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## ***H.R. 3288, the Transportation, Housing and Urban Development and Related Agencies Appropriations Act, 2010***

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# Summary

This week, the Senate is expected to consider **H.R. 3288**, the *Transportation, Housing, and Urban Development and Related Agencies Appropriations Act, 2010*. The Senate amendment to **H.R. 3288** would appropriate \$67.7 billion in non-emergency discretionary spending. This amount is \$12.7 billion or 23 percent above the equivalent 2009 enacted level, and \$1.2 billion or about two percent below the President's budget request.

This legislation provides funding for the Departments of Transportation and Housing and Urban and Development, as well as independent agencies like the Federal Maritime Commission, Neighborhood Reinvestment Corporation, and National Transportation Safety Board.

*This Legislative Bulletin summarizes the major provisions of **H.R. 3288** and draws from the Committee report ([111-69](#)), [summary](#) prepared by the Appropriations Committee, as well as the bill [text](#). Certain appropriations numbers in this report have been rounded. Please see the Committee report or bill text for a full explanation.*

## Major Provisions

### ***Title I: Department of Transportation***

Title I of the Senate amendment to **H.R. 3288** would fund the Department of Transportation which includes the Federal Aviation Administration, Federal Highway Administration, and Federal Transit Administration. The major provisions of Title I include:

**Federal Aviation Administration.** The Federal Aviation Administration (FAA) is responsible for the safe movement of civil aviation and the evolution of a national system of airports. Title I would provide \$15.991 billion for the FAA, which is \$3.97 million less than the President's budget request and \$521.4 million more the Fiscal Year 2009 enacted level, excluding \$1.3 billion in emergency appropriations.

This funding would allow the air traffic controller workforce to be increased by 157 full-time positions and would accommodate 50 more air traffic controller positions than requested under the President's budget request. The bill would also allow the aviation safety inspector workforce to be increased by 236 full-time positions and would accommodate 200 more inspector positions than requested under the President's budget request.

**Federal Highway Administration.** The Federal Highway Administration (FHWA), in partnership with state and local governments, fosters the development of a safe,

efficient, and effective highway and intermodal system nationwide including access within national forests, national parks, Indian lands, and other public lands. Title I would appropriate \$1.4 billion for additional highway investment in addition to the \$41.1 billion supplied by the Federal-Aid Highway program. In sum, the legislation would provide \$43.4 billion for the FHWA, which is \$1.56 billion more than the President's budget request and \$1.795 billion more than the Fiscal Year 2009 enacted level, excluding \$27.5 billion in emergency appropriations. The level of funding that would be provided by this legislation assumes that transportation programs will be extended through Fiscal Year 2010 at the levels authorized for Fiscal Year 2009.

**Federal Motor Carrier Safety Administration.** The Federal Motor Carrier Safety Administration promotes safe commercial motor vehicle operation and the reduction of truck and bus crashes. Title I would provide \$549.89 million for the Motor Carrier Safety Administration, which is \$8.89 million more than the Fiscal Year 2009 enacted level and matches the President's budget request. The level of funding that would be provided by this legislation assumes that transportation programs will be extended through Fiscal Year 2010 at the levels authorized for Fiscal Year 2009.

**National Highway Traffic Safety Administration.** The National Highway Traffic Safety Administration (NHTSA) is responsible for motor vehicle safety, highway safety behavioral programs, and the motor vehicle information and automobile fuel economy programs. Title I would provide \$868.1 million for NHTSA which is \$925,000 more than the President's request and \$12.15 million more than the Fiscal Year 2009 enacted level.

**Federal Railroad Administration.** The Federal Railroad Administration (FRA) is responsible for planning, developing, and administering programs to achieve safe operating and mechanical practices in the railroad industry. Title I would provide \$3.1 billion for the FRA, which is \$331 million more than the President's budget request and is \$1.23 billion more than the Fiscal Year 2009 enacted level, excluding \$9.3 billion in emergency appropriations.

