

Union Calendar No. 324111TH CONGRESS
2^D SESSION**H. R. 5850****[Report No. 111-564]**

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2010

Mr. OLVER, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Transportation, and Housing and Urban
6 Development, and related agencies for the fiscal year end-
7 ing September 30, 2011, and for other purposes, namely:

8 TITLE I

9 DEPARTMENT OF TRANSPORTATION

10 OFFICE OF THE SECRETARY

11 SALARIES AND EXPENSES

12 For necessary expenses of the Office of the Secretary,
13 \$111,615,000, of which not to exceed \$2,667,000 shall be
14 available for the immediate Office of the Secretary; not
15 to exceed \$1,000,000 shall be available for the immediate
16 Office of the Deputy Secretary; not to exceed \$19,711,000
17 shall be available for the Office of the General Counsel;
18 not to exceed \$12,015,000 shall be available for the Office
19 of the Under Secretary of Transportation for Policy; not
20 to exceed \$11,899,000 shall be available for the Office of
21 the Assistant Secretary for Budget and Programs; not to
22 exceed \$2,530,000 shall be available for the Office of the
23 Assistant Secretary for Governmental Affairs; not to ex-
24 ceed \$25,695,000 shall be available for the Office of the
25 Assistant Secretary for Administration; not to exceed

1 \$2,240,000 shall be available for the Office of Public Af-
2 fairs; not to exceed \$1,683,000 shall be available for the
3 Office of the Executive Secretariat; not to exceed
4 \$1,513,000 shall be available for the Office of Small and
5 Disadvantaged Business Utilization; not to exceed
6 \$10,999,000 for the Office of Intelligence, Security, and
7 Emergency Response; and not to exceed \$19,663,000 shall
8 be available for the Office of the Chief Information Offi-
9 cer: *Provided*, That the Secretary of Transportation is au-
10 thorized to transfer funds appropriated for any office of
11 the Office of the Secretary to any other office of the Office
12 of the Secretary: *Provided further*, That no appropriation
13 for any office shall be increased or decreased by more than
14 5 percent by all such transfers: *Provided further*, That no-
15 tice of any change in funding greater than 5 percent shall
16 be submitted for approval to the House and Senate Com-
17 mittees on Appropriations: *Provided further*, That not to
18 exceed \$60,000 shall be for allocation within the Depart-
19 ment for official reception and representation expenses as
20 the Secretary may determine: *Provided further*, That not-
21 withstanding any other provision of law, excluding fees au-
22 thorized in Public Law 107–71, there may be credited to
23 this appropriation up to \$2,500,000 in funds received in
24 user fees: *Provided further*, That none of the funds pro-

1 vided in this Act shall be available for the position of As-
2 sistant Secretary for Public Affairs.

3 LIVABLE COMMUNITIES

4 For necessary expenses for livable communities initia-
5 tives, including coordinating livability and sustainability
6 work within the Department of Transportation and with
7 the Environmental Protection Agency and the Department
8 of Housing and Urban Development; developing perform-
9 ance standards and metrics; building analytical capacity;
10 and providing grants and direct technical assistance to
11 State, local, and non-profit organizations, \$20,000,000, to
12 remain available until September 30, 2013; *Provided*,
13 That any grants and technical assistance made available
14 under this heading shall be for improved performance
15 measurement capabilities, enhanced ability to perform al-
16 ternatives analysis, and training and workshops for per-
17 sonnel.

18 NATIONAL INFRASTRUCTURE INVESTMENT

19 For capital investments in transportation infrastruc-
20 ture, \$400,000,000, to remain available through Sep-
21 tember 30, 2013: *Provided*, That the Secretary of Trans-
22 portation shall distribute funds provided under this head-
23 ing as discretionary grants to be awarded to a State, local
24 government, transit agency, or a collaboration among such
25 entities on a competitive basis for projects that will have

1 a significant impact on the Nation, a metropolitan area,
2 or a region: *Provided further*, That projects eligible for
3 funding provided under this heading shall include, but not
4 be limited to, highway or bridge projects eligible under
5 title 23, United States Code; public transportation
6 projects eligible under chapter 53 of title 49, United
7 States Code; passenger and freight rail transportation
8 projects; and port infrastructure investments: *Provided*
9 *further*, That in distributing funds provided under this
10 heading, the Secretary shall take such measures so as to
11 ensure an equitable geographic distribution of funds, an
12 appropriate balance in addressing the needs of urban and
13 rural areas, and the investment in a variety of transpor-
14 tation modes: *Provided further*, That a grant funded under
15 this heading shall be not less than \$5,000,000 and not
16 greater than \$75,000,000: *Provided further*, That not
17 more than 12.5 percent of the funds made available under
18 this heading may be awarded to projects in a single State:
19 *Provided further*, That the Federal share of the costs for
20 which an expenditure is made under this heading shall be,
21 at the option of the recipient, up to 80 percent: *Provided*
22 *further*, That the Secretary shall give priority to projects
23 that require a contribution of Federal funds in order to
24 complete an overall financing package: *Provided further*,
25 That not less than \$100,000,000 of the funds provided

1 under this heading shall be for projects located in rural
2 areas: *Provided further*, That for projects located in rural
3 areas, the minimum grant size shall be \$1,000,000 and
4 the Secretary may increase the Federal share of costs
5 above 80 percent: *Provided further*, That of the amount
6 made available under this heading, the Secretary may use
7 an amount not to exceed \$60,000,000 for the purpose of
8 paying the subsidy and administrative costs of projects eli-
9 gible for federal credit assistance under chapter 6 of title
10 23, United States Code, if the Secretary finds that such
11 use of the funds would advance the purposes of this para-
12 graph: *Provided further*, That the Secretary may use up
13 to ten percent of the funds provided under this heading
14 to fund the costs of equipping aircraft with communica-
15 tions, surveillance, navigation and other avionics to con-
16 duct a demonstration of NextGen air traffic control capa-
17 bilities through grants or other authorities available under
18 section 106(l)(6) of title 49, United States Code: *Provided*
19 *further*, That of the amount made available under this
20 heading, the Secretary may use an amount not to exceed
21 \$20,000,000 for the planning, preparation or design of
22 projects eligible for funding under this heading: *Provided*
23 *further*, That projects conducted using funds provided
24 under this heading must comply with the requirements of
25 subchapter IV of chapter 31 of title 40, United States

1 Code: *Provided further*, That the Secretary shall publish
2 criteria on which to base the competition for any grants
3 awarded under this heading no sooner than 60 days after
4 enactment of this Act, require applications for funding
5 provided under this heading to be submitted no sooner
6 than 120 days after the publication of such criteria, and
7 announce all projects selected to be funded from funds
8 provided under this heading no sooner than September 15,
9 2011: *Provided further*, That the Secretary may retain up
10 to \$16,000,000 of the funds provided under this heading,
11 and may transfer portions of those funds to the Adminis-
12 trators of the Federal Highway Administration, the Fed-
13 eral Transit Administration, the Federal Railroad Admin-
14 istration, the Federal Aviation Administration, and the
15 Federal Maritime Administration, to fund the award and
16 oversight of grants made under this heading.

17 FINANCIAL MANAGEMENT CAPITAL

18 For necessary expenses for upgrading and enhancing
19 the Department of Transportation's financial systems and
20 re-engineering business processes, \$18,500,000, to remain
21 available until expended.

22 CYBER SECURITY INITIATIVES

23 For necessary one-time expenses for cyber security
24 initiatives, including improvement of network perimeter
25 controls and identity management, testing and assessment

1 of information technology against business, security, and
2 other requirements, implementation of federal cyber secu-
3 rity initiatives and information infrastructure enhance-
4 ments, implementation of enhanced security controls on
5 network devices, and enhancement of cyber security work-
6 force training tools, \$28,188,000, to remain available until
7 expended.

8 OFFICE OF CIVIL RIGHTS

9 For necessary expenses of the Office of Civil Rights,
10 \$9,767,000.

11 TRANSPORTATION PLANNING, RESEARCH, AND
12 DEVELOPMENT

13 For necessary expenses for conducting transportation
14 planning, research, systems development, development ac-
15 tivities, and making grants, to remain available until ex-
16 pended, \$9,819,000.

17 WORKING CAPITAL FUND

18 For necessary expenses for operating costs and cap-
19 ital outlays of the Working Capital Fund, not to exceed
20 \$148,096,000, shall be paid from appropriations made
21 available to the Department of Transportation: *Provided*,
22 That such services shall be provided on a competitive basis
23 to entities within the Department of Transportation: *Pro-*
24 *vided further*, That the above limitation on operating ex-
25 penses shall not apply to non-DOT entities: *Provided fur-*

1 *ther*, That no funds appropriated in this Act to an agency
2 of the Department shall be transferred to the Working
3 Capital Fund without the approval of the agency modal
4 administrator: *Provided further*, That no assessments may
5 be levied against any program, budget activity, subactivity
6 or project funded by this Act unless notice of such assess-
7 ments and the basis therefor are presented to the House
8 and Senate Committees on Appropriations and are ap-
9 proved by such Committees.

10 MINORITY BUSINESS RESOURCE CENTER PROGRAM

11 For the cost of guaranteed loans, \$329,000, as au-
12 thorized by 49 U.S.C. 332: *Provided*, That such costs, in-
13 cluding the cost of modifying such loans, shall be as de-
14 fined in section 502 of the Congressional Budget Act of
15 1974: *Provided further*, That these funds are available to
16 subsidize total loan principal, any part of which is to be
17 guaranteed, not to exceed \$18,367,000. In addition, for
18 administrative expenses to carry out the guaranteed loan
19 program, \$584,000.

20 MINORITY BUSINESS OUTREACH

21 For necessary expenses of Minority Business Re-
22 source Center outreach activities, \$3,395,000, to remain
23 available until September 30, 2012: *Provided*, That not-
24 withstanding 49 U.S.C. 332, these funds may be used for

1 business opportunities related to any mode of transpor-
2 tation.

3 PAYMENTS TO AIR CARRIERS

4 (AIRPORT AND AIRWAY TRUST FUND)

5 (INCLUDING TRANSFER OF FUNDS)

6 In addition to funds made available from any other
7 source to carry out the essential air service program under
8 49 U.S.C. 41731 through 41742, \$146,000,000, to be de-
9 rived from the Airport and Airway Trust Fund, to remain
10 available until expended: *Provided*, That, in determining
11 between or among carriers competing to provide service
12 to a community, the Secretary may consider the relative
13 subsidy requirements of the carriers: *Provided further*,
14 That, if the funds under this heading are insufficient to
15 meet the costs of the essential air service program in the
16 current fiscal year, the Secretary shall transfer such sums
17 as may be necessary to carry out the essential air service
18 program from any available amounts appropriated to or
19 directly administered by the Office of the Secretary for
20 such fiscal year.

21 ADMINISTRATIVE PROVISIONS—OFFICE OF THE

22 SECRETARY OF TRANSPORTATION

23 SEC. 101. None of the funds made available in this
24 Act to the Department of Transportation may be obligated
25 for the Office of the Secretary of Transportation to ap-

1 prove assessments or reimbursable agreements pertaining
2 to funds appropriated to the modal administrations in this
3 Act, except for activities underway on the date of enact-
4 ment of this Act, unless such assessments or agreements
5 have completed the normal reprogramming process for
6 Congressional notification.

7 SEC. 102. None of the funds made available under
8 this Act may be obligated or expended to establish or im-
9 plement a program under which essential air service com-
10 munities are required to assume subsidy costs commonly
11 referred to as the EAS local participation program.

12 SEC. 103. The Secretary or his designee may engage
13 in activities with States and State legislators to consider
14 proposals related to the reduction of motorcycle fatalities.

15 SEC. 104. (a) Prior to awarding any grants under
16 the National Infrastructure Investments program, the
17 Secretary of Transportation shall post on the Department
18 of Transportation website any request or application for
19 funding received by the Department for projects from the
20 program. Such post shall include a copy of any such re-
21 quest or application and all project data and supplemental
22 materials provided by the entity seeking such grant.

23 (b) No later than 5 days after the announcing of
24 grant awards, the Secretary shall post on the Department
25 of Transportation website a complete description and ac-

1 counting of what criteria, both qualitative and quan-
2 titative, was used in the selection of the grants under the
3 program.

4 (c) The Office of Inspector General of the Depart-
5 ment of Transportation shall audit and review 10 percent
6 of grant recipients under the National Infrastructure In-
7 vestments program to ensure that funds issued under such
8 program are used appropriately and within the scope of
9 the grant awarded.

10 FEDERAL AVIATION ADMINISTRATION

11 OPERATIONS

12 (AIRPORT AND AIRWAY TRUST FUND)

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary expenses of the Federal Aviation Ad-
15 ministration, not otherwise provided for, including oper-
16 ations and research activities related to commercial space
17 transportation, administrative expenses for research and
18 development, establishment of air navigation facilities, the
19 operation (including leasing) and maintenance of aircraft,
20 subsidizing the cost of aeronautical charts and maps sold
21 to the public, lease or purchase of passenger motor vehi-
22 cles for replacement only, in addition to amounts made
23 available by Public Law 108–176, \$9,793,000,000, of
24 which \$3,900,000,000 shall be derived from the Airport
25 and Airway Trust Fund, of which not to exceed

1 \$7,630,628,000 shall be available for air traffic organiza-
2 tion activities; not to exceed \$1,304,486,000 shall be avail-
3 able for aviation safety activities; not to exceed
4 \$16,747,000 shall be available for commercial space trans-
5 portation activities; not to exceed \$114,784,000 shall be
6 available for financial services activities; not to exceed
7 \$103,297,000 shall be available for human resources pro-
8 gram activities; not to exceed \$361,354,000 shall be avail-
9 able for region and center operations and regional coordi-
10 nation activities; not to exceed \$208,994,000 shall be
11 available for staff offices; and not to exceed \$53,360,000
12 shall be available for information services: *Provided*, That
13 the Secretary utilize not less than \$17,000,000 of the
14 funds provided for aviation safety activities to pay for staff
15 increases in the Office of Aviation Flight Standards and
16 the Office of Aircraft Certification: *Provided further*, That
17 none of the funds provided for increases to the staffs of
18 the aviation flight standards and aircraft certification of-
19 fices shall be used for other purposes: *Provided further*,
20 That not to exceed 2 percent of any budget activity, except
21 for aviation safety budget activity, may be transferred to
22 any budget activity under this heading: *Provided further*,
23 That no transfer may increase or decrease any appropria-
24 tion by more than 2 percent: *Provided further*, That any
25 transfer in excess of 2 percent shall be treated as a re-

1 programming of funds under section 405 of this Act and
2 shall not be available for obligation or expenditure except
3 in compliance with the procedures set forth in that section:
4 *Provided further*, That not later than March 31 of each
5 fiscal year hereafter, the Administrator of the Federal
6 Aviation Administration shall transmit to Congress an an-
7 nual update to the report submitted to Congress in De-
8 cember 2004 pursuant to section 221 of Public Law 108–
9 176: *Provided further*, That the amount herein appro-
10 priated shall be reduced by \$100,000 for each day after
11 March 31 that such report has not been submitted to the
12 Congress: *Provided further*, That not later than March 31
13 of each fiscal year hereafter, the Administrator shall
14 transmit to Congress a companion report that describes
15 a comprehensive strategy for staffing, hiring, and training
16 flight standards and aircraft certification staff in a format
17 similar to the one utilized for the controller staffing plan,
18 including stated attrition estimates and numerical hiring
19 goals by fiscal year: *Provided further*, That the amount
20 herein appropriated shall be reduced by \$100,000 per day
21 for each day after March 31 that such report has not been
22 submitted to Congress: *Provided further*, That funds may
23 be used to enter into a grant agreement with a nonprofit
24 standard-setting organization to assist in the development
25 of aviation safety standards: *Provided further*, That none

1 of the funds in this Act shall be available for new appli-
2 cants for the second career training program: *Provided*
3 *further*, That none of the funds in this Act shall be avail-
4 able for the Federal Aviation Administration to finalize
5 or implement any regulation that would promulgate new
6 aviation user fees not specifically authorized by law after
7 the date of the enactment of this Act: *Provided further*,
8 That there may be credited to this appropriation as offset-
9 ting collections funds received from States, counties, mu-
10 nicipalities, foreign authorities, other public authorities,
11 and private sources, including funds from fees authorized
12 under Chapter 453 of title 49, United States Code, other
13 than those authorized by section 45301(a)(1) of that title,
14 which shall be available for expenses incurred in the provi-
15 sion of agency services, including receipts for the mainte-
16 nance and operation of air navigation facilities, and for
17 issuance, renewal or modification of certificates, including
18 airman, aircraft, and repair station certificates, or for
19 tests related thereto, or for processing major repair or al-
20 teration forms: *Provided further*, That of the funds appro-
21 priated under this heading, not less than \$9,500,000 shall
22 be for the contract tower cost-sharing program: *Provided*
23 *further*, That none of the funds in this Act for aeronautical
24 charting and cartography are available for activities con-

1 ducted by, or coordinated through, the Working Capital
2 Fund.

3 FACILITIES AND EQUIPMENT

4 (AIRPORT AND AIRWAY TRUST FUND)

5 For necessary expenses, not otherwise provided for,
6 for acquisition, establishment, technical support services,
7 improvement by contract or purchase, and hire of national
8 airspace systems and experimental facilities and equip-
9 ment, as authorized under part A of subtitle VII of title
10 49, United States Code, including initial acquisition of
11 necessary sites by lease or grant; engineering and service
12 testing, including construction of test facilities and acqui-
13 sition of necessary sites by lease or grant; construction
14 and furnishing of quarters and related accommodations
15 for officers and employees of the Federal Aviation Admin-
16 istration stationed at remote localities where such accom-
17 modations are not available; and the purchase, lease, or
18 transfer of aircraft from funds available under this head-
19 ing, including aircraft for aviation regulation and certifi-
20 cation; to be derived from the Airport and Airway Trust
21 Fund, \$3,000,000,000, of which \$2,508,000,000 shall re-
22 main available until September 30, 2013, and of which
23 \$492,000,000 shall remain available until September 30,
24 2011: *Provided*, That there may be credited to this appro-
25 priation funds received from States, counties, municipali-

1 ties, other public authorities, and private sources, for ex-
2 penses incurred in the establishment, improvement, and
3 modernization of National Airspace Systems: *Provided*
4 *further*, That upon initial submission to the Congress of
5 the fiscal year 2012 President's budget, the Secretary of
6 Transportation shall transmit to the Congress a com-
7 prehensive capital investment plan for the Federal Avia-
8 tion Administration which includes funding for each budg-
9 et line item for fiscal years 2012 through 2016, with total
10 funding for each year of the plan constrained to the fund-
11 ing targets for those years as estimated and approved by
12 the Office of Management and Budget.

13 RESEARCH, ENGINEERING, AND DEVELOPMENT

14 (AIRPORT AND AIRWAY TRUST FUND)

15 For necessary expenses, not otherwise provided for,
16 for research, engineering, and development, as authorized
17 under part A of subtitle VII of title 49, United States
18 Code, including construction of experimental facilities and
19 acquisition of necessary sites by lease or grant,
20 \$198,000,000, to be derived from the Airport and Airway
21 Trust Fund and to remain available until September 30,
22 2013: *Provided*, That there may be credited to this appro-
23 priation as offsetting collections, funds received from
24 States, counties, municipalities, other public authorities,

1 and private sources, which shall be available for expenses
2 incurred for research, engineering, and development.

3 GRANTS-IN-AID FOR AIRPORTS
4 (LIQUIDATION OF CONTRACT AUTHORIZATION)
5 (LIMITATION ON OBLIGATIONS)
6 (AIRPORT AND AIRWAY TRUST FUND)

7 For liquidation of obligations incurred for grants-in-
8 aid for airport planning and development, and noise com-
9 patibility planning and programs as authorized under sub-
10 chapter I of chapter 471 and subchapter I of chapter 475
11 of title 49, United States Code, and under other law au-
12 thorizing such obligations; for procurement, installation,
13 and commissioning of runway incursion prevention devices
14 and systems at airports of such title; for grants authorized
15 under section 41743 of title 49, United States Code; and
16 for inspection activities and administration of airport safe-
17 ty programs, including those related to airport operating
18 certificates under section 44706 of title 49, United States
19 Code, \$3,550,000,000, to be derived from the Airport and
20 Airway Trust Fund and to remain available until ex-
21 pended: *Provided*, That none of the funds under this head-
22 ing shall be available for the planning or execution of pro-
23 grams the obligations for which are in excess of
24 \$3,515,000,000 in fiscal year 2011, notwithstanding sec-
25 tion 47117(g) of title 49, United States Code: *Provided*

1 *further*, That none of the funds under this heading shall
2 be available for the replacement of baggage conveyor sys-
3 tems, reconfiguration of terminal baggage areas, or other
4 airport improvements that are necessary to install bulk ex-
5 plosive detection systems: *Provided further*, That notwith-
6 standing any other provision of law, of funds limited under
7 this heading, not more than \$99,622,000 shall be obli-
8 gated for administration, not less than \$15,000,000 shall
9 be available for the airport cooperative research program,
10 not less than \$27,217,000 shall be for Airport Technology
11 Research.

12 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

13 ADMINISTRATION

14 SEC. 110. None of the funds in this Act may be used
15 to compensate in excess of 600 technical staff-years under
16 the federally funded research and development center con-
17 tract between the Federal Aviation Administration and the
18 Center for Advanced Aviation Systems Development dur-
19 ing fiscal year 2011.

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

1 navigation, or weather reporting: *Provided*, That the pro-
2 hibition of funds in this section does not apply to negotia-
3 tions between the agency and airport sponsors to achieve
4 agreement on “below-market” rates for these items or to
5 grant assurances that require airport sponsors to provide
6 land without cost to the FAA for air traffic control facili-
7 ties.

8 SEC. 112. The Administrator of the Federal Aviation
9 Administration may reimburse amounts made available to
10 satisfy 49 U.S.C. 41742(a)(1) from fees credited under
11 49 U.S.C. 45303: *Provided*, That during fiscal year 2011,
12 49 U.S.C. 41742(b) shall not apply, and any amount re-
13 maining in such account at the close of that fiscal year
14 may be made available to satisfy section 41742(a)(1) for
15 the subsequent fiscal year.

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

21 SEC. 114. None of the funds appropriated or limited
22 by this Act may be used to change weight restrictions or
23 prior permission rules at Teterboro airport in Teterboro,
24 New Jersey.

1 SEC. 115. None of the funds limited by this Act for
2 grants under the Airport Improvement Program shall be
3 made available to the sponsor of a commercial service air-
4 port if such sponsor fails to agree to a request from the
5 Secretary of Transportation for cost-free space in a non-
6 revenue producing, public use area of the airport terminal
7 or other airport facilities for the purpose of carrying out
8 a public service air passenger rights and consumer out-
9 reach campaign.

10 SEC. 116. None of the funds in this Act shall be avail-
11 able for paying premium pay under subsection 5546(a) of
12 title 5, United States Code, to any Federal Aviation Ad-
13 ministration employee unless such employee actually per-
14 formed work during the time corresponding to such pre-
15 mium pay.

16 SEC. 117. None of the funds in this Act may be obli-
17 gated or expended for an employee of the Federal Aviation
18 Administration to purchase a store gift card or gift certifi-
19 cate through use of a Government-issued credit card.

20 FEDERAL HIGHWAY ADMINISTRATION

21 LIMITATION ON ADMINISTRATIVE EXPENSES

22 (INCLUDING TRANSFER OF FUNDS)

23 Not to exceed \$428,843,000, together with advances
24 and reimbursements received by the Federal Highway Ad-
25 ministration, shall be paid in accordance with law from

1 appropriations made available by this Act to the Federal
2 Highway Administration for necessary expenses for ad-
3 ministration and operation: *Provided*, That of the funds
4 made available under this heading, not less than
5 \$8,000,000 shall be for renovations and upgrades to the
6 fiscal management information system, except that such
7 funds may not be obligated for such purpose until the Sec-
8 retary of Transportation submits to the House and Senate
9 Committees on Appropriations a plan that identifies the
10 full cost of the upgrades needed and a timeline for comple-
11 tion. In addition, not to exceed \$3,300,000 shall be paid
12 from appropriations made available by this Act and trans-
13 ferred to the Appalachian Regional Commission in accord-
14 ance with section 104 of title 23, United States Code.

