting the criteria in subsection (b), (c), or (d) of sec-
25 tion 107 and which the chairman of the Committee on the

1 *Budget of the House of Representatives or the Senate, as*
2 *applicable, designates as meeting those criteria. A single*
3 *piece of legislation may contain provisions designated as*
4 *meeting criteria in more than one of the subsections listed*
5 *above. For appropriately designated provisions, CBO shall*
6 *exclude from its estimates for purposes of this division any*
7 *costs of a provision to the extent that those costs, when com-*
8 *bined with all other excluded costs of any other previously*
9 *designated provisions of enacted legislation under the same*
10 *subsection of section 107, do not exceed the maximum appli-*
11 *cable current policy adjustment defined under the applica-*
12 *ble subsection of section 107 for the applicable 10-year pe-*
13 *riod, using the most recent baseline estimates supplied by*
14 *the Congressional Budget Office consistent with section 257*
15 *of the Balanced Budget and Emergency Deficit Control Act*
16 *of 1985 used in considering a concurrent resolution on the*
17 *budget; or, after the beginning of a new calendar year and*
18 *before consideration of a concurrent resolution on the budg-*
19 *et, using the most recent baseline estimates supplied by the*
20 *Congressional Budget Office consistent with section 257 of*
21 *the Balanced Budget and Emergency Deficit Control Act*
22 *of 1985. CBO estimates of legislation containing a current*
23 *policy designation under this subsection shall include a sep-*
24 *arate presentation of costs excluded from the calculation of*
25 *budgetary effects for the legislation, as well as an updated*

1 *total of all excluded costs of provisions within the same sub-*
2 *section of section 107.*

3 *(d) OMB PAYGO SCORECARDS.—*

4 *(1) IN GENERAL.—OMB shall maintain and*
5 *make publicly available a continuously updated docu-*
6 *ment containing two PAYGO scorecards displaying*
7 *the budgetary effects of PAYGO legislation as deter-*
8 *mined under section 308 of the Congressional Budget*
9 *Act of 1974, applying the look-back requirement in*
10 *subsection (e) and the averaging requirement in sub-*
11 *section (f), and a separate addendum displaying the*
12 *estimates of the costs of provisions designated in stat-*
13 *ute as emergency requirements.*

14 *(2) ESTIMATES IN LEGISLATION.—Except as pro-*
15 *vided in paragraph (3), in making the calculations*
16 *for the PAYGO scorecards, OMB shall use the budg-*
17 *etary effects included by reference in the applicable*
18 *legislation.*

19 *(3) OMB ESTIMATES.—If legislation does not*
20 *contain the estimate of budgetary effects under para-*
21 *graph (2), then OMB shall score the budgetary effects*
22 *of that legislation upon its enactment, based on the*
23 *approaches to scorekeeping set forth in this division.*

24 *(4) 5-YEAR SCORECARD.—The first scorecard*
25 *shall display the budgetary effects of PAYGO legisla-*

1 *tion in each year over the 5-year period beginning in*
2 *the budget year.*

3 (5) *10-YEAR SCORECARD.*—*The second scorecard*
4 *shall display the budgetary effects of PAYGO legisla-*
5 *tion in each year over the 10-year period beginning*
6 *in the budget year.*

7 (e) *LOOK-BACK TO CAPTURE CURRENT-YEAR EF-*
8 *FECTS.*—*For purposes of this section, OMB shall treat the*
9 *budgetary effects of PAYGO legislation enacted during a*
10 *session of Congress that occur during the current year as*
11 *though they occurred in the budget year.*

12 (f) *AVERAGING USED TO MEASURE COMPLIANCE OVER*
13 *5-YEAR AND 10-YEAR PERIODS.*—*OMB shall cumulate the*
14 *budgetary effects of a PAYGO Act over the budget year*
15 *(which includes any look-back effects under subsection (e))*
16 *and—*

17 (1) *for purposes of the 5-year scorecard referred*
18 *to in subsection (d)(4), the four subsequent outyears,*
19 *divide that cumulative total by five, and enter the*
20 *quotient in the budget-year column and in each subse-*
21 *quent column of the 5-year PAYGO scorecard; and*

22 (2) *for purposes of the 10-year scorecard referred*
23 *to in subsection (d)(5), the nine subsequent outyears,*
24 *divide that cumulative total by ten, and enter the*

1 *quotient in the budget-year column and in each subse-*
2 *quent column of the 10-year PAYGO scorecard.*

3 **SEC. 105. ANNUAL REPORT AND SEQUESTRATION ORDER.**

4 *(a) ANNUAL REPORT.—Not later than 14 days (exclud-*
5 *ing weekends and holidays) after Congress adjourns to end*
6 *a session, OMB shall make publicly available and cause to*
7 *be printed in the Federal Register an annual PAYGO re-*
8 *port. The report shall include an up-to-date document con-*
9 *taining the PAYGO scorecards, a description of any current*
10 *policy adjustments made under section 104(c), information*
11 *about emergency legislation (if any) designated under sec-*
12 *tion 103(4)(D), information about any sequestration if re-*
13 *quired by subsection (b), and other data and explanations*
14 *that enhance public understanding of this division and ac-*
15 *tions taken under it.*

16 *(b) SEQUESTRATION ORDER.—If the annual report*
17 *issued at the end of a session of Congress under subsection*
18 *(a) shows a debit on either PAYGO scorecard for the budget*
19 *year, OMB shall prepare and the President shall issue and*
20 *include in that report a sequestration order that, upon*
21 *issuance, shall reduce budgetary resources of direct spending*
22 *programs by enough to offset that debit as prescribed in*
23 *section 106. If there is a debit on both scorecards, the order*
24 *shall fully offset the larger of the two debits. OMB shall*
25 *include that order in the annual report and transmit it*

1 *to the House of Representatives and the Senate. If the Presi-*
2 *dent issues a sequestration order, the annual report shall*
3 *contain, for each budget account to be sequestered, estimates*
4 *of the baseline level of budgetary resources subject to seques-*
5 *tration, the amount of budgetary resources to be sequestered,*
6 *and the outlay reductions that will occur in the budget year*
7 *and the subsequent fiscal year because of that sequestration.*

8 **SEC. 106. CALCULATING A SEQUESTRATION.**

9 (a) *REDUCING NONEXEMPT BUDGETARY RESOURCES*
10 *BY A UNIFORM PERCENTAGE.*—OMB shall calculate the
11 *uniform percentage by which the budgetary resources of*
12 *nonexempt direct spending programs are to be sequestered*
13 *such that the outlay savings resulting from that sequestra-*
14 *tion, as calculated under subsection (b), shall offset the*
15 *budget-year debit, if any on the applicable PAYGO score-*
16 *card. If the uniform percentage calculated under the prior*
17 *sentence exceeds 4 percent, the Medicare programs described*
18 *in section 256(d) of BBEDCA shall be reduced by 4 percent*
19 *and the uniform percentage by which the budgetary re-*
20 *sources of all other nonexempt direct spending programs are*
21 *to be sequestered shall be increased, as necessary, so that*
22 *the sequestration of Medicare and of all other nonexempt*
23 *direct spending programs together produce the required out-*
24 *lay savings.*

1 (b) *OUTLAY SAVINGS.*—*In determining the amount by*
2 *which a sequestration offsets a budget-year debit, OMB shall*
3 *count—*

4 (1) *the amount by which the sequestration in a*
5 *crop year of crop support payments, pursuant to sec-*
6 *tion 256(j) of BBEDCA, reduces outlays in the budget*
7 *year and the subsequent fiscal year;*

8 (2) *the amount by which the sequestration of*
9 *Medicare payments in the 12-month period following*
10 *the sequestration order, pursuant to section 256(d) of*
11 *BBEDCA, reduces outlays in the budget year and the*
12 *subsequent fiscal year; and*

13 (3) *the amount by which the sequestration in the*
14 *budget year of the budgetary resources of other non-*
15 *exempt mandatory programs reduces outlays in the*
16 *budget year and in the subsequent fiscal year.*

17 **SEC. 107. CURRENT POLICY ADJUSTMENT TO THE CBO ES-**
18 **TIMATES.**

19 (a) *PURPOSE.*—*The purpose of this section is to pro-*
20 *vide for adjustments of estimates of budgetary effects of*
21 *PAYGO legislation for legislation affecting four areas of the*
22 *budget—*

23 (1) *payments made under section 1848 of the So-*
24 *cial Security Act (titled Payment for Physicians'*
25 *Services);*

1 (2) *the Estate and Gift Tax under subtitle B of*
2 *the Internal Revenue Code of 1986;*

3 (3) *the AMT; and*

4 (4) *provisions of EGTRRA or JGTRRA that*
5 *amended the Internal Revenue Code of 1986 (or pro-*
6 *visions in later statutes further amending the amend-*
7 *ments made by EGTRRA or JGTRRA), other than—*

8 (A) *the provisions of those two Acts that*
9 *were made permanent by the Pension Protection*
10 *Act of 2006 (Public Law 109–280);*

11 (B) *amendments to the estate and gift tax*
12 *referred to in paragraph (2);*

13 (C) *the AMT referred to in paragraph (3);*

14 (D) *the 35 percent bracket and that portion*
15 *of the 33 percent bracket that applies to taxable*
16 *income greater than \$200,000 for an individual*
17 *and \$250,000 for a couple; and*

18 (E) *provisions in those two Acts relating to*
19 *taxes rates on capital gains and dividends.*

20 (b) *MEDICARE PAYMENTS TO PHYSICIANS.—*

21 (1) *CRITERIA.—Legislation that includes provi-*
22 *sions amending or superseding the system of pay-*
23 *ments under section 1848 of the Social Security Act*
24 *shall trigger the current policy adjustment required*
25 *by this division.*

1 (2) *ADJUSTMENT.*—*The amount of the maximum*
2 *current policy adjustment shall be the difference be-*
3 *tween—*

4 (A) *estimated net outlays attributable to the*
5 *payments made to physicians under that section*
6 *of the Social Security Act (as scheduled on July*
7 *15, 2009, to be in effect); and*

8 (B) *what those net outlays would have been*
9 *if the nominal payment rates and related pa-*
10 *rameters in effect for 2009 had been in effect*
11 *thereafter without change.*

12 (c) *ESTATE AND GIFT TAX.*—

13 (1) *CRITERIA.*—*Legislation that includes provi-*
14 *sions amending the Estate and Gift Tax under sub-*
15 *title B of the Internal Revenue Code of 1986 shall*
16 *trigger the current policy adjustment required by this*
17 *division.*

18 (2) *ADJUSTMENT.*—*The amount of the maximum*
19 *current policy adjustment shall be the difference be-*
20 *tween—*

21 (A) *total revenues projected to be collected*
22 *under the Internal Revenue Code of 1986 (as*
23 *scheduled on July 15, 2009, to be in effect); and*

24 (B) *what those revenue collections would*
25 *have been if, on the date of enactment of the leg-*

1 *islation meeting the criteria in paragraph (1),*
2 *estate and gift tax law had instead been amend-*
3 *ed so that the tax rates, nominal exemption*
4 *amounts, and related parameters in effect for tax*
5 *year 2009 had remained in effect thereafter with-*
6 *out change.*

7 *(d) PERMANENT EXTENSION OF MIDDLE-CLASS TAX*
8 *CUTS AND AMT RELIEF.—*

9 *(1) CRITERIA.—Legislation that includes provi-*
10 *sions extending middle-class tax cuts or AMT relief*
11 *shall trigger the current policy adjustment required*
12 *by this division if those provisions extend one or more*
13 *of the following provisions—*

14 *(A) AMT relief for calendar year 2010 and*
15 *subsequent years in such a manner that the*
16 *number of AMT taxpayers is not estimated to ex-*
17 *ceed the number of AMT taxpayers in tax year*
18 *2008 in any year through the tenth year after*
19 *enactment;*

20 *(B) the 10 percent bracket as in effect for*
21 *tax year 2010, as provided for under section*
22 *101(a) of the Economic Growth and Tax Relief*
23 *Reconciliation Act of 2001 and any later amend-*
24 *ments through July 15, 2009;*

1 (C) the child tax credit as in effect for tax
2 year 2010, as provided for under section 201 of
3 the Economic Growth and Tax Relief Reconcili-
4 ation Act and any later amendments through
5 July 15, 2009;

6 (D) tax benefits for married couples as in
7 effect for tax year 2010, as provided for under
8 title III of the Economic Growth and Tax Relief
9 Reconciliation Act and any later amendments
10 through July 15, 2009;

11 (E) the adoption credit as in effect in tax
12 year 2010, as provided for under section 202 of
13 the Economic Growth and Tax Relief Reconcili-
14 ation Act of 2001 and any later amendments
15 through July 15, 2009;

16 (F) the dependent care credit as in effect in
17 tax year 2010, as provided for under section 204
18 of the Economic Growth and Tax Relief Rec-
19 onciliation Act of 2001 and any later amend-
20 ments through July 15, 2009;

21 (G) the employer-provided child care credit
22 as in effect in tax year 2010, as provided for
23 under section 205 of the Economic Growth and
24 Tax Relief Reconciliation Act of 2001 and any
25 later amendments through July 15, 2009;

1 (H) the education tax benefits as in effect in
2 tax year 2010, as provided for under title IV of
3 the Economic Growth and Tax Relief Reconcili-
4 ation Act of 2001 and any later amendments
5 through July 15, 2009;

6 (I) the 25 and 28 percent brackets as in ef-
7 fect for tax year 2010, as provided for under sec-
8 tion 101(a) of the Economic Growth and Tax
9 Relief Reconciliation Act of 2001 and any later
10 amendments through July 15, 2009; and

11 (J) the 33 percent brackets as in effect for
12 tax year 2010, as provided for under section
13 101(a) of the Economic Growth and Tax Relief
14 Reconciliation Act of 2001 and any later amend-
15 ment affecting taxpayers with taxable income of
16 \$200,000 or less for individuals and \$250,000 or
17 less for couples in calendar year 2010 and in-
18 creased in each subsequent year by an amount
19 equal to the cost of living adjustment determined
20 under section 1(f)(3) of the Internal Revenue
21 Code of 1986 for the calendar year in which the
22 taxable year begins, determined by substituting
23 “calendar year 2008” for “calendar year 1992”
24 in subparagraph (B) thereof.

1 (2) *ADJUSTMENT.*—*The amount of the maximum*
2 *current policy adjustment shall be the difference be-*
3 *tween what total revenues would have been under the*
4 *Internal Revenue Code of 1986 (as scheduled on July*
5 *15, 2009, to be in effect) and what revenues would be*
6 *if legislation—*

7 (A) *permanently extending the AMT exemp-*
8 *tion and brackets in effect in tax year 2009 but*
9 *increased in tax year 2010 and each subsequent*
10 *tax year as indicated under subsection (d)(2)(B),*
11 *along with any additional amount necessary to*
12 *prevent the number of taxpayers who must pay*
13 *AMT from increasing; and*

14 (B) *permanently extending the provisions*
15 *identified in paragraph (1),*
16 *were enacted on the same day as the legislation re-*
17 *ferred to in paragraph (1).*

18 **SEC. 108. APPLICATION OF BBEDCA.**

19 *For purposes of this division—*

20 (1) *notwithstanding section 275 of BBEDCA, the*
21 *provisions of sections 255, 256, 257, and 274 of*
22 *BBEDCA, as amended by this division, shall apply*
23 *to the provisions of this division;*

1 (2) references in sections 255, 256, 257, and 274
2 to “this part” or “this title” shall be interpreted as
3 applying to this division;

4 (3) references in sections 255, 256, 257, and 274
5 of BBEDCA to “section 254” shall be interpreted as
6 referencing section 105 of this division;

7 (4) the reference in section 256(b) of BBEDCA
8 to “section 252 or 253” shall be interpreted as ref-
9 erencing section 105 of this division;

10 (5) the reference in section 256(d)(1) of
11 BBEDCA to “section 252 or 253” shall be interpreted
12 as referencing section 106 of this division;

13 (6) the reference in section 256(d)(4) of
14 BBEDCA to “section 252 or 253” shall be interpreted
15 as referencing section 105 of this division;

16 (7) section 256(k) of BBEDCA shall apply to a
17 sequestration, if any, under this division; and

18 (8) references in section 257(e) of BBEDCA to
19 “section 251, 252, or 253” shall be interpreted as ref-
20 erencing section 104 of this division.

21 **SEC. 109. TECHNICAL CORRECTIONS.**

22 (a) Section 250(c)(18) of BBEDCA is amended by
23 striking “the expenses the Federal deposit insurance agen-
24 cies” and inserting “the expenses of the Federal deposit in-
25 surance agencies”.

1 (b) Section 256(k)(1) of BBEDCA is amended by strik-
2 ing “in paragraph (5)” and inserting “in paragraph (6)”.

3 **SEC. 110. CONFORMING AMENDMENTS.**

4 (a) Section 256(a) of BBEDCA is repealed.

5 (b) Section 256(b) of BBEDCA is amended by striking
6 “origination fees under sections 438(c)(2) and 455(c) of
7 that Act shall each be increased by 0.50 percentage point.”
8 and inserting in lieu thereof “origination fees under sec-
9 tions 438(c)(2) and (6) and 455(c) and loan processing and
10 issuance fees under section 428(f)(1)(A)(ii) of that Act shall
11 each be increased by the uniform percentage specified in
12 that sequestration order, and, for student loans originated
13 during the period of the sequestration, special allowance
14 payments under section 438(b) of that Act accruing during
15 the period of the sequestration shall be reduced by the uni-
16 form percentage specified in that sequestration order.”.

17 (c) Section 256(c) of BBEDCA is repealed.

18 (d) Section 256(d) of BBEDCA is amended—

19 (1) by redesignating paragraphs (2), (3), and (4)
20 as paragraphs (3), (5), and (6);

21 (2) by amending paragraph (1) to read as fol-
22 lows:

23 “(1) *CALCULATION OF REDUCTION IN PAYMENT*
24 *AMOUNTS.—To achieve the total percentage reduction*
25 *in those programs required by section 252 or 253,*

1 *subject to paragraph (2), and notwithstanding section*
2 *710 of the Social Security Act, OMB shall determine,*
3 *and the applicable Presidential order under section*
4 *254 shall implement, the percentage reduction that*
5 *shall apply, with respect to the health insurance pro-*
6 *grams under title XVIII of the Social Security Act—*

7 *“(A) in the case of parts A and B of such*
8 *title, to individual payments for services fur-*
9 *nished during the one-year period beginning on*
10 *the first day of the first month beginning after*
11 *the date the order is issued (or, if later, the date*
12 *specified in paragraph (4)); and*

13 *“(B) in the case of parts C and D, to*
14 *monthly payments under contracts under such*
15 *parts for the same one-year period;*

16 *such that the reduction made in payments under that*
17 *order shall achieve the required total percentage re-*
18 *duction in those payments for that period.”;*

19 *(3) by inserting after paragraph (1) the fol-*
20 *lowing:*

21 *“(2) UNIFORM REDUCTION RATE; MAXIMUM PER-*
22 *MISSIBLE REDUCTION.—Reductions in payments for*
23 *programs and activities under such title XVIII pursu-*
24 *ant to a sequestration order under section 254 shall*
25 *be at a uniform rate, which shall not exceed 4 per-*

1 *cent, across all such programs and activities subject*
2 *to such order.”;*

3 *(4) by inserting after paragraph (3), as redesign-*
4 *ated, the following:*

5 “*(4) TIMING OF SUBSEQUENT SEQUESTRATION*
6 *ORDER.—A sequestration order required by section*
7 *252 or 253 with respect to programs under such title*
8 *XVIII shall not take effect until the first month begin-*
9 *ning after the end of the effective period of any prior*
10 *sequestration order with respect to such programs, as*
11 *determined in accordance with paragraph (1).”;*

12 *(5) in paragraph (6), as redesignated, to read as*
13 *follows:*

14 “*(6) SEQUESTRATION DISREGARDED IN COM-*
15 *PUTING PAYMENT AMOUNTS.—The Secretary of Health*
16 *and Human Services shall not take into account any*
17 *reductions in payment amounts which have been or*
18 *may be effected under this part, for purposes of com-*
19 *puting any adjustments to payment rates under such*
20 *title XVIII, specifically including—*

21 “*(A) the part C growth percentage under*
22 *section 1853(c)(6);*

23 “*(B) the part D annual growth rate under*
24 *section 1860D–2(b)(6); and*

1 “(C) application of risk corridors to part D
2 payment rates under section 1860D–15(e).”; and
3 (6) by adding after paragraph (6), as redesign-
4 nated, the following:

5 “(7) *EXEMPTIONS FROM SEQUESTRATION.*—In
6 addition to the programs and activities specified in
7 section 255, the following shall be exempt from seques-
8 tration under this part:

9 “(A) *PART D LOW-INCOME SUBSIDIES.*—
10 Premium and cost-sharing subsidies under sec-
11 tion 1860D–14 of the Social Security Act.

12 “(B) *PART D CATASTROPHIC SUBSIDY.*—
13 Payments under section 1860D–15(b) and
14 (e)(2)(B) of the Social Security Act.

15 “(C) *QUALIFIED INDIVIDUAL (QI) PRE-*
16 *MIUMS.*—Payments to States for coverage of
17 Medicare cost-sharing for certain low-income
18 Medicare beneficiaries under section 1933 of the
19 Social Security Act.”.

20 **SEC. 111. EXEMPT PROGRAMS AND ACTIVITIES.**

21 (a) *DESIGNATIONS.*—Section 255 of BBEDCA is
22 amended by redesignating subsection (i) as (j) and striking
23 “1998” and inserting in lieu thereof “2010”.

1 (b) *SOCIAL SECURITY, VETERANS PROGRAMS, NET IN-*
2 *TEREST, AND TAX CREDITS.*—Subsections (a) through (d)
3 *of section 255 of BBEDCA are amended to read as follows:*

4 “(a) *SOCIAL SECURITY BENEFITS AND TIER I RAIL-*
5 *ROAD RETIREMENT BENEFITS.*—Benefits payable under the
6 *old-age, survivors, and disability insurance program estab-*
7 *lished under title II of the Social Security Act (42 U.S.C.*
8 *401 et seq.), and benefits payable under section 231b(a),*
9 *231b(f)(2), 231c(a), and 231c(f) of title 45, United States*
10 *Code, shall be exempt from reduction under any order*
11 *issued under this part.*

12 “(b) *VETERANS PROGRAMS.*—The following program
13 *shall be exempt from reduction under any order issued*
14 *under this part—*

15 *“All programs administered by the Department*
16 *of Veterans Affairs.*

17 *“Special Benefits for Certain World War II Vet-*
18 *erans (28-0401-0-1-701).*

19 “(c) *NET INTEREST.*—No reduction of payments for
20 *net interest (all of major functional category 900) shall be*
21 *made under any order issued under this part.*

22 “(d) *REFUNDABLE INCOME TAX CREDITS.*—Payments
23 *to individuals made pursuant to provisions of the Internal*
24 *Revenue Code of 1986 establishing refundable tax credits*

1 *shall be exempt from reduction under any order issued*
2 *under this part.”.*

3 *(c) OTHER PROGRAMS AND ACTIVITIES, LOW-INCOME*
4 *PROGRAMS, AND ECONOMIC RECOVERY PROGRAMS.—Sub-*
5 *sections (g) and (h) of section 255 of BBEDCA are amended*
6 *to read as follows:*

7 *“(g) OTHER PROGRAMS AND ACTIVITIES.—*

8 *“(1)(A) The following budget accounts and ac-*
9 *tivities shall be exempt from reduction under any*
10 *order issued under this part:*

11 *“Activities resulting from private donations,*
12 *bequests, or voluntary contributions to the Gov-*
13 *ernment.*

14 *“Activities financed by voluntary payments*
15 *to the Government for goods or services to be pro-*
16 *vided for such payments.*

17 *“Administration of Territories, Northern*
18 *Mariana Islands Covenant grants (14-0412-0-*
19 *1-808).*

20 *“Advances to the Unemployment Trust*
21 *Fund and Other Funds (16-0327-0-1-600).*

22 *“Black Lung Disability Trust Fund Refi-*
23 *nancing (16-0329-0-1-601).*

24 *“Bonneville Power Administration Fund*
25 *and borrowing authority established pursuant to*

1 *section 13 of Public Law 93-454 (1974), as*
2 *amended (89-4045-0-3-271).*

3 *“Claims, Judgments, and Relief Acts (20-*
4 *1895-0-1-808).*

5 *“Compact of Free Association (14-0415-0-*
6 *1-808).*

7 *“Compensation of the President (11-0209-*
8 *01-1-802).*

9 *“Comptroller of the Currency, Assessment*
10 *Funds (20-8413-0-8-373).*

11 *“Continuing Fund, Southeastern Power Ad-*
12 *ministration (89-5653-0-2-271).*

13 *“Continuing Fund, Southwestern Power*
14 *Administration (89-5649-0-2-271).*

15 *“Dual Benefits Payments Account (60-*
16 *0111-0-1-601).*

17 *“Emergency Fund, Western Area Power Ad-*
18 *ministration (89-5069-0-2-271).*

19 *“Exchange Stabilization Fund (20-4444-0-*
20 *3-155).*

21 *“Federal Deposit Insurance Corporation,*
22 *Deposit Insurance Fund (51-4596-4-4-373).*

23 *“Federal Deposit Insurance Corporation,*
24 *FSLIC Resolution Fund (51-4065-0-3-373).*

1 *“Federal Deposit Insurance Corporation,*
2 *Noninterest Bearing Transaction Account Guar-*
3 *antee (51-4458-0-3-373).*

4 *“Federal Deposit Insurance Corporation,*
5 *Senior Unsecured Debt Guarantee (51-4457-0-*
6 *3-373).*

7 *“Federal Housing Finance Agency, Admin-*
8 *istrative Expenses (95-5532-0-2-371).*

9 *“Federal Payment to the District of Colum-*
10 *bia Judicial Retirement and Survivors Annuity*
11 *Fund (20-1713-0-1-752).*

12 *“Federal Payment to the District of Colum-*
13 *bia Pension Fund (20-1714-0-1-601).*

14 *“Federal Payments to the Railroad Retire-*
15 *ment Accounts (60-0113-0-1-601).*

16 *“Federal Reserve Bank Reimbursement*
17 *Fund (20-1884-0-1-803).*

18 *“Financial Agent Services (20-1802-0-1-*
19 *803).*

20 *“Foreign Military Sales Trust Fund (11-*
21 *8242-0-7-155).*

22 *“Hazardous Waste Management, Conserva-*
23 *tion Reserve Program (12-4336-0-3-999).*

24 *“Host Nation Support Fund for Relocation*
25 *(97-8337-0-7-051).*

1 *“Internal Revenue Collections for Puerto*
2 *Rico (20–5737–0–2–806).*

3 *“Intragovernmental funds, including those*
4 *from which the outlays are derived primarily*
5 *from resources paid in from other government*
6 *accounts, except to the extent such funds are aug-*
7 *mented by direct appropriations for the fiscal*
8 *year during which an order is in effect.*

9 *“Medical Facilities Guarantee and Loan*
10 *Fund (75–9931–0–3–551).*

11 *“National Credit Union Administration,*
12 *Central Liquidity Facility (25–4470–0–3–373).*

13 *“National Credit Union Administration,*
14 *Corporate Credit Union Share Guarantee Pro-*
15 *gram (25–4476–0–3–376).*

16 *“National Credit Union Administration,*
17 *Credit Union Homeowners Affordability Relief*
18 *Program (25–4473–0–3–371).*

19 *“National Credit Union Administration,*
20 *Credit Union Share Insurance Fund (25–4468–*
21 *0–3–373).*

22 *“National Credit Union Administration,*
23 *Credit Union System Investment Program (25–*
24 *4474–0–3–376).*

1 *“National Credit Union Administration,*
2 *Operating fund (25-4056-0-3-373).*

3 *“National Credit Union Administration,*
4 *Share Insurance Fund Corporate Debt Guar-*
5 *antee Program (25-4469-0-3-376).*

6 *“National Credit Union Administration,*
7 *U.S. Central Federal Credit Union Capital Pro-*
8 *gram (25-4475-0-3-376).*

9 *“Office of Thrift Supervision (20-4108-0-*
10 *3-373).*

11 *“Panama Canal Commission Compensation*
12 *Fund (16-5155-0-2-602).*

13 *“Payment of Vietnam and USS Pueblo*
14 *prisoner-of-war claims within the Salaries and*
15 *Expenses, Foreign Claims Settlement account*
16 *(15-0100-0-1-153).*

17 *“Payment to Civil Service Retirement and*
18 *Disability Fund (24-0200-0-1-805).*

19 *“Payment to Department of Defense Medi-*
20 *care-Eligible Retiree Health Care Fund (97-*
21 *0850-0-1-054).*

22 *“Payment to Judiciary Trust Funds (10-*
23 *0941-0-1-752).*

24 *“Payment to Military Retirement Fund*
25 *(97-0040-0-1-054).*

1 *“Payment to the Foreign Service Retirement and Disability Fund (19–0540–0–1–153).*

2 *“Payments to Copyright Owners (03–5175–*
3 *0–2–376).*

4 *“Payments to Health Care Trust Funds*
5 *(75–0580–0–1–571).*

6 *“Payment to Radiation Exposure Compensation Trust Fund (15–0333–0–1–054).*

7 *“Payments to Social Security Trust Funds*
8 *(28–0404–0–1–651).*

9 *“Payments to the United States Territories,*
10 *Fiscal Assistance (14–0418–0–1–806).*

11 *“Payments to trust funds from excise taxes*
12 *or other receipts properly creditable to such trust*
13 *funds.*

14 *“Payments to widows and heirs of deceased*
15 *Members of Congress (00–0215–0–1–801).*

16 *“Postal Service Fund (18–4020–0–3–372).*

17 *“Radiation Exposure Compensation Trust*
18 *Fund (15–8116–0–1–054).*

19 *“Reimbursement to Federal Reserve Banks*
20 *(20–0562–0–1–803).*

21 *“Salaries of Article III judges.*

22 *“Soldiers and Airmen’s Home, payment of*
23 *claims (84–8930–0–7–705).*

1 *“Tennessee Valley Authority Fund, except*
2 *nonpower programs and activities (64-4110-0-*
3 *3-999).*

4 *“Tribal and Indian trust accounts within*
5 *the Department of the Interior which fund prior*
6 *legal obligations of the Government or which are*
7 *established pursuant to Acts of Congress regard-*
8 *ing Federal management of tribal real property*
9 *or other fiduciary responsibilities, including but*
10 *not limited to Tribal Special Fund (14-5265-0-*
11 *2-452), Tribal Trust Fund (14-8030-0-7-452),*
12 *White Earth Settlement (14-2204-0-1-452), and*
13 *Indian Water Rights and Habitat Acquisition*
14 *(14-5505-0-2-303).*

15 *“United Mine Workers of America 1992*
16 *Benefit Plan (95-8260-0-7-551).*

17 *“United Mine Workers of America 1993*
18 *Benefit Plan (95-8535-0-7-551).*

19 *“United Mine Workers of America Com-*
20 *bined Benefit Fund (95-8295-0-7-551).*

21 *“United States Enrichment Corporation*
22 *Fund (95-4054-0-3-271).*

23 *“Universal Service Fund (27-5183-0-2-*
24 *376).*

1 *“Vaccine Injury Compensation (75–0320–*
2 *0–1–551).*

3 *“Vaccine Injury Compensation Program*
4 *Trust Fund (20–8175–0–7–551).*

5 *“(B) The following Federal retirement and dis-*
6 *ability accounts and activities shall be exempt from*
7 *reduction under any order issued under this part:*

8 *“Black Lung Disability Trust Fund (20–*
9 *8144–0–7–601).*

10 *“Central Intelligence Agency Retirement*
11 *and Disability System Fund (56–3400–0–1–*
12 *054).*

13 *“Civil Service Retirement and Disability*
14 *Fund (24–8135–0–7–602).*

15 *“Comptrollers general retirement system*
16 *(05–0107–0–1–801).*

17 *“Contributions to U.S. Park Police annuity*
18 *benefits, Other Permanent Appropriations (14–*
19 *9924–0–2–303).*

20 *“Court of Appeals for Veterans Claims Re-*
21 *irement Fund (95–8290–0–7–705).*

22 *“Department of Defense Medicare-Eligible*
23 *Retiree Health Care Fund (97–5472–0–2–551).*

24 *“District of Columbia Federal Pension*
25 *Fund (20–5511–0–2–601).*

1 *“District of Columbia Judicial Retirement*
2 *and Survivors Annuity Fund (20–8212–0–7–*
3 *602).*

4 *“Energy Employees Occupational Illness*
5 *Compensation Fund (16–1523–0–1–053).*

6 *“Foreign National Employees Separation*
7 *Pay (97–8165–0–7–051).*

8 *“Foreign Service National Defined Con-*
9 *tributions Retirement Fund (19–5497–0–2–602).*

10 *“Foreign Service National Separation Li-*
11 *ability Trust Fund (19–8340–0–7–602).*

12 *“Foreign Service Retirement and Disability*
13 *Fund(19–8186–0–7–602).*

14 *“Government Payment for Annuitants, Em-*
15 *ployees Health Benefits (24–0206–0–1–551).*

16 *“Government Payment for Annuitants, Em-*
17 *ployee Life Insurance (24–0500–0–1–602).*

18 *“Judicial Officers’ Retirement Fund (10–*
19 *8122–0–7–602).*

20 *“Judicial Survivors’ Annuities Fund (10–*
21 *8110–0–7–602).*

22 *“Military Retirement Fund (97–8097–0–7–*
23 *602).*

24 *“National Railroad Retirement Investment*
25 *Trust (60–8118–0–7–601).*

1 *“National Oceanic and Atmospheric Ad-*
2 *ministration retirement (13–1450–0–1–306).*

3 *“Pensions for former Presidents (47–0105–*
4 *0–1–802).*

5 *“Postal Service Retiree Health Benefits*
6 *Fund (24–5391–0–2–551).*

7 *“Public Safety Officer Benefits (15–0403–*
8 *0–1–754).*

9 *“Rail Industry Pension Fund (60–8011–0–*
10 *7–601).*

11 *“Retired Pay, Coast Guard (70–0602–0–1–*
12 *403).*

13 *“Retirement Pay and Medical Benefits for*
14 *Commissioned Officers, Public Health Service*
15 *(75–0379–0–1–551).*

16 *“Special Benefits for Disabled Coal Miners*
17 *(16–0169–0–1–601).*

18 *“Special Benefits, Federal Employees’ Com-*
19 *ensation Act (16–1521–0–1–600).*

20 *“Special Workers Compensation Expenses*
21 *(16–9971–0–7–601).*

22 *“Tax Court Judges Survivors Annuity*
23 *Fund (23–8115–0–7–602).*

24 *“United States Court of Federal Claims*
25 *Judges’ Retirement Fund (10–8124–0–7–602).*

1 *“United States Secret Service, DC Annuity*
2 *(70–0400–0–1–751).*

3 *“Voluntary Separation Incentive Fund (97–*
4 *8335–0–7–051).*

5 *“(2) Prior legal obligations of the Government in*
6 *the following budget accounts and activities shall be*
7 *exempt from any order issued under this part:*

8 *“Biomass Energy Development (20–0114–*
9 *0–1–271).*

10 *“Check Forgery Insurance Fund (20–4109–*
11 *0–3–803).*

12 *“Credit liquidating accounts.*

13 *“Credit reestimates.*

14 *“Employees Life Insurance Fund (24–*
15 *8424–0–8–602).*

16 *“Federal Aviation Insurance Revolving*
17 *Fund (69–4120–0–3–402).*

18 *“Federal Crop Insurance Corporation Fund*
19 *(12–4085–0–3–351).*

20 *“Federal Emergency Management Agency,*
21 *National Flood Insurance Fund (58–4236–0–3–*
22 *453).*

23 *“Federal Home Loan Mortgage Corporation*
24 *(Freddie Mac).*

1 *“Federal National Mortgage Corporation*
2 *(Fannie Mae).*

3 *“Geothermal resources development fund*
4 *(89–0206–0–1–271).*

5 *“Low-Rent Public Housing—Loans and*
6 *Other Expenses (86–4098–0–3–604).*

7 *“Maritime Administration, War Risk In-*
8 *surance Revolving Fund (69–4302–0–3–403).*

9 *“Natural Resource Damage Assessment*
10 *Fund (14–1618–0–1–302).*

11 *“Overseas Private Investment Corporation,*
12 *Noncredit Account (71–4184–0–3–151).*

13 *“Pension Benefit Guaranty Corporation*
14 *Fund (16–4204–0–3–601).*

15 *“San Joaquin Restoration Fund (14–5537–*
16 *0–2–301).*

17 *“Servicemembers’ Group Life Insurance*
18 *Fund (36–4009–0–3–701).*

19 *“Terrorism Insurance Program (20–0123–*
20 *0–1–376).*

21 *“(h) LOW-INCOME PROGRAMS.—The following pro-*
22 *grams shall be exempt from reduction under any order*
23 *issued under this part:*

24 *“Academic Competitiveness/Smart Grant Pro-*
25 *gram (91–0205–0–1–502).*

1 *“Child Care Entitlement to States (75-1550-0-*
2 *1-609).*

3 *“Child Enrollment Contingency Fund (75-5551-*
4 *0-2-551).*

5 *“Child Nutrition Programs (with the exception*
6 *of special milk programs) (12-3539-0-1-605).*

7 *“Children’s Health Insurance Fund (75-0515-0-*
8 *1-551).*

9 *“Commodity Supplemental Food Program (12-*
10 *3507-0-1-605).*

11 *“Contingency Fund (75-1522-0-1-609).*

12 *“Family Support Programs (75-1501-0-1-609).*

13 *“Federal Pell Grants under section 401 Title IV*
14 *of the Higher Education Act.*

15 *“Grants to States for Medicaid (75-0512-0-1-*
16 *551).*

17 *“Payments for Foster Care and Permanency*
18 *(75-1545-0-1-609).*

19 *“Supplemental Nutrition Assistance Program*
20 *(12-3505-0-1-605).*

21 *“Supplemental Security Income Program (28-*
22 *0406-0-1-609).*

23 *“Temporary Assistance for Needy Families (75-*
24 *1552-0-1-609).”.*

1 (d) *ECONOMIC RECOVERY PROGRAMS.*—Section 255 of
2 *BBEDCA* is amended by adding the following after sub-
3 *section (h)*:

4 “(i) *ECONOMIC RECOVERY PROGRAMS.*—The following
5 *programs shall be exempt from reduction under any order*
6 *issued under this part*:

7 “All programs enacted in, or increases in pro-
8 *grams provided by, the American Recovery and Rein-*
9 *vestment Act of 2009.*

10 “*Exchange Stabilization Fund-Money Market*
11 *Mutual Fund Guaranty Facility (20-4274-0-3-376).*

12 “*Financial Stabilization Reserve (20-0131-4-1-*
13 *376).*

14 “*GSE Mortgage-Backed Securities Purchase Pro-*
15 *gram Account (20-0126-0-1-371).*

16 “*GSE Preferred Stock Purchase Agreements (20-*
17 *0125-0-1-371).*

18 “*Office of Financial Stability (20-0128-0-1-*
19 *376).*

20 “*Special Inspector General for the Troubled*
21 *Asset Relief Program (20-0133-0-1-376).*

22 “*Troubled Asset Relief Program Account (20-*
23 *0132-0-1-376).*

24 “*Troubled Asset Relief Program Equity Purchase*
25 *Program (20-0134-0-1-376).*

1 “*Troubled Asset Relief Program, Home Afford-*
2 *able Modification Program (20-0136-0-1-604)*.”.

Attest:

Clerk.

11TH CONGRESS
1ST SESSION

H.R. 2847

**HOUSE AMENDMENT TO
SENATE AMENDMENT**