Title I also includes provisions that would require Amtrak to submit budget justifications to Congress concurrently with the submission of the President's budget and submit a business and long-term financial plan 60 days after the enactment of the bill, and dedicate funding specifically for Amtrak's inspector general. The legislation would also allocate \$553 million (\$3.3 million more than the enacted non-emergency Fiscal Year 2009 level) in operating grants to Amtrak and \$1.001 billion (\$61.6 million more than the enacted non-emergency Fiscal Year 2009 level) in capital and debt service grants for Amtrak. The legislation would also provide \$1.2 billion (\$1.1 billion more than the enacted non-emergency Fiscal Year 2009 level) in intercity and high speed rail grants.

**Federal Transit Administration.** The Federal Transit Administration (FTA) assists in the development of improved mass transportation facilities, equipment,

techniques, and methods. Title I would provide \$11.065 billion for the FAT, which is \$730 million more than the President's budget request and is \$934.4 million more than the enacted Fiscal Year 2009 level, excluding \$8.4 billion in emergency appropriations.

Title I would include \$150 million in grants for the Washington Metropolitan Area Transit Authority, as authorized by the *Passenger Rail Investment and Improvement Act of 2008*, for capital and preventive maintenance expenses and \$100 million for grants to public transit agencies for making capital investment that will reduce the energy consumption or the greenhouse gas emissions of their public transit systems.

**Saint Lawrence Seaway Development Corporation.** The Saint Lawrence Seaway Development Corporation (SLSDC) is responsible for the operation, maintenance, and development of the United States portion of the Saint Lawrence Seaway between Montreal and Lake Erie. Title I would provide \$32.3 for the SLSDC, which matches the President's budget request and is \$482,000 more than the enacted Fiscal Year 2009 level.

**Maritime Administration.** The Maritime Administration is responsible for the development and maintenance of the nation's domestic waterborne commerce as well as shipbuilding and repair services, efficient ports, effective intermodal water and land transportation systems. Title I would provide \$375.4 million for the Maritime Administration, which is \$29.8 million more than the President's budget request and \$42 million more than the enacted Fiscal Year 2009 level, excluding \$100 million in emergency appropriations.

**Pipeline and Hazardous Materials Safety Administration.** The Pipeline and Hazardous Materials Safety Administration (PHMSA) is responsible for the nation's pipeline safety program as well as the safe and secure movement of hazardous materials to industry and consumers by all transportation modes. Title I would provide \$189.2 million for the PHMSA, which is \$1 million more than the President's budget request and \$16.28 million more than the enacted Fiscal Year 2009 level.

**Research and Innovative Technology Administration.** The Research and Innovative Technology Administration is responsible for advancing the deployment of cross-cutting technologies to improve our nation's transportation systems. Title I would provide \$13.18 million for the Research and Innovative Technology Administration, which matches the President's budget request and is \$279,000 more than the Fiscal Year 2009 enacted level.

**Bureau of Transportation Statistics.** The Bureau of Transportation Statistics (BTS) is responsible for compiling, analyzing, and publishing a comprehensive set of transportation statistics. Title I would provide the BTS with \$28 million from the appropriation that would be provided to the FHA.

**Office of Inspector General.** The Office of Inspector General promotes effectiveness and stops waste, fraud and abuse in departmental programs. Title I would provide \$75.39 million for the Office of Inspector General which is \$550,000 more than the President's budget request and \$3.99 million more than enacted Fiscal Year 2009 level, excluding \$20 million in emergency appropriations.

**Surface Transportation Board.** The Surface Transportation Board (STB) is responsible for the regulation of the rail and pipeline industries and certain non-licensing regulation of motor carriers and water carriers. Title I would provide the STB \$28.3 million, which is \$1.3 million more than the President's request and \$1.485 million more than the enacted Fiscal Year 2009 level. The Senate amendment to **H.R. 3288** also includes \$1.25 million in fees that would offset the appropriated funding.

**General Provisions.** Title I contains prohibitions and requirements for the Department of Transportation to carry out during the Fiscal Year 2010. One provision would limit the number of political and presidential appointees in the Department of Transportation and another would require the Department of Transportation to notify the House and Senate Appropriations Committees at least three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1 million or more is announced by the Department or its modal administration.