15 FEDERAL-AID HIGHWAYS

16 (LIMITATION ON OBLIGATIONS)

17 (HIGHWAY TRUST FUND)

18 None of the funds in this Act shall be available for
19 the implementation or execution of programs, the obliga-
20 tions for which are in excess of \$45,217,700,000 for Fed-
21 eral-aid highways and highway safety construction pro-
22 grams for fiscal year 2011: *Provided*, That within the
23 \$45,217,700,000 obligation limitation on Federal-aid
24 highways and highway safety construction programs, not
25 more than \$429,800,000 shall be available for the imple-

1 mentation or execution of programs for transportation re-
2 search (chapter 5 of title 23, United States Code; sections
3 111, 5505, and 5506 of title 49, United States Code; and
4 title 5 of Public Law 109–59) for fiscal year 2011: *Pro-*
5 *vided further*, That this limitation on transportation re-
6 search programs shall not apply to any authority pre-
7 viously made available for obligation: *Provided further*,
8 That the Secretary may, as authorized by section 605(b)
9 of title 23, United States Code, collect and spend fees to
10 cover the costs of services of expert firms, including coun-
11 sel, in the field of municipal and project finance to assist
12 in the underwriting and servicing of Federal credit instru-
13 ments and all or a portion of the costs to the Federal Gov-
14 ernment of servicing such credit instruments: *Provided*
15 *further*, That such fees are available until expended to pay
16 for such costs: *Provided further*, That such amounts are
17 in addition to administrative expenses that are also avail-
18 able for such purpose, and are not subject to any obliga-
19 tion limitation or the limitation on administrative expenses
20 under section 608 of title 23, United States Code.

21 (LIQUIDATION OF CONTRACT AUTHORIZATION)

22 (HIGHWAY TRUST FUND)

23 For carrying out the provisions of title 23, United
24 States Code, that are attributable to Federal-aid high-
25 ways, not otherwise provided, including reimbursement for

1 sums expended pursuant to the provisions of 23 U.S.C.
2 308, \$45,956,700,000 or so much thereof as may be avail-
3 able in and derived from the Highway Trust Fund (other
4 than the Mass Transit Account), to remain available until
5 expended.

6 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

7 ADMINISTRATION

8 (INCLUDING RESCISSIONS)

9 SEC. 120. (a) For fiscal year 2011, the Secretary of
10 Transportation shall—

11 (1) not distribute from the obligation limitation
12 for Federal-aid highways amounts authorized for ad-
13 ministrative expenses and programs by section
14 104(a) of title 23, United States Code; programs
15 funded from the administrative takedown authorized
16 by section 104(a)(1) of title 23, United States Code
17 (as in effect on the date before the date of enact-
18 ment of the Safe, Accountable, Flexible, Efficient
19 Transportation Equity Act: A Legacy for Users); the
20 highway use tax evasion program; and the Bureau of
21 Transportation Statistics;

22 (2) not distribute an amount from the obliga-
23 tion limitation for Federal-aid highways that is equal
24 to the unobligated balance of amounts made avail-
25 able from the Highway Trust Fund (other than the

1 Mass Transit Account) for Federal-aid highways and
2 highway safety programs for previous fiscal years
3 the funds for which are allocated by the Secretary;

4 (3) determine the ratio that—

5 (A) the obligation limitation for Federal-
6 aid highways, less the aggregate of amounts not
7 distributed under paragraphs (1) and (2), bears
8 to

9 (B) the total of the sums authorized to be
10 appropriated for Federal-aid highways and
11 highway safety construction programs (other
12 than sums authorized to be appropriated for
13 provisions of law described in paragraphs (1)
14 through (9) of subsection (b) and sums author-
15 ized to be appropriated for section 105 of title
16 23, United States Code, equal to the amount
17 referred to in subsection (b)(10) for such fiscal
18 year), less the aggregate of the amounts not
19 distributed under paragraphs (1) and (2) of
20 this subsection;

21 (4)(A) distribute the obligation limitation for
22 Federal-aid highways, less the aggregate amounts
23 not distributed under paragraphs (1) and (2), for
24 sections 1301, 1302, and 1934 of the Safe, Account-
25 able, Flexible, Efficient Transportation Equity Act:

1 A Legacy for Users; sections 117 (but individually
2 for each project numbered 1 through 3676 listed in
3 the table contained in section 1702 of the Safe, Ac-
4 countable, Flexible, Efficient Transportation Equity
5 Act: A Legacy for Users) and section 144(g) of title
6 23, United States Code; and section 14501 of title
7 40, United States Code, so that the amount of obli-
8 gation authority available for each of such sections
9 is equal to the amount determined by multiplying
10 the ratio determined under paragraph (3) by the
11 sums authorized to be appropriated for that section
12 for the fiscal year; and

13 (B) distribute \$2,000,000,000 for section
14 105 of title 23, United States Code;

15 (5) distribute the obligation limitation provided
16 for Federal-aid highways, less the aggregate
17 amounts not distributed under paragraphs (1) and
18 (2) and amounts distributed under paragraph (4),
19 for each of the programs that are allocated by the
20 Secretary under the Safe, Accountable, Flexible, Ef-
21 ficient Transportation Equity Act: A Legacy for
22 Users and title 23, United States Code (other than
23 to programs to which paragraphs (1) and (4) apply),
24 by multiplying the ratio determined under paragraph

1 (3) by the amounts authorized to be appropriated
2 for each such program for such fiscal year; and

3 (6) distribute the obligation limitation provided
4 for Federal-aid highways, less the aggregate
5 amounts not distributed under paragraphs (1) and
6 (2) and amounts distributed under paragraphs (4)
7 and (5), for Federal-aid highways and highway safe-
8 ty construction programs (other than the amounts
9 apportioned for the equity bonus program, but only
10 to the extent that the amounts apportioned for the
11 equity bonus program for the fiscal year are greater
12 than \$2,639,000,000, and the Appalachian develop-
13 ment highway system program) that are apportioned
14 by the Secretary under the Safe, Accountable, Flexi-
15 ble, Efficient Transportation Equity Act: A Legacy
16 for Users and title 23, United States Code, in the
17 ratio that—

18 (A) amounts authorized to be appropriated
19 for such programs that are apportioned to each
20 State for such fiscal year, bear to

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

24 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—

25 The obligation limitation for Federal-aid highways shall

1 not apply to obligations: (1) under section 125 of title 23,
2 United States Code; (2) under section 147 of the Surface
3 Transportation Assistance Act of 1978; (3) under section
4 9 of the Federal-Aid Highway Act of 1981; (4) under sub-
5 sections (b) and (j) of section 131 of the Surface Trans-
6 portation Assistance Act of 1982; (5) under subsections
7 (b) and (c) of section 149 of the Surface Transportation
8 and Uniform Relocation Assistance Act of 1987; (6) under
9 sections 1103 through 1108 of the Intermodal Surface
10 Transportation Efficiency Act of 1991; (7) under section
11 157 of title 23, United States Code, as in effect on the
12 day before the date of the enactment of the Transpor-
13 tation Equity Act for the 21st Century; (8) under section
14 105 of title 23, United States Code, as in effect for fiscal
15 years 1998 through 2004, but only in an amount equal
16 to \$639,000,000 for each of those fiscal years; (9) for
17 Federal-aid highway programs for which obligation au-
18 thority was made available under the Transportation Eq-
19 uity Act for the 21st Century or subsequent public laws
20 for multiple years or to remain available until used, but
21 only to the extent that the obligation authority has not
22 lapsed or been used; (10) under section 105 of title 23,
23 United States Code, but only in an amount equal to
24 \$639,000,000 for each of fiscal years 2005 through 2011;
25 and (11) under section 1603 of the Safe, Accountable,

1 Flexible, Efficient Transportation Equity Act: A Legacy
2 for Users, to the extent that funds obligated in accordance
3 with that section were not subject to a limitation on obli-
4 gations at the time at which the funds were initially made
5 available for obligation.

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

17 (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO
18 TRANSPORTATION RESEARCH PROGRAMS.—The obliga-
19 tion limitation shall apply to transportation research pro-
20 grams carried out under chapter 5 of title 23, United
21 States Code, and title V (research title) of the Safe, Ac-
22 countable, Flexible, Efficient Transportation Equity Act:
23 A Legacy for Users, except that obligation authority made
24 available for such programs under such limitation shall re-
25 main available for a period of 3 fiscal years and shall be

1 in addition to the amount of any limitation imposed on
2 obligations for Federal-aid highway and highway safety
3 construction programs for future fiscal years.

4 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED
5 FUNDS.—

6 (1) IN GENERAL.—Not later than 30 days after
7 the date of the distribution of obligation limitation
8 under subsection (a), the Secretary shall distribute
9 to the States any funds that

10 (A) are authorized to be appropriated for
11 such fiscal year for Federal-aid highways pro-
12 grams; and

13 (B) the Secretary determines will not be
14 allocated to the States, and will not be available
15 for obligation, in such fiscal year due to the im-
16 position of any obligation limitation for such
17 fiscal year.

18 (2) RATIO.—Funds shall be distributed under
19 paragraph (1) in the same ratio as the distribution
20 of obligation authority under subsection (a)(6).

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

1 (f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

2 (1) remain available until used for obligation of funds for that provision; and

3 (2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

4 (g) HIGH PRIORITY PROJECT FLEXIBILITY.—

5 (1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

6 (2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

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

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

16 SEC. 122. Not less than 15 days prior to waiving,
17 under his statutory authority, any Buy America require-
18 ment for Federal-aid highway projects, the Secretary of
19 Transportation shall make an informal public notice and
20 comment opportunity on the intent to issue such waiver
21 and the reasons therefor: *Provided*, That the Secretary
22 shall provide an annual report to the Appropriations Com-
23 mittees of the Congress on any waivers granted under the
24 Buy America requirements.

1 SEC. 123. (a) IN GENERAL.—Except as provided in
2 subsection (b), none of the funds made available, limited,
3 or otherwise affected by this Act shall be used to approve
4 or otherwise authorize the imposition of any toll on any
5 segment of highway located on the Federal-aid system in
6 the State of Texas that—

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

9 (2) is constructed with Federal assistance provided
10 under title 23, United States Code; and

11 (3) is in actual operation as of the date of enactment
12 of this Act.

13 (b) EXCEPTIONS.—

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

20 (2) HIGH-OCCUPANCY VEHICLE LANES.—A high-oc-
21 cupancy vehicle lane that is converted to a toll lane shall
22 not be subject to this section, and shall not be considered
23 to be a non-toll lane for purposes of determining whether
24 a highway will have fewer non-toll lanes than prior to the
25 date of imposition of the toll, if—

1 (A) high-occupancy vehicles occupied by the
2 number of passengers specified by the entity oper-
3 ating the toll lane may use the toll lane without pay-
4 ing a toll, unless otherwise specified by the appro-
5 priate county, town, municipal or other local govern-
6 ment entity, or public toll road or transit authority;
7 or

8 (B) each high-occupancy vehicle lane that was
9 converted to a toll lane was constructed as a tem-
10 porary lane to be replaced by a toll lane under a
11 plan approved by the appropriate county, town, mu-
12 nicipal or other local government entity, or public
13 toll road or transit authority.

14 SEC. 124. Notwithstanding any other provision of
15 law, whenever an apportionment is made of the sums au-
16 thorized to be appropriated for the Surface Transportation
17 Program, the Congestion Mitigation and Air Quality Im-
18 provement Program, the National Highway System Pro-
19 gram, the Interstate Maintenance Program, and the High-
20 way Bridge Program, the Secretary of Transportation
21 shall deduct a sum in such amount not to exceed a total
22 of \$200,000,000 of all sums so authorized: *Provided*, That
23 of the amount so deducted in accordance with this section
24 shall be made available for the Federal Highway Adminis-
25 tration Livable Communities Program: *Provided further*,

1 That the Federal share payable on account of any pro-
2 gram, project, or activity carried out with funds made
3 available under this section shall be determined in accord-
4 ance with 23 U.S.C. 120: *Provided further*, That the Ad-
5 ministrator of the Federal Highway Administration may
6 retain up to one percent of the funds provided under this
7 section for administrative expenses: *Provided further*, That
8 the sum deducted in accordance with this section shall re-
9 main available until expended: *Provided further*, That all
10 funds made available under this section shall be subject
11 to any limitation on obligations for Federal-aid highways
12 programs set forth in this Act or any other Act: *Provided*
13 *further*, That the obligation limitation made available for
14 the programs, projects, and activities for which funds are
15 made available under this section shall remain available
16 until used and shall be in addition to the amount of any
17 limitation imposed on obligations for Federal-aid highway
18 and highway safety construction programs for future fiscal
19 years: *Provided further*, That in apportioning funds for fis-
20 cal year 2011 for the equity bonus program under Section
21 105 of title 23, United States Code, the Secretary shall
22 make any calculations required to be made under that sec-
23 tion as if this provision had not been enacted.

24 SEC. 125. (a) In the explanatory statement ref-
25 erenced in section 186 of title I of division A of Public

1 Law 111–117 (123 Stat. 3070), the item relating to
2 “Chalk Bluff Road, Clay County, AR” in the table of
3 projects under the heading “Delta Region Transportation
4 Development Program” is deemed to be amended by strik-
5 ing “Chalk Bluff Road, Clay County, AR” and inserting
6 “Cabot North Interchange, AR”.

7 (b) In the explanatory statement referenced in section
8 186 of title I of division A of Public Law 111–117 (123
9 Stat. 3070), the item relating to “I-480/Tiedeman Road
10 Interchange Modification, OH” in the table of projects
11 under the heading “Interstate Maintenance Discre-
12 tionary” is deemed to be amended by striking “I-480/
13 Tiedeman Road Interchange Modification, OH” and in-
14 serting “Construction and upgrades at four grade cross-
15 ings in Olmsted Falls, OH”.

16 (c) Funds made available for “Construction of the I-
17 278 Environmental Shield, Queens, NY” under the head-
18 ing “Surface transportation priorities” in title I of division
19 A of Public Law 111–117 (123 Stat. 3044) shall be made
20 available for “Reconstruction and reconfiguration of the
21 northbound off-ramp from Interstate 95 to Bartow/
22 Baychester Avenue, Bronx, NY”.

23 (d) In the explanatory statement referenced in section
24 186 of title I of division I of Public Law 111–8 (123 Stat.
25 947), the item relating to “Newton County Rails to Trails

1 By-Pass Tunnel, GA” in the table of projects under the
2 heading “Transportation, Community, and System Pres-
3 ervation Program” is deemed to be amended by striking
4 “Newton County Rails to Trails By-Pass Tunnel, GA”
5 and inserting “Newton County Eastside High School to
6 County Library Trail, GA”.

7 SEC. 126. The table contained in section 1702 of the
8 Safe, Accountable, Flexible, Efficient Transportation Eq-
9 uity Act: A Legacy for Users (119 Stat. 1256) is amend-
10 ed—

11 (a) in item number 1366, by striking the project de-
12 scription and inserting “Road and bridge improvements
13 and storm water mitigation in the Town of Southampton”;
14 and

15 (b) in item number 2252 by striking the project de-
16 scription and inserting “Operational safety studies, final
17 design and/or construction of intersection operational and
18 safety improvements for USH 53 between Rice Lake and
19 Superior, Wisconsin”.

20 SEC. 127. The table contained in section 1602 of the
21 Transportation Equity Act for the 21st Century (112
22 Stat. 257) is amended—

23 (a) in item number 414 by striking the project de-
24 scription and inserting “Engineering, design and construc-

1 tion of the North Street, Pittsfield, streetscaping project”;
2 and

3 (b) in item number 815 by striking the project de-
4 scription and inserting “ Highway 10 relocation, City of
5 Wadena”.

6 SEC. 128. Of the unobligated balances made available
7 under Public Law 101–516, Public Law 102–143, Public
8 Law 103–331, and Public Law 106–346, \$33,905,809 are
9 rescinded: *Provided*, That in administering the rescission
10 required under this section, the Secretary of Transpor-
11 tation shall first consider: (1) projects where the des-
12 ignated purpose has been completed and the remaining
13 funds are no longer needed to meet that purpose; and (2)
14 projects with more than 90 percent of the appropriated
15 amount remaining available for obligation.

16 SEC. 129. Of the amounts made available for “High-
17 way Related Safety Grants” by section 402 of title 23,
18 United States Code, and administered by the Federal
19 Highway Administration, \$3,651 in unobligated balances
20 are rescinded.

21 SEC. 130. Of the amounts made available under sec-
22 tion 104(a) of title 23, United States Code, \$1,863,000
23 are permanently rescinded.

1 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

2 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

3 (LIQUIDATION OF CONTRACT AUTHORIZATION)

4 (LIMITATION ON OBLIGATIONS)

5 (HIGHWAY TRUST FUND)

6 For payment of obligations incurred in the implemen-
7 tation, execution and administration of motor carrier safe-
8 ty operations and programs pursuant to section 31104(i)
9 of title 49, United States Code, and sections 4127 and
10 4134 of Public Law 109–59, \$259,878,000, to be derived
11 from the Highway Trust Fund (other than the Mass Tran-
12 sit Account), together with advances and reimbursements
13 received by the Federal Motor Carrier Safety Administra-
14 tion, the sum of which shall remain available until ex-
15 pended: *Provided*, That none of the funds derived from
16 the Highway Trust Fund in this Act shall be available for
17 the implementation, execution or administration of pro-
18 grams, the obligations for which are in excess of
19 \$259,878,000, for “Motor Carrier Safety Operations and
20 Programs” of which \$8,586,000, to remain available for
21 obligation until September 30, 2013, is for the research
22 and technology program and \$1,000,000 shall be available
23 for commercial motor vehicle operator’s grants to carry
24 out section 4134 of Public Law 109–59: *Provided further*,
25 That notwithstanding any other provision of law, none of

1 the funds under this heading for outreach and education
2 shall be available for transfer.

3 MOTOR CARRIER SAFETY GRANTS
4 (LIQUIDATION OF CONTRACT AUTHORIZATION)
5 (LIMITATION ON OBLIGATIONS)
6 (HIGHWAY TRUST FUND)

7 For payment of obligations incurred in carrying out
8 sections 31102, 31104(a), 31106, 31107, 31109, 31309,
9 31313 of title 49, United States Code, and sections 4126
10 and 4128 of Public Law 109–59, \$310,070,000, to be de-
11 rived from the Highway Trust Fund (other than the Mass
12 Transit Account) and to remain available until expended:
13 *Provided*, That none of the funds in this Act shall be avail-
14 able for the implementation or execution of programs, the
15 obligations for which are in excess of \$310,070,000, for
16 “Motor Carrier Safety Grants”; of which \$215,070,000
17 shall be available for the motor carrier safety assistance
18 program to carry out sections 31102 and 31104(a) of title
19 49, United States Code; \$30,000,000 shall be available for
20 the commercial driver’s license improvements program to
21 carry out section 31313 of title 49, United States Code;
22 \$32,000,000 shall be available for the border enforcement
23 grants program to carry out section 31107 of title 49,
24 United States Code; \$5,000,000 shall be available for the
25 performance and registration information system manage-

1 ment program to carry out sections 31106(b) and 31109
2 of title 49, United States Code; \$25,000,000 shall be
3 available for the commercial vehicle information systems
4 and networks deployment program to carry out section
5 4126 of Public Law 109–59; and \$3,000,000 shall be
6 available for the safety data improvement program to
7 carry out section 4128 of Public Law 109–59: *Provided*
8 *further*, That of the funds made available for the motor
9 carrier safety assistance program, \$35,000,000 shall be
10 available for audits of new entrant motor carriers.

11 MOTOR CARRIER SAFETY

12 (HIGHWAY TRUST FUND)

13 (RESCISSION)

14 Of the amounts made available under this heading
15 in prior appropriations Acts, \$7,330,000 in unobligated
16 balances are permanently rescinded.

17 NATIONAL MOTOR CARRIER SAFETY PROGRAM

18 (HIGHWAY TRUST FUND)

19 (RESCISSION)

20 Of the amounts made available under this heading
21 in prior appropriations Acts, \$15,076,000 in unobligated
22 balances are permanently rescinded.

1 ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER
2 SAFETY ADMINISTRATION

3 SEC. 135. Funds appropriated or limited in this Act
4 shall be subject to the terms and conditions stipulated in
5 section 350 of Public Law 107–87 and section 6901 of
6 Public Law 110–28, including that the Secretary submit
7 a report to the House and Senate Appropriations Commit-
8 tees annually on the safety and security of transportation
9 into the United States by Mexico-domiciled motor carriers.

10 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
11 OPERATIONS AND RESEARCH

12 For expenses necessary to discharge the functions of
13 the Secretary, with respect to traffic and highway safety
14 under subtitle C of title X of Public Law 109–59 and
15 chapter 301 and part C of subtitle VI of title 49, United
16 States Code, \$148,127,000, of which \$10,000,000 shall
17 remain available through September 30, 2012: *Provided,*
18 That none of the funds appropriated by this Act may be
19 obligated or expended to plan, finalize, or implement any
20 rulemaking to add to section 575.104 of title 49 of the
21 Code of Federal Regulations any requirement pertaining
22 to a grading standard that is different from the three
23 grading standards (treadwear, traction, and temperature
24 resistance) already in effect.

1 OPERATIONS AND RESEARCH
2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
3 (LIMITATION ON OBLIGATIONS)
4 (HIGHWAY TRUST FUND)

5 For payment of obligations incurred in carrying out
6 the provisions of 23 U.S.C. 403, \$110,073,000 to be de-
7 rived from the Highway Trust Fund (other than the Mass
8 Transit Account) and to remain available until expended:
9 *Provided*, That none of the funds in this Act shall be avail-
10 able for the planning or execution of programs the total
11 obligations for which, in fiscal year 2011, are in excess
12 of \$110,073,000 for programs authorized under 23 U.S.C.
13 403: *Provided further*, That within the \$110,073,000 obli-
14 gation limitation for operations and research, \$10,000,000
15 shall remain available until September 30, 2012 and shall
16 be in addition to the amount of any limitation imposed
17 on obligations for future years.

18 NATIONAL DRIVER REGISTER
19 (LIQUIDATION OF CONTRACT AUTHORIZATION)
20 (LIMITATION ON OBLIGATIONS)
21 (HIGHWAY TRUST FUND)

22 For payment of obligations incurred in carrying out
23 chapter 303 of title 49, United States Code, \$4,170,000,
24 to be derived from the Highway Trust Fund (other than
25 the Mass Transit Account) and to remain available until

1 expended: *Provided*, That none of the funds in this Act
2 shall be available for the implementation or execution of
3 programs the total obligations for which, in fiscal year
4 2011, are in excess of \$4,170,000 for the National Driver
5 Register authorized under such chapter.

6 NATIONAL DRIVER REGISTER MODERNIZATION

7 For an additional amount for the “National Driver
8 Register” as authorized by chapter 303 of title 49, United
9 States Code, \$2,530,000, to remain available through Sep-
10 tember 30, 2012: *Provided*, That the funding made avail-
11 able under this heading shall be used to continue the mod-
12 ernization of the National Driver Register.

13 HIGHWAY TRAFFIC SAFETY GRANTS

14 (LIQUIDATION OF CONTRACT AUTHORIZATION)

15 (LIMITATION ON OBLIGATIONS)

16 (HIGHWAY TRUST FUND)

17 For payment of obligations incurred in carrying out
18 the provisions of 23 U.S.C. 402, 405, 406, 408, and 410
19 and sections 2001(a)(11), 2009, 2010, and 2011 of Public
20 Law 109–59, to remain available until expended,
21 \$626,328,000 to be derived from the Highway Trust Fund
22 (other than the Mass Transit Account): *Provided*, That
23 none of the funds in this Act shall be available for the
24 planning or execution of programs the total obligations for
25 which, in fiscal year 2011, are in excess of \$626,328,000

1 for programs authorized under 23 U.S.C. 402, 405, 406,
2 408, and 410 and sections 2001(a)(11), 2009, 2010, and
3 2011 of Public Law 109–59, of which \$235,000,000 shall
4 be for “Highway Safety Programs” under 23 U.S.C. 402;
5 \$25,000,000 shall be for “Occupant Protection Incentive
6 Grants” under 23 U.S.C. 405; \$124,500,000 shall be for
7 “Safety Belt Performance Grants” under 23 U.S.C. 406,
8 and such obligation limitation shall remain available until
9 September 30, 2012 in accordance with subsection (f) of
10 such section 406 and shall be in addition to the amount
11 of any limitation imposed on obligations for such grants
12 for future fiscal years, of which up to \$50,000,000 may
13 be made available by the Secretary as grants to States
14 that enact and enforce laws to prevent distracted driving;
15 \$34,500,000 shall be for “State Traffic Safety Informa-
16 tion System Improvements” under 23 U.S.C. 408;
17 \$139,000,000 shall be for “Alcohol-Impaired Driving
18 Countermeasures Incentive Grant Program” under 23
19 U.S.C. 410; \$25,328,000 shall be for “Administrative Ex-
20 penses” under section 2001(a)(11) of Public Law 109–
21 59; \$29,000,000 shall be for “High Visibility Enforcement
22 Program” under section 2009 of Public Law 109–59;
23 \$7,000,000 shall be for “Motorcyclist Safety” under sec-
24 tion 2010 of Public Law 109–59; and \$7,000,000 shall
25 be for “Child Safety and Child Booster Seat Safety Incen-

1 tive Grants” under section 2011 of Public Law 109–59:
2 *Provided further*, That of the funds made available for
3 grants to States that enact and enforce laws to prevent
4 distracted driving, up to \$5,000,000 may be available for
5 the development, production, and use of broadcast and
6 print media advertising for distracted driving prevention:
7 *Provided further*, That none of these funds shall be used
8 for construction, rehabilitation, or remodeling costs, or for
9 office furnishings and fixtures for State, local or private
10 buildings or structures: *Provided further*, That not to ex-
11 ceed \$500,000 of the funds made available for section 410
12 “Alcohol-Impaired Driving Countermeasures Grants”
13 shall be available for technical assistance to the States:
14 *Provided further*, That not to exceed \$750,000 of the
15 funds made available for the “High Visibility Enforcement
16 Program” shall be available for the evaluation required
17 under section 2009(f) of Public Law 109–59.

18 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

19 TRAFFIC SAFETY ADMINISTRATION

20 (INCLUDING RESCISSION)

21 SEC. 140. Notwithstanding any other provision of law
22 or limitation on the use of funds made available under
23 section 403 of title 23, United States Code, an additional
24 \$130,000 shall be made available to the National Highway
25 Traffic Safety Administration, out of the amount limited

1 for section 402 of title 23, United States Code, to pay
2 for travel and related expenses for State management re-
3 views and to pay for core competency development train-
4 ing and related expenses for highway safety staff.

5 SEC. 141. The limitations on obligations for the pro-
6 grams of the National Highway Traffic Safety Adminis-
7 tration set in this Act shall not apply to obligations for
8 which obligation authority was made available in previous
9 public laws for multiple years but only to the extent that
10 the obligation authority has not lapsed or been used.

11 SEC. 142. Of the amounts made available under the
12 heading “Highway Traffic Safety Grants (Liquidation of
13 Contract Authorization) (Limitation on Obligations)
14 (Highway Trust Fund)” in prior appropriations Acts,
15 \$7,907,000 in unobligated balances are permanently re-
16 scinded.

17 FEDERAL RAILROAD ADMINISTRATION

18 SAFETY AND OPERATIONS

19 For necessary expenses of the Federal Railroad Ad-
20 ministration, not otherwise provided for, \$203,348,000, of
21 which \$5,492,000 shall remain available until expended.

22 RAILROAD RESEARCH AND DEVELOPMENT

23 For necessary expenses for railroad research and de-
24 velopment, \$40,000,000, to remain available until ex-
25 pended.

1 RAILROAD SAFETY TECHNOLOGY PROGRAM

2 For necessary expenses of carrying out section 20158
3 of title 49, United States Code, \$75,000,000, to remain
4 available until expended: *Provided*, That to be eligible for
5 assistance under this heading, an entity need not have de-
6 veloped plans required under subsection 20156(e)(2) of
7 title 49, United States Code, and section 20157 of such
8 title.

9 RAILROAD REHABILITATION AND IMPROVEMENT

10 FINANCING PROGRAM

11 The Secretary of Transportation is authorized to
12 issue to the Secretary of the Treasury notes or other obli-
13 gations pursuant to section 512 of the Railroad Revitaliza-
14 tion and Regulatory Reform Act of 1976 (Public Law 94–
15 210), as amended, in such amounts and at such times as
16 may be necessary to pay any amounts required pursuant
17 to the guarantee of the principal amount of obligations
18 under sections 511 through 513 of such Act, such author-
19 ity to exist as long as any such guaranteed obligation is
20 outstanding: *Provided*, That pursuant to section 502 of
21 such Act, as amended, no new direct loans or loan guar-
22 antee commitments shall be made using Federal funds for
23 the credit risk premium during fiscal year 2011.

1 CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS
2 AND INTERCITY PASSENGER RAIL SERVICE

3 To enable the Secretary of Transportation to make
4 grants for high-speed rail projects as authorized under
5 section 26106 of title 49, United States Code, capital in-
6 vestment grants to support intercity passenger rail service
7 as authorized under section 24406 of title 49, United
8 States Code, and congestion grants as authorized under
9 section 24105 of title 49, United States Code, and to enter
10 into cooperative agreements for these purposes as author-
11 ized, \$1,400,000,000, to remain available until expended:
12 *Provided*, That up to \$50,000,000 of funds provided under
13 this paragraph are available to the Administrator of the
14 Federal Railroad Administration to fund the award and
15 oversight by the Administrator of grants and cooperative
16 agreements for intercity and high-speed rail: *Provided fur-*
17 *ther*, That up to \$30,000,000 of the funds provided under
18 this paragraph are available to the Administrator for the
19 purposes of conducting research and demonstrating tech-
20 nologies supporting the development of high-speed rail in
21 the United States, including the demonstration of next-
22 generation rolling stock fleet technology and the imple-
23 mentation of the Rail Cooperative Research Program au-
24 thorized by section 24910 of title 49, United States Code:
25 *Provided further*, That up to \$50,000,000 of the funds

1 provided under this paragraph may be used for planning
2 activities that lead directly to the development of a pas-
3 senger rail corridor investment plan consistent with the
4 requirements established by the Administrator or a state
5 rail plan consistent with chapter 227 of title 49, United
6 States Code: *Provided further*, That the Secretary may re-
7 tain a portion of the funds made available for planning
8 activities under the previous proviso to facilitate the prep-
9 aration of a service development plan and related environ-
10 mental impact statement for high-speed corridors located
11 in multiple States: *Provided further*, That the Secretary
12 shall issue interim guidance to applicants covering applica-
13 tion procedures and administer the grants provided under
14 this heading pursuant to that guidance until final regula-
15 tions are issued: *Provided further*, That not less than 85
16 percent of the funds provided under this heading shall be
17 for cooperative agreements that lead to the development
18 of entire segments or phases of intercity or high-speed rail
19 corridors: *Provided further*, That at least 30 days prior
20 to issuing a letter of intent or cooperative agreement pur-
21 suant to Section 24402(f) of title 49, United States Code,
22 for a major corridor development program, the Secretary
23 shall provide to the House and Senate Committees on Ap-
24 propriations written notification consisting of a business
25 and public investment case for the proposed corridor pro-

1 gram which shall include: a comprehensive analysis of the
2 monetary and non-monetary costs and benefits of the cor-
3 ridor development program; an assessment of ridership,
4 passenger travel time reductions, congestion relief bene-
5 fits, environmental benefits, economic benefits, and other
6 public benefits; operating financial forecasts for the pro-
7 gram; a full capital cost estimation for the entire project,
8 including the amount, source and security of non-Federal
9 funds to complete the project; a summary of the grants
10 management plan and an evaluation of the grantee's abil-
11 ity to sustain the project: *Provided further*, That the Fed-
12 eral share payable of the costs for which a grant or cooper-
13 ative agreements is made under this heading shall not ex-
14 ceed 80 percent: *Provided further*, That in addition to the
15 provisions of title 49, United States Code, that apply to
16 each of the individual programs funded under this head-
17 ing, subsections 24402(a)(2), 24402(f), 24402(i), and
18 24403(a) and (c) of title 49, United States Code, shall
19 also apply to the provision of funds provided under this
20 heading: *Provided further*, That a project need not be in
21 a State rail plan developed under Chapter 227 of title 49,
22 United States Code, to be eligible for assistance under this
23 heading: *Provided further*, That recipients of grants under
24 this paragraph shall conduct all procurement transactions
25 using such grant funds in a manner that provides full and

1 open competition, as determined by the Secretary, in com-
2 pliance with existing labor agreements.

3 OPERATING GRANTS TO THE NATIONAL RAILROAD
4 PASSENGER CORPORATION

5 To enable the Secretary of Transportation to make
6 quarterly grants to the National Railroad Passenger Cor-
7 poration for the operation of intercity passenger rail, as
8 authorized by section 101 of the Passenger Rail Invest-
9 ment and Improvement Act of 2008 (division B of Public
10 Law 110–432), \$563,000,000, to remain available until
11 expended: *Provided*, That each grant request shall be ac-
12 companied by a detailed financial analysis, revenue projec-
13 tion, and capital expenditure projection justifying the Fed-
14 eral support to the Secretary’s satisfaction: *Provided fur-*
15 *ther*, That concurrent with the President’s budget request
16 for fiscal year 2012, the Corporation shall submit to the
17 House and Senate Committees on Appropriations a budget
18 request for fiscal year 2012 in similar format and sub-
19 stance to those submitted by executive agencies of the
20 Federal Government.

21 CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL
22 RAILROAD PASSENGER CORPORATION

23 To enable the Secretary of Transportation to make
24 grants to the National Railroad Passenger Corporation for
25 capital investments as authorized by section 101(c) and

1 219(b) of the Passenger Rail Investment and Improve-
2 ment Act of 2008 (division B of Public Law 110–432),
3 \$1,203,500,000 to remain available until expended, of
4 which not to exceed \$305,000,000 shall be for debt service
5 obligations as authorized by section 102 of such Act: *Pro-*
6 *vided*, That after an initial distribution of up to
7 \$200,000,000 which shall be used by the Corporation as
8 a working capital account, all remaining funds shall be
9 provided to the Corporation only on a reimbursable basis:
10 *Provided further*, That the Secretary may retain up to one-
11 half of 1 percent of the funds provided under this heading
12 to fund the costs of project management oversight of cap-
13 ital projects funded by grants provided under this heading,
14 as authorized by subsection 101(d) of division B of Public
15 Law 110–432: *Provided further*, That the Secretary shall
16 approve funding for capital expenditures, including ad-
17 vance purchase orders of materials, for the Corporation
18 only after receiving and reviewing a grant request for each
19 specific capital project justifying the Federal support to
20 the Secretary’s satisfaction: *Provided further*, That none
21 of the funds under this heading may be used to subsidize
22 operating losses of the Corporation: *Provided further*, That
23 none of the funds under this heading may be used for cap-
24 ital projects not approved by the Secretary of Transpor-
25 tation or on the Corporation’s fiscal year 2010 business

1 plan: *Provided further*, That in addition to the project
2 management oversight funds authorized under section
3 101(d) of division B of Public Law 110–432, the Sec-
4 retary may retain up to an additional one-half of one per-
5 cent of the funds provided under this heading to fund ex-
6 penses associated with implementing section 212 of divi-
7 sion B of Public Law 110–432, including the amendments
8 made by section 212 to section 24905 of title 49, United
9 States Code, and other mandates of Division B of Public
10 Law 110–432.

11 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

12 ADMINISTRATION

13 SEC. 150. Hereafter, notwithstanding any other pro-
14 vision of law, funds provided in this Act for the National
15 Railroad Passenger Corporation shall immediately cease
16 to be available to said Corporation in the event that the
17 Corporation contracts to have services provided at or from
18 any location outside the United States. For purposes of
19 this section, the word “services” shall mean any service
20 that was, as of July 1, 2006, performed by a full-time
21 or part-time Amtrak employee whose base of employment
22 is located within the United States.

23 SEC. 151. The Secretary of Transportation may re-
24 ceive and expend cash, or receive and utilize spare parts
25 and similar items, from non-United States Government

1 sources to repair damages to or replace United States
2 Government owned automated track inspection cars and
3 equipment as a result of third party liability for such dam-
4 ages, and any amounts collected under this section shall
5 be credited directly to the Safety and Operations account
6 of the Federal Railroad Administration, and shall remain
7 available until expended for the repair, operation and
8 maintenance of automated track inspection cars and
9 equipment in connection with the automated track inspec-
10 tion program.

11 FEDERAL TRANSIT ADMINISTRATION

12 ADMINISTRATIVE EXPENSES

13 For necessary administrative expenses of the Federal
14 Transit Administration's programs authorized by chapter
15 53 of title 49, United States Code, \$106,559,000: *Pro-*
16 *vided*, That for an additional amount to carry out public
17 transportation fixed guideway safety oversight activities,
18 \$24,139,000, if legislation authorizing such activities is
19 enacted into law prior to September 30, 2011: *Provided*
20 *further*, That of the funds available under this heading,
21 not to exceed \$2,200,000 shall be available for travel: *Pro-*
22 *vided further*, That none of the funds provided or limited
23 in this Act may be used to create a permanent office of
24 transit security under this heading: *Provided further*, That
25 upon submission to the Congress of the fiscal year 2012

1 President's budget, the Secretary of Transportation shall
2 transmit to Congress the annual report on new starts, in-
3 cluding proposed allocations of funds for fiscal year 2012.

4 FORMULA AND BUS GRANTS

5 (LIQUIDATION OF CONTRACT AUTHORITY)

6 (LIMITATION ON OBLIGATIONS)

7 (HIGHWAY TRUST FUND)

8 For payment of obligations incurred in carrying out
9 the provisions of 49 U.S.C. 5305, 5307, 5308, 5309,
10 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and
11 section 3038 of Public Law 105–178, as amended,
12 \$9,200,000,000 to be derived from the Mass Transit Ac-
13 count of the Highway Trust Fund and to remain available
14 until expended: *Provided*, That funds available for the im-
15 plementation or execution of programs authorized under
16 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316,
17 5317, 5320, 5335, 5339, and 5340 and section 3038 of
18 Public Law 105–178, as amended, shall not exceed total
19 obligations of \$8,961,348,000 in fiscal year 2011: *Pro-*
20 *vided further*, That of the amounts made available under
21 this heading, \$250,000,000 shall be available for the Sec-
22 retary of Transportation to make grants for the operating
23 costs of equipment and facilities for use in public transpor-
24 tation, if legislation authorizing such activities is enacted
25 into law prior to September 30, 2011: *Provided further*,

1 That eligible recipients under the previous proviso shall
2 include States and designated recipients that receive fund-
3 ing under sections 5307 and 5311 of title 49, United
4 States Code.

5 RESEARCH AND UNIVERSITY RESEARCH CENTERS

6 For necessary expenses to carry out 49 U.S.C. 5306,
7 5312–5315, 5322, and 5506, \$65,376,000, to remain
8 available until expended: *Provided*, That \$10,000,000 is
9 available to carry out the transit cooperative research pro-
10 gram under section 5313 of title 49, United States Code,
11 \$4,300,000 is available for the National Transit Institute
12 under section 5315 of title 49, United States Code, and
13 \$7,000,000 is available for university transportation cen-
14 ters program under section 5506 of title 49, United States
15 Code: *Provided further*, That \$44,076,000 is available to
16 carry out national research programs under sections 5312,
17 5313, 5314, and 5322 of title 49, United States Code.

18 CAPITAL INVESTMENT GRANTS

19 For necessary expenses to carry out section 5309 of
20 title 49, United States Code, \$2,000,000,000, to remain
21 available until expended.

22 WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

23 For grants to the Washington Metropolitan Area
24 Transit Authority as authorized under section 601 of divi-
25 sion B of Public Law 110–432, \$150,000,000, to remain

1 available until expended: *Provided*, That the Secretary
2 shall approve grants for capital and preventive mainte-
3 nance expenditures for the Washington Metropolitan Area
4 Transit Authority only after receiving and reviewing a re-
5 quest for each specific project: *Provided further*, That
6 prior to approving such grants, the Secretary shall deter-
7 mine that the Washington Metropolitan Area Transit Au-
8 thority has placed the highest priority on those invest-
9 ments that will improve the safety of the system.

10 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

11 ADMINISTRATION

12 SEC. 160. The limitations on obligations for the pro-
13 grams of the Federal Transit Administration shall not
14 apply to any authority under 49 U.S.C. 5338, previously
15 made available for obligation, or to any other authority
16 previously made available for obligation.

17 SEC. 161. Notwithstanding any other provision of
18 law, funds appropriated or limited by this Act under “Fed-
19 eral Transit Administration, Capital Investment Grants”
20 and for bus and bus facilities under “Federal Transit Ad-
21 ministration, Formula and Bus Grants” for projects speci-
22 fied in this Act or identified in reports accompanying this
23 Act not obligated by September 30, 2013, and other recov-
24 eries, shall be directed to projects eligible to use the funds
25 for the purposes for which they were originally provided.

1 SEC. 162. Notwithstanding any other provision of
2 law, any funds appropriated before October 1, 2010, under
3 any section of chapter 53 of title 49, United States Code,
4 that remain available for expenditure, may be transferred
5 to and administered under the most recent appropriation
6 heading for any such section.

7 SEC. 163. Notwithstanding any other provision of
8 law, unobligated funds made available for new fixed guide-
9 way system projects under the heading “Federal Transit
10 Administration, Capital investment grants” in any appro-
11 priations Act prior to this Act may be used during this
12 fiscal year to satisfy expenses incurred for such projects.

13 SEC. 164. Notwithstanding any other provision of
14 law, unobligated funds or recoveries under section 5309
15 of title 49, United States Code, that are available to the
16 Secretary of Transportation for reallocation shall be di-
17 rected to projects eligible to use the funds for the purposes
18 for which they were originally provided.

19 SAINT LAWRENCE SEAWAY DEVELOPMENT

20 CORPORATION

21 The Saint Lawrence Seaway Development Corpora-
22 tion is hereby authorized to make such expenditures, with-
23 in the limits of funds and borrowing authority available
24 to the Corporation, and in accord with law, and to make
25 such contracts and commitments without regard to fiscal

1 year limitations as provided by section 104 of the Govern-
2 ment Corporation Control Act, as amended, as may be
3 necessary in carrying out the programs set forth in the
4 Corporation's budget for the current fiscal year.

5 OPERATIONS AND MAINTENANCE

6 (HARBOR MAINTENANCE TRUST FUND)

7 For necessary expenses for operations, maintenance,
8 and capital asset renewal of those portions of the Saint
9 Lawrence Seaway owned, operated, and maintained by the
10 Saint Lawrence Seaway Development Corporation,
11 \$33,868,000, to be derived from the Harbor Maintenance
12 Trust Fund, pursuant to Public Law 99-662.

13 MARITIME ADMINISTRATION

14 MARITIME SECURITY PROGRAM

15 For necessary expenses to maintain and preserve a
16 U.S.-flag merchant fleet to serve the national security
17 needs of the United States, \$174,000,000, to remain avail-
18 able until expended.

19 OPERATIONS AND TRAINING

20 For necessary expenses of operations and training ac-
21 tivities authorized by law, \$169,353,000, of which
22 \$11,240,000 shall remain available until expended for
23 maintenance and repair of training ships at State Mari-
24 time Academies, and of which \$30,900,000 shall remain
25 available until expended for capital improvements at the

1 United States Merchant Marine Academy, and of which
2 \$63,120,000 shall be available for operations at the
3 United States Merchant Marine Academy, and of which
4 \$6,000,000 shall be available until expended for the Sec-
5 retary's reimbursement of overcharged midshipmen fees:
6 *Provided*, That the Secretary, through such structure and
7 administration as the Secretary establishes, shall reim-
8 burse current and former midshipmen of United States
9 Merchant Marine Academy in such amounts as the Sec-
10 retary determines, in his sole discretion, to be appropriate
11 to address claims regarding the overcharging of mid-
12 shipman fees, pertaining first to academic years 2003/
13 2004 through 2008/2009, and then pertaining to earlier
14 academic years to the extent that the Secretary determines
15 to be appropriate and subject to the amounts specifically
16 appropriated herein for such reimbursements: *Provided*
17 *further*, That amounts apportioned for the United States
18 Merchant Marine Academy shall be available only upon
19 allotments made personally by the Secretary of Transpor-
20 tation or the Assistant Secretary for Budget and Pro-
21 grams: *Provided further*, That the Superintendent, Deputy
22 Superintendent and the Director of the Office of Resource
23 Management of the United States Merchant Marine Acad-
24 emy may not be allotment holders for the United States
25 Merchant Marine Academy, and the Administrator of

1 Maritime Administration shall hold all allotments made by
2 the Secretary of Transportation or the Assistant Secretary
3 for Budget and Programs under the previous proviso: *Pro-*
4 *vided further*, That 50 percent of the funding made avail-
5 able for the United States Merchant Marine Academy
6 under this heading shall be available only after the Sec-
7 retary, in consultation with the Superintendent and the
8 Maritime Administration, completes a plan detailing by
9 program or activity and by object class how such funding
10 will be expended at the Academy, and this plan is sub-
11 mitted to the House and Senate Committees on Appro-
12 priations.

13 SHIP DISPOSAL

14 For necessary expenses related to the disposal of ob-
15 solete vessels in the National Defense Reserve Fleet of the
16 Maritime Administration, \$10,000,000, to remain avail-
17 able until expended.

18 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

19 ACCOUNT

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary administrative expenses of the mari-
22 time guaranteed loan program, \$3,688,000 shall be paid
23 to the appropriation for “Operations and Training”, Mari-
24 time Administration.

1 ADMINISTRATIVE PROVISIONS—MARITIME

2 ADMINISTRATION

3 SEC. 170. Notwithstanding any other provision of
4 this Act, the Maritime Administration is authorized to fur-
5 nish utilities and services and make necessary repairs in
6 connection with any lease, contract, or occupancy involving
7 Government property under control of the Maritime Ad-
8 ministration, and payments received therefor shall be cred-
9 ited to the appropriation charged with the cost thereof:
10 *Provided*, That rental payments under any such lease, con-
11 tract, or occupancy for items other than such utilities,
12 services, or repairs shall be covered into the Treasury as
13 miscellaneous receipts.

14 PIPELINE AND HAZARDOUS MATERIALS SAFETY

15 ADMINISTRATION

16 OPERATIONAL EXPENSES

17 (PIPELINE SAFETY FUND)

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary operational expenses of the Pipeline
20 and Hazardous Materials Safety Administration,
21 \$22,383,000, of which \$639,000 shall be derived from the
22 Pipeline Safety Fund: *Provided*, That \$1,000,000 shall be
23 transferred to “Pipeline Safety” in order to fund “Pipeline
24 Safety Information Grants to Communities” as authorized
25 under section 60130 of title 49, United States Code.

1 HAZARDOUS MATERIALS SAFETY

2 For expenses necessary to discharge the hazardous
3 materials safety functions of the Pipeline and Hazardous
4 Materials Safety Administration, \$40,434,000, of which
5 \$1,707,000 shall remain available until September 30,
6 2013: *Provided*, That up to \$800,000 in fees collected
7 under 49 U.S.C. 5108(g) shall be deposited in the general
8 fund of the Treasury as offsetting receipts: *Provided fur-*
9 *ther*, That there may be credited to this appropriation, to
10 be available until expended, funds received from States,
11 counties, municipalities, other public authorities, and pri-
12 vate sources for expenses incurred for training, for reports
13 publication and dissemination, and for travel expenses in-
14 curred in performance of hazardous materials exemptions
15 and approvals functions.