## ***Title II: Department of Housing and Urban Development***

Title II of the Senate amendment to **H.R. 3288** would provide \$45.8 billion the Department of Housing and Urban Development, which is \$9.4 billion below the Fiscal Year 2009 level, \$4.3 billion above the non-emergency funding level in Fiscal Year 2009, and \$345.5 million above the President's *Fiscal Year 2010 Budget Request* ("the budget request"). This title provides funding for rental assistance, homeless prevention, affordable housing, foreclosure prevention, and community development programs. The major provisions of Title II include:

### ***Public and Indian Housing***

Title II would provide \$26.3 billion for the Public and Indian housing account, which is \$2.7 billion below the Fiscal Year 2009 level, but \$1.82 billion above the non-emergency Fiscal Year 2009 level and \$735 million above the budget request.

**Tenant-based rental assistance.** Title II would provide \$18.19 billion for tenant-based rental assistance account, including \$4 billion in advance appropriations to be made available on October 1, 2010. This amount is \$1.16 billion above the Fiscal Year 2009 level and \$301.2 million above the budget request.

*Section 8.* Section 8 is one of the principal appropriations for federal housing assistance. It provides rental housing assistance to more than two million low-income

families. Vouchers are administered at the local level through quasi-governmental Public Housing Authorities (PHAs). The bulk of the tenant-based rental assistance account's funding goes toward Section 8 voucher renewals -- \$16.3 billion, which is \$150 million more than the budget request and \$1.14 billion more than the Fiscal Year 2009 level.

In addition to Section 8 voucher renewals, this account's funding would also provide for:

- *HUD-Veterans Affairs Supported Housing (HUD-VASH)* in the amount of \$75 million, which would provide 10,000 additional vouchers, to address homelessness amongst veterans equal to the Fiscal Year 2009 level, and the budget request did not include funding for this program);
- *The Family Unification Program* in the amount of \$20 million for incremental voucher assistance for families separated due to a lack of adequate housing and youth 18 to 21 years old who are transitioning from foster care (equal to the Fiscal Year 2009 level and \$20 million above the budget request);
- *Tenant Protection Vouchers* in the amount of \$103 million to help low-income tenants who are displaced from public housing through no fault of their own (\$47 million below the Fiscal Year 2009 level, and equal to the budget request);
- *Family Self-Sufficiency Program* in the amount of \$50 million for coordinators and \$1.55 billion for Administrative Fees to help Section 8 voucher participants receive job training and employment that could lead to a decreased dependency on public assistance programs (the amount for coordinators is equal to the Fiscal Year 2009 level and the budget request; the amount for fees is \$100 million above the Fiscal Year 2009 level and \$56.2 million more than the budget request);

**Public Housing Capital Fund.** Title II would provide \$2.5 billion for the fund to modernize and provide for the capital needs of PHAs (except Indian Housing Authorities), including management improvements, resident relocation, and homeownership activities. This amount is \$256 million above the budget request, which is \$3.95 billion below the Fiscal Year 2009 level, but \$50 million above the non-emergency funding provided in Fiscal Year 2009.

**Public Housing Operating Fund.** Title II would provide \$4.75 billion for the fund, providing operating expenses to approximately 3,100 PHAs (except Indian housing authorities) with some 1.2 million units under their management. This amount is \$150 million above the budget request and \$295 million above the Fiscal Year 2009 level.

**Choice Neighborhoods Initiative.** Title II would provide \$250 million in competitive grants for this initiative -- newly proposed by the President -- to build upon the successes of the HOPE VI program and transform impoverished neighborhoods

into mixed-income neighborhoods with appropriate services, schools, public assets, transportation, and access to jobs and training. The grants would primarily fund the preservation rehabilitation and transformation of public and HUD-assisted housing, with the requirement that at least \$165,000,000 be awarded to public housing authorities.

**HOPE VI.** In light of the new Choice Neighborhoods Initiative, Title II would not provide additional funding for the HOPE VI program (also known as the "revitalization of severely distressed public housing" program). This being said, there are still more than 140 active HOPE VI grants, with additional grants being awarded in 2009. The program makes awards to public housing authorities on a competitive basis to demolish obsolete or failed developments or to revitalize sites upon which these developments exist. The program was funded at \$120 million in Fiscal Year 2009.

**Native American Housing Block Grant.** Title II would provide \$670 million for formula grants to address housing needs in tribal communities. \$2 million of this amount is set aside for a credit subsidy to support a loan level not to exceed \$18 million for the section 601 Loan Guarantee Loan Program. This amount is \$485 million below the Fiscal Year 2009 level, but \$25 million more than the non-emergency funding level in Fiscal Year 2009 and \$25 million more than the budget request.