16 PIPELINE SAFETY

17 (PIPELINE SAFETY FUND)

18 (OIL SPILL LIABILITY TRUST FUND)

19 For expenses necessary to conduct the functions of
20 the pipeline safety program, for grants-in-aid to carry out
21 a pipeline safety program, as authorized by 49 U.S.C.
22 60107, and to discharge the pipeline program responsibil-
23 ities of the Oil Pollution Act of 1990, \$111,111,000, of
24 which \$18,905,000 shall be derived from the Oil Spill Li-
25 ability Trust Fund and shall remain available until Sep-

1 tember 30, 2013; and of which \$92,206,000 shall be de-
2 rived from the Pipeline Safety Fund, of which
3 \$51,206,000 shall remain available until September 30,
4 2013: *Provided*, That not less than \$1,053,000 of the
5 funds provided under this heading shall be for the one-
6 call State grant program.

7 EMERGENCY PREPAREDNESS GRANTS

8 (EMERGENCY PREPAREDNESS FUND)

9 For necessary expenses to carry out 49 U.S.C.
10 5128(b), \$188,000, to be derived from the Emergency
11 Preparedness Fund, to remain available until September
12 30, 2012: *Provided*, That not more than \$28,318,000 shall
13 be made available for obligation in fiscal year 2011 from
14 amounts made available by 49 U.S.C. 5116(i) and
15 5128(b)-(c): *Provided further*, That none of the funds
16 made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c)
17 shall be made available for obligation by individuals other
18 than the Secretary of Transportation, or his designee.

19 RESEARCH AND INNOVATIVE TECHNOLOGY

20 ADMINISTRATION

21 RESEARCH AND DEVELOPMENT

22 For necessary expenses of the Research and Innova-
23 tive Technology Administration, \$18,900,000, of which
24 \$11,765,000 shall remain available until September 30,
25 2013: *Provided*, That there may be credited to this appro-

1 priation, to be available until expended, funds received
2 from States, counties, municipalities, other public authori-
3 ties, and private sources for expenses incurred for train-
4 ing.

5 OFFICE OF INSPECTOR GENERAL

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of Inspector
8 General to carry out the provisions of the Inspector Gen-
9 eral Act of 1978, as amended, \$86,406,000, of which
10 \$285,000 shall be derived from the Highway Trust Fund
11 (other than the Mass Transit Account) for costs associ-
12 ated with the annual audits of the Highway Trust Fund
13 financial statements in accordance with section 104(i) of
14 title 23, United States Code, and section 3521 of title 31,
15 United States Code: *Provided*, That the Inspector General
16 shall have all necessary authority, in carrying out the du-
17 ties specified in the Inspector General Act, as amended
18 (5 U.S.C. App. 3), to investigate allegations of fraud, in-
19 cluding false statements to the government (18 U.S.C.
20 1001), by any person or entity that is subject to regulation
21 by the Department: *Provided further*, That the funds made
22 available under this heading may be used to investigate,
23 pursuant to section 41712 of title 49, United States Code:
24 (1) unfair or deceptive practices and unfair methods of
25 competition by domestic and foreign air carriers and ticket

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

3 SURFACE TRANSPORTATION BOARD

4 SALARIES AND EXPENSES

5 For necessary expenses of the Surface Transpor-
6 tation Board, including services authorized by 5 U.S.C.
7 3109, \$31,249,000: *Provided*, That notwithstanding any
8 other provision of law, not to exceed \$1,250,000 from fees
9 established by the Chairman of the Surface Transpor-
10 tation Board shall be credited to this appropriation as off-
11 setting collections and used for necessary and authorized
12 expenses under this heading: *Provided further*, That the
13 sum herein appropriated from the general fund shall be
14 reduced on a dollar-for-dollar basis as such offsetting col-
15 lections are received during fiscal year 2011, to result in
16 a final appropriation from the general fund estimated at
17 no more than \$29,999,000.

18 GENERAL PROVISIONS—DEPARTMENT OF

19 TRANSPORTATION

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

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

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

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

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

16 SEC. 184. (a) No recipient of funds made available
17 in this Act shall disseminate personal information (as de-
18 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
19 ment of motor vehicles in connection with a motor vehicle
20 record as defined in 18 U.S.C. 2725(1), except as provided
21 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.
22 2721.

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

1 SEC. 185. Funds received by the Federal Highway
2 Administration, Federal Transit Administration, and Fed-
3 eral Railroad Administration from States, counties, mu-
4 nicipalities, other public authorities, and private sources
5 for expenses incurred for training may be credited respec-
6 tively to the Federal Highway Administration’s “Federal-
7 Aid Highways” account, the Federal Transit Administra-
8 tion’s “Research and University Research Centers” ac-
9 count, and to the Federal Railroad Administration’s
10 “Safety and Operations” account, except for State rail
11 safety inspectors participating in training pursuant to 49
12 U.S.C. 20105.

13 SEC. 186. Funds provided or limited in this Act
14 under the appropriate accounts within the Federal High-
15 way Administration, the Federal Railroad Administration
16 and the Federal Transit Administration shall be for the
17 eligible programs, projects and activities in the cor-
18 responding amounts identified in the committee report ac-
19 companying this Act for “Ferry Boats and Ferry Ter-
20 minal Facilities”, “Federal Lands”, “Interstate Mainte-
21 nance Discretionary”, “Transportation, Community and
22 System Preservation Program”, “Delta Region Transpor-
23 tation Development Program”, “Rail Line Relocation and
24 Improvement Program”, “Rail-highway crossing hazard

1 eliminations”, “Capital Investment Grants”, “Alternatives
2 analysis’ ”, and “Bus and bus facilities”.

3 SEC. 187. Notwithstanding any other provisions of
4 law, rule or regulation, the Secretary of Transportation
5 is authorized to allow the issuer of any preferred stock
6 heretofore sold to the Department to redeem or repur-
7 chase such stock upon the payment to the Department of
8 an amount determined by the Secretary.

9 SEC. 188. None of the funds in this Act to the De-
10 partment of Transportation may be used to make a grant
11 unless the Secretary of Transportation notifies the House
12 and Senate Committees on Appropriations not less than
13 3 full business days before any discretionary grant award,
14 letter of intent, or full funding grant agreement totaling
15 \$1,000,000 or more is announced by the department or
16 its modal administrations from: (1) any discretionary
17 grant program of the Federal Highway Administration in-
18 cluding the emergency relief program; (2) the airport im-
19 provement program of the Federal Aviation Administra-
20 tion; (3) any grant from the Federal Railroad Administra-
21 tion; or (4) any program of the Federal Transit Adminis-
22 tration other than the formula grants and fixed guideway
23 modernization programs: *Provided*, That the Secretary
24 gives concurrent notification to the House and Senate
25 Committees on Appropriations for any “quick release” of

1 funds from the emergency relief program: *Provided fur-*
2 *ther*, That no notification shall involve funds that are not
3 available for obligation.

4 SEC. 189. Rebates, refunds, incentive payments,
5 minor fees and other funds received by the Department
6 of Transportation from travel management centers,
7 charge card programs, the subleasing of building space,
8 and miscellaneous sources are to be credited to appropria-
9 tions of the Department of Transportation and allocated
10 to elements of the Department of Transportation using
11 fair and equitable criteria and such funds shall be avail-
12 able until expended.

13 SEC. 190. Amounts made available in this or any
14 other Act that the Secretary determines represent im-
15 proper payments by the Department of Transportation to
16 a third-party contractor under a financial assistance
17 award, which are recovered pursuant to law, shall be avail-
18 able—

19 (1) to reimburse the actual expenses incurred
20 by the Department of Transportation in recovering
21 improper payments; and

22 (2) to pay contractors for services provided in
23 recovering improper payments or contractor support
24 in the implementation of the Improper Payments In-

1 formation Act of 2002: *Provided*, That amounts in
2 excess of that required for paragraphs (1) and (2)—

3 (A) shall be credited to and merged with
4 the appropriation from which the improper pay-
5 ments were made, and shall be available for the
6 purposes and period for which such appropria-
7 tions are available; or

8 (B) if no such appropriation remains avail-
9 able, shall be deposited in the Treasury as mis-
10 cellaneous receipts: *Provided further*, That prior
11 to the transfer of any such recovery to an ap-
12 propriations account, the Secretary shall notify
13 to the House and Senate Committees on Appro-
14 priations of the amount and reasons for such
15 transfer: *Provided further*, That for purposes of
16 this section, the term “improper payments”,
17 has the same meaning as that provided in sec-
18 tion 2(d)(2) of Public Law 107–300.

19 SEC. 191. Notwithstanding any other provision of
20 law, if any funds provided in or limited by this Act are
21 subject to a reprogramming action that requires notice to
22 be provided to the House and Senate Committees on Ap-
23 propriations, said reprogramming action shall be approved
24 or denied solely by the Committees on Appropriations:
25 *Provided*, That the Secretary may provide notice to other

1 congressional committees of the action of the Committees
2 on Appropriations on such reprogramming but not sooner
3 than 30 days following the date on which the reprogram-
4 ming action has been approved or denied by the House
5 and Senate Committees on Appropriations.

6 SEC. 192. None of the funds appropriated or other-
7 wise made available under this Act may be used by the
8 Surface Transportation Board of the Department of
9 Transportation to charge or collect any filing fee for rate
10 complaints filed with the Board in an amount in excess
11 of the amount authorized for district court civil suit filing
12 fees under section 1914 of title 28, United States Code.

13 SEC. 193. Notwithstanding section 3324 of Title 31,
14 United States Code, in addition to authority provided by
15 section 327 of title 49, United States Code, the Depart-
16 ment's Working Capital Fund is hereby authorized to pro-
17 vide payments in advance to vendors that are necessary
18 to carry out the Federal transit pass transportation fringe
19 benefit program under Executive Order 13150 and section
20 3049 of Public Law 109-59: *Provided*, that the Depart-
21 ment shall include adequate safeguards in the contract
22 with the vendors to ensure timely and high quality per-
23 formance under the contract.

24 SEC. 194. For an additional amount for the "Salaries
25 and Expenses" account, \$7,622,655, to increase the De-

1 shall be available for the immediate Office of the Secretary
2 and Deputy Secretary; not to exceed \$1,706,000 shall be
3 available for the Office of Hearings and Appeals; not to
4 exceed \$719,000 shall be available for the Office of Small
5 and Disadvantaged Business Utilization; not to exceed
6 \$999,000 shall be available for the immediate Office of
7 the Chief Financial Officer; not to exceed \$1,503,000 shall
8 be available for the immediate Office of the General Coun-
9 sel; not to exceed \$2,709,000 shall be available to the Of-
10 fice of the Assistant Secretary for Congressional and
11 Intergovernmental Relations; not to exceed \$4,861,000
12 shall be available for the Office of the Assistant Secretary
13 for Public Affairs; not to exceed \$2,163,000 shall be avail-
14 able to the Office of the Assistant Secretary for Public
15 and Indian Housing; not to exceed \$1,755,000 shall be
16 available to the Office of the Assistant Secretary for Com-
17 munity Planning and Development; not to exceed
18 \$3,565,000 shall be available to the Office of the Assistant
19 Secretary for Housing, Federal Housing Commissioner;
20 not to exceed \$1,117,000 shall be available to the Office
21 of the Assistant Secretary for Policy Development and Re-
22 search; not to exceed \$945,000 shall be available to the
23 Office of the Assistant Secretary for Fair Housing and
24 Equal Opportunity; and not to exceed \$549,000 shall be
25 available to the Office of the Chief Operating Officer: *Pro-*

1 *vided*, That the Secretary of the Department of Housing
2 and Urban Development is authorized to transfer funds
3 appropriated for any office funded under this heading to
4 any other office funded under this heading following the
5 written notification to the House and Senate Committees
6 on Appropriations: *Provided further*, That no appropria-
7 tion for any office shall be increased or decreased by more
8 than 5 percent by all such transfers: *Provided further*,
9 That notice of any change in funding greater than 5 per-
10 cent shall be submitted for prior approval to the House
11 and Senate Committees on Appropriations: *Provided fur-*
12 *ther*, That the Secretary shall provide the Committees on
13 Appropriations quarterly written notification regarding
14 the status of pending congressional reports: *Provided fur-*
15 *ther*, That the Secretary shall provide all signed reports
16 required by Congress electronically: *Provided further*, That
17 not to exceed \$25,000 of the amount made available under
18 this paragraph for the immediate Office of the Secretary
19 shall be available for official reception and representation
20 expenses as the Secretary may determine: *Provided Fur-*
21 *ther*, That the Secretary shall notify the Committees on
22 Appropriations one month before any of the funds made
23 available under this heading may be used for international
24 travel.

1 ADMINISTRATION, OPERATIONS AND MANAGEMENT

2 For necessary salaries and expenses for administra-
3 tion, operations and management for the Department of
4 Housing and Urban Development, \$538,552,000, of which
5 not to exceed \$65,049,000 shall be available for the per-
6 sonnel compensation and benefits of the Office of the
7 Chief Human Capital Officer; not to exceed \$9,122,000
8 shall be available for the personnel compensation and ben-
9 efits of the Office of Departmental Operations and Coordi-
10 nation; not to exceed \$49,090,000 shall be available for
11 the personnel compensation and benefits of the Office of
12 Field Policy and Management; not to exceed \$13,861,000
13 shall be available for the personnel compensation and ben-
14 efits of the Office of the Chief Procurement Officer; not
15 to exceed \$33,831,000 shall be available for the personnel
16 compensation and benefits of the remaining staff in the
17 Office of the Chief Financial Officer; not to exceed
18 \$86,482,000 shall be available for the personnel com-
19 pensation and benefits of the remaining staff in the Office
20 of the General Counsel; not to exceed \$3,115,000 shall
21 be available for the personnel compensation and benefits
22 of the Office of Departmental Equal Employment Oppor-
23 tunity; not to exceed \$1,316,000 shall be available for the
24 personnel compensation and benefits for the Center for
25 Faith-Based and Community Initiatives; not to exceed

1 \$2,887,000 shall be available for the personnel compensa-
2 tion and benefits for the Office of Sustainability; not to
3 exceed \$4,445,000 shall be available for the personnel
4 compensation and benefits for the Office of Strategic
5 Planning and Management; not to exceed \$4,875,000 shall
6 be available for the personnel compensation and benefits
7 for the Office of the Chief Disaster and Emergency Man-
8 agement Officer; and not to exceed \$264,479,000 shall be
9 available for non-personnel expenses of the Department of
10 Housing and Urban Development: *Provided*, That, funds
11 provided under this heading may be used for necessary
12 administrative and non-administrative expenses of the De-
13 partment of Housing and Urban Development, not other-
14 wise provided for, including purchase of uniforms, or al-
15 lowances therefor, as authorized by 5 U.S.C. 5901–5902;
16 hire of passenger motor vehicles; services as authorized by
17 5 U.S.C. 3109: *Provided further*, That notwithstanding
18 any other provision of law, funds appropriated under this
19 heading may be used for advertising and promotional ac-
20 tivities that support the housing mission area: *Provided*
21 *further*, That the Secretary of Housing and Urban Devel-
22 opment is authorized to transfer funds appropriated for
23 any office included in Administration, Operations and
24 Management to any other office included in Administra-
25 tion, Operations and Management only after such transfer

1 has been submitted to, and received prior written approval
2 by, the House and Senate Committees on Appropriations:
3 *Provided further*, That no appropriation for any office
4 shall be increased or decreased by more than 10 percent
5 by all such transfers. *Provided Further*, That the Secretary
6 shall notify the Committees on Appropriations one month
7 before any of the funds made available under this heading
8 may be used for international travel.

9 PERSONNEL COMPENSATION AND BENEFITS

10 PUBLIC AND INDIAN HOUSING

11 For necessary personnel compensation and benefits
12 expenses of the Office of Public and Indian Housing,
13 \$197,282,000.

14 COMMUNITY PLANNING AND DEVELOPMENT

15 For necessary personnel compensation and benefits
16 expenses of the Office of Community Planning and Devel-
17 opment mission area, \$105,768,000.

18 HOUSING

19 For necessary personnel compensation and benefits
20 expenses of the Office of Housing, \$395,917,000.

21 OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE

22 ASSOCIATION

23 For necessary personnel compensation and benefits
24 expenses of the Office of the Government National Mort-
25 gage Association, \$10,902,000, to be derived from the

1 GNMA guarantees of mortgage backed securities guaran-
2 teed loan receipt account.

3 POLICY DEVELOPMENT AND RESEARCH

4 For necessary personnel compensation and benefits
5 expenses of the Office of Policy Development and Re-
6 search, \$23,588,000.

7 FAIR HOUSING AND EQUAL OPPORTUNITY

8 For necessary personnel compensation and benefits
9 expenses of the Office of Fair Housing and Equal Oppor-
10 tunity, \$67,964,000.

11 OFFICE OF HEALTHY HOMES AND LEAD HAZARD

12 CONTROL

13 For necessary personnel compensation and benefits
14 expenses of the Office of Healthy Homes and Lead Haz-
15 ard Control, \$6,762,000.

16 PUBLIC AND INDIAN HOUSING

17 TENANT-BASED RENTAL ASSISTANCE

18 (INCLUDING TRANSFER OF FUNDS)

19 For activities and assistance for the provision of ten-
20 ant-based rental assistance authorized under the United
21 States Housing Act of 1937, as amended (42 U.S.C. 1437
22 et seq.) (“the Act” herein), not otherwise provided for,
23 \$15,395,663,000, to remain available until expended, shall
24 be available on October 1, 2010 (in addition to the
25 \$4,000,000,000 previously appropriated under this head-

1 ing that will become available on October 1, 2010), and
2 \$4,000,000,000, to remain available until expended, shall
3 be available on October 1, 2011: *Provided*, That of the
4 amounts made available under this heading are provided
5 as follows:

6 (1) \$17,080,000,000 shall be available for re-
7 newals of expiring section 8 tenant-based annual
8 contributions contracts (including renewals of en-
9 hanced vouchers under any provision of law author-
10 izing such assistance under section 8(t) of the Act)
11 and including renewal of other special purpose
12 vouchers initially funded in fiscal years 2009 and
13 2010 (such as Family Unification, Veterans Affairs
14 Supportive Housing Vouchers and Non-elderly Dis-
15 abled Vouchers): *Provided*, That notwithstanding
16 any other provision of law, from amounts provided
17 under this paragraph and any carryover, the Sec-
18 retary for the calendar year 2011 funding cycle shall
19 provide renewal funding for each public housing
20 agency based on validated voucher management sys-
21 tem (VMS) leasing and cost data for calendar year
22 2010 and by applying the most recent 12 months of
23 the Annual Adjustment Factor as established by the
24 Secretary, and by making any necessary adjustments
25 for the costs associated with the first-time renewal

1 of vouchers under this paragraph including tenant
2 protection, and HOPE VI vouchers: *Provided fur-*
3 *ther*, That none of the funds provided under this
4 paragraph may be used to fund a total number of
5 unit months under lease which exceeds a public
6 housing agency's authorized level of units under con-
7 tract, except for public housing agencies partici-
8 pating in the Moving to Work demonstration, which
9 are instead governed by the terms and conditions of
10 their MTW agreements: *Provided further*, That the
11 Secretary shall, to the extent necessary to stay with-
12 in the amount specified under this paragraph, pro
13 rate each public housing agency's allocation other-
14 wise established pursuant to this paragraph: *Pro-*
15 *vided further*, That except as provided in the fol-
16 lowing provisos, the entire amount specified under
17 this paragraph shall be obligated to the public hous-
18 ing agencies based on the allocation and pro rata
19 method described above, and the Secretary shall no-
20 tify public housing agencies of their annual budget
21 not later than 60 days after enactment of this Act:
22 *Provided further*, That the Secretary may extend the
23 60-day notification period with prior written ap-
24 proval of the House and Senate Committees on Ap-
25 propriations: *Provided further*, That public housing

1 agencies participating in the Moving to Work dem-
2 onstration shall be funded pursuant to their Moving
3 to Work agreements and shall be subject to the
4 same pro rata adjustments under the previous pro-
5 visos: *Provided further*, That up to \$150,000,000
6 shall be available only: (1) to adjust the allocations
7 for public housing agencies, after application for an
8 adjustment by a public housing agency that experi-
9 enced a significant increase, as determined by the
10 Secretary, in renewal costs of tenant-based rental
11 assistance resulting from unforeseen circumstances
12 or from portability under section 8(r) of the Act; (2)
13 for vouchers that were not in use during the 12-
14 month period in order to be available to meet a com-
15 mitment pursuant to section 8(o)(13) of the Act; (3)
16 for any increase in the costs associated with deposits
17 to family self-sufficiency program escrow accounts;
18 (4) for onetime adjustments of renewal funding for
19 Public Housing Agencies in receivership with ap-
20 proved fungibility plans for calendar year 2009 as
21 authorized in Section 11003 of the Consolidated Se-
22 curity, Disaster Assistance, and Continuing Appro-
23 priations Act, 2009 (Public Law 110–329); or (5) to
24 adjust allocations for public housing agencies to pre-
25 vent termination of assistance to families receiving

1 assistance under the disaster voucher program, as
2 authorized by Public Law 109–148 under the head-
3 ing “Tenant-Based Rental Assistance”: *Provided*
4 *further*, That the Secretary shall allocate amounts
5 under the previous proviso based on need as deter-
6 mined by the Secretary: *Provided further*, That of
7 the amounts made available under this paragraph,
8 up to \$100,000,000 may be transferred to and
9 merged with the appropriation for “Transformation
10 Initiative”;

11 (2) \$125,000,000 shall be for section 8 rental
12 assistance for relocation and replacement of housing
13 units that are demolished or disposed of pursuant to
14 the Omnibus Consolidated Rescissions and Appro-
15 priations Act of 1996 (Public Law 104–134), con-
16 version of section 23 projects to assistance under
17 section 8, the family unification program under sec-
18 tion 8(x) of the Act, relocation of witnesses in con-
19 nection with efforts to combat crime in public and
20 assisted housing pursuant to a request from a law
21 enforcement or prosecution agency, enhanced vouch-
22 ers under any provision of law authorizing such as-
23 sistance under section 8(t) of the Act, HOPE VI
24 vouchers, mandatory and voluntary conversions, and
25 tenant protection assistance including replacement

1 and relocation assistance or for project based assist-
2 ance to prevent the displacement of unassisted elder-
3 ly tenants currently residing in section 202 prop-
4 erties financed between 1959 and 1974 that are refi-
5 nanced pursuant to Public Law 106–569, as amend-
6 ed, or under the authority as provided under this
7 Act: *Provided*, That the Secretary shall provide re-
8 placement vouchers for all units that were occupied
9 within the previous 24 months that cease to be avail-
10 able as assisted housing, subject only to the avail-
11 ability of funds;

12 (3) \$1,851,000,000 shall be for administrative
13 and other expenses of public housing agencies in ad-
14 ministering the section 8 tenant-based rental assist-
15 ance program, of which up to \$50,000,000 shall be
16 available to the Secretary to allocate to public hous-
17 ing agencies that need additional funds to admin-
18 ister their section 8 programs, including fees associ-
19 ated with section 8 tenant protection rental assist-
20 ance, the administration of disaster related vouchers,
21 Veterans Affairs Supportive Housing vouchers, and
22 other incremental vouchers: *Provided*, That no less
23 than \$1,741,000,000 of the amount provided in this
24 paragraph shall be allocated to public housing agen-
25 cies for the calendar year 2011 funding cycle based

1 on section 8(q) of the Act (and related Appropria-
2 tion Act provisions) as in effect immediately before
3 the enactment of the Quality Housing and Work Re-
4 sponsibility Act of 1998 (Public Law 105–276): *Pro-*
5 *vided further*, That if the amounts made available
6 under this paragraph are insufficient to pay the
7 amounts determined under the previous proviso, the
8 Secretary may decrease the amounts allocated to
9 agencies by a uniform percentage applicable to all
10 agencies receiving funding under this paragraph or
11 may, to the extent necessary to provide full payment
12 of amounts determined under the previous proviso,
13 utilize unobligated balances, including recaptures
14 and carryovers, remaining from funds appropriated
15 to the Department of Housing and Urban Develop-
16 ment under this heading, for fiscal year 2010 and
17 prior fiscal years, notwithstanding the purposes for
18 which such amounts were appropriated: *Provided*
19 *further*, That amounts provided under this para-
20 graph shall be only for activities related to the provi-
21 sion of tenant-based rental assistance authorized
22 under section 8, including related development ac-
23 tivities: *Provided further*, That \$60,000,000 shall be
24 available for family self-sufficiency coordinators
25 under section 23 of the Act: *Provided further*, That

1 amounts provided for family self-sufficiency coordi-
2 nators shall be obligated to the public housing agen-
3 cies not later than 60 days after enactment of this
4 Act;

5 (4) \$113,663,183 for renewal of tenant-based
6 assistance contracts under section 811 of the Cran-
7 ston-Gonzalez National Affordable Housing Act (42
8 U.S.C. 8013) entered into prior to fiscal year 2007;

9 (5) \$75,000,000 for incremental rental voucher
10 assistance for use through a supported housing pro-
11 gram administered in conjunction with the Depart-
12 ment of Veterans Affairs as authorized under section
13 8(o)(19) of the United States Housing Act of 1937:
14 *Provided*, That the Secretary of Housing and Urban
15 Development shall make such funding available, not-
16 withstanding section 204 (competition provision) of
17 this title, to public housing agencies that partner
18 with eligible VA Medical Centers or other entities as
19 designated by the Secretary of the Department of
20 Veterans Affairs, based on geographical need for
21 such assistance as identified by the Secretary of the
22 Department of Veterans Affairs, public housing
23 agency administrative performance, and other fac-
24 tors as specified by the Secretary of Housing and
25 Urban Development in consultation with the Sec-

1 retary of the Department of Veterans Affairs: *Pro-*
2 *vided further*, That the Secretary of Housing and
3 Urban Development may waive, or specify alter-
4 native requirements for (in consultation with the
5 Secretary of the Department of Veterans Affairs),
6 any provision of any statute or regulation that the
7 Secretary of Housing and Urban Development ad-
8 ministers in connection with the use of funds made
9 available under this paragraph (except for require-
10 ments related to fair housing, nondiscrimination,
11 labor standards, and the environment), upon a find-
12 ing by the Secretary that any such waivers or alter-
13 native requirements are necessary for the effective
14 delivery and administration of such voucher assist-
15 ance: *Provided further*, That assistance made avail-
16 able under this paragraph shall continue to remain
17 available for homeless veterans upon turn-over

18 (6) Up to \$66,000,000 for incremental tenant-
19 based assistance for eligible families assisted under
20 the Disaster Housing Assistance Program for Hurri-
21 canes Ike and Gustav: *Provided*, That these vouchers
22 will not be re-issued when families leave the pro-
23 gram;

24 (7) \$85,000,000 for incremental voucher assist-
25 ance under section 8(o) of the United States Hous-

1 ing Act of 1937, including related administrative ex-
2 penses, for two competitive demonstration programs
3 to address the needs of families and individuals who
4 are homeless or at risk of homelessness, as defined
5 by the Secretary of Housing and Urban Develop-
6 ment, to be administered by the Department of
7 Housing and Urban Development in conjunction
8 with the Department of Health and Human Services
9 and the Department of Education: *Provided*, That
10 one demonstration program shall make funding
11 available to public housing agencies that: (1) partner
12 with eligible state or local entities responsible for
13 distributing Temporary Assistance for Needy Fami-
14 lies (TANF) and other health and human services as
15 designated by the Secretary of the Department of
16 Health and Human Services, and (2) partner with
17 school homelessness liaisons funded through the De-
18 partment of Education's Education for Homeless
19 Children and Youths program: *Provided further*,
20 That the other demonstration program shall make
21 funding available to public housing agencies that
22 partner with eligible state Medicaid agencies and
23 state behavioral health entities as designated by the
24 Secretary of the Department of Health and Human
25 Services to provide housing in conjunction with Med-

1 icaid case management, substance abuse treatment,
2 and mental health services: *Provided further*, That
3 the Secretary of Housing and Urban Development
4 shall make the funding specified in this subsection
5 available through such allocation procedures as the
6 Secretary determines to be appropriate, notwith-
7 standing section 213 of the Housing and Community
8 Development Act of 1974 (42 U.S.C. 1439) and sec-
9 tion 204 (competition provision) of this title, to enti-
10 ties with demonstrated experience and that meet
11 such other requirements as determined by the Sec-
12 retary: *Provided further*, That the Secretary of
13 Housing and Urban Development may waive, or
14 specify alternative requirements for any provision of
15 any statute or regulation that the Secretary of
16 Housing and Urban Development administers in
17 connection with the use of funds made available
18 under this paragraph (except for requirements re-
19 lated to fair housing, nondiscrimination, labor stand-
20 ards, and the environment), upon a finding by the
21 Secretary that any such waivers or alternative re-
22 quirements are necessary for the effective delivery
23 and administration of such voucher assistance: *Pro-*
24 *vided further*, That the Secretary shall publish in the
25 Federal Register any waiver of any statute or regu-

1 lation that the Secretary administers pursuant to
2 this subsection no later than 10 days before the ef-
3 fective date of such waiver: *Provided further*, That
4 assistance made available under this subsection shall
5 continue to remain available for these purposes upon
6 turn-over.

7 HOUSING CERTIFICATE FUND

8 Unobligated balances, including recaptures and car-
9 ryover, remaining from funds appropriated to the Depart-
10 ment of Housing and Urban Development under this
11 heading, the heading “Annual Contributions for Assisted
12 Housing” and the heading “Project-Based Rental Assist-
13 ance”, for fiscal year 2011 and prior years may be used
14 for renewal of or amendments to section 8 project-based
15 contracts and for performance-based contract administra-
16 tors, notwithstanding the purposes for which such funds
17 were appropriated: *Provided*, That any obligated balances
18 of contract authority from fiscal year 1974 and prior that
19 have been terminated shall be cancelled: *Provided further*,
20 That amounts heretofore recaptured, or recaptured during
21 the current fiscal year, from project-based Section 8 con-
22 tracts from source years fiscal year 1975 through fiscal
23 year 1987 are hereby rescinded, and an amount of addi-
24 tional new budget authority, equivalent to the amount re-
25 scinded is hereby appropriated, to remain available until

1 expended, for the purposes set forth under this heading,
2 in addition to amounts otherwise available.

3 PUBLIC HOUSING CAPITAL FUND

4 For the Public Housing Capital Fund Program to
5 carry out capital and management activities for public
6 housing agencies, as authorized under section 9 of the
7 United States Housing Act of 1937 (42 U.S.C. 1437g)
8 (the “Act”) \$2,500,000,000, to remain available until
9 September 30, 2014: *Provided*, That notwithstanding any
10 other provision of law or regulation, during fiscal year
11 2011 the Secretary of Housing and Urban Development
12 may not delegate to any Department official other than
13 the Deputy Secretary and the Assistant Secretary for
14 Public and Indian Housing any authority under paragraph
15 (2) of section 9(j) regarding the extension of the time peri-
16 ods under such section: *Provided further*, That for pur-
17 poses of such section 9(j), the term “obligate” means, with
18 respect to amounts, that the amounts are subject to a
19 binding agreement that will result in outlays, immediately
20 or in the future: *Provided further*, That up to \$15,345,000
21 shall be to support the ongoing Public Housing Financial
22 and Physical Assessment activities of the Real Estate As-
23 sessment Center (REAC): *Provided further*, That of the
24 total amount provided under this heading, not to exceed
25 \$20,000,000 shall be available for the Secretary to make

1 grants, notwithstanding section 204 of this Act, to public
2 housing agencies for emergency capital needs resulting
3 from unforeseen or unpreventable emergencies and nat-
4 ural disasters excluding Presidentially declared emer-
5 gencies and natural disasters under the Robert T. Stafford
6 Disaster Relief and Emergency Act (42 U.S.C. 5121 et
7 seq.) occurring in fiscal year 2011: *Provided further*, That
8 of the total amount provided under this heading,
9 \$50,000,000 shall be for supportive services, service coor-
10 dinators and congregate services as authorized by section
11 34 of the Act (42 U.S.C. 1437z-6) and the Native Amer-
12 ican Housing Assistance and Self-Determination Act of
13 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That a
14 Notice of Funding Availability for the funds provided in
15 the previous proviso shall be issued not later than 60 days
16 after enactment of this Act: *Provided further*, That of the
17 total amount provided under this heading up to
18 \$8,820,000 is to support the costs of administrative and
19 judicial receiverships: *Provided further*, That from the
20 funds made available under this heading, the Secretary
21 shall provide bonus awards in fiscal year 2011 to public
22 housing agencies that are designated high performers.

23 PUBLIC HOUSING OPERATING FUND

24 For 2011 payments to public housing agencies for the
25 operation and management of public housing, as author-

1 ized by section 9(e) of the United States Housing Act of
2 1937 (42 U.S.C. 1437g(e)), \$4,829,000,000.

3 REVITALIZATION OF SEVERELY DISTRESSED PUBLIC
4 HOUSING (HOPE VI)

5 For grants to public housing agencies for demolition,
6 site revitalization, replacement housing, and tenant-based
7 assistance grants to projects as authorized by section 24
8 of the United States Housing Act of 1937 (42 U.S.C.
9 1437v), \$200,000,000, to remain available until Sep-
10 tember 30, 2012, of which the Secretary of Housing and
11 Urban Development may use up to \$5,000,000 for tech-
12 nical assistance and contract expertise, to be provided di-
13 rectly or indirectly by grants, contracts or cooperative
14 agreements, including training and cost of necessary travel
15 for participants in such training, by or to officials and em-
16 ployees of the department and of public housing agencies
17 and to residents: *Provided*, That none of such funds shall
18 be used directly or indirectly by granting competitive ad-
19 vantage in awards to settle litigation or pay judgments,
20 unless expressly permitted herein: *Provided further*, That
21 a Notice of Funding Availability for the funds provided
22 under this heading shall be issued not later than 60 days
23 after enactment of this Act.

1 NATIVE AMERICAN HOUSING BLOCK GRANTS

2 For the Native American Housing Block Grants pro-
3 gram, as authorized under title I of the Native American
4 Housing Assistance and Self-Determination Act of 1996
5 (NAHASDA) (25 U.S.C. 4111 et seq.), \$700,000,000, to
6 remain available until expended: *Provided*, That, notwith-
7 standing the Native American Housing Assistance and
8 Self-Determination Act of 1996, to determine the amount
9 of the allocation under title I of such Act for each Indian
10 tribe, the Secretary shall apply the formula under section
11 302 of such Act with the need component based on single-
12 race Census data and with the need component based on
13 multi-race Census data, and the amount of the allocation
14 for each Indian tribe shall be the greater of the two result-
15 ing allocation amounts: *Provided further*, That the Depart-
16 ment shall notify grantees of their formula allocation with-
17 in 60 days of enactment of this Act: *Provided further*, That
18 of the amounts made available under this heading,
19 \$3,500,000 shall be contracted for assistance for a na-
20 tional organization representing Native American housing
21 interests for providing training and technical assistance to
22 Indian housing authorities and tribally designated housing
23 entities as authorized under NAHASDA; and \$4,250,000
24 shall be to support the inspection of Indian housing units,
25 contract expertise, training, and technical assistance in

1 the training, oversight, and management of such Indian
2 housing and tenant-based assistance, including up to
3 \$300,000 for related travel: *Provided further*, That of the
4 amount provided under this heading, \$2,000,000 shall be
5 made available for the cost of guaranteed notes and other
6 obligations, as authorized by title VI of NAHASDA: *Pro-*
7 *vided further*, That such costs, including the costs of modi-
8 fying such notes and other obligations, shall be as defined
9 in section 502 of the Congressional Budget Act of 1974,
10 as amended: *Provided further*, That these funds are avail-
11 able to subsidize the total principal amount of any notes
12 and other obligations, any part of which is to be guaran-
13 teed, not to exceed \$20,000,000.

14 NATIVE HAWAIIAN HOUSING BLOCK GRANT

15 For the Native Hawaiian Housing Block Grant pro-
16 gram, as authorized under title VIII of the Native Amer-
17 ican Housing Assistance and Self-Determination Act of
18 1996 (25 U.S.C. 4111 et seq.), \$10,000,000, to remain
19 available until expended: *Provided*, That of this amount,
20 \$300,000 shall be for training and technical assistance ac-
21 tivities, including up to \$100,000 for related travel by Ha-
22 waii-based HUD employees.

1 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM
2 ACCOUNT

3 For the cost of guaranteed loans, as authorized by
4 section 184 of the Housing and Community Development
5 Act of 1992 (12 U.S.C. 1715z), \$9,000,000, to remain
6 available until expended: *Provided*, That such costs, in-
7 cluding the costs of modifying such loans, shall be as de-
8 fined in section 502 of the Congressional Budget Act of
9 1974: *Provided further*, That these funds are available to
10 subsidize total loan principal, any part of which is to be
11 guaranteed, up to \$994,000,000: *Provided further*, That
12 up to \$750,000 shall be for administrative contract ex-
13 penses including management processes and systems to
14 carry out the loan guarantee program.

15 NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND
16 PROGRAM ACCOUNT

17 For the cost of guaranteed loans, as authorized by
18 section 184A of the Housing and Community Develop-
19 ment Act of 1992 (12 U.S.C. 1715z), \$1,044,000, to re-
20 main available until expended: *Provided*, That such costs,
21 including the costs of modifying such loans, shall be as
22 defined in section 502 of the Congressional Budget Act
23 of 1974: *Provided further*, That these funds are available
24 to subsidize total loan principal, any part of which is to
25 be guaranteed, not to exceed \$41,504,255.

1 COMMUNITY PLANNING AND DEVELOPMENT

2 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

3 For carrying out the Housing Opportunities for Per-
4 sons with AIDS program, as authorized by the AIDS
5 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
6 \$350,000,000, to remain available until September 30,
7 2012, except that amounts allocated pursuant to section
8 854(c)(3) of such Act shall remain available until Sep-
9 tember 30, 2013: *Provided*, That the Secretary shall renew
10 all expiring contracts for permanent supportive housing
11 that were funded under section 854(c)(3) of such Act that
12 meet all program requirements before awarding funds for
13 new contracts and activities authorized under this section:
14 *Provided further*, That the Department shall notify grant-
15 ees of their formula allocation within 60 days of enactment
16 of this Act.

17 COMMUNITY DEVELOPMENT FUND

18 For assistance to units of State and local govern-
19 ment, and to other entities, for economic and community
20 development activities, and for other purposes,
21 \$4,352,100,000, to remain available until September 30,
22 2013, unless otherwise specified: *Provided*, That of the
23 total amount provided, \$3,997,755,000 is for carrying out
24 the community development block grant program under
25 title I of the Housing and Community Development Act

1 of 1974, as amended (the “Act” herein) (42 U.S.C. 5301
2 et seq.): *Provided further*, That unless explicitly provided
3 for under this heading (except for planning grants pro-
4 vided in the second paragraph and amounts made avail-
5 able under the third paragraph), not to exceed 20 percent
6 of any grant made with funds appropriated under this
7 heading shall be expended for planning and management
8 development and administration: *Provided further*, That
9 the Department shall notify grantees of their formula allo-
10 cation within 60 days of enactment of this Act: *Provided*
11 *further*, That \$65,000,000 shall be for grants to Indian
12 tribes notwithstanding section 106(a)(1) of such Act, of
13 which, notwithstanding any other provision of law (includ-
14 ing section 204 of this Act), up to \$3,960,000 may be
15 used for emergencies that constitute imminent threats to
16 health and safety.

17 Of the amount made available under this heading,
18 \$77,145,000 shall be available for grants for the Economic
19 Development Initiative (EDI) to finance a variety of tar-
20 geted economic investments in accordance with the terms
21 and conditions specified in the explanatory statement ac-
22 companying this Act: *Provided*, That none of the funds
23 provided under this paragraph may be used for program
24 operations: *Provided further*, That, for fiscal years 2008,
25 2009 and 2010, no unobligated funds for EDI grants may

1 be used for any purpose except acquisition, planning, de-
2 sign, purchase of equipment, revitalization, redevelopment
3 or construction.

4 Of the amount made available under this heading,
5 \$12,200,000 shall be available for neighborhood initiatives
6 that are utilized to improve the conditions of distressed
7 and blighted areas and neighborhoods, to stimulate invest-
8 ment, economic diversification, and community revitaliza-
9 tion in areas with population outmigration or a stagnating
10 or declining economic base, or to determine whether hous-
11 ing benefits can be integrated more effectively with welfare
12 reform initiatives: *Provided*, That amounts made available
13 under this paragraph shall be provided in accordance with
14 the terms and conditions specified in the explanatory
15 statement accompanying this Act.

16 The referenced statement of managers under the
17 heading “Community Planning and Development” in title
18 II in division I of Public Law 111–8 is deemed to be
19 amended by striking “City of Wilson, NC, for demolition
20 of dilapidated structures from downtown Wilson to further
21 downtown redevelopment” and inserting “City of Wilson,
22 NC, for the renovation of blighted structures to enhance
23 downtown development”.

24 The referenced statement of managers under the
25 heading “Community Planning and Development” in title

1 II in division I of Public Law 111–8 is deemed to be
2 amended by striking “Catskill Visitor Interpretative Cen-
3 ter, Shandaken, NY, for construction of a visitor’s center”
4 and inserting “New York State Department of Environ-
5 mental Conservation, NY, for planning and design of the
6 Catskill Visitor Interpretative Center”.

7 The referenced statement of managers under the
8 heading “Community Planning and Development” in title
9 II in division I of Public Law 111–8 is deemed to be
10 amended by striking “Charles County Department of
11 Human Services, Maryland, Port Tobacco, MD, for acqui-
12 sition and rehabilitation of the former Changing Point
13 South facility as a homeless shelter and transitional hous-
14 ing” and inserting “Charles County Department of
15 Human Services, Port Tobacco, MD, for acquisition and
16 rehabilitation of a facility”.

17 Of the amounts made available under this heading,
18 \$150,000,000 shall be made available for a Sustainable
19 Communities Initiative to improve regional planning ef-
20 forts that integrate housing and transportation decisions,
21 and increase the capacity to improve land use and zoning:
22 *Provided*, That grants under such Initiative may only be
23 made to metropolitan planning organizations (MPOs),
24 rural planning organizations, States or other units of gen-
25 eral local government, and housing- and transportation-

1 related nonprofit organizations: *Provided further*, That
2 \$100,000,000 shall be for Regional Integrated Planning
3 Grants to support the linking of transportation and land
4 use planning: *Provided further*, That not less than
5 \$25,000,000 of the funding made available for Regional
6 Integrated Planning Grants shall be awarded to metropoli-
7 tan areas of less than 500,000: *Provided further*, That
8 \$40,000,000 shall be for Community Challenge Planning
9 Grants to foster reform and reduce barriers to achieve af-
10 fordable, economically vital, and sustainable communities:
11 *Provided further*, That before funding is made available
12 for Regional Integrated Planning Grants or Community
13 Challenge Planning Grants, the Secretary, in coordination
14 with the Secretary of Transportation, shall submit a plan
15 to the House and Senate Committees on Appropriations,
16 the Senate Committee on Banking and Urban Affairs, and
17 the House Committee on Financial Services establishing
18 grant criteria as well as performance measures by which
19 the success of grantees will be measured: *Provided further*,
20 That the Secretary will consult with the Secretary of
21 Transportation in evaluating grant proposals: *Provided*
22 *further*, That up to \$10,000,000 shall be for a joint De-
23 partment of Housing and Urban Development and De-
24 partment of Transportation research effort that shall in-
25 clude a rigorous evaluation of the Regional Integrated

1 Planning Grants and Community Challenge Planning
2 Grants programs, as well as to provide funding for a clear-
3 inghouse and capacity building efforts: *Provided further*,
4 That of the amounts made available under this heading,
5 \$25,000,000 shall be made available for the Rural Innova-
6 tion Fund for grants to Indian tribes, State housing fi-
7 nance agencies, State community and/or economic devel-
8 opment agencies, local rural nonprofits and community de-
9 velopment corporations to address the problems of con-
10 centrated rural housing distress and community poverty:
11 *Provided further*, That of the funding made available
12 under the previous proviso, at least \$5,000,000 shall be
13 made available to promote economic development and en-
14 trepreneurship for federally recognized Indian Tribes,
15 through activities including the capitalization of revolving
16 loan programs and business planning and development,
17 funding is also made available for technical assistance to
18 increase capacity through training and outreach activities:
19 *Provided further*, That of the amounts made available
20 under this heading, \$25,000,000 is for grants pursuant
21 to section 107 of the Housing and Community Develop-
22 ment Act of 1974 (42 U.S.C. 5307).

1 HOME INVESTMENT PARTNERSHIPS PROGRAM

2 For the HOME investment partnerships program, as
3 authorized under title II of the Cranston-Gonzalez Na-
4 tional Affordable Housing Act, as amended,
5 \$1,825,000,000, to remain available until September 30,
6 2013: *Provided*, That, funds provided in prior appropria-
7 tions Acts for technical assistance, that were made avail-
8 able for Community Housing Development Organizations
9 technical assistance, and that still remain available, may
10 be used for HOME technical assistance notwithstanding
11 the purposes for which such amounts were appropriated:
12 *Provided further*, That the Department shall notify grant-
13 ees of their formula allocation within 60 days of enactment
14 of thi Act.

15 SELF-HELP AND ASSISTED HOMEOWNERSHIP

16 OPPORTUNITY PROGRAM

17 For the Self-Help and Assisted Homeownership Op-
18 portunity Program, as authorized under section 11 of the
19 Housing Opportunity Program Extension Act of 1996, as
20 amended, \$82,000,000, to remain available until Sep-
21 tember 30, 2012: *Provided*, That of the total amount pro-
22 vided under this heading, \$27,000,000 shall be made
23 available to the Self-Help and Assisted Homeownership
24 Opportunity Program as authorized under section 11 of
25 the Housing Opportunity Program Extension Act of 1996,

1 as amended: *Provided further*, That \$50,000,000 shall be
2 made available for the second, third and fourth capacity
3 building activities authorized under section 4(a) of the
4 HUD Demonstration Act of 1993 (42 U.S.C. 9816 note),
5 of which not less than \$5,000,000 may be made available
6 for rural capacity building activities: *Provided further*,
7 That \$5,000,000 shall be made available for capacity
8 building activities as authorized in sections 6301 through
9 6305 of Public Law 110–246: *Provided further*, That a
10 Notice of Funding Availability shall be issued not later
11 than 60 days after enactment of this Act.

12 HOMELESS ASSISTANCE GRANTS

13 For the emergency solutions grants program as au-
14 thorized under subtitle B of title IV of the McKinney-
15 Vento Homeless Assistance Act, as amended; the con-
16 tinuum of care program as authorized under subtitle C
17 of title IV of such Act; and the rural housing stability as-
18 sistance program as authorized under subtitle D of title
19 IV of such Act, \$2,200,000,000, of which \$2,195,000,000
20 shall remain available until September 30, 2013, and of
21 which \$5,000,000 shall remain available until expended
22 for project-based rental assistance rehabilitation with 10-
23 year grant terms and any rental assistance amounts that
24 are recaptured under such continuum of care program
25 shall remain available until expended: *Provided*, That up

1 to \$200,000,000 of the funds appropriated under this
2 heading shall be available for such emergency solutions
3 grants program: *Provided further*, That no less than
4 \$1,989,000,000 of the funds appropriated under this
5 heading shall be available for such continuum of care and
6 rural housing stability assistance programs: *Provided fur-*
7 *ther*, That up to \$6,000,000 of the funds appropriated
8 under this heading shall be available for the national
9 homeless data analysis project: *Provided further*, That for
10 all match requirements applicable to funds made available
11 under this heading for this fiscal year and prior years,
12 a grantee may use (or could have used) as a source of
13 match funds other funds administered by the Secretary
14 and other Federal agencies unless there is (or was) a spe-
15 cific statutory prohibition on any such use of any such
16 funds: *Provided further*, That the Secretary shall renew
17 on an annual basis expiring contracts or amendments to
18 contracts funded under the continuum of care program if
19 the program is determined to be needed under the applica-
20 ble continuum of care and meets appropriate program re-
21 quirements and financial standards, as determined by the
22 Secretary: *Provided further*, That all awards of assistance
23 under this heading shall be required to coordinate and in-
24 tegrate homeless programs with other mainstream health,
25 social services, and employment programs for which home-

1 less populations may be eligible, including Medicaid, State
2 Children’s Health Insurance Program, Temporary Assist-
3 ance for Needy Families, Food Stamps, and services fund-
4 ing through the Mental Health and Substance Abuse
5 Block Grant, Workforce Investment Act, and the Welfare-
6 to-Work grant program: *Provided further*, That all bal-
7 ances for Shelter Plus Care renewals previously funded
8 from the Shelter Plus Care Renewal account and trans-
9 ferred to this account shall be available, if recaptured, for
10 continuum of care renewals in fiscal year 2011.