**Native Hawaiian Housing Block Grant.** Title II would provide \$13 million for grants to the State of Hawaii Department of Hawaiian Home Lands for housing and housing related assistance to development, maintain, and operate affordable housing for low-income Native Hawaiian families. This amount is \$3 million more than the budget request and the Fiscal Year 2009 level.

**Indian Housing and Native Hawaiian Housing Loan Guarantee Funds.** Title II would provide \$7 million in program subsidies to support a loan level of \$919 million to provide access to private financing for Indian families, Indian tribes and their tribally designated housing entities who otherwise could not acquire housing financing because of the unique status of Indian trust land. This amount is equal to the budget request and \$2 million less than the Fiscal Year 2009 level.

Similarly, Title II would provide \$1.04 million in program subsidies to support a loan level of \$41.5 million to provide access to private financing for Native Hawaiians who otherwise could not acquire housing financing because of the unique status of the Hawaiians Home Lands as trust land. This amount is equal to the budget request and the Fiscal Year 2009 level.

### ***Community Planning and Development***

Title II would provide \$8.56 billion for the Community Planning and Development account, which is \$6.01 billion below the Fiscal Year 2009 level, but \$737 million above the non-emergency Fiscal Year 2009 level and \$99.3 million above the budget request.

**Housing opportunities for persons with AIDS (HOPWA).** Title II would provide \$320 million for HOPWA, a program designed to provide states and localities with resources and incentives to devise long-term comprehensive strategies for meeting the housing needs of persons living with HIV/AIDS and their families. This amount is \$10 million more than both the budget request and the Fiscal Year 2010 enacted level.

**Community Development Fund.** Title II would provide \$4.45 billion for the fund, including \$3.99 billion for *Community Development Block Grants (CDBG)* and sums for the Rural Housing Innovation Fund. The total allocation for the fund is \$2.45 billion less than the Fiscal Year 2009 level, but \$550 million more than the non-emergency funding level in Fiscal Year 2009 and equal to the budget request.

CDBG provides block grants to state and local governments to fund a wide range of physical, economic, and social development activities aimed at community development. Recipients are required to use at least 70 percent of the funds for activities that benefit low- and moderate-income persons. The amount for CDBG is \$350.03 million above the non-emergency funding level in Fiscal Year 2009.

*The Rural Housing Innovation Fund*, which will take the place of the Office of Rural Housing and Economic Development, will provide competitive grants to Indian tribes, states housing finance agencies, state community and/or economic development agencies, and local rural nonprofits to promote innovative and cost-effective approaches to improving housing conditions in rural communities. The Office of Rural Housing and Economic Development was funded separately at \$26 million in Fiscal Year 2009.

Funding for the Community Development Fund would also include \$150 million for the President's *Sustainable Communities Initiative*, an interagency program with the Department of Transportation and the Environmental Protection Agency to improve coordination between transportation and housing investments resulting in more sustainable development patterns, reduced greenhouse gas emissions, and more transit accessible housing choices.

Title II would also include funding in this account for partnerships with colleges and universities that historically serve Black, Hispanic, Tribal, Alaskan Native and Native Hawaiian students. The title also recommends funding for the Economic Development Initiative and the Neighborhood Initiatives program (see chart beginning on page 138 of the Committee Report).

**Community Development Loan Guarantees.** Title II would provide a loan guarantee amount of \$275 million for these guarantees, also known as the Section 108 Loan Guarantees, which enables CDBG recipients to use their award as leverage – up to five times their most recent allocation – as part of economic development projects and housing rehabilitation programs.

**Brownfields Redevelopment.** Consistent with the budget request, Title II would not provide additional funds for this program in Fiscal Year 2010. The Brownfields Redevelopment program provides competitive economic development grants to cities for the redevelopment of abandoned, idled, and underused industrial and commercial facilities where development is hindered by real or potential environmental contamination. The goals of this program, however, are achieved through programs administered by the Environmental Protection Agency. Moreover, CDBG funds can be used to develop Brownfields sites.

**HOME Investment Partnerships Program.** Title II would provide \$1.83 billion for this program, which provides assistance to state and local governments for the purpose of expanding the supply and affordability of housing to low- and very low-income people. This amount is \$2.25 billion below the Fiscal Year 2009 level, but equal to the non-emergency funding level for Fiscal Year 2009 and equal to the budget request.