11 HOUSING PROGRAMS

12 PROJECT-BASED RENTAL ASSISTANCE

13 For activities and assistance for the provision of
14 project-based subsidy contracts under the United States
15 Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the
16 Act”), not otherwise provided for, \$8,982,328,000, to re-
17 main available until expended, shall be available on Octo-
18 ber 1, 2010 (in addition to the \$393,672,000 previously
19 appropriated under this heading that will become available
20 October 1, 2010), and \$400,000,000, to remain available
21 until expended, shall be available on October 1, 2011: *Pro-*
22 *vided*, That the amounts made available under this head-
23 ing shall be available for expiring or terminating section
24 8 project-based subsidy contracts (including section 8
25 moderate rehabilitation contracts), for amendments to sec-

1 tion 8 project-based subsidy contracts (including section
2 8 moderate rehabilitation contracts), for contracts entered
3 into pursuant to section 441 of the McKinney-Vento
4 Homeless Assistance Act (42 U.S.C. 11401), for renewal
5 of section 8 contracts for units in projects that are subject
6 to approved plans of action under the Emergency Low In-
7 come Housing Preservation Act of 1987 or the Low-In-
8 come Housing Preservation and Resident Homeownership
9 Act of 1990, and for administrative and other expenses
10 associated with project-based activities and assistance
11 funded under this paragraph: *Provided further*, That of
12 the total amounts provided under this heading, not to ex-
13 ceed \$315,000,000 shall be available for performance-
14 based contract administrators for section 8 project-based
15 assistance: *Provided further*, That the Secretary of Hous-
16 ing and Urban Development may also use such amounts
17 in the previous proviso for performance-based contract ad-
18 ministrators for the administration of: interest reduction
19 payments pursuant to section 236(a) of the National
20 Housing Act (12 U.S.C. 1715z-1(a)); rent supplement
21 payments pursuant to section 101 of the Housing and
22 Urban Development Act of 1965 (12 U.S.C. 1701s); sec-
23 tion 236(f)(2) rental assistance payments (12 U.S.C.
24 1715z-1(f)(2)); project rental assistance contracts for the
25 elderly under section 202(c)(2) of the Housing Act of

1 1959 (12 U.S.C. 1701q); project rental assistance con-
2 tracts for supportive housing for persons with disabilities
3 under section 811(d)(2) of the Cranston-Gonzalez Na-
4 tional Affordable Housing Act (42 U.S.C. 8013(d)(2));
5 project assistance contracts pursuant to section 202(h) of
6 the Housing Act of 1959 (Public Law 86–372; 73 Stat.
7 667); and loans under section 202 of the Housing Act of
8 1959 (Public Law 86–372; 73 Stat. 667): *Provided fur-*
9 *ther*, That amounts recaptured under this heading, the
10 heading “Annual Contributions for Assisted Housing”, or
11 the heading “Housing Certificate Fund” may be used for
12 renewals of or amendments to section 8 project-based con-
13 tracts or for performance-based contract administrators,
14 notwithstanding the purposes for which such amounts
15 were appropriated.

16 HOUSING FOR THE ELDERLY

17 For capital advances, including amendments to cap-
18 ital advance contracts, for housing for the elderly, as au-
19 thorized by section 202 of the Housing Act of 1959, as
20 amended, and for project rental assistance for the elderly
21 under section 202(c)(2) of such Act, including amend-
22 ments to contracts for such assistance and renewal of ex-
23 piring contracts for such assistance for up to a 1-year
24 term, and for supportive services associated with the hous-
25 ing, \$825,000,000, to remain available until September

1 30, 2014, of which up to \$491,300,000 shall be for capital
2 advance and project-based rental assistance awards: *Pro-*
3 *vided*, That amounts for project rental assistance con-
4 tracts are to remain available for the liquidation of valid
5 obligations for 10 years following the date of such obliga-
6 tion: *Provided further*, That of the amount provided under
7 this heading, up to \$90,000,000 shall be for service coordi-
8 nators and the continuation of existing congregate service
9 grants for residents of assisted housing projects, and of
10 which up to \$40,000,000 shall be for grants under section
11 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2)
12 for conversion of eligible projects under such section to
13 assisted living or related use and for substantial and emer-
14 gency capital repairs as determined by the Secretary: *Pro-*
15 *vided further*, That of the amount made available under
16 this heading, \$20,000,000 shall be available to the Sec-
17 retary of Housing and Urban Development only for mak-
18 ing competitive grants to private nonprofit organizations
19 and consumer cooperatives for covering costs of architec-
20 tural and engineering work, site control, and other plan-
21 ning relating to the development of supportive housing for
22 the elderly that is eligible for assistance under section 202
23 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided*
24 *further*, That amounts under this heading shall be avail-
25 able for Real Estate Assessment Center inspections and

1 inspection-related activities associated with section 202
2 capital advance projects: *Provided further*, That the Sec-
3 retary may waive the provisions of section 202 governing
4 the terms and conditions of project rental assistance, ex-
5 cept that the initial contract term for such assistance shall
6 not exceed 5 years in duration.

7 HOUSING FOR PERSONS WITH DISABILITIES

8 For capital advance contracts, including amendments
9 to capital advance contracts, for supportive housing for
10 persons with disabilities, as authorized by section 811 of
11 the Cranston-Gonzalez National Affordable Housing Act
12 (42 U.S.C. 8013), for project rental assistance for sup-
13 portive housing for persons with disabilities under section
14 811(d)(2) of such Act, including amendments to contracts
15 for such assistance and renewal of expiring contracts for
16 such assistance for up to a 1-year term, and for supportive
17 services associated with the housing for persons with dis-
18 abilities as authorized by section 811(b)(1) of such Act,
19 and for tenant-based rental assistance contracts entered
20 into pursuant to section 811 of such Act, \$300,000,000,
21 of which up to \$209,900,000 shall be for capital advances
22 and project-based rental assistance contracts, to remain
23 available until September 30, 2014: *Provided*, That
24 amounts for project rental assistance contracts are to re-
25 main available for the liquidation of valid obligations for

1 10 years following the date of such obligation: *Provided*
2 *further*, That the Secretary may waive the provisions of
3 section 811 governing the terms and conditions of project
4 rental assistance, except that the initial contract term for
5 such assistance shall not exceed 5 years in duration: *Pro-*
6 *vided further*, That amounts made available under this
7 heading shall be available for Real Estate Assessment
8 Center inspections and inspection-related activities associ-
9 ated with section 811 Capital Advance Projects.

10 HOUSING COUNSELING ASSISTANCE

11 For contracts, grants, and other assistance excluding
12 loans, as authorized under section 106 of the Housing and
13 Urban Development Act of 1968, as amended,
14 \$88,000,000, including up to \$2,500,000 for administra-
15 tive contract services, to remain available until September
16 30, 2012: *Provided*, That funds shall be used for providing
17 counseling and advice to tenants and homeowners, both
18 current and prospective, with respect to property mainte-
19 nance, financial management/literacy, and such other mat-
20 ters as may be appropriate to assist them in improving
21 their housing conditions, meeting their financial needs,
22 and fulfilling the responsibilities of tenancy or homeowner-
23 ship; for program administration; and for housing coun-
24 selor training.

1 OTHER ASSISTED HOUSING PROGRAMS

2 RENTAL HOUSING ASSISTANCE

3 For amendments to contracts under section 101 of
4 the Housing and Urban Development Act of 1965 (12
5 U.S.C. 1701s) and section 236(f)(2) of the National
6 Housing Act (12 U.S.C. 1715z-1) in State-aided, non-in-
7 sured rental housing projects, \$40,600,000, to remain
8 available until expended.

9 RENT SUPPLEMENT

10 (RESCISSION)

11 Of the amounts recaptured from terminated con-
12 tracts under section 101 of the Housing and Urban Devel-
13 opment Act of 1965 (12 U.S.C. 1701s) and section 236
14 of the National Housing Act (12 U.S.C. 1715z-1)
15 \$40,600,000 are rescinded: *Provided*, That no amounts
16 may be rescinded from amounts that were designated by
17 the Congress as an emergency requirement pursuant to
18 the Concurrent Resolution on the Budget or the Balanced
19 Budget and Emergency Deficit Control Act of 1985, as
20 amended.

21 PAYMENT TO MANUFACTURED HOUSING FEES TRUST

22 FUND

23 For necessary expenses as authorized by the National
24 Manufactured Housing Construction and Safety Stand-
25 ards Act of 1974 (42 U.S.C. 5401 et seq.), up to

1 \$14,000,000, to remain available until expended, of which
2 \$7,000,000 is to be derived from the Manufactured Hous-
3 ing Fees Trust Fund: *Provided*, That not to exceed the
4 total amount appropriated under this heading shall be
5 available from the general fund of the Treasury to the ex-
6 tent necessary to incur obligations and make expenditures
7 pending the receipt of collections to the Fund pursuant
8 to section 620 of such Act: *Provided further*, That the
9 amount made available under this heading from the gen-
10 eral fund shall be reduced as such collections are received
11 during fiscal year 2011 so as to result in a final fiscal
12 year 2011 appropriation from the general fund estimated
13 at not more than \$7,000,000 and fees pursuant to such
14 section 620 shall be modified as necessary to ensure such
15 a final fiscal year 2011 appropriation: *Provided further*,
16 That for the dispute resolution and installation programs,
17 the Secretary of Housing and Urban Development may
18 assess and collect fees from any program participant: *Pro-*
19 *vided further*, That such collections shall be deposited into
20 the Fund, and the Secretary, as provided herein, may use
21 such collections, as well as fees collected under section
22 620, for necessary expenses of such Act: *Provided further*,
23 That notwithstanding the requirements of section 620 of
24 such Act, the Secretary may carry out responsibilities of
25 the Secretary under such Act through the use of approved

1 service providers that are paid directly by the recipients
2 of their services.

3 FEDERAL HOUSING ADMINISTRATION
4 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT
5 (INCLUDING TRANSFER OF FUNDS)

6 New commitments to guarantee single family loans
7 insured under the Mutual Mortgage Insurance Fund shall
8 not exceed \$400,000,000,000, to remain available until
9 September 30, 2012: *Provided*, That for the cost of new
10 guaranteed loans, as authorized by section 255 of the Na-
11 tional Housing Act (12 U.S.C. 17152-20), \$150,000,000:
12 *Provided further*, That during fiscal year 2011, obligations
13 to make direct loans to carry out the purposes of section
14 204(g) of the National Housing Act, as amended, shall
15 not exceed \$50,000,000: *Provided further*, That the fore-
16 going amount in the previous proviso shall be for loans
17 to nonprofit and governmental entities in connection with
18 sales of single family real properties owned by the Sec-
19 retary and formerly insured under the Mutual Mortgage
20 Insurance Fund. For administrative contract expenses of
21 the Federal Housing Administration, \$207,000,000, to re-
22 main available until September 30, 2012, of which up to
23 \$71,500,000 may be transferred to the Working Capital
24 Fund: *Provided further*, That to the extent guaranteed
25 loan commitments exceed \$200,000,000,000 on or before

1 April 1, 2011, an additional \$1,400 for administrative
2 contract expenses shall be available for each \$1,000,000
3 in additional guaranteed loan commitments (including a
4 pro rata amount for any amount below \$1,000,000), but
5 in no case shall funds made available by this proviso ex-
6 ceed \$30,000,000.

7 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

8 During fiscal year 2011, commitments to guarantee
9 loans incurred under the General and Special Risk Insur-
10 ance Funds, as authorized by sections 238 and 519 of the
11 National Housing Act (12 U.S.C. 1715z-3 and 1735c),
12 shall not exceed \$20,000,000,000 in total loan principal,
13 any part of which is to be guaranteed.

14 Gross obligations for the principal amount of direct
15 loans, as authorized by sections 204(g), 207(l), 238, and
16 519(a) of the National Housing Act, shall not exceed
17 \$20,000,000, which shall be for loans to non-profit and
18 governmental entities in connection with the sale of single
19 family real properties owned by the Secretary and for-
20 merly insured under such Act.

21 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

22 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN

23 GUARANTEE PROGRAM ACCOUNT

24 New commitments to issue guarantees to carry out
25 the purposes of section 306 of the National Housing Act,

1 as amended (12 U.S.C. 1721(g)), shall not exceed
2 \$500,000,000,000, to remain available until September
3 30, 2012.

4 POLICY DEVELOPMENT AND RESEARCH

5 RESEARCH AND TECHNOLOGY

6 For contracts, grants, and necessary expenses of pro-
7 grams of research and studies relating to housing and
8 urban problems, not otherwise provided for, as authorized
9 by title V of the Housing and Urban Development Act
10 of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying
11 out the functions of the Secretary of Housing and Urban
12 Development under section 1(a)(1)(i) of Reorganization
13 Plan No. 2 of 1968, \$50,000,000, to remain available
14 until September 30, 2012.

15 FAIR HOUSING AND EQUAL OPPORTUNITY

16 FAIR HOUSING ACTIVITIES

17 For contracts, grants, and other assistance, not oth-
18 erwise provided for, as authorized by title VIII of the Civil
19 Rights Act of 1968, as amended by the Fair Housing
20 Amendments Act of 1988, and section 561 of the Housing
21 and Community Development Act of 1987, as amended,
22 \$72,000,000, to remain available until September 30,
23 2012, of which \$42,500,000 shall be to carry out activities
24 pursuant to such section 561: *Provided*, That notwith-
25 standing 31 U.S.C. 3302, the Secretary may assess and

1 collect fees to cover the costs of the Fair Housing Training
2 Academy, and may use such funds to provide such train-
3 ing: *Provided further*, That no funds made available under
4 this heading shall be used to lobby the executive or legisla-
5 tive branches of the Federal Government in connection
6 with a specific contract, grant or loan.

7 OFFICE OF LEAD HAZARD CONTROL AND HEALTHY

8 HOMES

9 LEAD HAZARD REDUCTION

10 For the Lead Hazard Reduction Program, as author-
11 ized by section 1011 of the Residential Lead-Based Paint
12 Hazard Reduction Act of 1992, \$140,000,000, to remain
13 available until September 30, 2012, of which not less than
14 \$40,000,000 shall be for the Healthy Homes Initiative,
15 pursuant to sections 501 and 502 of the Housing and
16 Urban Development Act of 1970 that shall include re-
17 search, studies, testing, and demonstration efforts, includ-
18 ing education and outreach concerning lead-based paint
19 poisoning and other housing-related diseases and hazards:
20 *Provided*, That for purposes of environmental review, pur-
21 suant to the National Environmental Policy Act of 1969
22 (42 U.S.C. 4321 et seq.) and other provisions of the law
23 that further the purposes of such Act, a grant under the
24 Healthy Homes Initiative, Operation Lead Elimination
25 Action Plan (LEAP), or the Lead Technical Studies pro-

1 gram under this heading or under prior appropriations
2 Acts for such purposes under this heading, shall be consid-
3 ered to be funds for a special project for purposes of sec-
4 tion 305(c) of the Multifamily Housing Property Disposi-
5 tion Reform Act of 1994: *Provided further*, That amounts
6 made available under this heading in this or prior appro-
7 priations Acts, and that still remain available, may be used
8 for any purpose under this heading notwithstanding the
9 purpose for which such amounts were appropriated if a
10 program competition is undersubscribed and there are
11 other program competitions under this heading that are
12 oversubscribed: *Provided further*, That a Notice of Fund-
13 ing Availability shall be issued not later than 60 days after
14 enactment of this Act.

15 MANAGEMENT AND ADMINISTRATION

16 WORKING CAPITAL FUND

17 For additional capital for the Working Capital Fund
18 (42 U.S.C. 3535) for the maintenance of infrastructure
19 for Department-wide information technology systems, for
20 the continuing operation and maintenance of both Depart-
21 ment-wide and program-specific information systems, and
22 for program-related maintenance activities, \$243,500,000,
23 to remain available until September 30, 2012: *Provided*,
24 That any amounts transferred to this Fund under this Act
25 shall remain available until expended: *Provided further*,

1 That any amounts transferred to this Fund from amounts
2 appropriated by previously enacted appropriations Acts or
3 from within this Act may be used only for the purposes
4 specified under this Fund, in addition to the purposes for
5 which such amounts were appropriated: *Provided further*,
6 That up to \$15,000,000 may be transferred to this ac-
7 count from all other accounts in this title (except for the
8 Office of the Inspector General account) that make funds
9 available for salaries and expenses.

10 OFFICE OF INSPECTOR GENERAL

11 For necessary salaries and expenses of the Office of
12 Inspector General in carrying out the Inspector General
13 Act of 1978, as amended, \$122,000,000: *Provided*, That
14 the Inspector General shall have independent authority
15 over all personnel issues within this office.

16 TRANSFORMATION INITIATIVE

17 For necessary expenses for combating mortgage
18 fraud, \$20,000,000, to remain available until expended.

19 In addition, of the amounts made available in this
20 Act under each of the following headings under this title,
21 the Secretary may transfer to, and merge with, this ac-
22 count up to 1 percent from each such account, and such
23 transferred amounts shall be available until September 30,
24 2014, for (1) research, evaluation, and program metrics;
25 (2) program demonstrations; (3) technical assistance and

1 capacity building; and (4) information technology: “Ten-
2 ant-Based Rental Assistance”, “Public Housing Operating
3 Fund”, “Indian Housing Loan Guarantee Fund Program
4 Account”, “Native Hawaiian Housing Block Grants”,
5 “Housing Opportunities for Persons With AIDS”, “Com-
6 munity Development Fund”, “Housing Counseling Assist-
7 ance”, “Payment to Manufactured Housing Fees Trust
8 Fund”, “Mutual Mortgage Insurance Program Account”,
9 “Lead Hazard Reduction”, and “Rental Housing Assist-
10 ance”: *Provided*, That of the amounts made available
11 under this paragraph, not less than \$130,000,000 shall
12 be available for information technology modernization, in-
13 cluding development and deployment of a Next Generation
14 of Voucher Management System and development and de-
15 ployment of modernized Federal Housing Administration
16 systems: *Provided further*, That not more than 25 percent
17 of the funds made available for information technology
18 modernization may be obligated until the Secretary sub-
19 mits to the Committees on Appropriations a plan for ex-
20 penditure that (1) identifies for each modernization
21 project (a) the functional and performance capabilities to
22 be delivered and the mission benefits to be realized, (b)
23 the estimated lifecycle cost, and (c) key milestones to be
24 met; (2) demonstrates that each modernization project is
25 (a) compliant with the department’s enterprise architec-

1 ture, (b) being managed in accordance with applicable
2 lifecycle management policies and guidance, (c) subject to
3 the department's capital planning and investment control
4 requirements, and (d) supported by an adequately staffed
5 project office; and (3) has been reviewed by the Govern-
6 ment Accountability Office: *Provided further*, That of the
7 amounts made available under this paragraph, not less
8 than \$40,000,000 shall be available for technical assist-
9 ance and capacity building: *Provided further*, That tech-
10 nical assistance activities shall include, technical assist-
11 ance for HUD programs, including HOME, Community
12 Development Block Grant, homeless programs, HOPWA,
13 HOPE VI, Public Housing, the Housing Choice Voucher
14 Program, Fair Housing Initiative Program, Housing
15 Counseling, Healthy Homes, Sustainable Communities,
16 Energy Innovation Fund and other technical assistance as
17 determined by the Secretary: *Provided further*, That of the
18 amounts made available for research, evaluation and pro-
19 gram metrics and program demonstrations, the Secretary
20 shall include an assessment of the effectiveness of HUD
21 funded service coordinators: *Provided further*, That the
22 Secretary shall submit a plan to the House and Senate
23 Committees on Appropriations for approval detailing how
24 the funding provided under this heading will be allocated
25 to each of the categories identified under this heading and

1 for what projects or activities funding will be used: *Pro-*
2 *vided further*, That following the initial approval of this
3 plan, the Secretary may amend the plan with the approval
4 of the House and Senate Committees on Appropriations.

5 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND
6 URBAN DEVELOPMENT

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

1 SEC. 202. None of the amounts made available under
2 this Act may be used during fiscal year 2011 to investigate
3 or prosecute under the Fair Housing Act any otherwise
4 lawful activity engaged in by one or more persons, includ-
5 ing the filing or maintaining of a non-frivolous legal ac-
6 tion, that is engaged in solely for the purpose of achieving
7 or preventing action by a Government official or entity,
8 or a court of competent jurisdiction.

9 SEC. 203. (a) Notwithstanding section 854(c)(1)(A)
10 of the AIDS Housing Opportunity Act (42 U.S.C.
11 12903(c)(1)(A)), from any amounts made available under
12 this title for fiscal year 2011 that are allocated under such
13 section, the Secretary of Housing and Urban Development
14 shall allocate and make a grant, in the amount determined
15 under subsection (b), for any State that—

16 (1) received an allocation in a prior fiscal year
17 under clause (ii) of such section; and

18 (2) is not otherwise eligible for an allocation for
19 fiscal year 2011 under such clause (ii) because the
20 areas in the State outside of the metropolitan statis-
21 tical areas that qualify under clause (i) in fiscal year
22 2011 do not have the number of cases of acquired
23 immunodeficiency syndrome (AIDS) required under
24 such clause.

1 (b) The amount of the allocation and grant for any
2 State described in subsection (a) shall be an amount based
3 on the cumulative number of AIDS cases in the areas of
4 that State that are outside of metropolitan statistical
5 areas that qualify under clause (i) of such section
6 854(c)(1)(A) in fiscal year 2011, in proportion to AIDS
7 cases among cities and States that qualify under clauses
8 (i) and (ii) of such section and States deemed eligible
9 under subsection (a).

10 (c) Notwithstanding any other provision of law, the
11 amount allocated for fiscal year 2011 under section 854(c)
12 of the AIDS Housing Opportunity Act (42 U.S.C.
13 12903(c)), to the City of New York, New York, on behalf
14 of the New York-Wayne-White Plains, New York-New
15 Jersey Metropolitan Division (hereafter “metropolitan di-
16 vision”) of the New York-Newark-Edison, NY–NJ–PA
17 Metropolitan Statistical Area, shall be adjusted by the
18 Secretary of Housing and Urban Development by: (1) allo-
19 cating to the City of Jersey City, New Jersey, the propor-
20 tion of the metropolitan area’s or division’s amount that
21 is based on the number of cases of AIDS reported in the
22 portion of the metropolitan area or division that is located
23 in Hudson County, New Jersey, and adjusting for the pro-
24 portion of the metropolitan division’s high incidence bonus
25 if this area in New Jersey also has a higher than average

1 per capita incidence of AIDS; and (2) allocating to the
2 City of Paterson, New Jersey, the proportion of the metro-
3 politan area's or division's amount that is based on the
4 number of cases of AIDS reported in the portion of the
5 metropolitan area or division that is located in Bergen
6 County and Passaic County, New Jersey, and adjusting
7 for the proportion of the metropolitan division's high inci-
8 dence bonus if this area in New Jersey also has a higher
9 than average per capita incidence of AIDS. The recipient
10 cities shall use amounts allocated under this subsection
11 to carry out eligible activities under section 855 of the
12 AIDS Housing Opportunity Act (42 U.S.C. 12904) in
13 their respective portions of the metropolitan division that
14 is located in New Jersey.

15 (d) Notwithstanding any other provision of law, the
16 amount allocated for fiscal year 2011 under section 854(c)
17 of the AIDS Housing Opportunity Act (42 U.S.C.
18 12903(c)) to areas with a higher than average per capita
19 incidence of AIDS, shall be adjusted by the Secretary on
20 the basis of area incidence reported over a 3-year period.

21 SEC. 204. Except as explicitly provided in law, any
22 grant, cooperative agreement or other assistance made
23 pursuant to title II of this Act shall be made on a competi-
24 tive basis and in accordance with section 102 of the De-

1 partment of Housing and Urban Development Reform Act
2 of 1989 (42 U.S.C. 3545).

3 SEC. 205. Funds of the Department of Housing and
4 Urban Development subject to the Government Corpora-
5 tion Control Act or section 402 of the Housing Act of
6 1950 shall be available, without regard to the limitations
7 on administrative expenses, for legal services on a contract
8 or fee basis, and for utilizing and making payment for
9 services and facilities of the Federal National Mortgage
10 Association, Government National Mortgage Association,
11 Federal Home Loan Mortgage Corporation, Federal Fi-
12 nancing Bank, Federal Reserve banks or any member
13 thereof, Federal Home Loan banks, and any insured bank
14 within the meaning of the Federal Deposit Insurance Cor-
15 poration Act, as amended (12 U.S.C. 1811-1).

16 SEC. 206. Unless otherwise provided for in this Act
17 or through a reprogramming of funds, no part of any ap-
18 propriation for the Department of Housing and Urban
19 Development shall be available for any program, project
20 or activity in excess of amounts set forth in the budget
21 estimates submitted to Congress.

22 SEC. 207. Corporations and agencies of the Depart-
23 ment of Housing and Urban Development which are sub-
24 ject to the Government Corporation Control Act, are here-
25 by authorized to make such expenditures, within the limits

1 of funds and borrowing authority available to each such
2 corporation or agency and in accordance with law, and to
3 make such contracts and commitments without regard to
4 fiscal year limitations as provided by section 104 of such
5 Act as may be necessary in carrying out the programs set
6 forth in the budget for 2011 for such corporation or agen-
7 cy except as hereinafter provided: *Provided*, That collec-
8 tions of these corporations and agencies may be used for
9 new loan or mortgage purchase commitments only to the
10 extent expressly provided for in this Act (unless such loans
11 are in support of other forms of assistance provided for
12 in this or prior appropriations Acts), except that this pro-
13 viso shall not apply to the mortgage insurance or guaranty
14 operations of these corporations, or where loans or mort-
15 gage purchases are necessary to protect the financial in-
16 terest of the United States Government.

17 SEC. 208. The Secretary of Housing and Urban De-
18 velopment shall provide quarterly reports to the House
19 and Senate Committees on Appropriations regarding all
20 uncommitted, unobligated, recaptured and excess funds in
21 each program and activity within the jurisdiction of the
22 Department and shall submit additional, updated budget
23 information to these Committees upon request.

24 SEC. 209. (a) Notwithstanding any other provision
25 of law, the amount allocated for fiscal year 2011 under

1 section 854(c) of the AIDS Housing Opportunity Act (42
2 U.S.C. 12903(e)), to the City of Wilmington, Delaware,
3 on behalf of the Wilmington, Delaware-Maryland-New
4 Jersey Metropolitan Division (hereafter “metropolitan di-
5 vision”), shall be adjusted by the Secretary of Housing
6 and Urban Development by allocating to the State of New
7 Jersey the proportion of the metropolitan division’s
8 amount that is based on the number of cases of AIDS
9 reported in the portion of the metropolitan division that
10 is located in New Jersey, and adjusting for the proportion
11 of the metropolitan division’s high incidence bonus if this
12 area in New Jersey also has a higher than average per
13 capita incidence of AIDS. The State of New Jersey shall
14 use amounts allocated to the State under this subsection
15 to carry out eligible activities under section 855 of the
16 AIDS Housing Opportunity Act (42 U.S.C. 12904) in the
17 portion of the metropolitan division that is located in New
18 Jersey.

19 (b) Notwithstanding any other provision of law, the
20 Secretary of Housing and Urban Development shall allo-
21 cate to Wake County, North Carolina, the amounts that
22 otherwise would be allocated for fiscal year 2011 under
23 section 854(c) of the AIDS Housing Opportunity Act (42
24 U.S.C. 12903(e)) to the City of Raleigh, North Carolina,
25 on behalf of the Raleigh-Cary, North Carolina Metropoli-

1 tan Statistical Area. Any amounts allocated to Wake
2 County shall be used to carry out eligible activities under
3 section 855 of such Act (42 U.S.C. 12904) within such
4 metropolitan statistical area.

5 (c) Notwithstanding section 854(c) of the AIDS
6 Housing Opportunity Act (42 U.S.C. 12903(c)), the Sec-
7 retary of Housing and Urban Development may adjust the
8 allocation of the amounts that otherwise would be allo-
9 cated for fiscal year 2011 under section 854(c) of such
10 Act, upon the written request of an applicant, in conjunc-
11 tion with the State(s), for a formula allocation on behalf
12 of a metropolitan statistical area, to designate the State
13 or States in which the metropolitan statistical area is lo-
14 cated as the eligible grantee(s) of the allocation. In the
15 case that a metropolitan statistical area involves more
16 than one State, such amounts allocated to each State shall
17 be in proportion to the number of cases of AIDS reported
18 in the portion of the metropolitan statistical area located
19 in that State. Any amounts allocated to a State under this
20 section shall be used to carry out eligible activities within
21 the portion of the metropolitan statistical area located in
22 that State.

23 SEC. 210. The President's formal budget request for
24 fiscal year 2012, as well as the Department of Housing
25 and Urban Development's congressional budget justifica-

1 tions to be submitted to the Committees on Appropriations
2 of the House of Representatives and the Senate, shall use
3 the identical account and sub-account structure provided
4 under this Act.

5 SEC. 211. A public housing agency or such other enti-
6 ty that administers Federal housing assistance for the
7 Housing Authority of the county of Los Angeles, Cali-
8 fornia, the States of Alaska, Iowa, and Mississippi shall
9 not be required to include a resident of public housing or
10 a recipient of assistance provided under section 8 of the
11 United States Housing Act of 1937 on the board of direc-
12 tors or a similar governing board of such agency or entity
13 as required under section (2)(b) of such Act. Each public
14 housing agency or other entity that administers Federal
15 housing assistance under section 8 for the Housing Au-
16 thority of the county of Los Angeles, California and the
17 States of Alaska, Iowa and Mississippi that chooses not
18 to include a resident of Public Housing or a recipient of
19 section 8 assistance on the board of directors or a similar
20 governing board shall establish an advisory board of not
21 less than six residents of public housing or recipients of
22 section 8 assistance to provide advice and comment to the
23 public housing agency or other administering entity on
24 issues related to public housing and section 8. Such advi-
25 sory board shall meet not less than quarterly.

1 SEC. 212. (a) Notwithstanding any other provision
2 of law, subject to the conditions listed in subsection (b),
3 for fiscal years 2011 and 2012, the Secretary of Housing
4 and Urban Development may authorize the transfer of
5 some or all project-based assistance, debt and statutorily
6 required low-income and very low-income use restrictions,
7 associated with one or more multifamily housing project
8 to another multifamily housing project or projects.

9 (b) The transfer authorized in subsection (a) is sub-
10 ject to the following conditions:

11 (1) The number of low-income and very low-in-
12 come units and the net dollar amount of Federal as-
13 sistance provided by the transferring project shall
14 remain the same in the receiving project or projects.

15 (2) The transferring project shall, as deter-
16 mined by the Secretary, be either physically obsolete
17 or economically non-viable.

18 (3) The receiving project or projects shall meet
19 or exceed applicable physical standards established
20 by the Secretary.

21 (4) The owner or mortgagor of the transferring
22 project shall notify and consult with the tenants re-
23 siding in the transferring project and provide a cer-
24 tification of approval by all appropriate local govern-
25 mental officials.

1 (5) The tenants of the transferring project who
2 remain eligible for assistance to be provided by the
3 receiving project or projects shall not be required to
4 vacate their units in the transferring project or
5 projects until new units in the receiving project are
6 available for occupancy.

7 (6) The Secretary determines that this transfer
8 is in the best interest of the tenants.

9 (7) If either the transferring project or the re-
10 ceiving project or projects meets the condition speci-
11 fied in subsection (c)(2)(A), any lien on the receiving
12 project resulting from additional financing obtained
13 by the owner shall be subordinate to any FHA-in-
14 sured mortgage lien transferred to, or placed on,
15 such project by the Secretary.

16 (8) If the transferring project meets the re-
17 quirements of subsection (c)(2)(E), the owner or
18 mortgagor of the receiving project or projects shall
19 execute and record either a continuation of the exist-
20 ing use agreement or a new use agreement for the
21 project where, in either case, any use restrictions in
22 such agreement are of no lesser duration than the
23 existing use restrictions.

24 (9) Any financial risk to the FHA General and
25 Special Risk Insurance Fund, as determined by the

1 Secretary, would be reduced as a result of a transfer
2 completed under this section.

3 (10) The Secretary determines that Federal li-
4 ability with regard to this project will not be in-
5 creased.

6 (c) For purposes of this section—

7 (1) the terms “low-income” and “very low-in-
8 come” shall have the meanings provided by the stat-
9 ute and/or regulations governing the program under
10 which the project is insured or assisted;

11 (2) the term “multifamily housing project”
12 means housing that meets one of the following con-
13 ditions—

14 (A) housing that is subject to a mortgage
15 insured under the National Housing Act;

16 (B) housing that has project-based assist-
17 ance attached to the structure including
18 projects undergoing mark to market debt re-
19 structuring under the Multifamily Assisted
20 Housing Reform and Affordability Housing Act;

21 (C) housing that is assisted under section
22 202 of the Housing Act of 1959 as amended by
23 section 801 of the Cranston-Gonzales National
24 Affordable Housing Act;

1 (D) housing that is assisted under section
2 202 of the Housing Act of 1959, as such sec-
3 tion existed before the enactment of the Cran-
4 ston-Gonzales National Affordable Housing Act;
5 or

6 (E) housing or vacant land that is subject
7 to a use agreement;

8 (3) the term “project-based assistance”
9 means—

10 (A) assistance provided under section 8(b)
11 of the United States Housing Act of 1937;

12 (B) assistance for housing constructed or
13 substantially rehabilitated pursuant to assist-
14 ance provided under section 8(b)(2) of such Act
15 (as such section existed immediately before Oc-
16 tober 1, 1983);

17 (C) rent supplement payments under sec-
18 tion 101 of the Housing and Urban Develop-
19 ment Act of 1965;

20 (D) interest reduction payments under sec-
21 tion 236 and/or additional assistance payments
22 under section 236(f)(2) of the National Hous-
23 ing Act; and

24 (E) assistance payments made under sec-
25 tion 202(e)(2) of the Housing Act of 1959;

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

6 (5) the term “transferring project” means the
7 multifamily housing project which is transferring
8 some or all of the project-based assistance, debt and
9 the statutorily required low-income and very low-in-
10 come use restrictions to the receiving project or
11 projects; and

12 (6) the term “Secretary” means the Secretary
13 of Housing and Urban Development.

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

19 SEC. 214. No funds provided under this title may be
20 used for an audit of the Government National Mortgage
21 Association that makes applicable requirements under the
22 Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

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

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

4 (2) is under 24 years of age;

5 (3) is not a veteran;

6 (4) is unmarried;

7 (5) does not have a dependent child;

8 (6) is not a person with disabilities, as such term is
9 defined in section 3(b)(3)(E) of the United States Hous-
10 ing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not
11 receiving assistance under such section 8 as of November
12 30, 2005; and

13 (7) is not otherwise individually eligible, or has par-
14 ents who, individually or jointly, are not eligible, to receive
15 assistance under section 8 of the United States Housing
16 Act of 1937 (42 U.S.C. 1437f).

17 (b) For purposes of determining the eligibility of a
18 person to receive assistance under section 8 of the United
19 States Housing Act of 1937 (42 U.S.C. 1437f), any finan-
20 cial assistance (in excess of amounts received for tuition)
21 that an individual receives under the Higher Education
22 Act of 1965 (20 U.S.C. 1001 et seq.), from private
23 sources, or an institution of higher education (as defined
24 under the Higher Education Act of 1965 (20 U.S.C.
25 1002)), shall be considered income to that individual, ex-

1 cept for a person over the age of 23 with dependent chil-
2 dren.

3 SEC. 216. (a) Section 255(g) of the National Housing
4 Act (12 U.S.C. 1715z-20) is amended by striking the first
5 sentence.

6 SEC. 217. Notwithstanding any other provision of
7 law, in fiscal year 2010, in managing and disposing of any
8 multifamily property that is owned or has a mortgage held
9 by the Secretary of Housing and Urban Development, the
10 Secretary shall maintain any rental assistance payments
11 under section 8 of the United States Housing Act of 1937
12 and other programs that are attached to any dwelling
13 units in the property. To the extent the Secretary deter-
14 mines, in consultation with the tenants and the local gov-
15 ernment, that such a multifamily property owned or held
16 by the Secretary is not feasible for continued rental assist-
17 ance payments under such section 8 or other programs,
18 based on consideration of (1) the costs of rehabilitating
19 and operating the property and all available Federal,
20 State, and local resources, including rent adjustments
21 under section 524 of the Multifamily Assisted Housing
22 Reform and Affordability Act of 1997 (“MAHRAA”) and
23 (2) environmental conditions that cannot be remedied in
24 a cost-effective fashion, the Secretary may, in consultation
25 with the tenants of that property, contract for project-

1 based rental assistance payments with an owner or owners
2 of other existing housing properties, or provide other rent-
3 al assistance. The Secretary shall also take appropriate
4 steps to ensure that project-based contracts remain in ef-
5 fect prior to foreclosure, subject to the exercise of contrac-
6 tual abatement remedies to assist relocation of tenants for
7 imminent major threats to health and safety. After dis-
8 position of any multifamily property described under this
9 section, the contract and allowable rent levels on such
10 properties shall be subject to the requirements under sec-
11 tion 524 of MAHRAA.

12 SEC. 218. During fiscal year 2011, in the provision
13 of rental assistance under section 8(o) of the United
14 States Housing Act of 1937 (42 U.S.C. 1437f(o)) in con-
15 nection with a program to demonstrate the economy and
16 effectiveness of providing such assistance for use in as-
17 sisted living facilities that is carried out in the counties
18 of the State of Michigan notwithstanding paragraphs (3)
19 and (18)(B)(iii) of such section 8(o), a family residing in
20 an assisted living facility in any such county, on behalf
21 of which a public housing agency provides assistance pur-
22 suant to section 8(o)(18) of such Act, may be required,
23 at the time the family initially receives such assistance,
24 to pay rent in an amount exceeding 40 percent of the
25 monthly adjusted income of the family by such a percent-

1 age or amount as the Secretary of Housing and Urban
2 Development determines to be appropriate.

3 SEC. 219. The Secretary of Housing and Urban De-
4 velopment shall report quarterly to the House of Rep-
5 resentatives and Senate Committees on Appropriations on
6 HUD's use of all sole source contracts, including terms
7 of the contracts, cost, and a substantive rationale for
8 using a sole source contract.

9 SEC. 220. Notwithstanding any other provision of
10 law, the recipient of a grant under section 202b of the
11 Housing Act of 1959 (12 U.S.C. 1701q) after December
12 26, 2000, in accordance with the unnumbered paragraph
13 at the end of section 202(b) of such Act, may, at its op-
14 tion, establish a single-asset nonprofit entity to own the
15 project and may lend the grant funds to such entity, which
16 may be a private nonprofit organization described in sec-
17 tion 831 of the American Homeownership and Economic
18 Opportunity Act of 2000.

19 SEC. 221. (a) The amounts provided under the sub-
20 heading "Program Account" under the heading "Commu-
21 nity Development Loan Guarantees" may be used to guar-
22 antee, or make commitments to guarantee, notes, or other
23 obligations issued by any State on behalf of non-entitle-
24 ment communities in the State in accordance with the re-
25 quirements of section 108 of the Housing and Community

1 Development Act of 1974 in fiscal year 2011 and subse-
2 quent years: *Provided*, That, any State receiving such a
3 guarantee or commitment shall distribute all funds subject
4 to such guarantee to the units of general local government
5 in non-entitlement areas that received the commitment.

6 (b) Not later than 60 days after the date of enact-
7 ment of this Act, the Secretary of Housing and Urban
8 Development shall promulgate regulations governing the
9 administration of the funds described under subsection
10 (a).

11 SEC. 222. Section 24 of the United States Housing
12 Act of 1937 (42 U.S.C. 1437v) is amended—

13 (1) in subsection (m)(1), by striking “fiscal
14 year” and all that follows through the period at the
15 end and inserting “fiscal year 2011.”; and

16 (2) in subsection (o), by striking “September”
17 and all that follows through the period at the end
18 and inserting “September 30, 2011.”.

19 SEC. 223. Public housing agencies that own and oper-
20 ate 400 or fewer public housing units may elect to be ex-
21 empt from any asset management requirement imposed by
22 the Secretary of Housing and Urban Development in con-
23 nection with the operating fund rule: *Provided*, That an
24 agency seeking a discontinuance of a reduction of subsidy

1 under the operating fund formula shall not be exempt
2 from asset management requirements.

3 SEC. 224. With respect to the use of amounts pro-
4 vided in this Act and in future Acts for the operation, cap-
5 ital improvement and management of public housing as
6 authorized by sections 9(d) and 9(e) of the United States
7 Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the
8 Secretary shall not impose any requirement or guideline
9 relating to asset management that restricts or limits in
10 any way the use of capital funds for central office costs
11 pursuant to section 9(g)(1) or 9(g)(2) of the United States
12 Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Pro-*
13 *vided*, That a public housing agency may not use capital
14 funds authorized under section 9(d) for activities that are
15 eligible under section 9(e) for assistance with amounts
16 from the operating fund in excess of the amounts per-
17 mitted under section 9(g)(1) or 9(g)(2).

18 SEC. 225. No official or employee of the Department
19 of Housing and Urban Development shall be designated
20 as an allotment holder unless the Office of the Chief Fi-
21 nancial Officer has determined that such allotment holder
22 has implemented an adequate system of funds control and
23 has received training in funds control procedures and di-
24 rectives. The Chief Financial Officer shall ensure that, not
25 later than 90 days after the date of enactment of this Act,

1 there is a trained allotment holder shall be designated for
2 each HUD subaccount under the headings “Executive Di-
3 rection” and heading “Administration, Operations, and
4 Management” as well as each account receiving appropria-
5 tions for “personnel compensation and benefits” within
6 the Department of Housing and Urban Development.

7 SEC. 226. Payment of attorney fees in program-re-
8 lated litigation must be paid from individual program of-
9 fice personnel benefits and compensation funding. The an-
10 nual budget submission for program office personnel ben-
11 efit and compensation funding must include program-re-
12 lated litigation costs for attorney fees as a separate line
13 item request.

14 SEC. 227. (a) APPROVAL OF PREPAYMENT OF
15 DEBT.—Upon request of the project sponsor of a project
16 assisted with a loan under section 202 of the Housing Act
17 of 1959 (as in effect before the enactment of the Cran-
18 ston-Gonzalez National Affordable Housing Act), for
19 which the Secretary’s consent to prepayment is required,
20 the Secretary shall approve the prepayment of any indebt-
21 edness to the Secretary relating to any remaining principal
22 and interest under the loan as part of a prepayment plan
23 under which—

24 (1) the project sponsor agrees to operate the
25 project until the maturity date of the original loan

1 under terms at least as advantageous to existing and
2 future tenants as the terms required by the original
3 loan agreement or any project-based rental assist-
4 ance payments contract under section 8 of the
5 United States Housing Act of 1937 (or any other
6 project-based rental housing assistance programs of
7 the Department of Housing and Urban Develop-
8 ment, including the rent supplement program under
9 section 101 of the Housing and Urban Development
10 Act of 1965 (12 U.S.C. 1701s)) or any successor
11 project-based rental assistance program, except as
12 provided by subsection (a)(2)(B); and

13 (2) the prepayment may involve refinancing of
14 the loan if such refinancing results—

15 (A) in a lower interest rate on the prin-
16 cipal of the loan for the project and in reduc-
17 tions in debt service related to such loan; or

18 (B) in the case of a project that is assisted
19 with a loan under such section 202 carrying an
20 interest rate of 6 percent or lower, a trans-
21 action under which—

22 (i) the project owner shall address the
23 physical needs of the project;

24 (ii) the prepayment plan for the trans-
25 action, including the refinancing, shall

1 meet a cost benefit analysis, as established
2 by the Secretary, that the benefit of the
3 transaction outweighs the cost of the
4 transaction including any increases in rent
5 charged to unassisted tenants;

6 (iii) the overall cost for providing
7 rental assistance under section 8 for the
8 project (if any) is not increased, except,
9 upon approval by the Secretary to—

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

17 (II) mark-up-to-budget contracts
18 pursuant to section 524(a)(4) of the
19 Multifamily Assisted Housing Reform
20 and Affordability Act (42 U.S.C.
21 1437f note), as such section is carried
22 out by the Secretary for properties
23 owned by eligible owners (as such
24 term is defined in section 202(k) of

1 the Housing Act of 1959 (12 U.S.C.
2 1701q(k));

3 (iv) the project owner may charge ten-
4 ants rent sufficient to meet debt service
5 payments and operating cost requirements,
6 as approved by the Secretary, if project-
7 based rental assistance is not available or
8 is insufficient for the debt service and op-
9 erating cost of the project after refi-
10 nancing. Such approval by the Secretary—

11 (I) shall be the basis for the
12 owner to agree to terminate the
13 project-based rental assistance con-
14 tract that is insufficient for the debt
15 service and operating cost of the
16 project after refinancing; and

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

21 (v) units to be occupied by tenants as-
22 sisted under section 8(t) of the United
23 States Housing Act of 1937 (42 U.S.C.
24 1437f(t)) shall, upon termination of the oc-
25 cupancy of such tenants, become eligible

1 for project-based assistance under section
2 8(o)(13) of the United States Housing Act
3 of 1937 (42 U.S.C. 1437f(o)(13)) without
4 regard to the percentage limitations pro-
5 vided in such section; and

6 (vi) there shall be a use agreement of
7 20 years from the date of the maturity
8 date of the original 202 loan for all units,
9 including units to be occupied by tenants
10 assisted under section 8(t) of the United
11 States Housing Act of 1937 (42 U.S.C.
12 1437f(t)).

13 SEC. 228. No property identified by the Secretary of
14 Housing and Urban Development as surplus Federal prop-
15 erty for use to assist the homeless shall be made available
16 to any homeless group unless the group is a member in
17 good standing under any of HUD's homeless assistance
18 programs or is in good standing with any other program
19 which receives funds from any other Federal or State
20 agency or entity: *Provided*, That an exception may be
21 made for an entity not involved with Federal homeless pro-
22 grams to use surplus Federal property for the homeless
23 only after the Secretary or another responsible Federal
24 agency has fully and comprehensively reviewed all relevant
25 finances of the entity, the track record of the entity in

1 assisting the homeless, the ability of the entity to manage
2 the property, including all costs, the ability of the entity
3 to administer homeless programs in a manner that is ef-
4 fective to meet the needs of the homeless population that
5 is expected to use the property and any other related
6 issues that demonstrate a commitment to assist the home-
7 less: *Provided further*, That the Secretary shall not require
8 the entity to have cash in hand in order to demonstrate
9 financial ability but may rely on the entity's prior dem-
10 onstrated fundraising ability or commitments for in-kind
11 donations of goods and services: *Provided further*, That
12 the Secretary shall make all such information and its deci-
13 sion regarding the award of the surplus property available
14 to the committees of jurisdiction, including a full justifica-
15 tion of the appropriateness of the use of the property to
16 assist the homeless as well as the appropriateness of the
17 group seeking to obtain the property to use such property
18 to assist the homeless: *Provided further*, That, this section
19 shall apply to properties in fiscal years 2010 and 2011
20 made available as surplus Federal property for use to as-
21 sist the homeless.