**Self-help Homeownership Opportunity Program (SHOP).** Title II would provide \$85 million for SHOP, a program to assist low-income homebuyers who are willing to contribute to the building of their houses. This amount is \$8 million more than the budget request and \$21 million more than the Fiscal Year 2009 level.

**Homeless assistance grants.** Title II would provide \$1.88 billion for Homeless Assistance Grants, which provide funding to break the cycle of homelessness and to move homeless persons and families into permanent housing by providing rental assistance, emergency shelter, transitional and permanent housing, and supportive services to homeless persons and families. This amount is \$1.3 billion less than the Fiscal Year 2009 level, but \$198 million more than the non-emergency Fiscal Year 2009 level and \$81.29 million more than the budget request.

### ***Housing Programs***

Title II would provide \$9.35 billion for the housing programs account, which is \$1.48 billion below the Fiscal Year 2009 level, but \$757.4 million above the non-emergency Fiscal Year 2009 level and \$10 million above the budget request.

**Project-based rental assistance.** Title II would provide \$8.1 billion for the renewal of Section 8 project-based rental assistance contracts. This program provides a rental subsidy to a private landlord tied to a specific housing unit with housing for eligible low-income families, as opposed to a voucher which allows a recipient to seek a unit. Amounts in this account include funding for the renewal of expiring project-based contracts, including Section 8, moderate rehabilitation, and single-room occupancy housing. This amount is \$1.4 billion below the Fiscal Year 2009 level, but \$600 million more than the amount of non-emergency Fiscal Year 2009 level and equal to the budget request.

**Housing for the elderly.** Title II would provide \$785 million for this program, which provides capital grants under Section 202 to eligible entities for the acquisition, rehabilitation, or construction of housing for low-income seniors. This amount is \$20 million more than both the Fiscal Year 2009 level and the budget request.

**Housing for persons with disabilities.** Title II would provide \$265 million for this program, which provides capital grants under Section 811 to eligible entities for the acquisition, rehabilitation, or construction of housing for persons with disabilities. This amount is \$15 million more than both the Fiscal Year 2009 level and the budget request.

**Housing Counseling Assistance.** Title II would provide \$100 million for this program, which provides comprehensive housing counseling services to eligible homeowners and tenants through grants to nonprofit intermediaries state government entities, and other local and national agencies. Counseling may include pre- and post-purchase education, personal financial management, reverse mortgage product education, foreclosure mitigation, and rental counseling. This amount is \$35 million above the Fiscal Year 2009 level and equal to the President's budget request.

**Energy Innovation Fund.** Title II would provide \$75 million for this program, which will support local initiatives to stimulate and enhance private investment in cost-saving energy efficient retrofits of existing housing, through improved use of FHA single family and multifamily mortgage products. This amount is \$25 million below the budget request and \$75 million above the Fiscal Year 2009 level.

### ***Federal Housing Administration (FHA)***

FHA offers mortgage insurance programs to insure lenders against loss from loan defaults by borrowers thereby increasing the likelihood that lenders will make loans.

FHA insurance programs are administered through two accounts:

- *The Mutual Mortgage Insurance Program.* Title II would provide a limitation on guaranteed loans of \$400 billion, a limitation on direct loans of \$50 million, and \$188.9 million for administrative contract expenses. \$288 million would be provided to support guaranteed loans under the Home Equity Conversion Mortgage or reverse mortgage program.
- *The General and Special Risk Program.* Title II would provide a limitation on guaranteed loans of \$15 billion and a limitation on direct loans of \$20 million.

### ***Government National Mortgage Association (GNMA)***

This association, also known as Ginnie Mae, guarantees privately issued securities backed by mortgages insured or guaranteed by FHA, the VA, or the Rural Housing Service. Title II would provide a limitation on guaranteed loans of \$500 billion.

### ***Research and Technology Program within the Office of Policy Development and Research.***

Title II would provide \$48 million for this program, which funds the private sector, non-profit research organizations, educational institutions, and state and local governments and other federal agencies to seek ways to improve the efficiency, effectiveness, and equity of HUD programs and to identify methods to achieve cost reductions.

### ***Fair Housing and Equal Opportunity***

The fair housing activities appropriation includes funding for the Fair Housing Assistance Program (FHAP), which provides prompt processing of title VIII complaints, and the Fair Housing Initiatives Program (FHIP), which is designed to alleviate housing discrimination by increasing support to public and private organizations. Title II would provide \$72 million, which is \$18.5 million more than the Fiscal Year 2009 level and equal to the budget request.

### ***Office of Healthy Homes and Lead Hazard Control***

Title II would provide \$140 million for this office to provide grants to state and local governments to conduct lead-based paint hazard reduction and abatement activities in private low-income housing. This amount is \$100 million less than the Fiscal Year 2009 level, but equal to the non-emergency Fiscal Year 2009 level and the budget request.

### ***Management and Administration***

**Office of Inspector General.** Title II would provide \$126 million for the office, which is \$9 million less than the Fiscal Year 2009 level, and is \$6 million more than the amount of non-emergency funding for Fiscal Year 2009 and the budget request.

**Transformation Initiative.** Title II would provide \$228.6 million for this new program, which is aimed at improving and streamlining the systems and operations at HUD via four elements: 1) research, evaluation, and program metrics; 2) program demonstrations; 3) technical assistance and capacity building; and 4) information technology. Of this amount, \$20 million would be appropriated to combat mortgage fraud, and the remainder up to \$208.6 million would be transferred from other HUD programs. Language is included that requires HUD to focus nearly half of these

resources on improving information technology systems at HUD, especially those focused used for managing the FHA program and the Section 8 program.

### ***Title III: Independent Agencies***

Title III of the Senate amendment to **H.R. 3288** would also provide funding for the:

**Federal Maritime Commission.** The Federal Maritime Commission (FMC) is responsible for the regulation of international waterborne commerce of the United States and has responsibility for licensing and bonding ocean transportation intermediaries as well as other responsibilities. Title III would provide \$24.5 million for the salaries and expenses of the Federal Maritime Commission for Fiscal Year 2010. This amount is \$1,758 million more than the enacted Fiscal Year 2009 level.

**Amtrak Inspector General.** Title III would provide \$19 million to Amtrak's Inspector General. The budget for the Inspector General is being separated from the regular appropriation provided to Amtrak because, according to the Committee, it has become clear that the two entities must be separated in order to support an independent and objective Inspector General's office.

**National Transportation Safety Board.** The National Transportation Safety Board (NTSB) is responsible for investigating every civil aviation accident in the United States as well as significant accidents in other modes of transportation — railroad, highway, marine — and issuing safety recommendations aimed at preventing future accidents. Title III would provide \$96.9 million for the NTSB which is \$1.5 million more than the President's budget request and \$5.9 million more the enacted Fiscal Year 2009 level.

**Neighborhood Reinvestment Corporation.** The corporation provides counseling to families in danger of losing their homes to foreclosure. Title III would provide \$243 million for this program, which is \$62 million above the Fiscal Year 2009 level and \$76.2 million above the budget request. This level of funding includes \$65,000,000 to continue the National Foreclosure Mitigation Counseling program to help homeowners avoid foreclosure.

**United States Interagency Council on Homelessness (ICH).** This council was created by the *McKinney-Vento Homeless Assistance Act of 1987* to coordinate and direct the nation's response to homelessness and work with federal agencies and other groups to enhance the efficiency and effectiveness of prevention and assistance programs. Title III would provide \$2.68 million for the ICH, which is \$347,000 more than the Fiscal Year 2009 level and equal to the budget request.

## Legislative History

The Senate Appropriations Committee reported the Senate amendment to **H.R. 3288** on July 30, 2009, by a vote of 30 to 0. Senate Report 111-69, which accompanies **H.R. 3288**, was filed on August 5, 2009.

The House Committee on Appropriations reported **H.R. 3288**, its version of the *Transportation, Housing, and Urban Development and Related Agencies Appropriations Act, 2010* on June 17, 2009 by voice vote. On July 23, 2009, the House of Representatives passed the bill by a vote of 256 to 168.

## Expected Amendments

Amendments are expected during consideration of **H.R. 3288** and information will be distributed to Senate staff as it becomes available.

## Administration Position

At the time of publication, no Statement of Administration Policy has been issued on the Senate amendment to **H.R. 3288**.