22 SEC. 229. The Secretary of the Department of Hous-
23 ing and Urban Development is authorized to transfer up
24 to 5 percent of funds appropriated for any account under
25 this title under the heading "Personnel Compensation and

1 Benefits” to any other account under this title under the
2 heading “Personnel Compensation and Benefits” only
3 after such transfer has been submitted to, and received
4 prior written approval by, the House and Senate Commit-
5 tees on Appropriations: *Provided*, That, no appropriation
6 for any such account shall be increased or decreased by
7 more than 10 percent by all such transfers.

8 SEC. 230. Notwithstanding any other provision of
9 law, in determining the market value of any multifamily
10 real property or multifamily loan for any noncompetitive
11 sale to a State or local government, the Secretary shall
12 in fiscal year 2011 consider, but not be limited to, industry
13 standard appraisal practices, including the cost of repairs
14 needed to bring the property into such condition as to sat-
15 isfy minimum State and local code standards and the cost
16 of maintaining the affordability restrictions imposed by
17 the Secretary on the multifamily real property or multi-
18 family loan.

19 SEC. 231. The Disaster Housing Assistance Pro-
20 grams, administered by the Department of Housing and
21 Urban Development, shall be considered a “program of
22 the Department of Housing and Urban Development”
23 under section 904 of the McKinney Act for the purpose
24 of income verifications and matching.

1 SEC. 232. Section 203(c)(2)(B) of the National
2 Housing Act (12 U.S.C. 1709(c)(2)(B)) is amended to
3 read as follows: “(B) In addition to the premium under
4 subparagraph (A), the Secretary may establish and collect
5 annual premium payments in an amount not exceeding
6 1.50 percent of the remaining insured principal balance
7 (excluding the portion of the remaining balance attrib-
8 utable to the premium collected under subparagraph (A)
9 and without taking into account delinquent payments or
10 prepayments). The Secretary, by publication of a notice
11 in the Federal Register, may establish or change the
12 amount of the premium under subparagraph (A) or the
13 annual premium, and the period of the mortgage term for
14 which an annual premium amount shall apply.”.

15 SEC. 233. For an additional amount for the “Admin-
16 istration, Operations and Management” account,
17 \$2,070,635, to increase the Department’s acquisition
18 workforce capacity and capabilities: *Provided*, That such
19 funds may be transferred by the Secretary to any other
20 account in the Department to carry out the purposes pro-
21 vided herein: *Provided further*, That such transfer author-
22 ity is in addition to any other transfer authority provided
23 in this Act: *Provided further*, That such funds shall be
24 available only to supplement and not to supplant existing
25 acquisition workforce activities: *Provided further*, That

1 such funds shall be available for training, recruitment, re-
2 tention, and hiring additional members of the acquisition
3 workforce as defined by the Office of Federal Procurement
4 Policy Act, as amended (41 U.S.C. 401 et seq.): *Provided*
5 *further*, That such funds shall be available for information
6 technology in support of acquisition workforce effective-
7 ness or for management solutions to improve acquisition
8 management.

9 SEC. 234. The paragraphs under the heading “Flexi-
10 ble Subsidy Fund” in Public Law 108–447 and in Public
11 Law 109–115 are repealed.

12 SEC. 235. (a) LOAN LIMIT FLOOR BASED ON 2008
13 LEVELS.—For mortgages for which the mortgagee issues
14 credit approval for the borrower during fiscal year 2011,
15 if the dollar amount limitation on the principal obligation
16 of a mortgage determined under section 203(b)(2) of the
17 National Housing Act (12 U.S.C. 1709(b)(2)) for any size
18 residence for any area is less than such dollar amount lim-
19 itation that was in effect for such size residence for such
20 area for 2008 pursuant to section 202 of the Economic
21 Stimulus Act of 2008 (Public Law 110-185; 122 Stat.
22 620), notwithstanding any other provision of law or of this
23 joint resolution, the maximum dollar amount limitation on
24 the principal obligation of a mortgage for such size resi-
25 dence for such area for purposes of such section 203(b)(2)

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

5 (b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—
6 Notwithstanding any other provision of law or of this joint
7 resolution, if the Secretary of Housing and Urban Devel-
8 opment determines, for any geographic area that is small-
9 er than an area for which dollar amount limitations on
10 the principal obligation of a mortgage are determined
11 under section 203(b)(2) of the National Housing Act, that
12 a higher such maximum dollar amount limitation is war-
13 ranted for any particular size or sizes of residences in such
14 sub-area by higher median home prices in such sub-area,
15 the Secretary may, for mortgages for which the mortgagee
16 issues credit approval for the borrower during calendar
17 year 2010, increase the maximum dollar amount limita-
18 tion for such size or sizes of residences for such sub-area
19 that is otherwise in effect (including pursuant to sub-
20 section (a) of this section), but in no case to an amount
21 that exceeds the amount specified in section 202(a)(2) of
22 the Economic Stimulus Act of 2008.

23 SEC. 236. (a) LOAN LIMIT FLOOR BASED ON 2008
24 LEVELS.—For mortgages originated during fiscal year
25 2011, if the limitation on the maximum original principal

1 obligation of a mortgage that may be purchased by the
2 Federal National Mortgage Association or the Federal
3 Home Loan Mortgage Corporation determined under sec-
4 tion 302(b)(2) of the Federal National Mortgage Associa-
5 tion Charter Act (12 U.S.C. 1717(b)(2)) or section
6 305(a)(2) of the Federal Home Loan Mortgage Corpora-
7 tion Act (12 U.S.C.1754(a)(2)) respectively, for any size
8 residence for any area is less than such maximum original
9 principal obligation limitation that was in effect for such
10 size residence for such area for 2008 pursuant to section
11 201 of the Economic Stimulus Act of 2008 (Public Law
12 110-185; 122 Stat. 619), notwithstanding any other provi-
13 sion of law or of this joint resolution, the limitation on
14 the maximum original principal obligation of a mortgage
15 for such Association and Corporation for such size resi-
16 dence for such area shall be such maximum limitation in
17 effect for such size residence for such area for 2008.

18 (b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—
19 Notwithstanding any other provision of law or of this joint
20 resolution, if the Director of the Federal Housing Finance
21 Agency determines, for any geographic area that is smaller
22 than an area for which limitations on the maximum origi-
23 nal principal obligation of a mortgage are determined for
24 the Federal National Mortgage Association or the Federal
25 Home Loan Mortgage Corporation, that a higher such

1 maximum original principal obligation limitation is war-
2 ranted for any particular size or sizes of residences in such
3 sub-area by higher median home prices in such sub-area,
4 the Director may, for mortgages originated during cal-
5 endar year 2010, increase the maximum original principal
6 obligation limitation for such size or sizes of residences
7 for such sub-area that is otherwise in effect (including
8 pursuant to subsection (a) of this section) for such Asso-
9 ciation and Corporation, but in no case to an amount that
10 exceeds the amount specified in the matter following the
11 comma in section 201(a)(l)(B) of the Economic Stimulus
12 Act of 2008.

13 SEC. 237. Notwithstanding any other provision of
14 this joint resolution, for mortgages for which the mort-
15 gagee issues credit approval for the borrower during fiscal
16 year 2011, the second sentence of section 255(g) of the
17 National Housing Act (12 U.S.C. 1715z-20(g)) shall be
18 considered to require that in no case may the benefits of
19 insurance under such section 255 exceed 150 percent of
20 the maximum dollar amount in effect under the sixth sen-
21 tence of section 305(a)(2) of the Federal Home Loan
22 Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

23 SEC. 238. None of the funds in this Act shall be avail-
24 able for salaries and expenses of more than 75 political
25 and Presidential appointees in the Department of Housing

1 and Urban Development: *Provided*, That none of the per-
2 sonnel covered by this provision may be assigned on tem-
3 porary detail outside the Department of Housing and
4 Urban Development.

5 This title may be cited as the “Department of Hous-
6 ing and Urban Development Appropriations Act, 2011”.

7 TITLE III—RELATED AGENCIES

8 ACCESS BOARD

9 SALARIES AND EXPENSES

10 For expenses necessary for the Access Board, as au-
11 thorized by section 502 of the Rehabilitation Act of 1973,
12 as amended, \$7,300,000: *Provided*, That, notwithstanding
13 any other provision of law, there may be credited to this
14 appropriation funds received for publications and training
15 expenses.

16 FEDERAL MARITIME COMMISSION

17 SALARIES AND EXPENSES

18 For necessary expenses of the Federal Maritime
19 Commission as authorized by section 201(d) of the Mer-
20 chant Marine Act, 1936, as amended (46 U.S.C. App.
21 1111), including services as authorized by 5 U.S.C. 3109;
22 hire of passenger motor vehicles as authorized by 31
23 U.S.C. 1343(b); and uniforms or allowances therefore, as
24 authorized by 5 U.S.C. 5901–5902, \$25,300,000: *Pro-*

1 *vided*, That not to exceed \$2,000 shall be available for offi-
2 cial reception and representation expenses.

3 NATIONAL RAILROAD PASSENGER CORPORATION

4 OFFICE OF INSPECTOR GENERAL

5 SALARIES AND EXPENSES

6 For necessary expenses of the Office of Inspector
7 General for the National Railroad Passenger Corporation
8 to carry out the provisions of the Inspector General Act
9 of 1978, as amended, \$22,000,000: *Provided*, That the In-
10 spector General shall have all necessary authority, in car-
11 rying out the duties specified in the Inspector General Act,
12 as amended (5 U.S.C. App. 3), to investigate allegations
13 of fraud, including false statements to the government (18
14 U.S.C. 1001), by any person or entity that is subject to
15 regulation by the National Railroad Passenger Corpora-
16 tion: *Provided further*, That the Inspector General may
17 enter into contracts and other arrangements for audits,
18 studies, analyses, and other services with public agencies
19 and with private persons, subject to the applicable laws
20 and regulations that govern the obtaining of such services
21 within the National Railroad Passenger Corporation: *Pro-*
22 *vided further*, That the Inspector General may select, ap-
23 point, and employ such officers and employees as may be
24 necessary for carrying out the functions, powers, and du-
25 ties of the Office of Inspector General, subject to the appli-

1 cable laws and regulations that govern such selections, ap-
2 pointments, and employment within Amtrak: *Provided fur-*
3 *ther*, That concurrent with the President's budget request
4 for fiscal year 2012, the Inspector General shall submit
5 to the House and Senate Committees on Appropriations
6 a budget request for fiscal year 2012 in similar format
7 and substance to those submitted by executive agencies
8 of the Federal Government.

9 NATIONAL TRANSPORTATION SAFETY BOARD

10 SALARIES AND EXPENSES

11 For necessary expenses of the National Transpor-
12 tation Safety Board, including hire of passenger motor ve-
13 hicles and aircraft; services as authorized by 5 U.S.C.
14 3109, but at rates for individuals not to exceed the per
15 diem rate equivalent to the rate for a GS-15; uniforms,
16 or allowances therefor, as authorized by law (5 U.S.C.
17 5901-5902) \$104,232,000, of which not to exceed \$2,000
18 may be used for official reception and representation ex-
19 penses: *Provided*, That the amounts made available to the
20 National Transportation Safety Board in this Act include
21 amounts necessary to make lease payments on an obliga-
22 tion incurred in fiscal year 2001 for a capital lease.

1 NEIGHBORHOOD REINVESTMENT CORPORATION
2 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT
3 CORPORATION

4 For payment to the Neighborhood Reinvestment Cor-
5 poration for use in neighborhood reinvestment activities,
6 as authorized by the Neighborhood Reinvestment Corpora-
7 tion Act (42 U.S.C. 8101–8107), \$137,000,000, of which
8 \$5,000,000 shall be for a multi-family rental housing pro-
9 gram: *Provided*, That in addition, \$35,000,000 shall be
10 made available until expended for capital grants to reha-
11 bilitate or finance the rehabilitation of affordable housing
12 units, including necessary administrative expenses: *Pro-*
13 *vided further*, That in addition, \$113,000,000 shall be
14 made available until expended to the Neighborhood Rein-
15 vestment Corporation for mortgage foreclosure mitigation
16 activities, under the following terms and conditions:

17 (1) The Neighborhood Reinvestment Corpora-
18 tion (“NRC”), shall make grants to counseling inter-
19 mediaries approved by the Department of Housing
20 and Urban Development (HUD) (with match to be
21 determined by the NRC based on affordability and
22 the economic conditions of an area; a match also
23 may be waived by the NRC based on the aforemen-
24 tioned conditions) to provide mortgage foreclosure
25 mitigation assistance primarily to States and areas

1 with high rates of defaults and foreclosures to help
2 eliminate the default and foreclosure of mortgages of
3 owner-occupied single-family homes that are at risk
4 of such foreclosure. Other than areas with high rates
5 of defaults and foreclosures, grants may also be pro-
6 vided to approved counseling intermediaries based on
7 a geographic analysis of the Nation by the NRC
8 which determines where there is a prevalence of
9 mortgages that are risky and likely to fail, including
10 any trends for mortgages that are likely to default
11 and face foreclosure. A State Housing Finance
12 Agency may also be eligible where the State Housing
13 Finance Agency meets all the requirements under
14 this paragraph. A HUD-approved counseling inter-
15 mediary shall meet certain mortgage foreclosure
16 mitigation assistance counseling requirements, as de-
17 termined by the NRC, and shall be approved by
18 HUD or the NRC as meeting these requirements.

19 (2) Mortgage foreclosure mitigation assistance
20 shall only be made available to homeowners of
21 owner-occupied homes with mortgages in default or
22 in danger of default. These mortgages shall likely be
23 subject to a foreclosure action and homeowners will
24 be provided such assistance that shall consist of ac-
25 tivities that are likely to prevent foreclosures and re-

1 sult in the long-term affordability of the mortgage
2 retained pursuant to such activity or another posi-
3 tive outcome for the homeowner. No funds made
4 available under this paragraph may be provided di-
5 rectly to lenders or homeowners to discharge out-
6 standing mortgage balances or for any other direct
7 debt reduction payments.

8 (3) The use of Mortgage Foreclosure Mitigation
9 Assistance by approved counseling intermediaries
10 and State Housing Finance Agencies shall involve a
11 reasonable analysis of the borrower's financial situa-
12 tion, an evaluation of the current value of the prop-
13 erty that is subject to the mortgage, counseling re-
14 garding the assumption of the mortgage by another
15 non-Federal party, counseling regarding the possible
16 purchase of the mortgage by a non-Federal third
17 party, counseling and advice of all likely restruc-
18 turing and refinancing strategies or the approval of
19 a work-out strategy by all interested parties.

20 (4) NRC may provide up to 15 percent of the
21 total funds under this paragraph to its own charter
22 members with expertise in foreclosure prevention
23 counseling, subject to a certification by the NRC
24 that the procedures for selection do not consist of
25 any procedures or activities that could be construed

1 as an unacceptable conflict of interest or have the
2 appearance of impropriety.

3 (5) HUD-approved counseling entities and
4 State Housing Finance Agencies receiving funds
5 under this paragraph shall have demonstrated expe-
6 rience in successfully working with financial institu-
7 tions as well as borrowers facing default, delin-
8 quency and foreclosure as well as documented coun-
9 seling capacity, outreach capacity, past successful
10 performance and positive outcomes with documented
11 counseling plans (including post mortgage fore-
12 closure mitigation counseling), loan workout agree-
13 ments and loan modification agreements. NRC may
14 use other criteria to demonstrate capacity in under-
15 served areas.

16 (6) Of the total amount made available under
17 this paragraph, up to \$3,000,000 may be made
18 available to build the mortgage foreclosure and de-
19 fault mitigation counseling capacity of counseling
20 intermediaries through NRC training courses with
21 HUD-approved counseling intermediaries and their
22 partners, except that private financial institutions
23 that participate in NRC training shall pay market
24 rates for such training.

1 date specified in such section and inserting “October 1,
2 2012”.

3 TITLE IV

4 GENERAL PROVISIONS—THIS ACT

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

9 SEC. 402. None of the funds in this Act shall be used
10 for the planning or execution of any program to pay the
11 expenses of, or otherwise compensate, non-Federal parties
12 intervening in regulatory or adjudicatory proceedings
13 funded in this Act.

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

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

1 SEC. 405. Except as otherwise provided in this Act,
2 none of the funds provided in this Act, provided by pre-
3 vious appropriations Acts to the agencies or entities fund-
4 ed in this Act that remain available for obligation or ex-
5 penditure in fiscal year 2010, or provided from any ac-
6 counts in the Treasury derived by the collection of fees
7 and available to the agencies funded by this Act, shall be
8 available for obligation or expenditure through a re-
9 programming of funds that: (1) creates a new program;
10 (2) eliminates a program, project, or activity; (3) increases
11 funds or personnel for any program, project, or activity
12 for which funds have been denied or restricted by the Con-
13 gress; (4) proposes to use funds directed for a specific ac-
14 tivity by either the House or Senate Committees on Ap-
15 propriations for a different purpose; (5) augments existing
16 programs, projects, or activities in excess of \$5,000,000
17 or 10 percent, whichever is less; (6) reduces existing pro-
18 grams, projects, or activities by \$5,000,000 or 10 percent,
19 whichever is less; or (7) creates, reorganizes, or restruc-
20 tures a branch, division, office, bureau, board, commis-
21 sion, agency, administration, or department different from
22 the budget justifications submitted to the Committees on
23 Appropriations or the table accompanying the explanatory
24 statement accompanying this Act, whichever is more de-
25 tailed, unless prior approval is received from the House

1 and Senate Committees on Appropriations: *Provided*, That
2 not later than 60 days after the date of enactment of this
3 Act, each agency funded by this Act shall submit a report
4 to the Committees on Appropriations of the Senate and
5 of the House of Representatives to establish the baseline
6 for application of reprogramming and transfer authorities
7 for the current fiscal year: *Provided further*, That the re-
8 port shall include: (1) a table for each appropriation with
9 a separate column to display the President's budget re-
10 quest, adjustments made by Congress, adjustments due to
11 enacted rescissions, if appropriate, and the fiscal year en-
12 acted level; (2) a delineation in the table for each appro-
13 priation both by object class and program, project, and
14 activity as detailed in the budget appendix for the respec-
15 tive appropriation; and (3) an identification of items of
16 special congressional interest: *Provided further*, That the
17 amount appropriated or limited for salaries and expenses
18 for an agency shall be reduced by \$100,000 per day for
19 each day after the required date that the report has not
20 been submitted to the Congress.

21 SEC. 406. Except as otherwise specifically provided
22 by law, not to exceed 50 percent of unobligated balances
23 remaining available at the end of fiscal year 2011 from
24 appropriations made available for salaries and expenses
25 for fiscal year 2011 in this Act, shall remain available

1 through September 30, 2012, for each such account for
2 the purposes authorized: *Provided*, That a request shall
3 be submitted to the House and Senate Committees on Ap-
4 propriations for approval prior to the expenditure of such
5 funds: *Provided further*, That these requests shall be made
6 in compliance with reprogramming guidelines under sec-
7 tion 405 of this Act.

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

14 SEC. 408. (a) None of the funds made available in
15 this Act may be obligated or expended for any employee
16 training that—

17 (1) does not meet identified needs for knowl-
18 edge, skills, and abilities bearing directly upon the
19 performance of official duties;

20 (2) contains elements likely to induce high lev-
21 els of emotional response or psychological stress in
22 some participants;

23 (3) does not require prior employee notification
24 of the content and methods to be used in the train-
25 ing and written end of course evaluation;

1 (4) contains any methods or content associated
2 with religious or quasi-religious belief systems or
3 “new age” belief systems as defined in Equal Em-
4 ployment Opportunity Commission Notice N-
5 915.022, dated September 2, 1988; or

6 (5) is offensive to, or designed to change, par-
7 ticipants’ personal values or lifestyle outside the
8 workplace.

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

12 SEC. 409. No funds in this Act may be used to sup-
13 port any Federal, State, or local projects that seek to use
14 the power of eminent domain, unless eminent domain is
15 employed only for a public use: *Provided*, That for pur-
16 poses of this section, public use shall not be construed to
17 include economic development that primarily benefits pri-
18 vate entities: *Provided further*, That any use of funds for
19 mass transit, railroad, airport, seaport or highway projects
20 as well as utility projects which benefit or serve the gen-
21 eral public (including energy-related, communication-re-
22 lated, water-related and wastewater-related infrastruc-
23 ture), other structures designated for use by the general
24 public or which have other common-carrier or public-util-
25 ity functions that serve the general public and are subject

1 to regulation and oversight by the government, and
2 projects for the removal of an immediate threat to public
3 health and safety or brownsfield as defined in the Small
4 Business Liability Relief and Brownsfield Revitalization
5 Act (Public Law 107–118) shall be considered a public
6 use for purposes of eminent domain.

7 SEC. 410. None of the funds made available in this
8 Act may be transferred to any department, agency, or in-
9 strumentality of the United States Government, except
10 pursuant to a transfer made by, or transfer authority pro-
11 vided in, this Act or any other appropriations Act.

12 SEC. 411. No part of any appropriation contained in
13 this Act shall be available to pay the salary for any person
14 filling a position, other than a temporary position, for-
15 merly held by an employee who has left to enter the Armed
16 Forces of the United States and has satisfactorily com-
17 pleted his period of active military or naval service, and
18 has within 90 days after his release from such service or
19 from hospitalization continuing after discharge for a pe-
20 riod of not more than 1 year, made application for restora-
21 tion to his former position and has been certified by the
22 Office of Personnel Management as still qualified to per-
23 form the duties of his former position and has not been
24 restored thereto.

1 SEC. 412. No funds appropriated pursuant to this
2 Act may be expended in contravention of sections 2
3 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–
4 10c, popularly known as the “Buy American Act”).

5 SEC. 413. No funds appropriated or otherwise made
6 available under this Act shall be made available to any
7 person or entity that has been convicted of violating the
8 Buy American Act (41 U.S.C. 10a–10c).

9 SEC. 414. None of the funds made available in this
10 Act may be used for first-class airline accommodations in
11 contravention of sections 301–10.122 and 301–10.123 of
12 title 41, Code of Federal Regulations.

13 SEC. 415. None of the funds made available in this
14 Act may be used to purchase a light bulb for an office
15 building unless the light bulb has, to the extent prac-
16 ticable, an Energy Star or Federal Energy Management
17 Program designation.

18 SEC. 416. None of the funds made available under
19 this Act or any prior Act may be provided to the Associa-
20 tion of Community Organizations for Reform Now
21 (ACORN), or any of its affiliates, subsidiaries, or allied
22 organizations.

23 SEC. 417. None of the funds provided in this Act for
24 any program, project, or activity that is considered to be
25 a congressional earmark for purposes of clause 9 of rule

1 XXI of the Rules of the House of Representatives of the
2 111th Congress may be awarded to a for-profit entity.

3 SEC. 418. (a) None of the funds made available in
4 this Act may be used to maintain or establish a computer
5 network unless such network blocks the viewing,
6 downloading, and exchanging of pornography.

7 (b) Nothing in subsection (a) shall limit the use of
8 funds necessary for any Federal, State, tribal, or local law
9 enforcement agency or any other entity carrying out crimi-
10 nal investigations, prosecution, or adjudication activities.

11 SEC. 419. (a) None of the funds appropriated or oth-
12 erwise made available by this Act may be obligated by any
13 covered executive agency in contravention of the certifi-
14 cation requirement of section 6(b) of the Iran Sanctions
15 Act of 1996, as included in the revisions to the Federal
16 Acquisition Regulation pursuant to such section.

17 This Act may be cited as the “Transportation, Hous-
18 ing and Urban Development, and Related Agencies Appro-
19 priations Act, 2011”.

Union Calendar No. 324

11TH CONGRESS
2^D SESSION

H. R. 5850

[Report No. 111-564]

A BILL

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes.

JULY 26, 2010

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed