

Calendar No. 482111TH CONGRESS
2^D SESSION**S. 3644****[Report No. 111-230]**

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 SENATE OF THE UNITED STATES

JULY 23, 2010

Mrs. MURRAY, from the Committee on Appropriations reported, under authority of the order of the Senate of January 6, 2009, the following original bill; which was read twice and placed on the calendar

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

1 Development, and related agencies for the fiscal year end-
2 ing September 30, 2011, and for other purposes, namely:

3 TITLE I

4 DEPARTMENT OF TRANSPORTATION

5 OFFICE OF THE SECRETARY

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of the Secretary,
8 \$113,961,000, of which not to exceed \$2,667,000 shall be
9 available for the immediate Office of the Secretary; not
10 to exceed \$1,000,000 shall be available for the Immediate
11 Office of the Deputy Secretary; not to exceed \$20,211,000
12 shall be available for the Office of the General Counsel;
13 not to exceed \$16,568,000 shall be available for the Office
14 of the Under Secretary of Transportation for Policy; not
15 to exceed \$11,216,000 shall be available for the Office of
16 the Assistant Secretary for Budget and Programs; not to
17 exceed \$2,200,000 shall be available for the Office of the
18 Assistant Secretary for Governmental Affairs; not to ex-
19 ceed \$25,695,000 shall be available for the Office of the
20 Assistant Secretary for Administration; not to exceed
21 \$1,800,000 shall be available for the Office of Public Af-
22 fairs; not to exceed \$1,683,000 shall be available for the
23 Office of the Executive Secretariat; not to exceed
24 \$1,513,000 shall be available for the Office of Small and
25 Disadvantaged Business Utilization; not to exceed

1 \$10,999,000 for the Office of Intelligence, Security, and
2 Emergency Response; and not to exceed \$18,409,000 shall
3 be available for the Office of the Chief Information Offi-
4 cer: *Provided*, That the Secretary of Transportation is au-
5 thorized to transfer funds appropriated for any office of
6 the Office of the Secretary to any other office of the Office
7 of the Secretary: *Provided further*, That no appropriation
8 for any office shall be increased or decreased by more than
9 5 percent by all such transfers: *Provided further*, That no-
10 tice of any change in funding greater than 5 percent shall
11 be submitted for approval to the House and Senate Com-
12 mittees on Appropriations: *Provided further*, That not to
13 exceed \$60,000 shall be for allocation within the Depart-
14 ment for official reception and representation expenses as
15 the Secretary may determine: *Provided further*, That not-
16 withstanding any other provision of law, excluding fees au-
17 thorized in Public Law 107–71, there may be credited to
18 this appropriation up to \$2,500,000 in funds received in
19 user fees: *Provided further*, That none of the funds pro-
20 vided in this Act shall be available for the position of As-
21 sistant Secretary for Public Affairs.

22 TRANSPORTATION INVESTMENT GRANTS

23 For capital investments in surface transportation in-
24 frastructure, \$800,000,000, to remain available through
25 September 30, 2012: *Provided*, That the Secretary of

1 Transportation shall distribute funds provided under this
2 heading as discretionary grants to be awarded to a State,
3 local government, transit agency, or a collaboration among
4 such entities on a competitive basis for projects that will
5 have a significant impact on the Nation, a metropolitan
6 area, or a region: *Provided further*, That projects eligible
7 for funding provided under this heading shall include, but
8 not be limited to, highway or bridge projects eligible under
9 title 23, United States Code; public transportation
10 projects eligible under chapter 53 of title 49, United
11 States Code; passenger and freight rail transportation
12 projects; and port infrastructure investments: *Provided*
13 *further*, That in distributing funds provided under this
14 heading, the Secretary shall take such measures so as to
15 ensure an equitable geographic distribution of funds, an
16 appropriate balance in addressing the needs of urban and
17 rural areas, and the investment in a variety of transpor-
18 tation modes: *Provided further*, That a grant funded under
19 this heading shall be not less than \$10,000,000 and not
20 greater than \$200,000,000: *Provided further*, That not
21 more than 25 percent of the funds made available under
22 this heading may be awarded to projects in a single State:
23 *Provided further*, That the Federal share of the costs for
24 which an expenditure is made under this heading shall be,
25 at the option of the recipient, up to 80 percent: *Provided*

1 *further*, That the Secretary shall give priority to projects
2 that require a contribution of Federal funds in order to
3 complete an overall financing package: *Provided further*,
4 That not less than \$140,000,000 of the funds provided
5 under this heading shall be for projects located in rural
6 areas: *Provided further*, That for projects located in rural
7 areas, the minimum grant size shall be \$1,000,000 and
8 the Secretary may increase the Federal share of costs
9 above 80 percent: *Provided further*, That of the amount
10 made available under this heading, the Secretary may use
11 an amount not to exceed \$150,000,000 for the purpose
12 of paying the subsidy and administrative costs of projects
13 eligible for Federal credit assistance under chapter 6 of
14 title 23, United States Code, if the Secretary finds that
15 such use of the funds would advance the purposes of this
16 paragraph: *Provided further*, That projects conducted
17 using funds provided under this heading must comply with
18 the requirements of subchapter IV of chapter 31 of title
19 40, United States Code: *Provided further*, That the Sec-
20 retary shall publish criteria on which to base the competi-
21 tion for any grants awarded under this heading no sooner
22 than 60 days after enactment of this Act, require applica-
23 tions for funding provided under this heading to be sub-
24 mitted no sooner than 120 days after the publication of
25 such criteria, and announce all projects selected to be

1 funded from funds provided under this heading no sooner
2 than September 15, 2010: *Provided further*, That the Sec-
3 retary may retain up to \$25,000,000 of the funds provided
4 under this heading, and may transfer portions of those
5 funds to the Administrators of the Federal Highway Ad-
6 ministration, the Federal Transit Administration, the
7 Federal Railroad Administration and the Federal Mari-
8 time Administration, to fund the award and oversight of
9 grants made under this heading.

10 FINANCIAL MANAGEMENT CAPITAL

11 For necessary expenses for upgrading and enhancing
12 the Department of Transportation's financial systems and
13 re-engineering business processes, \$21,000,000, to remain
14 available through September 30, 2014.

15 CYBER SECURITY INITIATIVES

16 For necessary one-time expenses for cyber security
17 initiatives, including improvement of network perimeter
18 controls and identity management, testing and assessment
19 of information technology against business, security, and
20 other requirements, implementation of Federal cyber secu-
21 rity initiatives and information infrastructure enhance-
22 ments, implementation of enhanced security controls on
23 network devices, and enhancement of cyber security work-
24 force training tools, \$30,000,000, to remain available
25 through September 30, 2014.

1 OFFICE OF CIVIL RIGHTS

2 For necessary expenses of the Office of Civil Rights,
3 \$9,767,000.

4 TRANSPORTATION PLANNING, RESEARCH, AND
5 DEVELOPMENT

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

10 WORKING CAPITAL FUND

11 For necessary expenses for operating costs and cap-
12 ital outlays of the Working Capital Fund, not to exceed
13 \$147,596,000, shall be paid from appropriations made
14 available to the Department of Transportation: *Provided,*
15 That such services shall be provided on a competitive basis
16 to entities within the Department of Transportation: *Pro-*
17 *vided further,* That the above limitation on operating ex-
18 penses shall not apply to non-DOT entities: *Provided fur-*
19 *ther,* That no funds appropriated in this Act to an agency
20 of the Department shall be transferred to the Working
21 Capital Fund without the approval of the agency modal
22 administrator: *Provided further,* That no assessments may
23 be levied against any program, budget activity, subactivity
24 or project funded by this Act unless notice of such assess-
25 ments and the basis therefor are presented to the House

1 and Senate Committees on Appropriations and are ap-
2 proved by such Committees.

3 MINORITY BUSINESS RESOURCE CENTER PROGRAM

4 For the cost of guaranteed loans, \$329,000, as au-
5 thorized by 49 U.S.C. 332: *Provided*, That such costs, in-
6 cluding the cost of modifying such loans, shall be as de-
7 fined in section 502 of the Congressional Budget Act of
8 1974: *Provided further*, That these funds are available to
9 subsidize total loan principal, any part of which is to be
10 guaranteed, not to exceed \$18,367,000. In addition, for
11 administrative expenses to carry out the guaranteed loan
12 program, \$584,000.

13 MINORITY BUSINESS OUTREACH

14 For necessary expenses of Minority Business Re-
15 source Center outreach activities, \$3,395,000, to remain
16 available until September 30, 2012: *Provided*, That not-
17 withstanding 49 U.S.C. 332, these funds may be used for
18 business opportunities related to any mode of transpor-
19 tation.

20 PAYMENTS TO AIR CARRIERS

21 (AIRPORT AND AIRWAY TRUST FUND)

22 (INCLUDING TRANSFER OF FUNDS)

23 In addition to funds made available from any other
24 source to carry out the essential air service program under
25 49 U.S.C. 41731 through 41742, \$146,000,000, to be de-

1 rived from the Airport and Airway Trust Fund, to remain
2 available until expended: *Provided*, That, in determining
3 between or among carriers competing to provide service
4 to a community, the Secretary may consider the relative
5 subsidy requirements of the carriers: *Provided further*,
6 That, if the funds under this heading are insufficient to
7 meet the costs of the essential air service program in the
8 current fiscal year, the Secretary shall transfer such sums
9 as may be necessary to carry out the essential air service
10 program from any available amounts appropriated to or
11 directly administered by the Office of the Secretary for
12 such fiscal year.

13 ADMINISTRATIVE PROVISIONS—OFFICE OF THE
14 SECRETARY OF TRANSPORTATION

15 SEC. 101. None of the funds made available in this
16 Act to the Department of Transportation may be obligated
17 for the Office of the Secretary of Transportation to ap-
18 prove assessments or reimbursable agreements pertaining
19 to funds appropriated to the modal administrations in this
20 Act, except for activities underway on the date of enact-
21 ment of this Act, unless such assessments or agreements
22 have completed the normal reprogramming process for
23 Congressional notification.

24 SEC. 102. None of the funds made available under
25 this Act may be obligated or expended to establish or im-

1 plement a program under which essential air service com-
2 munities are required to assume subsidy costs commonly
3 referred to as the EAS local participation program.

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

7 FEDERAL AVIATION ADMINISTRATION

8 OPERATIONS

9 (AIRPORT AND AIRWAY TRUST FUND)

10 (INCLUDING TRANSFER OF FUNDS)

11 For necessary expenses of the Federal Aviation Ad-
12 ministration, not otherwise provided for, including oper-
13 ations and research activities related to commercial space
14 transportation, administrative expenses for research and
15 development, establishment of air navigation facilities, the
16 operation (including leasing) and maintenance of aircraft,
17 subsidizing the cost of aeronautical charts and maps sold
18 to the public, lease or purchase of passenger motor vehi-
19 cles for replacement only, in addition to amounts made
20 available by Public Law 108–176, \$9,818,000,000, of
21 which \$4,000,000,000 shall be derived from the Airport
22 and Airway Trust Fund, of which not to exceed
23 \$7,660,628,000 shall be available for air traffic organiza-
24 tion activities; not to exceed \$1,308,986,000 shall be avail-
25 able for aviation safety activities; not to exceed

1 \$15,747,000 shall be available for commercial space trans-
2 portation activities; not to exceed \$114,784,000 shall be
3 available for financial services activities; not to exceed
4 \$103,297,000 shall be available for human resources pro-
5 gram activities; not to exceed \$366,354,000 shall be avail-
6 able for region and center operations and regional coordi-
7 nation activities; not to exceed \$212,255,000 shall be
8 available for staff offices; and not to exceed \$55,949,000
9 shall be available for information services: *Provided*, That
10 the Secretary utilize not less than \$15,000,000 of the
11 funds provided for aviation safety activities to pay for staff
12 increases in the Office of Aviation Flight Standards and
13 the Office of Aircraft Certification: *Provided further*, That
14 none of the funds provided for increases to the staffs of
15 the aviation flight standards and aircraft certification of-
16 fices shall be used for other purposes: *Provided further*,
17 That not to exceed 2 percent of any budget activity, except
18 for aviation safety budget activity, may be transferred to
19 any budget activity under this heading: *Provided further*,
20 That no transfer may increase or decrease any appropria-
21 tion by more than 2 percent: *Provided further*, That any
22 transfer in excess of 2 percent shall be treated as a re-
23 programming of funds under section 405 of this Act and
24 shall not be available for obligation or expenditure except
25 in compliance with the procedures set forth in that section:

1 *Provided further*, That the Administrator shall develop an
2 objective, data-driven test to be used in the placement of
3 air traffic controllers after the successful completion of
4 their training at the Federal Aviation Administration
5 Academy: *Provided further*, That the Administrator shall
6 submit for approval to the House and Senate Committees
7 on Appropriations a plan for developing a test under the
8 previous proviso, and that such plan shall include a sched-
9 ule of milestones, an estimated cost to complete, and in-
10 terim reports to the House and Senate Committee on Ap-
11 propriations: *Provided further*, That not later than March
12 31 of each fiscal year hereafter, the Administrator of the
13 Federal Aviation Administration shall transmit to Con-
14 gress an annual update to the report submitted to Con-
15 gress in December 2004 pursuant to section 221 of Public
16 Law 108–176: *Provided further*, That the amount herein
17 appropriated shall be reduced by \$100,000 for each day
18 after March 31 that such report has not been submitted
19 to the Congress: *Provided further*, That not later than
20 March 31 of each fiscal year hereafter, the Administrator
21 shall transmit to Congress a companion report that de-
22 scribes a comprehensive strategy for staffing, hiring, and
23 training flight standards and aircraft certification staff in
24 a format similar to the one utilized for the controller staff-
25 ing plan, including stated attrition estimates and numer-

1 ical hiring goals by fiscal year, and a benchmark for as-
2 sessing the amount of time aviation inspectors spend di-
3 rectly observing industry field operations: *Provided fur-*
4 *ther*, That the amount herein appropriated shall be re-
5 duced by \$100,000 per day for each day after March 31
6 that such report has not been submitted to Congress: *Pro-*
7 *vided further*, That funds may be used to enter into a
8 grant agreement with a nonprofit standard-setting organi-
9 zation to assist in the development of aviation safety
10 standards: *Provided further*, That none of the funds in this
11 Act shall be available for new applicants for the second
12 career training program: *Provided further*, That none of
13 the funds in this Act shall be available for the Federal
14 Aviation Administration to finalize or implement any regu-
15 lation that would promulgate new aviation user fees not
16 specifically authorized by law after the date of the enact-
17 ment of this Act: *Provided further*, That there may be
18 credited to this appropriation as offsetting collections
19 funds received from States, counties, municipalities, for-
20 eign authorities, other public authorities, and private
21 sources for expenses incurred in the provision of agency
22 services, including receipts for the maintenance and oper-
23 ation of air navigation facilities, and for issuance, renewal
24 or modification of certificates, including airman, aircraft,
25 and repair station certificates, or for tests related thereto,

1 or for processing major repair or alteration forms: *Pro-*
2 *vided further*, That of the funds appropriated under this
3 heading, not less than \$9,500,000 shall be for the contract
4 tower cost-sharing program: *Provided further*, That none
5 of the funds in this Act for aeronautical charting and car-
6 tography are available for activities conducted by, or co-
7 ordinated through, the Working Capital Fund.

8 FACILITIES AND EQUIPMENT

9 (AIRPORT AND AIRWAY TRUST FUND)

10 For necessary expenses, not otherwise provided for,
11 for acquisition, establishment, technical support services,
12 improvement by contract or purchase, and hire of national
13 airspace systems and experimental facilities and equip-
14 ment, as authorized under part A of subtitle VII of title
15 49, United States Code, including initial acquisition of
16 necessary sites by lease or grant; engineering and service
17 testing, including construction of test facilities and acqui-
18 sition of necessary sites by lease or grant; construction
19 and furnishing of quarters and related accommodations
20 for officers and employees of the Federal Aviation Admin-
21 istration stationed at remote localities where such accom-
22 modations are not available; and the purchase, lease, or
23 transfer of aircraft from funds available under this head-
24 ing, including aircraft for aviation regulation and certifi-
25 cation; to be derived from the Airport and Airway Trust

1 Fund, \$2,970,000,000, of which \$2,483,000,000 shall re-
2 main available until September 30, 2013, and of which
3 \$487,000,000 shall remain available until September 30,
4 2011: *Provided*, That there may be credited to this appro-
5 priation funds received from States, counties, municipali-
6 ties, other public authorities, and private sources, for ex-
7 penses incurred in the establishment, improvement, and
8 modernization of national airspace systems: *Provided fur-*
9 *ther*, That upon initial submission to the Congress of the
10 fiscal year 2012 President's budget, the Secretary of
11 Transportation shall transmit to the Congress a com-
12 prehensive capital investment plan for the Federal Avia-
13 tion Administration which includes funding for each budg-
14 et line item for fiscal years 2012 through 2016, with total
15 funding for each year of the plan constrained to the fund-
16 ing targets for those years as estimated and approved by
17 the Office of Management and Budget.

18 RESEARCH, ENGINEERING, AND DEVELOPMENT

19 (AIRPORT AND AIRWAY TRUST FUND)

20 For necessary expenses, not otherwise provided for,
21 for research, engineering, and development, as authorized
22 under part A of subtitle VII of title 49, United States
23 Code, including construction of experimental facilities and
24 acquisition of necessary sites by lease or grant,
25 \$198,750,000, to be derived from the Airport and Airway

1 Trust Fund and to remain available until September 30,
 2 2013: *Provided*, That there may be credited to this appro-
 3 priation as offsetting collections, funds received from
 4 States, counties, municipalities, other public authorities,
 5 and private sources, which shall be available for expenses
 6 incurred for research, engineering, and development.

7 GRANTS-IN-AID FOR AIRPORTS

8 (LIQUIDATION OF CONTRACT AUTHORIZATION)

9 (LIMITATION ON OBLIGATIONS)

10 (AIRPORT AND AIRWAY TRUST FUND)

11 (INCLUDING TRANSFER OF FUNDS)

12 For liquidation of obligations incurred for grants-in-
 13 aid for airport planning and development, and noise com-
 14 patibility planning and programs as authorized under sub-
 15 chapter I of chapter 471 and subchapter I of chapter 475
 16 of title 49, United States Code, and under other law au-
 17 thorizing such obligations; for procurement, installation,
 18 and commissioning of runway incursion prevention devices
 19 and systems at airports of such title; for grants authorized
 20 under section 41743 of title 49, United States Code; and
 21 for inspection activities and administration of airport safe-
 22 ty programs, including those related to airport operating
 23 certificates under section 44706 of title 49, United States
 24 Code, \$3,550,000,000 to be derived from the Airport and
 25 Airway Trust Fund and to remain available until ex-

1 pended: *Provided*, That none of the funds under this head-
2 ing shall be available for the planning or execution of pro-
3 grams the obligations for which are in excess of
4 \$3,515,000,000 in fiscal year 2011, notwithstanding sec-
5 tion 47117(g) of title 49, United States Code: *Provided*
6 *further*, That none of the funds under this heading shall
7 be available for the replacement of baggage conveyor sys-
8 tems, reconfiguration of terminal baggage areas, or other
9 airport improvements that are necessary to install bulk ex-
10 plosive detection systems: *Provided further*, That notwith-
11 standing any other provision of law, of funds limited under
12 this heading, not more than \$99,708,000 shall be obli-
13 gated for administration, not less than \$15,000,000 shall
14 be available for the airport cooperative research program,
15 not less than \$27,217,000 shall be for Airport Technology
16 Research and \$6,000,000, to remain available until ex-
17 pended, shall be available and transferred to “Office of
18 the Secretary, Salaries and Expenses” to carry out the
19 Small Community Air Service Development Program.

20 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

21 ADMINISTRATION

22 SEC. 110. None of the funds in this Act may be used
23 to compensate in excess of 600 technical staff-years under
24 the federally funded research and development center con-
25 tract between the Federal Aviation Administration and the

1 Center for Advanced Aviation Systems Development dur-
2 ing fiscal year 2011.

3 SEC. 111. None of the funds in this Act shall be used
4 to pursue or adopt guidelines or regulations requiring air-
5 port sponsors to provide to the Federal Aviation Adminis-
6 tration without cost building construction, maintenance,
7 utilities and expenses, or space in airport sponsor-owned
8 buildings for services relating to air traffic control, air
9 navigation, or weather reporting: *Provided*, That the pro-
10 hibition of funds in this section does not apply to negotia-
11 tions between the agency and airport sponsors to achieve
12 agreement on “below-market” rates for these items or to
13 grant assurances that require airport sponsors to provide
14 land without cost to the FAA for air traffic control facili-
15 ties.

16 SEC. 112. The Administrator of the Federal Aviation
17 Administration may reimburse amounts made available to
18 satisfy 49 U.S.C. 41742(a)(1) from fees credited under
19 49 U.S.C. 45303: *Provided*, That during fiscal year 2010,
20 49 U.S.C. 41742(b) shall not apply, and any amount re-
21 maining in such account at the close of that fiscal year
22 may be made available to satisfy section 41742(a)(1) for
23 the subsequent fiscal year.

24 SEC. 113. Amounts collected under section 40113(e)
25 of title 49, United States Code, shall be credited to the

1 appropriation current at the time of collection, to be
2 merged with and available for the same purposes of such
3 appropriation.

4 SEC. 114. None of the funds limited by this Act for
5 grants under the Airport Improvement Program shall be
6 made available to the sponsor of a commercial service air-
7 port if such sponsor fails to agree to a request from the
8 Secretary of Transportation for cost-free space in a non-
9 revenue producing, public use area of the airport terminal
10 or other airport facilities for the purpose of carrying out
11 a public service air passenger rights and consumer out-
12 reach campaign.

13 SEC. 115. None of the funds in this Act shall be avail-
14 able for paying premium pay under subsection 5546(a) of
15 title 5, United States Code, to any Federal Aviation Ad-
16 ministration employee unless such employee actually per-
17 formed work during the time corresponding to such pre-
18 mium pay.

19 SEC. 116. None of the funds in this Act may be obli-
20 gated or expended for an employee of the Federal Aviation
21 Administration to purchase a store gift card or gift certifi-
22 cate through use of a Government-issued credit card.

23 SEC. 117. The Secretary shall apportion to the spon-
24 sor of an airport that received scheduled or unscheduled
25 air service from a large certified air carrier (as defined

1 in part 241 of title 14 Code of Federal Regulations, or
2 such other regulations as may be issued by the Secretary
3 under the authority of section 41709) an amount equal
4 to the minimum apportionment specified in 49 U.S.C.
5 47114(c), if the Secretary determines that airport had
6 more than 10,000 passenger boardings in the preceding
7 calendar year, based on data submitted to the Secretary
8 under part 241 of title 14, Code of Federal Regulations.

9 SEC. 118. None of the funds in this Act may be obli-
10 gated or expended for retention bonuses for an employee
11 of the Federal Aviation Administration without the prior
12 written approval of the Deputy Assistant Secretary for
13 Administration of the Department of Transportation.

14 SEC. 119. Subparagraph (D) of section 47124(b)(3)
15 of title 49, United States Code, is amended by striking
16 “benefit.” and inserting “benefit, with the maximum al-
17 lowable local cost share capped at 20 percent.”.

18 FEDERAL HIGHWAY ADMINISTRATION

19 LIMITATION ON ADMINISTRATIVE EXPENSES

20 (INCLUDING TRANSFER OF FUNDS)

21 Not to exceed \$417,843,000, together with advances
22 and reimbursements received by the Federal Highway Ad-
23 ministration, shall be paid in accordance with law from
24 appropriations made available by this Act to the Federal
25 Highway Administration for necessary expenses for ad-

1 ministration and operation. In addition, not to exceed
2 \$3,300,000 shall be paid from appropriations made avail-
3 able by this Act and transferred to the Appalachian Re-
4 gional Commission in accordance with section 104 of title
5 23, United States Code.

6 FEDERAL-AID HIGHWAYS

7 (LIMITATION ON OBLIGATIONS)

8 (HIGHWAY TRUST FUND)

9 None of the funds in this Act shall be available for
10 the implementation or execution of programs, the obliga-
11 tions for which are in excess of \$41,776,000,000 for Fed-
12 eral-aid highways and highway safety construction pro-
13 grams for fiscal year 2011: *Provided*, That within the
14 \$41,776,000,000 obligation limitation on Federal-aid
15 highways and highway safety construction programs, not
16 more than \$429,800,000 shall be available for the imple-
17 mentation or execution of programs for transportation re-
18 search (chapter 5 of title 23, United States Code; sections
19 111, 5505, and 5506 of title 49, United States Code; and
20 title 5 of Public Law 109–59) for fiscal year 2011: *Pro-*
21 *vided further*, That this limitation on transportation re-
22 search programs shall not apply to any authority pre-
23 viously made available for obligation: *Provided further*,
24 That the Secretary may, as authorized by section 605(b)
25 of title 23, United States Code, collect and spend fees to

1 cover the costs of services of expert firms, including coun-
2 sel, in the field of municipal and project finance to assist
3 in the underwriting and servicing of Federal credit instru-
4 ments and all or a portion of the costs to the Federal Gov-
5 ernment of servicing such credit instruments: *Provided*
6 *further*, That such fees are available until expended to pay
7 for such costs: *Provided further*, That such amounts are
8 in addition to administrative expenses that are also avail-
9 able for such purpose, and are not subject to any obliga-
10 tion limitation or the limitation on administrative expenses
11 under section 608 of title 23, United States Code.

12 (LIQUIDATION OF CONTRACT AUTHORIZATION)

13 For carrying out the provisions of title 23, United
14 States Code, that are attributable to Federal-aid high-
15 ways, not otherwise provided, including reimbursement for
16 sums expended pursuant to the provisions of 23 U.S.C.
17 308, \$42,515,000,000 or so much thereof as may be avail-
18 able in and derived from the Highway Trust Fund (other
19 than the Mass Transit Account), to remain available until
20 expended.

21 (RESCISSION OF UNOBLIGATED BALANCES)

22 (HIGHWAY TRUST FUND)

23 Of the unobligated balances of funds made available
24 for obligation under 23 U.S.C. 320, section 147 of Public
25 Law 95–599, section 9(e) of Public Law 97–134, section

1 149 of Public Law 100–17, and sections 1006, 1069,
2 1103, 1104, 1105, 1106, 1107, 1108, 6005, 6015, and
3 6023 of Public Law 102–240, \$263,130,663 are hereby
4 cancelled.

5 PLANNING CAPACITY GRANTS

6 For activities eligible under sections 134 and 135 of
7 title 23, United States Code, and sections 5303 and 5304
8 of title 49 of such Code, \$200,000,000, to remain available
9 through September 30, 2012: *Provided*, That the Sec-
10 retary of Transportation shall distribute funds provided
11 under this heading as discretionary grants to be awarded
12 to a metropolitan planning organization, or to a State,
13 local, tribal government, or agency thereof, on a competi-
14 tive basis for activities that will improve surface transpor-
15 tation planning: *Provided further*, That not less than
16 \$50,000,000 of the funds provided under this heading
17 shall be for grants that improve planning for rural areas:
18 *Provided further*, That up to \$12,000,000 of the funds
19 provided under this heading may be for grants that im-
20 prove public involvement in surface transportation plan-
21 ning: *Provided further*, That a grant funded under this
22 heading shall be not greater than \$5,000,000: *Provided*
23 *further*, That the Federal share of the costs for which an
24 expenditure is made under this heading shall be 80 per-
25 cent: *Provided further*, That the Secretary may retain up

1 to 1 percent of the funds provided under this section to
2 fund the award and oversight of grants made under this
3 heading: *Provided further*, That of the funds retained
4 under the previous proviso, 50 percent shall be transferred
5 to the Federal Highway Administration and 50 percent
6 shall be transferred to the Federal Transit Administra-
7 tion.

8 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY
9 ADMINISTRATION

10 SEC. 120. (a) For fiscal year 2010, the Secretary of
11 Transportation shall—

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

23 (2) not distribute from the obligation limitation
24 for Federal-aid highways amounts authorized for ad-
25 ministrative expenses and programs by section

1 104(a) of title 23, United States Code; programs
2 funded from the administrative takedown authorized
3 by section 104(a)(1) of title 23, United States Code
4 (as in effect on the date before the date of enact-
5 ment of the Safe, Accountable, Flexible, Efficient
6 Transportation Equity Act: A Legacy for Users); the
7 highway use tax evasion program; and the Bureau of
8 Transportation Statistics;

9 (3) determine the ratio that—

10 (A) the obligation limitation for Federal-
11 aid highways, less the aggregate of amounts not
12 distributed under paragraphs (1) and (2), bears
13 to

14 (B) the total of the sums authorized to be
15 appropriated for Federal-aid highways and
16 highway safety construction programs (other
17 than sums authorized to be appropriated for
18 provisions of law described in paragraphs (1)
19 through (9) of subsection (b) and sums author-
20 ized to be appropriated for section 105 of title
21 23, United States Code, equal to the amount
22 referred to in subsection (b)(10) for such fiscal
23 year), less the aggregate of the amounts not
24 distributed under paragraphs (1) and (2) of
25 this subsection;

1 (4)(A) distribute the obligation limitation for
2 Federal-aid highways, less the aggregate amounts
3 not distributed under paragraphs (1) and (2), for
4 sections 1301, 1302, and 1934 of the Safe, Account-
5 able, Flexible, Efficient Transportation Equity Act:
6 A Legacy for Users; sections 117 (but individually
7 for each project numbered 1 through 3676 listed in
8 the table contained in section 1702 of the Safe, Ac-
9 countable, Flexible, Efficient Transportation Equity
10 Act: A Legacy for Users) and section 144(g) of title
11 23, United States Code; and section 14501 of title
12 40, United States Code, so that the amount of obli-
13 gation authority available for each of such sections
14 is equal to the amount determined by multiplying
15 the ratio determined under paragraph (3) by the
16 sums authorized to be appropriated for that section
17 for the fiscal year; and

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

20 (5) distribute the obligation limitation provided
21 for Federal-aid highways, less the aggregate
22 amounts not distributed under paragraphs (1) and
23 (2) and amounts distributed under paragraph (4),
24 for each of the programs that are allocated by the
25 Secretary under the Safe, Accountable, Flexible, Ef-

1 efficient Transportation Equity Act: A Legacy for
2 Users and title 23, United States Code (other than
3 to programs to which paragraphs (1) and (4) apply),
4 by multiplying the ratio determined under paragraph
5 (3) by the amounts authorized to be appropriated
6 for each such program for such fiscal year; and

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

22 (A) amounts authorized to be appropriated
23 for such programs that are apportioned to each
24 State for such fiscal year, bear to

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

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

1 only to the extent that the obligation authority has not
2 lapsed or been used; (10) under section 105 of title 23,
3 United States Code, but only in an amount equal to
4 \$639,000,000 for each of fiscal years 2005 through 2010;
5 and (11) under section 1603 of the Safe, Accountable,
6 Flexible, Efficient Transportation Equity Act: A Legacy
7 for Users, to the extent that funds obligated in accordance
8 with that section were not subject to a limitation on obli-
9 gations at the time at which the funds were initially made
10 available for obligation.

11 (c) REDISTRIBUTION OF UNUSED OBLIGATION AU-
12 THORITY.—Notwithstanding subsection (a), the Secretary
13 shall, after August 1 of such fiscal year, revise a distribu-
14 tion of the obligation limitation made available under sub-
15 section (a) if the amount distributed cannot be obligated
16 during that fiscal year and redistribute sufficient amounts
17 to those States able to obligate amounts in addition to
18 those previously distributed during that fiscal year, giving
19 priority to those States having large unobligated balances
20 of funds apportioned under sections 104 and 144 of title
21 23, United States Code.

22 (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO
23 TRANSPORTATION RESEARCH PROGRAMS.—The obliga-
24 tion limitation shall apply to transportation research pro-
25 grams carried out under chapter 5 of title 23, United

1 States Code, and title V (research title) of the Safe, Ac-
2 countable, Flexible, Efficient Transportation Equity Act:
3 A Legacy for Users, except that obligation authority made
4 available for such programs under such limitation shall re-
5 main available for a period of 3 fiscal years and shall be
6 in addition to the amount of any limitation imposed on
7 obligations for Federal-aid highway and highway safety
8 construction programs for future fiscal years.

9 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED
10 FUNDS.—

11 (1) IN GENERAL.—Not later than 30 days after
12 the date of the distribution of obligation limitation
13 under subsection (a), the Secretary shall distribute
14 to the States any funds that

15 (A) are authorized to be appropriated for
16 such fiscal year for Federal-aid highways pro-
17 grams; and

18 (B) the Secretary determines will not be
19 allocated to the States, and will not be available
20 for obligation, in such fiscal year due to the im-
21 position of any obligation limitation for such
22 fiscal year.

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

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

5 (f) SPECIAL LIMITATION CHARACTERISTICS.—Obli-
6 gation limitation distributed for a fiscal year under sub-
7 section (a)(4) for the provision specified in subsection
8 (a)(4) shall—

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

11 (2) be in addition to the amount of any limita-
12 tion imposed on obligations for Federal-aid highway
13 and highway safety construction programs for future
14 fiscal years.

15 (g) HIGH-PRIORITY PROJECT FLEXIBILITY.—

16 (1) IN GENERAL.—Subject to paragraph (2),
17 obligation authority distributed for such fiscal year
18 under subsection (a)(4) for each project numbered 1
19 through 3676 listed in the table contained in section
20 1702 of the Safe, Accountable, Flexible, Efficient
21 Transportation Equity Act: A Legacy for Users may
22 be obligated for any other project in such section in
23 the same State.

24 (2) RESTORATION.—Obligation authority used
25 as described in paragraph (1) shall be restored to

1 the original purpose on the date on which obligation
2 authority is distributed under this section for the
3 next fiscal year following obligation under paragraph
4 (1).

5 (h) LIMITATION ON STATUTORY CONSTRUCTION.—
6 Nothing in this section shall be construed to limit the dis-
7 tribution of obligation authority under subsection
8 (a)(4)(A) for each of the individual projects numbered
9 greater than 3676 listed in the table contained in section
10 1702 of the Safe, Accountable, Flexible, Efficient Trans-
11 portation Equity Act: A Legacy for Users.

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

20 SEC. 122. Not less than 15 days prior to waiving,
21 under his statutory authority, any Buy America require-
22 ment for Federal-aid highway projects, the Secretary of
23 Transportation shall make an informal public notice and
24 comment opportunity on the intent to issue such waiver
25 and the reasons therefor: *Provided*, That the Secretary

1 shall provide an annual report to the Appropriations Com-
2 mittees of the Congress on any waivers granted under the
3 Buy America requirements.

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

10 (1) as of the date of enactment of this Act, is
11 not tolled;

12 (2) is constructed with Federal assistance pro-
13 vided under title 23, United States Code; and

14 (3) is in actual operation as of the date of en-
15 actment of this Act.

16 (b) EXCEPTIONS.—

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

23 (2) HIGH-OCCUPANCY VEHICLE LANES.—A
24 high-occupancy vehicle lane that is converted to a
25 toll lane shall not be subject to this section, and

1 shall not be considered to be a nontoll lane for pur-
2 poses of determining whether a highway will have
3 fewer nontoll lanes than prior to the date of imposi-
4 tion of the toll, if—

5 (A) high-occupancy vehicles occupied by
6 the number of passengers specified by the enti-
7 ty operating the toll lane may use the toll lane
8 without paying a toll, unless otherwise specified
9 by the appropriate county, town, municipal or
10 other local government entity, or public toll
11 road or transit authority; or

12 (B) each high-occupancy vehicle lane that
13 was converted to a toll lane was constructed as
14 a temporary lane to be replaced by a toll lane
15 under a plan approved by the appropriate coun-
16 ty, town, municipal or other local government
17 entity, or public toll road or transit authority.

18 SEC. 124. There is hereby appropriated to the Sec-
19 retary of Transportation for the necessary expenses of cer-
20 tain highway and surface transportation projects,
21 \$175,269,000, to remain available until expended: *Pro-*
22 *vided*, That the amount provided by this section shall be
23 made available for the programs, projects, and activities
24 identified under this section in the Committee report ac-
25 companying this Act: *Provided further*, That funds pro-

1 vided by this section, at the request of a State, shall be
 2 transferred by the Secretary of Transportation to another
 3 Federal agency: *Provided further*, That none of the funds
 4 set aside by this section shall be subject to any limitation
 5 on obligations for Federal-aid highways and highway safe-
 6 ty construction programs set forth in this Act or any other
 7 Act.

8 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
 9 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

10 (LIQUIDATION OF CONTRACT AUTHORIZATION)

11 (LIMITATION ON OBLIGATIONS)

12 (HIGHWAY TRUST FUND)

13 For payment of obligations incurred in the implemen-
 14 tation, execution and administration of motor carrier safe-
 15 ty operations and programs pursuant to section 31104(i)
 16 of title 49, United States Code, and sections 4127 and
 17 4134 of Public Law 109–59, \$239,828,000, to be derived
 18 from the Highway Trust Fund (other than the Mass Tran-
 19 sit Account), together with advances and reimbursements
 20 received by the Federal Motor Carrier Safety Administra-
 21 tion, the sum of which shall remain available until ex-
 22 pended: *Provided*, That none of the funds derived from
 23 the Highway Trust Fund in this Act shall be available for
 24 the implementation, execution or administration of pro-
 25 grams, the obligations for which are in excess of

1 \$239,828,000, for “Motor Carrier Safety Operations and
 2 Programs” of which \$8,586,000, to remain available for
 3 obligation until September 30, 2012, is for the research
 4 and technology program and \$1,000,000 shall be available
 5 for commercial motor vehicle operator’s grants to carry
 6 out section 4134 of Public Law 109–59: *Provided further*,
 7 That an additional \$20,050,000 shall be appropriated
 8 from the General Fund for the execution and administra-
 9 tion of motor carrier safety operations and programs: *Pro-*
 10 *vided further*, That notwithstanding any other provision of
 11 law, none of the funds under this heading for outreach
 12 and education shall be available for transfer: *Provided fur-*
 13 *ther*, That the Federal Motor Carrier Safety Administra-
 14 tion shall transmit to Congress a report on March 30,
 15 2011, and September 30, 2011, on the agency’s ability
 16 to meet its requirement to conduct compliance reviews on
 17 high-risk carriers.

18 MOTOR CARRIER SAFETY GRANTS

19 (LIQUIDATION OF CONTRACT AUTHORIZATION)

20 (LIMITATION ON OBLIGATIONS)

21 (HIGHWAY TRUST FUND)

22 (INCLUDING RESCISSION)

23 For payment of obligations incurred in carrying out
 24 sections 31102, 31104(a), 31106, 31107, 31109, 31309,
 25 31313 of title 49, United States Code, and sections 4126

1 and 4128 of Public Law 109–59, \$310,070,000, to be de-
2 rived from the Highway Trust Fund (other than the Mass
3 Transit Account) and to remain available until expended:
4 *Provided*, That none of the funds in this Act shall be avail-
5 able for the implementation or execution of programs, the
6 obligations for which are in excess of \$310,070,000, for
7 “Motor Carrier Safety Grants”; of which \$212,070,000
8 shall be available for the motor carrier safety assistance
9 program to carry out sections 31102 and 31104(a) of title
10 49, United States Code; \$25,000,000 shall be available for
11 the commercial driver’s license improvements program to
12 carry out section 31313 of title 49, United States Code;
13 \$32,000,000 shall be available for the border enforcement
14 grants program to carry out section 31107 of title 49,
15 United States Code; \$5,000,000 shall be available for the
16 performance and registration information system manage-
17 ment program to carry out sections 31106(b) and 31109
18 of title 49, United States Code; \$25,000,000 shall be
19 available for the commercial vehicle information systems
20 and networks deployment program to carry out section
21 4126 of Public Law 109–59; \$3,000,000 shall be available
22 for the safety data improvement program to carry out sec-
23 tion 4128 of Public Law 109–59; and \$8,000,000 shall
24 be available for the commercial driver’s license information
25 system modernization program to carry out section

1 31309(e) of title 49, United States Code: *Provided further*,
2 That of the funds made available for the motor carrier
3 safety assistance program, \$35,000,000 shall be available
4 for audits of new entrant motor carriers: *Provided further*,
5 That of the amount made available under this heading for
6 the commercial driver's license information system mod-
7 ernization program, \$3,000,000 may be made available for
8 audits of new entrant motor carriers to carry out section
9 4107(b) of Public Law 110-59, and 31104(a) of title 49,
10 United States Code, and \$5,000,000 shall be made avail-
11 able for the commercial driver's license improvements pro-
12 gram to carry out section 31313 of title 49, United States
13 Code: *Provided further*, That \$18,900,000 in unobligated
14 balances are permanently rescinded.

15 MOTOR CARRIER SAFETY

16 (HIGHWAY TRUST FUND)

17 (RESCISSION)

18 Of the amounts made available under this heading
19 in prior appropriations Acts, \$7,300,000 in unobligated
20 balances are permanently rescinded.

1 NATIONAL MOTOR CARRIER SAFETY PROGRAM
2 (HIGHWAY TRUST FUND)
3 (RESCISSION)

4 Of the amounts made available under this heading
5 in prior appropriations Acts, \$15,000,000 in unobligated
6 balances are permanently rescinded.

7 ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER
8 SAFETY ADMINISTRATION

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

16 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
17 OPERATIONS AND RESEARCH

18 For expenses necessary to discharge the functions of
19 the Secretary, with respect to traffic and highway safety
20 under subtitle C of title X of Public Law 109–59 and
21 chapter 301 and part C of subtitle VI of title 49, United
22 States Code, \$172,773,000, of which \$30,445,000 shall
23 remain available through September 30, 2012, and
24 \$25,000,000 shall remain available through September
25 30, 2014.

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, \$117,376,000 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 \$117,376,000 for programs authorized under 23 U.S.C.
13 403: *Provided further*, That within the \$117,376,000 obli-
14 gation limitation for operations and research, \$29,737,000
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 \$606,197,000 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 \$606,197,000

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; \$110,000,000 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; \$19,697,000 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 RESCISSIONS)

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 “Operations and Research (Liquidation of Con-
13 tract Authorization) (Limitation on Obligations) (High-
14 way Trust Fund)” in prior appropriations Acts,
15 \$1,829,000 in unobligated balances are permanently re-
16 scinded.

17 SEC. 143. Of the amounts made available under the
18 heading “National Driver Register (Liquidation of Con-
19 tract Authorization) (Limitation on Obligations) (High-
20 way Trust Fund)” in prior appropriations Acts, \$78,000
21 in unobligated balances are permanently rescinded.

22 SEC. 144. Of the amounts made available under the
23 heading “Highway Traffic Safety Grants (Liquidation of
24 Contract Authorization) (Limitation on Obligations)
25 (Highway Trust Fund)” in prior appropriations Acts,

1 \$79,843,000 in unobligated balances are permanently re-
2 scinded.

3 FEDERAL RAILROAD ADMINISTRATION

4 SAFETY AND OPERATIONS

5 For necessary expenses of the Federal Railroad Ad-
6 ministration, not otherwise provided for, \$205,098,000, of
7 which \$8,380,000 shall remain available through Sep-
8 tember 30, 2012, and \$34,093,000 shall remain available
9 until expended.

10 RAILROAD RESEARCH AND DEVELOPMENT

11 For necessary expenses for railroad research and de-
12 velopment, \$40,000,000, to remain available until ex-
13 pended.

14 RAILROAD REHABILITATION AND IMPROVEMENT

15 FINANCING PROGRAM

16 The Secretary of Transportation is authorized to
17 issue to the Secretary of the Treasury notes or other obli-
18 gations pursuant to section 512 of the Railroad Revitaliza-
19 tion and Regulatory Reform Act of 1976 (Public Law 94-
20 210), as amended, in such amounts and at such times as
21 may be necessary to pay any amounts required pursuant
22 to the guarantee of the principal amount of obligations
23 under sections 511 through 513 of such Act, such author-
24 ity to exist as long as any such guaranteed obligation is
25 outstanding: *Provided*, That pursuant to section 502 of

1 such Act, as amended, no new direct loans or loan guar-
2 antee commitments shall be made using Federal funds for
3 the credit risk premium during fiscal year 2011.

4 RAILROAD SAFETY TECHNOLOGY PROGRAM

5 For necessary expenses of carrying out section 20158
6 of title 49, United States Code, \$150,000,000, to remain
7 available until expended: *Provided*, That to be eligible for
8 assistance under this heading, an entity need not have de-
9 veloped plans required under subsection 20156(e)(2) of
10 title 49, United States Code, and section 20157 of such
11 title.

12 CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS
13 AND INTERCITY PASSENGER RAIL SERVICE

14 To enable the Secretary of Transportation to make
15 grants for high-speed rail projects as authorized under
16 section 26106 of title 49, United States Code, capital in-
17 vestment grants to support intercity passenger rail service
18 as authorized under section 24406 of title 49, United
19 States Code, and congestion grants as authorized under
20 section 24105 of title 49, United States Code, and to enter
21 into cooperative agreements for these purposes as author-
22 ized, \$1,000,000,000, to remain available until expended:
23 *Provided*, That up to \$50,000,000 of funds provided under
24 this paragraph are available to the Administrator of the
25 Federal Railroad Administration to fund the award and

1 oversight by the Administrator of grants and cooperative
2 agreements for intercity and high-speed rail: *Provided fur-*
3 *ther*, That up to \$30,000,000 of the funds provided under
4 this paragraph are available to the Administrator for the
5 purposes of conducting research and demonstrating tech-
6 nologies supporting the development of high-speed rail in
7 the United States, including the demonstration of next-
8 generation rolling stock fleet technology and the imple-
9 mentation of the Rail Cooperative Research Program au-
10 thorized by section 24910 of title 49, United States Code:
11 *Provided further*, That the national rail plan shall include
12 a map depicting all high-speed rail service envisioned in
13 the plan and the estimated cost to complete that service:
14 *Provided further*, That up to \$50,000,000 of the funds pro-
15 vided under this paragraph may be used for planning ac-
16 tivities that lead directly to the development of a pas-
17 senger rail corridor investment plan consistent with the
18 requirements established by the Administrator or a State
19 rail plan consistent with chapter 227 of title 49, United
20 States Code: *Provided further*, That the Secretary may re-
21 tain a portion of the funds made available for planning
22 activities under the previous proviso to facilitate the prep-
23 aration of a service development plan and related environ-
24 mental impact statement for high-speed corridors located
25 in multiple States: *Provided further*, That not less than

1 85 percent of the funds provided under this heading shall
2 be for cooperative agreements that lead to the development
3 of entire segments or phases of intercity or high-speed rail
4 corridors: *Provided further*, That at least 30 days prior
5 to issuing a letter of intent or cooperative agreement pur-
6 suant to section 24402(f) of title 49, United States Code,
7 for a major corridor development program, the Secretary
8 shall provide to the House and Senate Committees on Ap-
9 propriations written notification consisting of a business
10 and public investment case for the proposed corridor pro-
11 gram which shall include: a comprehensive analysis of the
12 monetary and nonmonetary costs and benefits of the cor-
13 ridor development program; an assessment of ridership,
14 passenger travel time reductions, congestion relief bene-
15 fits, environmental benefits, economic benefits, and other
16 public benefits; operating financial forecasts for the pro-
17 gram; a full capital cost estimation for the entire project,
18 including the amount, source and security of non-Federal
19 funds to complete the project; a summary of the grants
20 management plan and an evaluation of the grantee's abil-
21 ity to sustain the project: *Provided further*, That the Fed-
22 eral share payable of the costs for which a grant or cooper-
23 ative agreements is made under this heading shall be de-
24 termined in accordance with the provisions of Public Law
25 110-432, except that the local share of expenditures shall

1 be no less than 10 percent: *Provided further*, That in addi-
2 tion to the provisions of title 49, United States Code, that
3 apply to each of the individual programs funded under this
4 heading, subsections 24402(a)(2), 24402(f), 24402(i), and
5 24403(a) and (c) of title 49, United States Code, shall
6 also apply to the provision of funds provided under this
7 heading: *Provided further*, That recipients of grants under
8 this paragraph shall conduct all procurement transactions
9 using such grant funds in a manner that provides full and
10 open competition, as determined by the Secretary, in com-
11 pliance with existing labor agreements.

12 OPERATING SUBSIDY GRANTS TO THE NATIONAL
13 RAILROAD PASSENGER CORPORATION

14 To enable the Secretary of Transportation to make
15 quarterly grants to the National Railroad Passenger Cor-
16 poration for the operation of intercity passenger rail, as
17 authorized by section 101 of the Passenger Rail Invest-
18 ment and Improvement Act of 2008 (division B of Public
19 Law 110–432), \$563,000,000, to remain available until
20 expended: *Provided*, That the amounts available under this
21 paragraph shall be available for the Secretary to approve
22 funding to cover operating losses for the Corporation only
23 after receiving and reviewing a grant request for each spe-
24 cific train route: *Provided further*, That each such grant
25 request shall be accompanied by a detailed financial anal-

1 ysis, revenue projection, and capital expenditure projection
2 justifying the Federal support to the Secretary's satisfac-
3 tion: *Provided further*, That not later than 60 days after
4 enactment of this Act, the Corporation shall transmit to
5 the Secretary and the House and Senate Committees on
6 Appropriations a plan to achieve savings through oper-
7 ating efficiencies including, but not limited to, modifica-
8 tions to food and beverage service and first class service:
9 *Provided further*, That the Amtrak Inspector General shall
10 provide semiannual reports to the House and Senate Com-
11 mittees on Appropriations on the estimated savings ac-
12 crued as a result of all operational reforms instituted by
13 the Corporation and estimations of possible future sav-
14 ings: *Provided further*, That not later than 60 days after
15 enactment of this Act, the Corporation shall transmit, in
16 electronic format, to the Secretary, the House and Senate
17 Committees on Appropriations, the House Committee on
18 Transportation and Infrastructure and the Senate Com-
19 mittee on Commerce, Science, and Transportation the an-
20 nual budget and business plan and the 5-Year Financial
21 Plan for fiscal year 2011 required under section 204 of
22 the Passenger Rail Investment and Improvement Act of
23 2008: *Provided further*, That the budget, business plan,
24 and the 5-Year Financial Plan shall also include a sepa-
25 rate accounting of ridership, revenues, and capital and op-

1 erating expenses for the Northeast Corridor; commuter
2 service; long-distance Amtrak service; State-supported
3 service; each intercity train route, including Autotrain;
4 and commercial activities including contract operations:
5 *Provided further*, That the budget, business plan and the
6 5-Year Financial Plan shall include a description of work
7 to be funded, along with cost estimates and an estimated
8 timetable for completion of the projects covered by these
9 plans: *Provided further*, That the budget, business plan
10 and the 5-Year Financial Plan shall include annual infor-
11 mation on the maintenance, refurbishment, replacement,
12 and expansion for all Amtrak rolling stock consistent with
13 the comprehensive fleet plan: *Provided further*, That the
14 Corporation shall provide semiannual reports in electronic
15 format regarding the pending business plan, which shall
16 describe the work completed to date, any changes to the
17 business plan, and the reasons for such changes, and shall
18 identify all sole-source contract awards which shall be ac-
19 companied by a justification as to why said contract was
20 awarded on a sole-source basis: *Provided further*, That the
21 Corporation's budget, business plan, 5-Year Financial
22 Plan, semiannual reports, and all subsequent supple-
23 mental plans shall be displayed on the Corporation's Web
24 site within a reasonable timeframe following their submis-
25 sion to the appropriate entities: *Provided further*, That

1 none of the funds under this heading may be obligated
2 or expended until the Corporation agrees to continue abid-
3 ing by the provisions of paragraphs 1, 2, 5, 9, and 11
4 of the summary of conditions for the direct loan agree-
5 ment of June 28, 2002, in the same manner as in effect
6 on the date of enactment of this Act: *Provided further*,
7 That concurrent with the President's budget request for
8 fiscal year 2012, the Corporation shall submit to the
9 House and Senate Committees on Appropriations a budget
10 request for fiscal year 2012 in similar format and sub-
11 stance to those submitted by executive agencies of the
12 Federal Government.

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

15 To enable the Secretary of Transportation to make
16 grants to the National Railroad Passenger Corporation for
17 capital investments as authorized by section 101(c) and
18 219(b) of the Passenger Rail Investment and Improve-
19 ment Act of 2008 (division B of Public Law 110-432),
20 \$1,400,000,000, to remain available until expended, of
21 which not to exceed \$305,000,000 shall be for debt service
22 obligations as authorized by section 102 of such Act: *Pro-*
23 *vided*, That after an initial distribution of up to
24 \$200,000,000, which shall be used by the Corporation as
25 a working capital account, all remaining funds shall be

1 provided to the Corporation only on a reimbursable basis:
2 *Provided further*, That the Secretary may retain up to one-
3 half of 1 percent of the funds provided under this heading
4 to fund the costs of project management oversight of cap-
5 ital projects funded by grants provided under this heading,
6 as authorized by subsection 101(d) of division B of Public
7 Law 110–432: *Provided further*, That the Secretary shall
8 approve funding for capital expenditures, including ad-
9 vance purchase orders of materials, for the Corporation
10 only after receiving and reviewing a grant request for each
11 specific capital project justifying the Federal support to
12 the Secretary’s satisfaction: *Provided further*, That none
13 of the funds under this heading may be used to subsidize
14 operating losses of the Corporation: *Provided further*, That
15 none of the funds under this heading may be used for cap-
16 ital projects not approved by the Secretary of Transpor-
17 tation or on the Corporation’s fiscal year 2011 business
18 plan.

19 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

20 ADMINISTRATION

21 SEC. 151. The Secretary may purchase promotional
22 items of nominal value for use in public outreach activities
23 to accomplish the purposes of 49 U.S.C. 20134: *Provided*,
24 That the Secretary shall prescribe guidelines for the ad-
25 ministration of such purchases and use.

1 SEC. 152. Hereafter, notwithstanding any other pro-
2 vision of law, funds provided in this Act for the National
3 Railroad Passenger Corporation shall immediately cease
4 to be available to said Corporation in the event that the
5 Corporation contracts to have services provided at or from
6 any location outside the United States. For purposes of
7 this section, the word “services” shall mean any service
8 that was, as of July 1, 2006, performed by a full-time
9 or part-time Amtrak employee whose base of employment
10 is located within the United States.

11 SEC. 153. The Secretary of Transportation may re-
12 ceive and expend cash, or receive and utilize spare parts
13 and similar items, from non-United States Government
14 sources to repair damages to or replace United States
15 Government owned automated track inspection cars and
16 equipment as a result of third party liability for such dam-
17 ages, and any amounts collected under this section shall
18 be credited directly to the Safety and Operations account
19 of the Federal Railroad Administration, and shall remain
20 available until expended for the repair, operation and
21 maintenance of automated track inspection cars and
22 equipment in connection with the automated track inspec-
23 tion program.

24 SEC. 154. The Administrator of the Federal Railroad
25 Administration shall submit a report on May 31, 2011,

1 to the House and Senate Committees on Appropriations
2 detailing the Administrator's efforts at improving the on-
3 time performance of Amtrak intercity rail service oper-
4 ating on non-Amtrak owned property. Such reports shall
5 compare the most recent actual on-time performance data
6 to pre-established on-time performance goals that the Ad-
7 ministrator shall set for each rail service, identified by
8 route. Such reports shall also include whatever other infor-
9 mation and data regarding the on-time performance of
10 Amtrak trains the Administrator deems to be appropriate.

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, \$106,981,000: *Pro-*
16 *vided*, That for an additional amount to carry out public
17 transportation fixed guideway safety oversight activities,
18 \$5,000,000, if legislation authorizing such activities is en-
19 acted into law prior to September 30, 2011: *Provided fur-*
20 *ther*, That of the funds available under this heading, not
21 to exceed \$2,000,000 shall be available for travel: *Provided*
22 *further*, That none of the funds provided or limited in this
23 Act may be used to create a permanent office of transit
24 security under this heading: *Provided further*, That upon
25 submission to the Congress of the fiscal year 2012 Presi-

1 dent's budget, the Secretary of Transportation shall trans-
 2 mit to Congress the annual report on new starts, including
 3 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 \$8,360,565,000 in fiscal year 2011.

20 RESEARCH AND UNIVERSITY RESEARCH CENTERS

21 For necessary expenses to carry out 49 U.S.C. 5306,
 22 5312-5315, 5322, and 5506, \$69,750,000, to remain
 23 available until expended: *Provided*, That \$10,000,000 is
 24 available to carry out the transit cooperative research pro-
 25 gram under section 5313 of title 49, United States Code,

1 \$4,300,000 is available for the National Transit Institute
2 under section 5315 of title 49, United States Code, and
3 \$7,000,000 is available for university transportation cen-
4 ters program under section 5506 of title 49, United States
5 Code: *Provided further*, That \$48,450,000 is available to
6 carry out national research programs under sections 5312,
7 5313, 5314, and 5322 of title 49, United States Code:
8 *Provided further*, That of the funds available to carry out
9 section 5312 of title 49, United States Code, \$5,000,000
10 shall be available to the Secretary to develop standards
11 for asset management plans, provide technical assistance
12 to recipients engaged in the development or implementa-
13 tion of an asset management plan, improve data collection
14 through the National Transit Database, and conduct a
15 pilot program designed to identify the best practices of
16 asset management.

17 CAPITAL INVESTMENT GRANTS

18 (INCLUDING TRANSFER OF FUNDS)

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, of which no less than
22 \$200,000,000 is for section 5309(e) of such title.

1 GRANTS FOR ENERGY EFFICIENCY AND GREENHOUSE
2 GAS REDUCTIONS

3 For grants to public transit agencies for capital in-
4 vestments that will reduce the energy consumption or
5 greenhouse gas emissions of their public transportation
6 systems, \$100,000,000, to remain available through Sep-
7 tember 30, 2013: *Provided*, That priority shall be given
8 to projects that use innovative and potentially replicable
9 approaches to reducing energy consumption or greenhouse
10 gas emissions: *Provided further*, That the Secretary shall
11 publish criteria on which to base the competition for any
12 grants awarded under this heading no sooner than 90 days
13 after the enactment of this Act, require applications for
14 funding provided under this heading to be submitted no
15 sooner than 120 days after the publication of such criteria,
16 and announce all projects selected to be funded from funds
17 provided under this heading no sooner than September 15,
18 2011.

19 WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

20 For grants to the Washington Metropolitan Area
21 Transit Authority as authorized under section 601 of divi-
22 sion B of Public Law 110–432, \$150,000,000, to remain
23 available until expended: *Provided*, That the Secretary
24 shall approve grants for capital and preventive mainte-
25 nance expenditures for the Washington Metropolitan Area

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

7 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

8 ADMINISTRATION

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

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

23 SEC. 162. Notwithstanding any other provision of
 24 law, any funds appropriated before October 1, 2010, under
 25 any section of chapter 53 of title 49, United States Code,

1 that remain available for expenditure, may be transferred
2 to and administered under the most recent appropriation
3 heading for any such section.

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

10 SEC. 164. In addition to the amounts made available
11 under section 5327(c)(1) of title 49, United States Code,
12 the Secretary may use, for program management activities
13 described in section 5327(c)(2), 1 percent of the amount
14 made available to carry out section 5316 of title 49,
15 United States Code: *Provided*, That funds made available
16 for program management oversight shall be used to over-
17 see the compliance of a recipient or subrecipient of Fed-
18 eral transit assistance consistent with activities identified
19 under section 5327(c)(2) and for purposes of enforcement.

20 SEC. 165. (a) Notwithstanding any other provision
21 of law, unobligated funds or recoveries under section 5309
22 of title 49, United States Code, that are available to the
23 Secretary of Transportation for reallocation shall be di-
24 rected to projects eligible to use the funds for the purposes
25 for which they were originally provided.

1 SEC. 166. Funds made available for Alaska or Hawaii
2 ferry boats or ferry terminal facilities pursuant to 49
3 U.S.C. 5309(m)(6)(B) may be used to construct new ves-
4 sels and facilities, or to improve existing vessels and facili-
5 ties, including both the passenger and vehicle-related ele-
6 ments of such vessels and facilities, and for repair facili-
7 ties: *Provided*, That not more than \$4,000,000 of the
8 funds made available pursuant to 49 U.S.C.
9 5309(m)(6)(B) may be used by the City and County of
10 Honolulu to operate a passenger ferry boat service dem-
11 onstration project to test the viability of different intra-
12 island ferry boat routes and technologies.

13 SEC. 167. Notwithstanding any other provision of
14 law, for fiscal year 2011, the total estimated amount of
15 future obligations of the Government and contingent com-
16 mitments to incur obligations covered by all outstanding
17 full funding grant agreements entered into on or before
18 September 30, 2009, and all outstanding letters of intent
19 and early systems work agreements under subsection
20 5309(g) of title 49, United States Code, for major new
21 fixed guideway capital projects may be not more than the
22 sum of the amount authorized under subsections
23 5338(a)(3)(iv) and 5338(c) of such title for such projects
24 and an amount equivalent to the last 3 fiscal years of
25 funding allocated under subsections 5309(m)(1)(A) and

1 (m)(2)(A)(ii) of such title, for such projects, less an
2 amount the Secretary reasonably estimates is necessary
3 for grants under subsection 5309(b)(1) of such title for
4 those of such projects that are not covered by a letter or
5 agreement: *Provided*, That the Secretary may enter into
6 full funding grant agreements under subsection
7 5309(g)(2) of such title for major new fixed guideway cap-
8 ital projects that contain contingent commitments to incur
9 obligations in such amounts as the Secretary determines
10 are appropriate.

11 SEC. 168. None of the funds provided or limited
12 under this Act may be used to enforce regulations related
13 to charter bus service under part 604 of title 49, Code
14 of Federal Regulations, for any transit agency who during
15 fiscal year 2008 was both initially granted a 60-day period
16 to come into compliance with part 604, and then was sub-
17 sequently granted an exception from said part.

18 SEC. 169. Notwithstanding any other provision of
19 law, when evaluating the local share of the project author-
20 ized to be carried out under section 3043(c)(86) of Public
21 Law 109–59 (119 Stat. 1644) the Secretary shall give
22 consideration to all non-New Starts funds expended for
23 engineering, final design and construction of the
24 Farrington Highway Guideway, Stations, Maintenance

1 Storage Facility and related elements advanced with 100
2 percent non-New Starts funds.

3 SAINT LAWRENCE SEAWAY DEVELOPMENT

4 CORPORATION

5 The Saint Lawrence Seaway Development Corpora-
6 tion is hereby authorized to make such expenditures, with-
7 in the limits of funds and borrowing authority available
8 to the Corporation, and in accord with law, and to make
9 such contracts and commitments without regard to fiscal
10 year limitations as provided by section 104 of the Govern-
11 ment Corporation Control Act, as amended, as may be
12 necessary in carrying out the programs set forth in the
13 Corporation's budget for the current fiscal year.

14 OPERATIONS AND MAINTENANCE

15 (HARBOR MAINTENANCE TRUST FUND)

16 For necessary expenses for operations, maintenance,
17 and capital asset renewal of those portions of the St. Law-
18 rence Seaway owned, operated, and maintained by the
19 Saint Lawrence Seaway Development Corporation,
20 \$32,324,000, to be derived from the Harbor Maintenance
21 Trust Fund, pursuant to Public Law 99-662.

22 MARITIME ADMINISTRATION

23 MARITIME SECURITY PROGRAM

24 For necessary expenses to maintain and preserve a
25 U.S.-flag merchant fleet to serve the national security

1 needs of the United States, \$174,000,000, to remain avail-
2 able until expended.

3 OPERATIONS AND TRAINING

4 For necessary expenses of operations and training ac-
5 tivities authorized by law, \$172,754,000, of which
6 \$11,007,000 shall remain available until expended for
7 maintenance and repair of training ships at State Mari-
8 time Academies, and of which \$30,900,000 shall remain
9 available until expended for capital improvements at the
10 United States Merchant Marine Academy, and of which
11 \$6,000,000 shall be available until expended for the Sec-
12 retary's reimbursement of overcharged midshipmen fees
13 and such action shall be final and conclusive: *Provided*,
14 That amounts apportioned for the United States Mer-
15 chant Marine Academy shall be available only upon allot-
16 ments made personally by the Secretary of Transportation
17 or the Assistant Secretary for Budget and Programs: *Pro-*
18 *vided further*, That the Superintendent, Deputy Super-
19 intendent and the Director of the Office of Resource Man-
20 agement of the United States Merchant Marine Academy
21 may not be allotment holders for the United States Mer-
22 chant Marine Academy, and the Administrator of Mari-
23 time Administration shall hold all allotments made by the
24 Secretary of Transportation or the Assistant Secretary for
25 Budget and Programs under the previous proviso: *Pro-*

1 *vided further*, That 50 percent of the funding made avail-
2 able for the United States Merchant Marine Academy
3 under this heading shall be available only after the Sec-
4 retary, in consultation with the Superintendent and the
5 Maritime Administrator, completes a plan detailing by
6 program or activity how such funding will be expended at
7 the Academy, and this plan is submitted to the House and
8 Senate Committees on Appropriations.

9 SHIP DISPOSAL

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

14 ASSISTANCE TO SMALL SHIPYARDS

15 To make grants to qualified shipyards as authorized
16 under section 3508 of Public Law 110–417 or section
17 54101 of title 46, United States Code, \$25,000,000, to
18 remain available until expended: *Provided*, That to be con-
19 sidered for assistance, a qualified shipyard shall submit
20 an application for assistance no later than 60 days after
21 enactment of this Act: *Provided further*, That from appli-
22 cations submitted under the previous proviso, the Sec-
23 retary of Transportation shall make grants no later than
24 120 days after enactment of this Act in such amounts as
25 the Secretary determines: *Provided further*, That not to

1 exceed 2 percent of the funds appropriated under this
 2 heading shall be available for necessary costs of grant ad-
 3 ministration.

4 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM
 5 ACCOUNT
 6 (INCLUDING TRANSFER OF FUNDS)

7 For the cost of guaranteed loans, as authorized,
 8 \$9,000,000, of which \$5,000,000 shall remain available
 9 until expended: *Provided*, That such costs, including the
 10 cost of modifying such loans, shall be as defined in section
 11 502 of the Congressional Budget Act of 1974, as amend-
 12 ed: *Provided further*, That not to exceed \$4,000,000 shall
 13 be available for administrative expenses to carry out the
 14 guaranteed loan program, which shall be transferred to
 15 and merged with the appropriation for “Operations and
 16 Training”, Maritime Administration.

17 ADMINISTRATIVE PROVISIONS—MARITIME
 18 ADMINISTRATION

19 SEC. 175. Notwithstanding any other provision of
 20 this Act, the Maritime Administration is authorized to fur-
 21 nish utilities and services and make necessary repairs in
 22 connection with any lease, contract, or occupancy involving
 23 Government property under control of the Maritime Ad-
 24 ministration, and payments received therefor shall be cred-
 25 ited to the appropriation charged with the cost thereof:

1 *Provided*, That rental payments under any such lease, con-
 2 tract, or occupancy for items other than such utilities,
 3 services, or repairs shall be covered into the Treasury as
 4 miscellaneous receipts.

5 PIPELINE AND HAZARDOUS MATERIALS SAFETY

6 ADMINISTRATION

7 OPERATIONAL EXPENSES

8 (PIPELINE SAFETY FUND)

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary operational expenses of the Pipeline
 11 and Hazardous Materials Safety Administration,
 12 \$22,383,000, of which \$639,000 shall be derived from the
 13 Pipeline Safety Fund: *Provided*, That \$1,000,000 shall be
 14 transferred to “Pipeline Safety” in order to fund “Pipeline
 15 Safety Information Grants to Communities” as authorized
 16 under section 60130 of title 49, United States Code.

17 HAZARDOUS MATERIALS SAFETY

18 For expenses necessary to discharge the hazardous
 19 materials safety functions of the Pipeline and Hazardous
 20 Materials Safety Administration, \$50,434,000, of which
 21 \$6,497,000 shall remain available until September 30,
 22 2013: *Provided*, That up to \$800,000 in fees collected
 23 under 49 U.S.C. 5108(g) shall be deposited in the general
 24 fund of the Treasury as offsetting receipts: *Provided fur-*
 25 *ther*, That there may be credited to this appropriation, to

1 be available until expended, funds received from States,
2 counties, municipalities, other public authorities, and pri-
3 vate sources for expenses incurred for training, for reports
4 publication and dissemination, and for travel expenses in-
5 curred in performance of hazardous materials exemptions
6 and approvals functions: *Provided further*, That in fiscal
7 year 2012, the Administrator of the Pipeline and Haz-
8 ardous Materials Safety Administration shall propose to
9 collect a reasonable fee for expenses incurred for proc-
10 essing applications for, and ensuring compliance with the
11 terms of, special permits and approvals issued under 49
12 U.S.C. 5117.

13 PIPELINE SAFETY

14 (PIPELINE SAFETY FUND)

15 (OIL SPILL LIABILITY TRUST FUND)

16 For expenses necessary to conduct the functions of
17 the pipeline safety program, for grants-in-aid to carry out
18 a pipeline safety program, as authorized by 49 U.S.C.
19 60107, and to discharge the pipeline program responsibil-
20 ities of the Oil Pollution Act of 1990, \$111,111,000, of
21 which \$18,905,000 shall be derived from the Oil Spill Li-
22 ability Trust Fund and shall remain available until Sep-
23 tember 30, 2013; and of which \$92,206,000 shall be de-
24 rived from the Pipeline Safety Fund, of which

1 \$51,206,000 shall remain available until September 30,
2 2013.

3 EMERGENCY PREPAREDNESS GRANTS

4 (EMERGENCY PREPAREDNESS FUND)

5 For necessary expenses to carry out 49 U.S.C.
6 5128(b), \$188,000, to be derived from the Emergency
7 Preparedness Fund, to remain available until September
8 30, 2012: *Provided*, That not more than \$28,318,000 shall
9 be made available for obligation in fiscal year 2011 from
10 amounts made available by 49 U.S.C. 5116(I) and
11 5128(b)–(c): *Provided further*, That none of the funds
12 made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c)
13 shall be made available for obligation by individuals other
14 than the Secretary of Transportation, or his designee.

15 RESEARCH AND INNOVATIVE TECHNOLOGY

16 ADMINISTRATION

17 RESEARCH AND DEVELOPMENT

18 For necessary expenses of the Research and Innova-
19 tive Technology Administration, \$16,900,000, of which
20 \$10,000,000 shall remain available until September 30,
21 2013: *Provided*, That there may be credited to this appro-
22 priation, to be available until expended, funds received
23 from States, counties, municipalities, other public authori-
24 ties, and private sources for expenses incurred for train-
25 ing.

1 OFFICE OF INSPECTOR GENERAL
2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Inspector
4 General to carry out the provisions of the Inspector Gen-
5 eral Act of 1978, as amended, \$86,406,000: *Provided*,
6 That the Inspector General shall have all necessary au-
7 thority, in carrying out the duties specified in the Inspec-
8 tor General Act, as amended (5 U.S.C. App. 3), to inves-
9 tigate allegations of fraud, including false statements to
10 the government (18 U.S.C. 1001), by any person or entity
11 that is subject to regulation by the Department: *Provided*
12 *further*, That the funds made available under this heading
13 may be used to investigate, pursuant to section 41712 of
14 title 49, United States Code: (1) unfair or deceptive prac-
15 tices and unfair methods of competition by domestic and
16 foreign air carriers and ticket agents; and (2) the compli-
17 ance of domestic and foreign air carriers with respect to
18 item (1) of this proviso.

19 SURFACE TRANSPORTATION BOARD
20 SALARIES AND EXPENSES

21 For necessary expenses of the Surface Transpor-
22 tation Board, including services authorized by 5 U.S.C.
23 3109, \$29,934,000: *Provided*, That notwithstanding any
24 other provision of law, not to exceed \$1,250,000 from fees
25 established by the Chairman of the Surface Transpor-

1 tation Board shall be credited to this appropriation as off-
2 setting collections and used for necessary and authorized
3 expenses under this heading: *Provided further*, That the
4 sum herein appropriated from the general fund shall be
5 reduced on a dollar-for-dollar basis as such offsetting col-
6 lections are received during fiscal year 2011, to result in
7 a final appropriation from the general fund estimated at
8 no more than \$28,684,000.

9 GENERAL PROVISIONS—DEPARTMENT OF
10 TRANSPORTATION

11 SEC. 180. During the current fiscal year applicable
12 appropriations to the Department of Transportation shall
13 be available for maintenance and operation of aircraft;
14 hire of passenger motor vehicles and aircraft; purchase of
15 liability insurance for motor vehicles operating in foreign
16 countries on official department business; and uniforms or
17 allowances therefor, as authorized by law (5 U.S.C. 5901–
18 5902).

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

24 SEC. 182. None of the funds in this Act shall be avail-
25 able for salaries and expenses of more than 110 political

1 and Presidential appointees in the Department of Trans-
2 portation: *Provided*, That none of the personnel covered
3 by this provision may be assigned on temporary detail out-
4 side the Department of Transportation.

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

7 SEC. 184. (a) No recipient of funds made available
8 in this Act shall disseminate personal information (as de-
9 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
10 ment of motor vehicles in connection with a motor vehicle
11 record as defined in 18 U.S.C. 2725(1), except as provided
12 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.
13 2721.

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

17 SEC. 185. Funds received by the Federal Highway
18 Administration, Federal Transit Administration, and Fed-
19 eral Railroad Administration from States, counties, mu-
20 nicipalities, other public authorities, and private sources
21 for expenses incurred for training may be credited respec-
22 tively to the Federal Highway Administration's "Federal-
23 Aid Highways" account, the Federal Transit Administra-
24 tion's "Research and University Research Centers" ac-
25 count, and to the Federal Railroad Administration's

1 “Safety and Operations” account, except for State rail
2 safety inspectors participating in training pursuant to 49
3 U.S.C. 20105.

4 SEC. 186. Funds provided or limited in this Act
5 under the appropriate accounts within the Federal High-
6 way Administration, the Federal Railroad Administration
7 and the Federal Transit Administration shall be for the
8 eligible programs, projects and activities in the cor-
9 responding amounts identified in the committee report ac-
10 companying this Act for “Ferry Boats and Ferry Ter-
11 minal Facilities”, “Federal Lands”, “Interstate Mainte-
12 nance Discretionary”, “Transportation, Community and
13 System Preservation Program”, “Delta Region Transpor-
14 tation Development Program”, “Rail Line Relocation and
15 Improvement Program”, “Rail-highway crossing hazard
16 eliminations”, “Capital Investment Grants”, “Alternatives
17 analysis’ ”, and “Bus and bus facilities”.

18 SEC. 187. Notwithstanding any other provisions of
19 law, rule or regulation, the Secretary of Transportation
20 is authorized to allow the issuer of any preferred stock
21 heretofore sold to the Department to redeem or repur-
22 chase such stock upon the payment to the Department of
23 an amount determined by the Secretary.

24 SEC. 188. None of the funds in this Act to the De-
25 partment of Transportation may be used to make a grant

1 unless the Secretary of Transportation notifies the House
2 and Senate Committees on Appropriations not less than
3 3 full business days before any project competitively se-
4 lected to receive a discretionary grant award, any discre-
5 tionary grant award, letter of intent, or full funding grant
6 agreement totaling \$1,000,000 or more is announced by
7 the department or its modal administrations from: (1) any
8 discretionary grant program of the Federal Highway Ad-
9 ministration including the emergency relief program; (2)
10 the airport improvement program of the Federal Aviation
11 Administration; (3) any grant from the Federal Railroad
12 Administration; or (4) any program of the Federal Transit
13 Administration other than the formula grants and fixed
14 guideway modernization programs: *Provided*, That the
15 Secretary gives concurrent notification to the House and
16 Senate Committees on Appropriations for any “quick re-
17 lease” of funds from the emergency relief program: *Pro-*
18 *vided further*, That no notification shall involve funds that
19 are not available for obligation. In addition, none of the
20 funds in this Act to the Department of Transportation
21 may be used to make a grant award unless the Secretary
22 of Transportation notifies the House and Senate Commit-
23 tees on Appropriations not less than 3 full business days
24 before any announcement of a project competitively se-
25 lected to receive a discretionary grant award from a pro-

1 gram with an annual budget equal to or exceeding
2 \$50,000,000.

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

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

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

21 (2) to pay contractors for services provided in
22 recovering improper payments or contractor support
23 in the implementation of the Improper Payments In-
24 formation Act of 2002: *Provided*, That amounts in
25 excess of that required for paragraphs (1) and (2)—

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

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

17 SEC. 191. Notwithstanding any other provision of
18 law, if any funds provided in or limited by this Act are
19 subject to a reprogramming action that requires notice to
20 be provided to the House and Senate Committees on Ap-
21 propriations, said reprogramming action shall be approved
22 or denied solely by the Committees on Appropriations:
23 *Provided*, That the Secretary may provide notice to other
24 congressional committees of the action of the Committees
25 on Appropriations on such reprogramming but not sooner

1 than 30 days following the date on which the reprogram-
2 ming action has been approved or denied by the House
3 and Senate Committees on Appropriations.

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

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

23 SEC. 194. (a) In the explanatory statement contained
24 in House Report 106-940 accompanying Public Law 106-
25 346 (114 Stat. 1356A), in the table of projects under the

1 heading “Capital Investments Grants”, the item relating
2 to “Lowell, Massachusetts-Nashua, New Hampshire Com-
3 muter Rail Project” is deemed to be amended by inserting
4 “and Manchester” after “Nashua”.

5 (b) Notwithstanding any other provision of law, funds
6 made available under the Federal Transit Administration
7 Capital Investment Grants Account in fiscal year 2008
8 (Public Law 110–161) for METRA Connects Southeast
9 Service, Illinois, METRA Star Line, Illinois, METRA
10 Union Pacific Northwest Line, Illinois, METRA Union
11 Pacific West Line, Illinois and funds made available in
12 fiscal year 2009 (Public Law 111–8) for METRA, Illinois,
13 shall be made available until September 30, 2012.

14 (c) Of the \$1,000,000 appropriated under the head-
15 ing “General Provisions” in Public Law 108–7 for Juneau
16 Heliport, Alaska, the unobligated balance shall be avail-
17 able for improvements to bridges owned by the City and
18 Borough of Juneau, Alaska.

19 (d) Notwithstanding any other provision of law, funds
20 made available in Public Law 111–8 for “Phase 3 Rail
21 Rehabilitation in Redwood Falls, MN” shall be available
22 for obligation and expenditure for “Minnesota Valley Re-
23 gional Rail Authority, MN.”

24 (e) Funds made available for the City of Las Vegas,
25 NV “Bonneville Clark Couplet” through Department of

1 Transportation Appropriations Acts for fiscal year 2009
2 (Public Law 111–8) and fiscal year 2010 (Public Law
3 111–17) that remain unobligated or unexpended shall be
4 made available to the “Decatur Boulevard/Charleston
5 Boulevard Intersection Improvements” in Las Vegas, Ne-
6 vada.

7 (f) In the explanatory statement referenced in section
8 186 of division K of Public Law 110–161, the item relat-
9 ing to “Walton Boulevard Bridge widening, MI” is deemed
10 to be amended by striking “Walton Boulevard Bridge wid-
11 ening, MI” and inserting “Avon Road Bridge and
12 Livernois Road Bridge Reconstruction, MI”.

13 (g) Notwithstanding any other provision of law, the
14 amounts made available for the Interstate 579 Cap–Urban
15 Green Space and Park Plaza, Pittsburgh, Pennsylvania,
16 by the explanatory statement accompanying the Consoli-
17 dated Appropriations Act, 2010 (Public Law 111–117;
18 123 Stat. 3034), shall be used for projects for street, traf-
19 fic flow, pedestrian, and streetscape improvements in
20 Pittsburgh, Pennsylvania.

21 (h) The explanatory statement referenced in section
22 186 of title I of division A of Public Law 111–117 for
23 “Alternative analysis” under “Federal Transit Adminis-
24 tration—Formula and Bus Grants” is deemed to be
25 amended by striking “Hudson-Bergen MOS–2 Northern

1 NJ” and inserting “Hudson-Bergen Light Rail Extension
2 Route 440, Jersey City, NJ.”

3 (i) In the explanatory statement referenced in section
4 186 of title I of division I of Public Law 111–8, the item
5 relating to “Starkweather Creek Parkway Bike Path, WI”
6 in the table of projects under the heading “Transportation, Community, and System Preservation Program” is
7 deemed to be amended by striking “Starkweather Creek
8 Parkway Bike Path, WI” and inserting “Military Ridge
9 Trail/Cannonball Path multi-purpose bike and pedestrian
10 bridge, WI”.

12 (j) Public Law 111–8 is amended by striking “Construct On/Off Ramps Connecting I–20 to Cotton Flat
13 Road” and inserting “Make Improvements to the I–20/
14 250 Loop Interchange Project”.

16 (k) The Secretary of Transportation shall not reallocate capital investment funds made available for the I–
17 69 HOV/BRT, Mississippi, project and section 5309 bus
18 funds made available to the LOU Public Transit System,
19 Oxford, MS, in Public Law 110–161 and the accompanying explanatory statement.

22 (l) Amounts provided for Provo Orem Bus Rapid
23 Transit, in Public Law 110–161 shall not be reallocated
24 and shall be made available for Provo Orem Bus Rapid
25 Transit and intermodal terminals.

1 (m) Funding provided for “Pierce Transit Peninsula
2 Park & Ride, WA” under Bus and Bus Facilities in Public
3 Law 110–161 shall be made available for “Pierce Transit
4 Vehicle Replacement”.

5 (n) The explanatory statement accompanying the
6 Fiscal Year 2003 Consolidated Appropriations Act shall
7 be deemed to be amended by striking “Ways to Work—
8 EPIC Yakima” and inserting “Ways to Work, Metropoli-
9 tan Family Service, SW Washington”.

10 (o) The explanatory statement accompanying the Fis-
11 cal Year 2004 Consolidated Appropriations Act shall be
12 deemed to be amended by striking “Ellensburg Inter-
13 change I–90, Milepost 108.31, Washington” and inserting
14 “I–90 Ellensburg vicinity—US 97 and local roadway im-
15 provements”.

16 (p) The explanatory statement accompanying the Fis-
17 cal Year 2004 Consolidated Appropriations Act shall be
18 deemed to be amended by striking “SR 31, All Weather
19 Roadway Construction and Widening, Pend Oreille Coun-
20 ty, Washington” and inserting “SR 31 Corridor Improve-
21 ments and local transportation projects (Pend Oreille
22 County)”.

23 (q) Notwithstanding any other provision of law, the
24 funding made available for the Schuylkill Valley Metro
25 project through the Department of Transportation Appro-

1 priations Acts for Federal Fiscal Year 2007, 2008 and
2 2009 shall remain available for that project during Fed-
3 eral fiscal years 2010 and 2011.

4 (r) Notwithstanding any other provision of law, the
5 \$10,976,000 appropriated for the CORRIDORone Re-
6 gional Rail Project in Pennsylvania under the Capital In-
7 vestment Grants account in division K of the Consolidated
8 Appropriations Act, 2008 (Public Law 110–161) shall be
9 available for obligation until September 30, 2012.

10 (s) Notwithstanding any other provision of law, of the
11 \$2,500,000 appropriated for the Alle-Kiski Connector
12 Bridge in Department of Transportation Appropriations
13 Act, 2005, Public Law 108–447, \$2,100,000 shall be
14 available for right of way, design, and construction activi-
15 ties for the Hulton Bridge in Oakmont, Pennsylvania and
16 \$400,000 shall be available for a feasibility study for con-
17 struction of the Alle-Kiski Connector Bridge.

18 (t) Notwithstanding any other provision of law, the
19 funding made available for the Franklin Street Station
20 Restoration (BARTA) through the Department of Trans-
21 portation Appropriations Act of Federal Fiscal Year 2008
22 shall remain available for that project during Federal fis-
23 cal year 2011.

24 (u) Funds provided for “I–85 NB Viaduct at SR 400
25 NB—Exit Lane, GA” in Public Law 111–8 shall be made

1 available for “I-285/Ashford Dunwoody Interchange Re-
2 construction”.

3 SEC. 195. (a) Section 3044(a) of Public Law 109-
4 59 is amended—

5 (1) By striking the project description in item
6 422 and inserting, “Anchorage People Mover transit
7 needs, Anchorage, AK.”

8 (2) By striking the project description in item
9 160 and inserting, “Nebraska Statewide Vehicles,
10 Facilities and Related Equipment”.

11 (3) By striking the project description in item
12 586 and inserting, “Nebraska Department of
13 Roads—Statewide Vehicles, Facilities and Related
14 Equipment”.

15 (b) All amounts made available in item 422 of section
16 3044(a) of Public Law 109-59 which have not been obli-
17 gated by September 30, 2010 shall remain available for
18 obligation until September 30, 2012.

19 (c) Section 3046(a)(22) of Public Law 109-59 is
20 amended—

21 (1) In the paragraph heading, by striking
22 “FUEL CELL-POWERED BUS” and inserting “HYDRO-
23 GEN-POWERED TRANSIT”; and

24 (2) By striking “Fuel Cell-Powered Bus” and
25 inserting “Hydrogen-Powered Transit”.

1 (d) Notwithstanding any other provision of law, the
2 Secretary of Transportation shall not reallocate any fund-
3 ing made available for item 22 of section 3046 of Public
4 Law 109–59.

5 (e) In section 1702 of Public Law 109–59, Project
6 Authorizations, under item No. 400, strike the existing
7 text under Project Description and insert in lieu thereof
8 “Road, sidewalk, and drainage construction and improve-
9 ments, City of Unalaska.”

10 (f) The table contained in section 1702 of the Safe,
11 Accountable, Flexible, Efficient Transportation Equity
12 Act: A Legacy for Users (119 Stat 1256) is amended in
13 item 1399 by striking the project description and inserting
14 “I–40 Frontage Road Reconstruction in the City of Gal-
15 lup”.

16 (g) The table contained in section 1702 of the Safe,
17 Accountable, Flexible, Efficient Transportation Equity
18 Act: A Legacy for Users (119 Stat. 1256) is amended in
19 item 54 by striking the project description and inserting
20 “Study of a direct link to 1–80 and Iowa Highway 92,
21 in proximity to Pella”.

22 (h) The table contained in section 1934(c) of the
23 Safe, Accountable, Flexible, Efficient Transportation Eq-
24 uity Act: A Legacy for Users (119 Stat. 1485) is amended
25 in item 105 by striking the project description and insert-

1 ing “Study of a direct link to 1–80 and Iowa Highway
2 92, in proximity to Pella”.

3 (i) Amounts made available for the Cuming Street
4 Transportation Improvement Project in items 4497 and
5 4506 of section 1702 of the Safe, Accountable, Flexible,
6 Efficient Transportation Equity Act: A Legacy for Users
7 (Public Law 109–59) and in item 276 of section 1934(c)
8 of such Act may be expended for—

9 (1) lighting, landscaping, and pedestrian en-
10 hancements on Cuming Street from 16th Street to
11 30th Street and on Burt Street from 31st Street to
12 Florence Boulevard, including burial of certain over-
13 head utilities;

14 (2) pedestrian safety improvements on 24th
15 Street from Cuming Street to Davenport Street, in-
16 cluding the incorporation of traffic circles at Cass
17 Street and Davenport Street and adjacent lighting,
18 landscaping, and safety enhancements; and

19 (3) the reconfiguration of the Dodge Street/
20 Douglas Street transition curve in conjunction with
21 30th Street.

22 (j) Section 1702 of the SAFETEA–LU: A Legacy for
23 Users (Public Law 109–59, 119 Stat. 114, 1278; Public
24 Law 110–244, 122 Stat. 1571, 1579) is amended by strik-
25 ing the project description in item 576 and inserting “De-

1 sign, right-of-way acquisition and construction of Ne-
2 braska Highway 35 between Norfolk and South Sioux City
3 and for design, right-of-way acquisition and construction
4 of an interchange east of Dakota Avenue on I-129.”

5 (k) Section 1702 of the SAFETEA-LU: A Legacy
6 for Users (Public Law 109-59, 199 Stat. 1144, 1429;
7 Public Law 110-224, 122 Stat. 1571, 1595) is amended
8 by striking the project description in item 4507 and insert-
9 ing “Design, right-of-way acquisition and construction of
10 Nebraska Highway 35 between Norfolk and south Sioux
11 City and for design, right-of-way acquisition and construc-
12 tion of an interchange east of Dakota Avenue on I-129”.

13 (l) In Public Law 109-59, the table contained in sec-
14 tion 1702 of the Safe, Accountable, Flexible, Efficient
15 Transportation Equity Act: A Legacy for Users (119 Stat.
16 1256) is amended in item number 2406 (119 Stat. 1350)
17 by striking “in Fort Worth” in the project description and
18 inserting “, or construct SH 199 (Henderson St.) through
19 the Trinity Uptown Project between the West Fork and
20 Clear Fork of the Trinity River, in Fort Worth”.

21 (m)(1) The project description in item 3730 under
22 section 1702 of the Safe, Accountable, Flexible, Efficient
23 Transportation Equity Act: A Legacy for Users (Public
24 Law 109-59, 119 Stat. 1400) is amended by adding at

1 the end the following: “(to include the Montgomery Outer
2 Loop)”.

3 (n) The project description in item 16 under section
4 1934(c) of the Safe, Accountable, Flexible, Efficient
5 Transportation Equity Act: A Legacy for Users (Public
6 Law 109–59, 119 Stat. 1486) is amended by adding at
7 the end the following: “(to include the Montgomery Outer
8 Loop)”.

9 (o) The SAFETEA–LU (Public Law 109–59) is
10 amended—

11 (1) in section 1702—

12 (A) by striking project number 4892 (119
13 Stat. 1443); and

14 (B) in project number 4924 (119 Stat.
15 444), by striking the project amount and insert-
16 ing “\$6,149,733.82”; and

17 (2) in section 1934—

18 (A) by striking project number 374 (119
19 Stat. 1505); and

20 (B) in project number 382 (119 Stat.
21 1505), by striking the project amount and in-
22 serting “\$20,446,640”.

23 (p) Item 3557 of section 1702 of Public Law 109–
24 59 is amended by striking “Improve Mill Plain Blvd be-
25 tween SE 172nd and SE 192nd in Vancouver” and insert-

1 ing “Extend 18th Street between 87th Avenue and NE
2 192nd Avenue in Vancouver”.

3 (q) Item 744 of section 1702 of Public Law 109–59
4 is amended by striking “Widen I–5 through Lewis Coun-
5 ty” and inserting “I–5 Frontage Road and I–5 Inter-
6 change Improvements in Lewis County”.

7 (r) Item 2827 of section 1702 of Public Law 109–
8 59 is amended by striking “Construct SR 9 Pedestrian
9 Overpass in Arlington” and inserting “State Route 9/
10 Crown Ridge Blvd. Improvements”.

11 (s) Item 249 of section 1702 of Public Law 109–59
12 is amended by striking “Complete preliminary engineering
13 and environmental analysis for SR14 through Camas and
14 Washougal” and inserting “Complete preliminary engi-
15 neering, environmental and construction for SR 14
16 through Camas and Washougal”.

17 SEC. 196. The Secretary shall continue an inde-
18 pendent and comprehensive study and analysis to supple-
19 ment that authorized under section 108, division C, of
20 Public Law 111–8: *Provided*, That additional funding will
21 help to engage stakeholders and Federal partners by cre-
22 ating a multi-agency task force funded to formulate
23 DOT’s coordination with the Departments of Energy,
24 Commerce and Agriculture to ensure a comprehensive un-
25 derstanding of the full value of river flow support to users

1 in the Mississippi and Missouri Rivers: *Provided further,*
2 That subjects of analysis shall include energy (including
3 hydropower and generation cooling), and water transport
4 (including water-compelled rates, projected total transpor-
5 tation congestion considerations, transportation energy ef-
6 ficiency, air quality and carbon emissions) and water users
7 (including the number and distribution of people, house-
8 holds, municipalities, and business throughout the Mis-
9 souri and Mississippi River basins who use river water for
10 multiple purposes): *Provided further,* That in addition to
11 understanding current value, the Department is directed
12 to work with appropriate Federal partners to develop rec-
13 ommendations on how to minimize impediments to growth
14 and maximize water value of benefits related to energy
15 production and efficiency, congestion relief, trade and
16 transport efficiency, and air quality: *Provided further,*
17 That the Department of Transportation shall provide its
18 analysis and recommendations to the U.S. Army Corps of
19 Engineers, the White House, and the Congress no later
20 than January 2012: *Provided further,* That \$2,000,000 is
21 available until expended for such purposes.

22 This title may be cited as the Department of Trans-
23 portation Appropriations Act, 2011.

1 TITLE II
2 DEPARTMENT OF HOUSING AND URBAN
3 DEVELOPMENT
4 MANAGEMENT AND ADMINISTRATION
5 EXECUTIVE DIRECTION
6 For necessary salaries and expenses for Executive Di-
7 rection, \$30,265,000, of which not to exceed \$7,674,000
8 shall be available for the immediate Office of the Secretary
9 and Deputy Secretary; not to exceed \$1,706,000 shall be
10 available for the Office of Hearings and Appeals; not to
11 exceed \$719,000 shall be available for the Office of Small
12 and Disadvantaged Business Utilization; not to exceed
13 \$999,000 shall be available for the immediate Office of
14 the Chief Financial Officer; not to exceed \$1,503,000 shall
15 be available for the immediate Office of the General Coun-
16 sel; not to exceed \$2,709,000 shall be available to the Of-
17 fice of the Assistant Secretary for Congressional and
18 Intergovernmental Relations; not to exceed \$4,861,000
19 shall be available for the Office of the Assistant Secretary
20 for Public Affairs; not to exceed \$2,163,000 shall be avail-
21 able to the Office of the Assistant Secretary for Public
22 and Indian Housing; not to exceed \$1,755,000 shall be
23 available to the Office of the Assistant Secretary for Com-
24 munity Planning and Development; not to exceed
25 \$3,565,000 shall be available to the Office of the Assistant

1 Secretary for Housing, Federal Housing Commissioner;
2 not to exceed \$1,117,000 shall be available to the Office
3 of the Assistant Secretary for Policy Development and Re-
4 search; and not to exceed \$945,000 shall be available to
5 the Office of the Assistant Secretary for Fair Housing and
6 Equal Opportunity; and not to exceed \$549,000 shall be
7 available to the Office of the Chief Operating Officer: *Pro-*
8 *vided*, That the Secretary of the Department of Housing
9 and Urban Development is authorized to transfer funds
10 appropriated for any office funded under this heading to
11 any other office funded under this heading following the
12 written notification to the House and Senate Committees
13 on Appropriations: *Provided further*, That the Secretary
14 shall provide the Committees on Appropriations quarterly
15 written notification regarding the status of pending con-
16 gressional reports: *Provided further*, That the Secretary
17 shall provide all signed reports required by Congress elec-
18 tronically: *Provided further*, That not to exceed \$25,000
19 of the amount made available under this paragraph for
20 the immediate Office of the Secretary shall be available
21 for official reception and representation expenses as the
22 Secretary may determine.

23 ADMINISTRATION, OPERATIONS AND MANAGEMENT

24 For necessary salaries and expenses for administra-
25 tion, operations and management for the Department of

1 Housing and Urban Development, \$528,845,635, of which
2 not to exceed \$65,120,000 shall be available for the per-
3 sonnel compensation and benefits of the Office of the
4 Chief Human Capital Officer; not to exceed \$9,122,000
5 shall be available for the personnel compensation and ben-
6 efits of the Office of Departmental Operations and Coordi-
7 nation; not to exceed \$49,090,000 shall be available for
8 the personnel compensation and benefits of the Office of
9 Field Policy and Management; not to exceed \$15,931,635
10 shall be available for the personnel compensation and ben-
11 efits of the Office of the Chief Procurement Officer; not
12 to exceed \$33,831,000 shall be available for the personnel
13 compensation and benefits of the remaining staff in the
14 Office of the Chief Financial Officer; not to exceed
15 \$86,482,000 shall be available for the personnel com-
16 pensation and benefits of the remaining staff in the Office
17 of the General Counsel; not to exceed \$3,296,000 shall
18 be available for the personnel compensation and benefits
19 of the Office of Departmental Equal Employment Oppor-
20 tunity; not to exceed \$1,316,000 shall be available for the
21 personnel compensation and benefits for the Center for
22 Faith-Based and Community Initiatives; not to exceed
23 \$2,887,000 shall be available for the personnel compensa-
24 tion and benefits for the Office of Sustainability; not to
25 exceed \$4,445,000 shall be available for the personnel

1 compensation and benefits for the Office of Strategic
2 Planning and Management; not to exceed \$4,875,000 shall
3 be available for the personnel compensation and benefits
4 for the Office of the Chief Disaster and Emergency Man-
5 agement Officer; and not to exceed \$252,450,000 shall be
6 available for nonpersonnel expenses of the Department of
7 Housing and Urban Development: *Provided*, That, funds
8 provided under this heading may be used for necessary
9 administrative and nonadministrative expenses of the De-
10 partment of Housing and Urban Development, not other-
11 wise provided for, including purchase of uniforms, or al-
12 lowances therefor, as authorized by 5 U.S.C. 5901–5902;
13 hire of passenger motor vehicles; services as authorized by
14 5 U.S.C. 3109: *Provided further*, That notwithstanding
15 any other provision of law, funds appropriated under this
16 heading may be used for advertising and promotional ac-
17 tivities that support the housing mission area.

18 PERSONNEL COMPENSATION AND BENEFITS

19 PUBLIC AND INDIAN HOUSING

20 For necessary personnel compensation and benefits
21 expenses of the Office of Public and Indian Housing,
22 \$195,508,000.

1 COMMUNITY PLANNING AND DEVELOPMENT

2 For necessary personnel compensation and benefits
3 expenses of the Office of Community Planning and Devel-
4 opment mission area, \$105,281,000.

5 HOUSING

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

8 OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE

9 ASSOCIATION

10 For necessary personnel compensation and benefits
11 expenses of the Office of the Government National Mort-
12 gage Association, \$16,000,000, to be derived from the
13 GNMA guarantees of mortgage backed securities guaran-
14 teed loan receipt account.

15 POLICY DEVELOPMENT AND RESEARCH

16 For necessary personnel compensation and benefits
17 expenses of the Office of Policy Development and Re-
18 search, \$22,556,421.

19 FAIR HOUSING AND EQUAL OPPORTUNITY

20 For necessary personnel compensation and benefits
21 expenses of the Office of Fair Housing and Equal Oppor-
22 tunity, \$70,363,435.

1 OFFICE OF HEALTHY HOMES AND LEAD HAZARD
2 CONTROL

3 For necessary personnel compensation and benefits
4 expenses of the Office of Healthy Homes and Lead Haz-
5 ard Control, \$7,151,000.

6 PUBLIC AND INDIAN HOUSING
7 TENANT-BASED RENTAL ASSISTANCE
8 (INCLUDING TRANSFER OF FUNDS)

9 For activities and assistance for the provision of ten-
10 ant-based rental assistance authorized under the United
11 States Housing Act of 1937, as amended (42 U.S.C. 1437
12 et seq.) (“the Act” herein), not otherwise provided for,
13 \$15,495,663,183, to remain available until expended, shall
14 be available on October 1, 2010 (in addition to the
15 \$4,000,000,000 previously appropriated under this head-
16 ing that will become available on October 1, 2010), and
17 \$4,000,000,000, to remain available until expended, shall
18 be available on October 1, 2011: *Provided*, That of the
19 amounts made available under this heading are provided
20 as follows:

21 (1) \$17,165,000,000 shall be available for re-
22 newals of expiring section 8 tenant-based annual
23 contributions contracts (including renewals of en-
24 hanced vouchers under any provision of law author-
25 izing such assistance under section 8(t) of the Act)

1 and including renewal of other special purpose
2 vouchers initially funded in fiscal years 2009 and
3 2010 (such as Family Unification, Veterans Affairs
4 Supportive Housing Vouchers and Non-elderly Dis-
5 abled Vouchers): *Provided*, That notwithstanding
6 any other provision of law, from amounts provided
7 under this paragraph and any carryover, the Sec-
8 retary for the calendar year 2011 funding cycle shall
9 provide renewal funding for each public housing
10 agency based on validated voucher management sys-
11 tem (VMS) leasing and cost data for calendar year
12 2010 and by applying the most recent Annual Ad-
13 justment Factor as established by the Secretary, and
14 by making any necessary adjustments for the costs
15 associated with the first-time renewal of vouchers
16 under this paragraph including tenant protection,
17 and HOPE VI vouchers: *Provided further*, That
18 none of the funds provided under this paragraph
19 may be used to fund a total number of unit months
20 under lease which exceeds a public housing agency's
21 authorized level of units under contract, except for
22 public housing agencies participating in the Moving
23 to Work demonstration, which are instead governed
24 by the terms and conditions of their MTW agree-
25 ments: *Provided further*, That the Secretary shall, to

1 the extent necessary to stay within the amount spec-
2 ified under this paragraph, pro rate each public
3 housing agency's allocation otherwise established
4 pursuant to this paragraph: *Provided further*, That
5 except as provided in the following provisos, the en-
6 tire amount specified under this paragraph shall be
7 obligated to the public housing agencies based on the
8 allocation and pro rata method described above, and
9 the Secretary shall notify public housing agencies of
10 their annual budget not later than 60 days after en-
11 actment of this Act: *Provided further*, That the Sec-
12 retary may extend the 60-day notification period
13 with the prior written approval of the House and
14 Senate Committees on Appropriations: *Provided fur-*
15 *ther*, That public housing agencies participating in
16 the Moving to Work demonstration shall be funded
17 pursuant to their Moving to Work agreements and
18 shall be subject to the same pro rata adjustments
19 under the previous provisos: *Provided further*, That
20 up to \$150,000,000 shall be available only: (1) to
21 adjust the allocations for public housing agencies,
22 after application for an adjustment by a public hous-
23 ing agency that experienced a significant increase, as
24 determined by the Secretary, in renewal costs of ten-
25 ant-based rental assistance resulting from unfore-

1 seen circumstances or from portability under section
2 8(r) of the Act; (2) for vouchers that were not in use
3 during the 12-month period in order to be available
4 to meet a commitment pursuant to section 8(o)(13)
5 of the Act; (3) for any increase in the costs associ-
6 ated with deposits to family self-sufficiency program
7 escrow accounts; (4) for one-time adjustments of re-
8 newal funding for public housing agencies in receiv-
9 ership with approved fungibility plans for calendar
10 year 2009 as authorized in section 11003 of the
11 Consolidated Security, Disaster Assistance, and Con-
12 tinuing Appropriations Act, 2009 (Public Law 110-
13 329); or (5) to adjust allocations for public housing
14 agencies to prevent termination of assistance to fam-
15 ilies receiving assistance under the disaster voucher
16 program, as authorized by Public Law 109-148
17 under the heading “Tenant-Based Rental Assist-
18 ance”: *Provided further*, That the Secretary shall al-
19 locate amounts under the previous proviso based on
20 need as determined by the Secretary: *Provided fur-*
21 *ther*, That of the amounts made available under this
22 paragraph, up to \$100,000,000 may be transferred
23 to and merged with the appropriation for “Trans-
24 formation Initiative”;

1 (2) \$125,000,000 shall be for section 8 rental
2 assistance for relocation and replacement of housing
3 units that are demolished or disposed of pursuant to
4 the Omnibus Consolidated Rescissions and Appro-
5 priations Act of 1996 (Public Law 104–134), con-
6 version of section 23 projects to assistance under
7 section 8, the family unification program under sec-
8 tion 8(x) of the Act, relocation of witnesses in con-
9 nection with efforts to combat crime in public and
10 assisted housing pursuant to a request from a law
11 enforcement or prosecution agency, enhanced vouch-
12 ers under any provision of law authorizing such as-
13 sistance under section 8(t) of the Act, HOPE VI
14 vouchers, mandatory and voluntary conversions, and
15 tenant protection assistance including replacement
16 and relocation assistance or for project based assist-
17 ance to prevent the displacement of unassisted elder-
18 ly tenants currently residing in section 202 prop-
19 erties financed between 1959 and 1974 that are refi-
20 nanced pursuant to Public Law 106–569, as amend-
21 ed, or under the authority as provided under this
22 Act: *Provided*, That the Secretary may provide re-
23 placement vouchers for all units that were occupied
24 only within the previous 24 months that cease to be

1 available as assisted housing, subject only to the
2 availability of funds;

3 (3) \$1,851,000,000 shall be for administrative
4 and other expenses of public housing agencies in ad-
5 ministering the section 8 tenant-based rental assist-
6 ance program, of which up to \$50,000,000 shall be
7 available to the Secretary to allocate to public hous-
8 ing agencies that need additional funds to admin-
9 ister their section 8 programs, including fees associ-
10 ated with section 8 tenant protection rental assist-
11 ance, the administration of disaster related vouchers,
12 Veterans Affairs Supportive Housing vouchers, and
13 other incremental vouchers: *Provided*, That no less
14 than \$1,741,000,000 of the amount provided in this
15 paragraph shall be allocated to public housing agen-
16 cies for the calendar year 2011 funding cycle based
17 on section 8(q) of the Act (and related Appropria-
18 tion Act provisions) as in effect immediately before
19 the enactment of the Quality Housing and Work Re-
20 sponsibility Act of 1998 (Public Law 105–276): *Pro-*
21 *vided further*, That if the amounts made available
22 under this paragraph are insufficient to pay the
23 amounts determined under the previous proviso, the
24 Secretary may decrease the amounts allocated to
25 agencies by a uniform percentage applicable to all

1 agencies receiving funding under this paragraph or
2 may, to the extent necessary to provide full payment
3 of amounts determined under the previous proviso,
4 utilize unobligated balances, including recaptures
5 and carryovers, remaining from funds appropriated
6 to the Department of Housing and Urban Develop-
7 ment under this heading, for fiscal year 2010 and
8 prior fiscal years, notwithstanding the purposes for
9 which such amounts were appropriated: *Provided*
10 *further*, That amounts provided under this para-
11 graph shall be only for activities related to the provi-
12 sion of tenant-based rental assistance authorized
13 under section 8, including related development ac-
14 tivities: *Provided further*, That of the total amount
15 provided under this paragraph, \$60,000,000 shall be
16 available for family self-sufficiency coordinators
17 under section 23 of the Act;

18 (4) \$15,000,000 for incremental voucher assist-
19 ance through the Family Unification Program: *Pro-*
20 *vided*, That the assistance made available under this
21 paragraph shall continue to remain available for
22 family unification upon turnover: *Provided further*,
23 That the Secretary of Housing and Urban Develop-
24 ment shall make such funding available, notwith-
25 standing section 204 (competition provision) of this

1 title, to entities with demonstrated experience and
2 resources for supportive services;

3 (5) \$113,663,183 for renewal of tenant-based
4 assistance contracts under section 811 of the Cran-
5 ston-Gonzalez National Affordable Housing Act (42
6 U.S.C. 8013) entered into prior to fiscal year 2007;

7 (6) \$75,000,000 for incremental rental voucher
8 assistance for use through a supported housing pro-
9 gram administered in conjunction with the Depart-
10 ment of Veterans Affairs as authorized under section
11 8(o)(19) of the United States Housing Act of 1937:
12 *Provided*, That the Secretary of Housing and Urban
13 Development shall make such funding available, not-
14 withstanding section 204 (competition provision) of
15 this title, to public housing agencies that partner
16 with eligible VA Medical Centers or other entities as
17 designated by the Secretary of the Department of
18 Veterans Affairs, based on geographical need for
19 such assistance as identified by the Secretary of the
20 Department of Veterans Affairs, public housing
21 agency administrative performance, and other fac-
22 tors as specified by the Secretary of Housing and
23 Urban Development in consultation with the Sec-
24 retary of the Department of Veterans Affairs: *Pro-*
25 *vided further*, That the Secretary of Housing and

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

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

22 (8) \$85,000,000 for incremental voucher assist-
23 ance under section 8(o) of the United States Hous-
24 ing Act of 1937, including related administrative ex-
25 penses, for two competitive demonstration programs

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

1 the Secretary of Housing and Urban Development
2 shall make the funding specified in this subsection
3 available through such allocation procedures as the
4 Secretary determines to be appropriate, notwith-
5 standing section 213 of the Housing and Community
6 Development Act of 1974 (42 U.S.C. 1439) and sec-
7 tion 204 (competition provision) of this title, to enti-
8 ties with demonstrated experience and that meet
9 such other requirements as determined by the Sec-
10 retary: *Provided further*, That the Secretary of
11 Housing and Urban Development may waive, or
12 specify alternative requirements for any provision of
13 any statute or regulation that the Secretary of
14 Housing and Urban Development administers in
15 connection with the use of funds made available
16 under this paragraph (except for requirements re-
17 lated to fair housing, nondiscrimination, labor stand-
18 ards, and the environment), upon a finding by the
19 Secretary that any such waivers or alternative re-
20 quirements are necessary for the effective delivery
21 and administration of such voucher assistance: *Pro-*
22 *vided further*, That the Secretary shall publish in the
23 Federal Register any waiver of any statute or regu-
24 lation that the Secretary administers pursuant to
25 this subsection no later than 10 days before the ef-

1 fective date of such waiver: *Provided further*, That
2 assistance made available under this subsection shall
3 continue to remain available for these purposes upon
4 turn-over.

5 HOUSING CERTIFICATE FUND

6 (RESCISSION)

7 Unobligated balances, including recaptures and car-
8 ryover, remaining from funds appropriated to the Depart-
9 ment of Housing and Urban Development under this
10 heading, the heading “Annual Contributions for Assisted
11 Housing” and the heading “Project-Based Rental Assist-
12 ance”, for fiscal year 2011 and prior years may be used
13 for renewal of or amendments to section 8 project-based
14 contracts and for performance-based contract administra-
15 tors, notwithstanding the purposes for which such funds
16 were appropriated: *Provided*, That any obligated balances
17 of contract authority from fiscal year 1974 and prior that
18 have been terminated shall be cancelled: *Provided further*,
19 That amounts heretofore recaptured, or recaptured during
20 the current fiscal year, from project-based section 8 con-
21 tracts from source years fiscal year 1975 through fiscal
22 year 1987 are hereby rescinded, and an amount of addi-
23 tional new budget authority, equivalent to the amount re-
24 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”) \$2,510,000,000, 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 \$30,000,000 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 including
3 safety and security measures necessary to address crime
4 and drug-related activity as well as needs resulting from
5 unforeseen or unpreventable emergencies and natural dis-
6 asters excluding Presidentially declared emergencies and
7 natural disasters under the Robert T. Stafford Disaster
8 Relief and Emergency Act (42 U.S.C. 5121 et seq.) occur-
9 ring in fiscal year 2011: *Provided further*, That of the
10 amounts made available under the previous proviso, not
11 less than \$10,000,000 shall be for safety and security
12 measures: *Provided further*, That of the amounts provided
13 under this heading up to \$40,000,000 may be for grants
14 to be competitively awarded to public housing agencies for
15 the construction, rehabilitation or purchase of facilities to
16 be used to provide early education, adult education, job
17 training or other appropriate services to public housing
18 residents: *Provided further*, That the Department of Hous-
19 ing and Urban Development shall publish a notice of fund-
20 ing availability within 90 days of the enactment of this
21 Act: *Provided further*, That grantees shall demonstrate an
22 ability to leverage other Federal, State, local or private
23 resources for the construction, rehabilitation or acquisition
24 of such facilities, and that selected grantees shall dem-
25 onstrate a capacity to pay the long-term costs of operating

1 such facilities: *Provided further*, That of the total amount
 2 provided under this heading, \$50,000,000 shall be for sup-
 3 portive services, service coordinators and congregate serv-
 4 ices as authorized by section 34 of the Act (42 U.S.C.
 5 1437z-6) and the Native American Housing Assistance
 6 and Self-Determination Act of 1996 (25 U.S.C. 4101 et
 7 seq.): *Provided further*, That of the total amount provided
 8 under this heading up to \$8,820,000 is to support the
 9 costs of administrative and judicial receiverships: *Provided*
 10 *further*, That from the funds made available under this
 11 heading, the Secretary shall provide bonus awards in fiscal
 12 year 2011 to public housing agencies that are designated
 13 high performers.

14 PUBLIC HOUSING OPERATING FUND

15 (INCLUDING TRANSFER OF FUNDS)

16 For 2011 payments to public housing agencies for the
 17 operation and management of public housing, as author-
 18 ized by section 9(e) of the United States Housing Act of
 19 1937 (42 U.S.C. 1437g(e)), \$4,829,000,000: *Provided*,
 20 That, in fiscal year 2009 and all fiscal years hereafter,
 21 no amounts under this heading in any appropriations Act
 22 may be used for payments to public housing agencies for
 23 the costs of operation and management of public housing
 24 for any year prior to the current year of such Act.

CHOICE NEIGHBORHOODS

1
2 For competitive grants under the Choice Neighbor-
3 hoods Initiative (subject to section 24 of the United States
4 Housing Act of 1937 (42 U.S.C. 1437v) unless otherwise
5 specified under this heading for transformation, rehabili-
6 tation and replacement housing needs of both public and
7 HUD-assisted housing and to transform neighborhoods of
8 poverty into functioning, sustainable mixed income neigh-
9 borhoods with appropriate services, schools, public assets,
10 transportation and access to jobs, \$250,000,000, to re-
11 main available until September 30, 2014: *Provided*, That
12 grant funds may be used for resident and community serv-
13 ices, community development and affordable housing
14 needs in the community, and for conversion of vacant or
15 foreclosed properties to affordable housing: *Provided fur-*
16 *ther*, That grantees shall undertake comprehensive local
17 planning with input from residents and the community,
18 and that grantees shall provide a match in State, local,
19 other Federal or private funds: *Provided further*, That
20 grantees may include local governments, public housing
21 authorities, and nonprofits: *Provided further*, That for-
22 profit developers may apply jointly with a public entity:
23 *Provided further*, That of the amount provided not less
24 than \$135,000,000 shall be awarded to public housing au-
25 thorities: *Provided further*, That such grantees shall create

1 partnerships with other local organizations including as-
2 sisted housing owners, service agencies and resident orga-
3 nizations: *Provided further*, That the Secretary shall con-
4 sult with the Secretaries of Education, Labor, Transpor-
5 tation, Health and Human Services, Agriculture, and
6 Commerce and the Administrator of the Environmental
7 Protection Agency to coordinate and leverage other appro-
8 priate Federal resources: *Provided further*, That no more
9 than 10 percent of funds made available under this head-
10 ing may be provided for planning grants to assist commu-
11 nities in developing comprehensive strategies for imple-
12 menting this program in conjunction with community no-
13 tice and input: *Provided further*, That the Secretary shall
14 develop and publish guidelines for the use of such competi-
15 tive funds, including but not limited to eligible activities,
16 program requirements, and performance metrics: *Provided*
17 *further*, That all balances of amounts made available for
18 the Choice Neighborhood Initiative under the heading Re-
19 vitalization of Severely Distressed Public Housing (HOPE
20 VI) in the Department of Housing and Urban Develop-
21 ment Appropriations Act, 2010 shall be transferred to and
22 merged with amounts made available under this heading.

23 NATIVE AMERICAN HOUSING BLOCK GRANTS

24 For the Native American Housing Block Grants pro-
25 gram, as authorized under title I of the Native American

1 Housing Assistance and Self-Determination Act of 1996
2 (NAHASDA) (25 U.S.C. 4111 et seq.), \$700,000,000, to
3 remain available until expended: *Provided*, That, notwith-
4 standing the Native American Housing Assistance and
5 Self-Determination Act of 1996, to determine the amount
6 of the allocation under title I of such Act for each Indian
7 tribe, the Secretary shall apply the formula under section
8 302 of such Act with the need component based on single-
9 race census data and with the need component based on
10 multi-race census data, and the amount of the allocation
11 for each Indian tribe shall be the greater of the two result-
12 ing allocation amounts: *Provided further*, That of the
13 amounts made available under this heading, \$3,500,000
14 shall be contracted for assistance for a national organiza-
15 tion representing Native American housing interests for
16 providing training and technical assistance to Indian hous-
17 ing authorities and tribally designated housing entities as
18 authorized under NAHASDA; and \$4,250,000 shall be to
19 support the inspection of Indian housing units, contract
20 expertise, training, and technical assistance in the train-
21 ing, oversight, and management of such Indian housing
22 and tenant-based assistance, including up to \$300,000 for
23 related travel: *Provided further*, That of the amount pro-
24 vided under this heading, \$2,000,000 shall be made avail-
25 able for the cost of guaranteed notes and other obligations,

1 as authorized by title VI of NAHASDA: *Provided further*,
2 That such costs, including the costs of modifying such
3 notes and other obligations, shall be as defined in section
4 502 of the Congressional Budget Act of 1974, as amend-
5 ed: *Provided further*, That these funds are available to sub-
6 sidize the total principal amount of any notes and other
7 obligations, any part of which is to be guaranteed, not to
8 exceed \$20,000,000.

9 NATIVE HAWAIIAN HOUSING BLOCK GRANT

10 For the Native Hawaiian Housing Block Grant pro-
11 gram, as authorized under title VIII of the Native Amer-
12 ican Housing Assistance and Self-Determination Act of
13 1996 (25 U.S.C. 4111 et seq.), \$13,000,000, to remain
14 available until expended: *Provided*, That of this amount,
15 \$300,000 shall be for training and technical assistance ac-
16 tivities, including up to \$100,000 for related travel by Ha-
17 waii-based HUD employees.

18 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

19 ACCOUNT

20 For the cost of guaranteed loans, as authorized by
21 section 184 of the Housing and Community Development
22 Act of 1992 (12 U.S.C. 1715z), \$9,000,000, to remain
23 available until expended: *Provided*, That such costs, in-
24 cluding the costs of modifying such loans, shall be as de-
25 fined in section 502 of the Congressional Budget Act of

1 1974: *Provided further*, That these funds are available to
 2 subsidize total loan principal, any part of which is to be
 3 guaranteed, up to \$994,000,000: *Provided further*, That
 4 up to \$750,000 shall be for administrative contract ex-
 5 penses including management processes and systems to
 6 carry out the loan guarantee program.

7 NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND
 8 PROGRAM ACCOUNT

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

18 COMMUNITY PLANNING AND DEVELOPMENT

19 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

20 For carrying out the Housing Opportunities for Per-
 21 sons with AIDS program, as authorized by the AIDS
 22 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
 23 \$340,000,000, to remain available until September 30,
 24 2012, except that amounts allocated pursuant to section
 25 854(c)(3) of such Act shall remain available until Sep-

1 tember 30, 2013: *Provided*, That the Secretary shall renew
2 all expiring contracts for permanent supportive housing
3 that were funded under section 854(c)(3) of such Act that
4 meet all program requirements before awarding funds for
5 new contracts and activities authorized under this section.

6 COMMUNITY DEVELOPMENT FUND

7 For assistance to units of State and local govern-
8 ment, and to other entities, for economic and community
9 development activities, and for other purposes,
10 \$4,450,000,000, to remain available until September 30,
11 2013, unless otherwise specified: *Provided*, That of the
12 total amount provided, \$3,990,000,000 is for carrying out
13 the community development block grant program under
14 title I of the Housing and Community Development Act
15 of 1974, as amended (the “Act” herein) (42 U.S.C. 5301
16 et seq.): *Provided further*, That unless explicitly provided
17 for under this heading (except for planning grants pro-
18 vided in the second paragraph and amounts made avail-
19 able under the third paragraph), not to exceed 20 percent
20 of any grant made with funds appropriated under this
21 heading shall be expended for planning and management
22 development and administration: *Provided further*, That
23 \$65,000,000 shall be for grants to Indian tribes notwith-
24 standing section 106(a)(1) of such Act, of which, notwith-
25 standing any other provision of law (including section 204

1 of this Act), up to \$3,960,000 may be used for emer-
2 gencies that constitute imminent threats to health and
3 safety.

4 Of the amount made available under this heading,
5 \$173,000,000 shall be available for grants for the Eco-
6 nomic Development Initiative (EDI) to finance a variety
7 of targeted economic investments in accordance with the
8 terms and conditions specified in the explanatory state-
9 ment accompanying this Act: *Provided*, That none of the
10 funds provided under this paragraph may be used for pro-
11 gram operations: *Provided further*, That, for fiscal years
12 2009, 2010 and 2011, no unobligated funds for EDI
13 grants may be used for any purpose except acquisition,
14 planning, design, purchase of equipment, revitalization, re-
15 development or construction.

16 Of the amount made available under this heading,
17 \$22,000,000 shall be available for neighborhood initiatives
18 that are utilized to improve the conditions of distressed
19 and blighted areas and neighborhoods, to stimulate invest-
20 ment, economic diversification, and community revitaliza-
21 tion in areas with population outmigration or a stagnating
22 or declining economic base, or to determine whether hous-
23 ing benefits can be integrated more effectively with welfare
24 reform initiatives: *Provided*, That amounts made available
25 under this paragraph shall be provided in accordance with

1 the terms and conditions specified in the explanatory
2 statement accompanying this Act.

3 The referenced explanatory statement for item 113
4 under the heading “Community Development Fund” in
5 title III of division A of Public Law 109–115 is deemed
6 to be amended by striking “a pedestrian bridge” and in-
7 serting “pedestrian and disabled access improvements”.

8 The referenced statement of the managers under this
9 heading in title II of division A of Public Law 111–117
10 is deemed to be amended by striking “World Trade Center
11 of St. Louis, MO for the construction of a commercializa-
12 tion center” and inserting “World Trade Center of St.
13 Louis, MO for equipment and the construction of a com-
14 mercialization center”.

15 The referenced explanatory statement under this
16 heading in division I of Public Law 111–8 is deemed to
17 be amended with respect to “Providence Community Ac-
18 tion, RI” by striking “for purchase of a building to provide
19 transitional housing for homeless families’” and inserting
20 “for purchase and renovation of a building to provide
21 transitional housing for homeless families”.

22 The referenced explanatory statement under this
23 heading in title II of division I of Public Law 111–8 (123
24 Stat. 524), is deemed to be amended with respect to “Jef-
25 ferson County, CO” by striking “for the purchase of a

1 15-unit apartment complex located in Golden, CO to pro-
2 vide housing for homeless veterans” and inserting “for the
3 construction, purchase, or renovation of a facility to pro-
4 vide housing for homeless veterans”.

5 The referenced explanatory statement under this
6 hearing in title II of division A of Public Law 111–117
7 (123 Stat. 3034), is deemed to be amended with respect
8 to the item relating to “Jefferson County, CO” by striking
9 “For the housing authority to establish a new program
10 of housing and supportive services for homeless vet-
11 erans”and inserting “for the construction, purchase, or
12 renovation of a facility to provide housing for homeless
13 veterans”.

14 Of the amounts made available under this heading,
15 \$150,000,000 shall be made available for a Sustainable
16 Communities Initiative to improve regional planning ef-
17 forts that integrate housing and transportation decisions,
18 and increase the capacity to improve land use and zoning:
19 *Provided*, That \$100,000,000 shall be for Regional Inte-
20 grated Planning Grants to support the linking of transpor-
21 tation and land use planning: *Provided further*, That not
22 less than \$25,000,000 of the funding made available for
23 Regional Integrated Planning Grants shall be awarded to
24 metropolitan areas of less than 500,000: *Provided further*,
25 That \$40,000,000 shall be for Community Challenge

1 Planning Grants to foster reform and reduce barriers to
2 achieve affordable, economically vital, and sustainable
3 communities: *Provided further*, That the Secretary will
4 consult with the Secretary of Transportation in evaluating
5 grant proposals: *Provided further*, That up to \$10,000,000
6 shall be for a joint Department of Housing and Urban
7 Development and Department of Transportation research
8 effort that shall include a rigorous evaluation of the Re-
9 gional Integrated Planning Grants and Community Chal-
10 lenge Planning Grants programs, as well as to provide
11 funding for a clearinghouse and capacity-building efforts:
12 *Provided further*, That of the amounts made available
13 under this heading, \$25,000,000 shall be made available
14 for the Rural Innovation Fund for grants to Indian tribes,
15 State housing finance agencies, State community and/or
16 economic development agencies, local rural nonprofits and
17 community development corporations to address the prob-
18 lems of concentrated rural housing distress and commu-
19 nity poverty: *Provided further*, That of the funding made
20 available under the previous proviso, at least \$5,000,000
21 shall be made available to promote economic development
22 and entrepreneurship for federally recognized Indian
23 Tribes, through activities including the capitalization of
24 revolving loan programs and business planning and devel-
25 opment, funding is also made available for technical assist-

1 ance to increase capacity through training and outreach
2 activities: *Provided further*, That the Department of Hous-
3 ing and Urban Development shall publish a notice of fund-
4 ing availability for the Rural Innovation Fund within 120
5 days of the enactment of this Act: *Provided further*, That
6 of the amounts made available under this heading,
7 \$25,000,000 is for grants pursuant to section 107 of the
8 Housing and Community Development Act of 1974 (42
9 U.S.C. 5307).

10 COMMUNITY DEVELOPMENT LOAN GUARANTEES

11 PROGRAM ACCOUNT

12 For the cost of guaranteed loans, \$6,435,000, to re-
13 main available until September 30, 2011, as authorized
14 by section 108 of the Housing and Community Develop-
15 ment Act of 1974 (42 U.S.C. 5308): *Provided*, That such
16 costs, including the cost of modifying such loans, shall be
17 as defined in section 502 of the Congressional Budget Act
18 of 1974: *Provided further*, That these funds are available
19 to subsidize total loan principal, any part of which is to
20 be guaranteed, not to exceed \$275,000,000, notwith-
21 standing any aggregate limitation on outstanding obliga-
22 tions guaranteed in section 108(k) of the Housing and
23 Community Development Act of 1974, as amended.

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 SELF-HELP AND ASSISTED HOMEOWNERSHIP

13 OPPORTUNITY PROGRAM

14 For the Self-Help and Assisted Homeownership Op-
15 portunity Program, as authorized under section 11 of the
16 Housing Opportunity Program Extension Act of 1996, as
17 amended, \$82,000,000, to remain available until Sep-
18 tember 30, 2012: *Provided*, That of the total amount pro-
19 vided under this heading, \$27,000,000 shall be made
20 available to the Self-Help and Assisted Homeownership
21 Opportunity Program as authorized under section 11 of
22 the Housing Opportunity Program Extension Act of 1996,
23 as amended: *Provided further*, That \$50,000,000 shall be
24 made available for the second, third and fourth capacity
25 building activities authorized under section 4(a) of the

1 HUD Demonstration Act of 1993 (42 U.S.C. 9816 note),
2 of which not less than \$5,000,000 may be made available
3 for rural capacity-building activities: *Provided further*,
4 That \$5,000,000 shall be made available for capacity-
5 building activities as authorized in sections 6301 through
6 6305 of Public Law 110–246.

7 HOMELESS ASSISTANCE GRANTS

8 (INCLUDING TRANSFER OF FUNDS)

9 For the emergency solutions grants program as au-
10 thorized under subtitle B of title IV of the McKinney-
11 Vento Homeless Assistance Act, as amended; the con-
12 tinuum of care program as authorized under subtitle C
13 of title IV of such Act; and the rural housing stability as-
14 sistance program as authorized under subtitle D of title
15 IV of such Act, \$2,055,000,000, of which \$2,050,000,000
16 shall remain available until September 30, 2013, and of
17 which \$5,000,000 shall remain available until expended
18 for project-based rental assistance with rehabilitation
19 projects with 10-year grant terms and any rental assist-
20 ance amounts that are recaptured under such continuum
21 of care program shall remain available until expended:
22 *Provided*, That up to \$200,000,000 of the funds appro-
23 priated under this heading shall be available for such
24 emergency solutions grants program: *Provided further*,
25 That no less than \$1,844,000,000 of the funds appro-

1 priated under this heading shall be available for such con-
2 tinuum of care and rural housing stability assistance pro-
3 grams: *Provided further*, That up to \$6,000,000 of the
4 funds appropriated under this heading shall be available
5 for the national homeless data analysis project: *Provided*
6 *further*, That for all match requirements applicable to
7 funds made available under this heading for this fiscal
8 year and prior years, a grantee may use (or could have
9 used) as a source of match funds other funds administered
10 by the Secretary and other Federal agencies unless there
11 is (or was) a specific statutory prohibition on any such
12 use of any such funds: *Provided further*, That the Sec-
13 retary shall renew on an annual basis expiring contracts
14 or amendments to contracts funded under the continuum
15 of care program if the program is determined to be needed
16 under the applicable continuum of care and meets appro-
17 priate program requirements and financial standards, as
18 determined by the Secretary: *Provided further*, That all
19 awards of assistance under this heading shall be required
20 to coordinate and integrate homeless programs with other
21 mainstream health, social services, and employment pro-
22 grams for which homeless populations may be eligible, in-
23 cluding Medicaid, State Children's Health Insurance Pro-
24 gram, Temporary Assistance for Needy Families, Food
25 Stamps, and services funding through the Mental Health

1 and Substance Abuse Block Grant, Workforce Investment
2 Act, and the Welfare-to-Work grant program: *Provided*
3 *further*, That all balances for Shelter Plus Care renewals
4 previously funded from the Shelter Plus Care Renewal ac-
5 count and transferred to this account shall be available,
6 if recaptured, for continuum of care renewals in fiscal year
7 2011.

8 HOUSING PROGRAMS

9 PROJECT-BASED RENTAL ASSISTANCE

10 For activities and assistance for the provision of
11 project-based subsidy contracts under the United States
12 Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the
13 Act”), not otherwise provided for, \$8,982,328,000, to re-
14 main available until expended, shall be available on Octo-
15 ber 1, 2010 (in addition to the \$393,672,000 previously
16 appropriated under this heading that will become available
17 October 1, 2010), and \$400,000,000, to remain available
18 until expended, shall be available on October 1, 2011: *Pro-*
19 *vided*, That the amounts made available under this head-
20 ing shall be available for expiring or terminating section
21 8 project-based subsidy contracts (including section 8
22 moderate rehabilitation contracts), for amendments to sec-
23 tion 8 project-based subsidy contracts (including section
24 8 moderate rehabilitation contracts), for contracts entered
25 into pursuant to section 441 of the McKinney-Vento

1 Homeless Assistance Act (42 U.S.C. 11401), for renewal
2 of section 8 contracts for units in projects that are subject
3 to approved plans of action under the Emergency Low In-
4 come Housing Preservation Act of 1987 or the Low-In-
5 come Housing Preservation and Resident Homeownership
6 Act of 1990, and for administrative and other expenses
7 associated with project-based activities and assistance
8 funded under this paragraph: *Provided further*, That of
9 the total amounts provided under this heading, not to ex-
10 ceed \$322,000,000 shall be available for performance-
11 based contract administrators for section 8 project-based
12 assistance: *Provided further*, That the Secretary of Hous-
13 ing and Urban Development may also use such amounts
14 in the previous proviso for performance-based contract ad-
15 ministrators for the administration of: interest reduction
16 payments pursuant to section 236(a) of the National
17 Housing Act (12 U.S.C. 1715z-1(a)); rent supplement
18 payments pursuant to section 101 of the Housing and
19 Urban Development Act of 1965 (12 U.S.C. 1701s); sec-
20 tion 236(f)(2) rental assistance payments (12 U.S.C.
21 1715z-1(f)(2)); project rental assistance contracts for the
22 elderly under section 202(c)(2) of the Housing Act of
23 1959 (12 U.S.C. 1701q); project rental assistance con-
24 tracts for supportive housing for persons with disabilities
25 under section 811(d)(2) of the Cranston-Gonzalez Na-

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

13 HOUSING FOR THE ELDERLY

14 For capital advances, including amendments to cap-
15 ital advance contracts, for housing for the elderly, as au-
16 thorized by section 202 of the Housing Act of 1959, as
17 amended, and for project rental assistance for the elderly
18 under section 202(c)(2) of such Act, including amend-
19 ments to contracts for such assistance and renewal of ex-
20 piring contracts for such assistance for up to a 1-year
21 term, and for supportive services associated with the hous-
22 ing, \$825,000,000, to remain available until September
23 30, 2014, of which up to \$582,000,000 shall be for capital
24 advance and project-based rental assistance awards: *Pro-*
25 *vided*, That amounts for project rental assistance con-

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

1 the terms and conditions of project rental assistance, ex-
2 cept that the initial contract term for such assistance shall
3 not exceed 5 years in duration.

4 HOUSING FOR PERSONS WITH DISABILITIES

5 For capital advance contracts, including amendments
6 to capital advance contracts, for supportive housing for
7 persons with disabilities, as authorized by section 811 of
8 the Cranston-Gonzalez National Affordable Housing Act
9 (42 U.S.C. 8013) and for project rental assistance for sup-
10 portive housing for persons with disabilities under section
11 811(d)(2) of such Act, including amendments to contracts
12 for such assistance and renewal of expiring contracts for
13 such assistance for up to a 1-year term, and for supportive
14 services associated with the housing for persons with dis-
15 abilities as authorized by section 811(b)(1) of such Act,
16 \$200,000,000, to remain available until September 30,
17 2014: *Provided*, That amounts for project rental assist-
18 ance contracts are to remain available for the liquidation
19 of valid obligations for 10 years following the date of such
20 obligation: *Provided further*, That the Secretary may waive
21 the provisions of section 811 governing the terms and con-
22 ditions of project rental assistance, except that the initial
23 contract term for such assistance shall not exceed 5 years
24 in duration: *Provided further*, That amounts made avail-
25 able under this heading shall be available for Real Estate

1 Assessment Center inspections and inspection-related ac-
2 tivities associated with section 811 Capital Advance
3 Projects.

4 HOUSING COUNSELING ASSISTANCE

5 For contracts, grants, and other assistance excluding
6 loans, as authorized under section 106 of the Housing and
7 Urban Development Act of 1968, as amended,
8 \$100,000,000, including up to \$2,500,000 for administra-
9 tive contract services, to remain available until September
10 30, 2012: *Provided*, That funds shall be used for providing
11 counseling and advice to tenants and homeowners, both
12 current and prospective, with respect to property mainte-
13 nance, financial management/literacy, and such other mat-
14 ters as may be appropriate to assist them in improving
15 their housing conditions, meeting their financial needs,
16 and fulfilling the responsibilities of tenancy or homeowner-
17 ship; for program administration; and for housing coun-
18 selor training.

19 OTHER ASSISTED HOUSING PROGRAMS

20 RENTAL HOUSING ASSISTANCE

21 For amendments to contracts under section 101 of
22 the Housing and Urban Development Act of 1965 (12
23 U.S.C. 1701s) and section 236(f)(2) of the National
24 Housing Act (12 U.S.C. 1715z-1) in State-aided, non-

1 insured rental housing projects, \$40,600,000, to remain
2 available until expended.

3 RENT SUPPLEMENT

4 (RESCISSION)

5 Of the amounts recaptured from terminated con-
6 tracts under section 101 of the Housing and Urban Devel-
7 opment Act of 1965 (12 U.S.C. 1701s) and section 236
8 of the National Housing Act (12 U.S.C. 1715z-1)
9 \$40,600,000 are rescinded: *Provided*, That no amounts
10 may be rescinded from amounts that were designated by
11 the Congress as an emergency requirement pursuant to
12 the Concurrent Resolution on the Budget or the Balanced
13 Budget and Emergency Deficit Control Act of 1985, as
14 amended.

15 PAYMENT TO MANUFACTURED HOUSING FEES TRUST

16 FUND

17 For necessary expenses as authorized by the National
18 Manufactured Housing Construction and Safety Stand-
19 ards Act of 1974 (42 U.S.C. 5401 et seq.), up to
20 \$14,000,000, to remain available until expended, of which
21 \$7,000,000 is to be derived from the Manufactured Hous-
22 ing Fees Trust Fund: *Provided*, That not to exceed the
23 total amount appropriated under this heading shall be
24 available from the general fund of the Treasury to the ex-
25 tent necessary to incur obligations and make expenditures

1 pending the receipt of collections to the Fund pursuant
2 to section 620 of such Act: *Provided further*, That the
3 amount made available under this heading from the gen-
4 eral fund shall be reduced as such collections are received
5 during fiscal year 2011 so as to result in a final fiscal
6 year 2011 appropriation from the general fund estimated
7 at not more than \$7,000,000 and fees pursuant to such
8 section 620 shall be modified as necessary to ensure such
9 a final fiscal year 2011 appropriation: *Provided further*,
10 That for the dispute resolution and installation programs,
11 the Secretary of Housing and Urban Development may
12 assess and collect fees from any program participant: *Pro-*
13 *vided further*, That such collections shall be deposited into
14 the Fund, and the Secretary, as provided herein, may use
15 such collections, as well as fees collected under section
16 620, for necessary expenses of such Act: *Provided further*,
17 That notwithstanding the requirements of section 620 of
18 such Act, the Secretary may carry out responsibilities of
19 the Secretary under such Act through the use of approved
20 service providers that are paid directly by the recipients
21 of their services.

1 FEDERAL HOUSING ADMINISTRATION
2 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT
3 (INCLUDING TRANSFERS OF FUNDS)
4 New commitments to guarantee single family loans
5 insured under the Mutual Mortgage Insurance Fund shall
6 not exceed \$400,000,000,000, to remain available until
7 September 30, 2012: *Provided*, That for the cost of new
8 guaranteed loans, as authorized by section 255 of the Na-
9 tional Housing Act (12 U.S.C. 1715z-20), \$150,000,000:
10 *Provided further*, That during fiscal year 2011, obligations
11 to make direct loans to carry out the purposes of section
12 204(g) of the National Housing Act, as amended, shall
13 not exceed \$50,000,000: *Provided further*, That the fore-
14 going amount in the previous proviso shall be for loans
15 to nonprofit and governmental entities in connection with
16 sales of single family real properties owned by the Sec-
17 retary and formerly insured under the Mutual Mortgage
18 Insurance Fund. For administrative contract expenses of
19 the Federal Housing Administration, \$220,000,000, to re-
20 main available until September 30, 2012, of which up to
21 \$71,500,000 may be transferred to and merged with the
22 Working Capital Fund: *Provided further*, That to the ex-
23 tent guaranteed loan commitments exceed
24 \$200,000,000,000 on or before April 1, 2011, an addi-
25 tional \$1,400 for administrative contract expenses shall be

1 available for each \$1,000,000 in additional guaranteed
2 loan commitments (including a pro rata amount for any
3 amount below \$1,000,000), but in no case shall funds
4 made available by this proviso exceed \$30,000,000.

5 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

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

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

19 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

20 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN

21 GUARANTEE PROGRAM ACCOUNT

22 New commitments to issue guarantees to carry out
23 the purposes of section 306 of the National Housing Act,
24 as amended (12 U.S.C. 1721(g)), shall not exceed

1 \$500,000,000,000, to remain available until September
2 30, 2012.

3 POLICY DEVELOPMENT AND RESEARCH

4 RESEARCH AND TECHNOLOGY

5 For contracts, grants, and necessary expenses of pro-
6 grams of research and studies relating to housing and
7 urban problems, not otherwise provided for, as authorized
8 by title V of the Housing and Urban Development Act
9 of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying
10 out the functions of the Secretary of Housing and Urban
11 Development under section 1(a)(1)(i) of Reorganization
12 Plan No. 2 of 1968, \$62,000,000, to remain available
13 until September 30, 2012.

14 FAIR HOUSING AND EQUAL OPPORTUNITY

15 FAIR HOUSING ACTIVITIES

16 For contracts, grants, and other assistance, not oth-
17 erwise provided for, as authorized by title VIII of the Civil
18 Rights Act of 1968, as amended by the Fair Housing
19 Amendments Act of 1988, and section 561 of the Housing
20 and Community Development Act of 1987, as amended,
21 \$72,000,000, to remain available until September 30,
22 2012, of which \$42,500,000 shall be to carry out activities
23 pursuant to such section 561: *Provided*, That of the funds
24 made available to carry out section 561, not less than
25 \$10,000,000 shall be available to carry out authorized ac-

1 tivities, including training, education and enforcement in
 2 order to protect the public from discriminatory lending
 3 practices and mortgage rescue scams: *Provided further*,
 4 That the Secretary shall publish a notice of funding avail-
 5 ability for amounts made available under the previous pro-
 6 viso within 60 days of the enactment of this Act: *Provided*
 7 *further*, That notwithstanding 31 U.S.C. 3302, the Sec-
 8 retary may assess and collect fees to cover the costs of
 9 the Fair Housing Training Academy, and may use such
 10 funds to provide such training: *Provided further*, That no
 11 funds made available under this heading shall be used to
 12 lobby the executive or legislative branches of the Federal
 13 Government in connection with a specific contract, grant
 14 or loan: *Provided further*, That of the funds made available
 15 under this heading, \$500,000 shall be available to the Sec-
 16 retary of Housing and Urban Development for the cre-
 17 ation and promotion of translated materials and other pro-
 18 grams that support the assistance of persons with limited
 19 English proficiency in utilizing the services provided by
 20 the Department of Housing and Urban Development.

21 OFFICE OF LEAD HAZARD CONTROL AND HEALTHY

22 HOMES

23 LEAD HAZARD REDUCTION

24 For the Lead Hazard Reduction Program, as author-
 25 ized by section 1011 of the Residential Lead-Based Paint

1 Hazard Reduction Act of 1992, \$140,000,000, to remain
2 available until September 30, 2012, of which not less than
3 \$40,000,000 shall be for the Healthy Homes Initiative,
4 pursuant to sections 501 and 502 of the Housing and
5 Urban Development Act of 1970 that shall include re-
6 search, studies, testing, and demonstration efforts, includ-
7 ing education and outreach concerning lead-based paint
8 poisoning and other housing-related diseases and hazards:
9 *Provided*, That for purposes of environmental review, pur-
10 suant to the National Environmental Policy Act of 1969
11 (42 U.S.C. 4321 et seq.) and other provisions of the law
12 that further the purposes of such Act, a grant under the
13 Healthy Homes Initiative, Operation Lead Elimination
14 Action Plan (LEAP), or the Lead Technical Studies pro-
15 gram under this heading or under prior appropriations
16 Acts for such purposes under this heading, shall be consid-
17 ered to be funds for a special project for purposes of sec-
18 tion 305(c) of the Multifamily Housing Property Disposi-
19 tion Reform Act of 1994: *Provided further*, That of the
20 total amount made available under this heading,
21 \$48,000,000 shall be made available on a competitive
22 basis for areas with the highest lead paint abatement
23 needs: *Provided further*, That each recipient of funds pro-
24 vided under the second proviso shall make a matching con-
25 tribution in an amount not less than 25 percent: *Provided*

1 *further*, That the Secretary may waive the matching re-
2 quirement cited in the preceding proviso on a case by case
3 basis if the Secretary determines that such a waiver is nec-
4 essary to advance the purposes of this program: *Provided*
5 *further*, That each applicant shall submit a detailed plan
6 and strategy that demonstrates adequate capacity that is
7 acceptable to the Secretary to carry out the proposed use
8 of funds pursuant to a notice of funding availability: *Pro-*
9 *vided further*, That amounts made available under this
10 heading in this or prior appropriations Acts, and that still
11 remain available, may be used for any purpose under this
12 heading notwithstanding the purpose for which such
13 amounts were appropriated if a program competition is
14 undersubscribed and there are other program competitions
15 under this heading that are oversubscribed.

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
3 may be used for the purposes specified under this Fund,
4 in addition to any other information technology the pur-
5 poses for which such amounts were appropriated.

6 MANAGEMENT AND ADMINISTRATION

7 OFFICE OF INSPECTOR GENERAL

8 For necessary salaries and expenses of the Office of
9 Inspector General in carrying out the Inspector General
10 Act of 1978, as amended, \$125,000,000: *Provided*, That
11 the Inspector General shall have independent authority
12 over all personnel issues within this office.

13 TRANSFORMATION INITIATIVE

14 (INCLUDING TRANSFER OF FUNDS)

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

17 In addition, of the amounts made available in this
18 Act under each of the following headings under this title,
19 the Secretary may transfer to, and merge with, this ac-
20 count up to 1 percent from each such account, and such
21 transferred amounts shall be available until September 30,
22 2013, for (1) research, evaluation, and program metrics;
23 (2) program demonstrations; (3) technical assistance and
24 capacity building; and (4) information technology: “Public
25 Housing Capital Fund”, “Choice Neighborhoods Initia-

1 tive”, “Housing Opportunities for Persons With AIDS”,
2 “Community Development Fund”, “HOME Investment
3 Partnerships Program”, “Housing for the Elderly”,
4 “Housing for Persons With Disabilities”, “Housing Coun-
5 seling Assistance”, “Payment to Manufactured Housing
6 Fees Trust Fund”, “Mutual Mortgage Insurance Program
7 Account”, “Lead Hazard Reduction”, “Rental Housing
8 Assistance”, and “Fair Housing Activities”: *Provided*,
9 That of the amounts made available under this paragraph,
10 not less than \$80,000,000 and not more than
11 \$180,000,000 shall be available for information technology
12 modernization, including development and deployment of
13 a Next Generation of Voucher Management System and
14 development and deployment of modernized Federal Hous-
15 ing Administration systems: *Provided further*, That not
16 more than 25 percent of the funds made available for in-
17 formation technology modernization may be obligated
18 until the Secretary submits to the Committees on Appro-
19 priations a plan for expenditure that (1) identifies for each
20 modernization project (a) the functional and performance
21 capabilities to be delivered and the mission benefits to be
22 realized, (b) the estimated life-cycle cost, and (c) key mile-
23 stones to be met; (2) demonstrates that each moderniza-
24 tion project is (a) compliant with the department’s enter-
25 prise architecture, (b) being managed in accordance with

1 applicable life-cycle management policies and guidance, (c)
2 subject to the department's capital planning and invest-
3 ment control requirements, and (d) supported by an ade-
4 quately staffed project office; and (3) has been reviewed
5 by the Government Accountability Office: *Provided fur-*
6 *ther*, That of the amounts made available under this para-
7 graph, not less than \$60,000,000 shall be available for
8 technical assistance and capacity building: *Provided fur-*
9 *ther*, That technical assistance activities shall include,
10 technical assistance for HUD programs, including
11 HOME, Community Development Block Grant, homeless
12 programs, HOPWA, HOPE VI, Public Housing, the
13 Housing Choice Voucher Program, Fair Housing Initia-
14 tive Program, Housing Counseling, Healthy Homes, Sus-
15 tainable Communities, and other technical assistance as
16 determined by the Secretary: *Provided further*, That the
17 Secretary shall submit a plan to the House and Senate
18 Committees on Appropriations for approval detailing how
19 the funding provided under this heading will be allocated
20 to each of the four categories identified under this heading
21 and for what projects or activities funding will be used:
22 *Provided further*, That following the initial approval of this
23 plan, the Secretary may amend the plan with the approval
24 of the House and Senate Committees on Appropriations:
25 *Provided further*, That with respect to amounts made

1 available under this heading for research, evaluation, pro-
2 gram metrics, and program demonstrations, notwith-
3 standing section 204 of this title, the Secretary may make
4 grants or enter into cooperative agreements that include
5 a substantial match contribution.

6 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND
7 URBAN DEVELOPMENT

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

19 (1) allocating to the City of Jersey City, New
20 Jersey, the proportion of the metropolitan area’s or
21 division’s amount that is based on the number of
22 cases of AIDS reported in the portion of the metro-
23 politan area or division that is located in Hudson
24 County, New Jersey, and adjusting for the propor-
25 tion of the metropolitan division’s high-incidence

1 bonus if this area in New Jersey also has a higher
2 than average per capita incidence of AIDS; and

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

18 (d) Notwithstanding any other provision of law, the
19 amount allocated for fiscal year 2011 under section 854(c)
20 of the AIDS Housing Opportunity Act (42 U.S.C.
21 12903(c)) to areas with a higher than average per capita
22 incidence of AIDS, shall be adjusted by the Secretary on
23 the basis of area incidence reported over a 3-year period.

24 SEC. 204. Except as explicitly provided in law, any
25 grant, cooperative agreement or other assistance made

1 pursuant to title II of this Act shall be made on a competi-
2 tive basis and in accordance with section 102 of the De-
3 partment of Housing and Urban Development Reform Act
4 of 1989 (42 U.S.C. 3545).

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

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

24 SEC. 207. Corporations and agencies of the Depart-
25 ment of Housing and Urban Development which are sub-

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

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

1 SEC. 209. (a) Notwithstanding any other provision
2 of law, the amount allocated for fiscal year 2011 under
3 section 854(c) of the AIDS Housing Opportunity Act (42
4 U.S.C. 12903(e)), to the City of Wilmington, Delaware,
5 on behalf of the Wilmington, Delaware-Maryland-New
6 Jersey Metropolitan Division (hereafter “metropolitan di-
7 vision”), shall be adjusted by the Secretary of Housing
8 and Urban Development by allocating to the State of New
9 Jersey the proportion of the metropolitan division’s
10 amount that is based on the number of cases of AIDS
11 reported in the portion of the metropolitan division that
12 is located in New Jersey, and adjusting for the proportion
13 of the metropolitan division’s high-incidence bonus if this
14 area in New Jersey also has a higher than average per
15 capita incidence of AIDS. The State of New Jersey shall
16 use amounts allocated to the State under this subsection
17 to carry out eligible activities under section 855 of the
18 AIDS Housing Opportunity Act (42 U.S.C. 12904) in the
19 portion of the metropolitan division that is located in New
20 Jersey.

21 (b) Notwithstanding any other provision of law, the
22 Secretary of Housing and Urban Development shall allo-
23 cate to Wake County, North Carolina, the amounts that
24 otherwise would be allocated for fiscal year 2011 under
25 section 854(c) of the AIDS Housing Opportunity Act (42

1 U.S.C. 12903(c)) to the City of Raleigh, North Carolina,
2 on behalf of the Raleigh-Cary, North Carolina Metropoli-
3 tan Statistical Area. Any amounts allocated to Wake
4 County shall be used to carry out eligible activities under
5 section 855 of such Act (42 U.S.C. 12904) within such
6 metropolitan statistical area.

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

1 SEC. 210 The President's formal budget request for
2 fiscal year 2011, as well as the Department of Housing
3 and Urban Development's congressional budget justifica-
4 tions to be submitted to the Committees on Appropriations
5 of the House of Representatives and the Senate, shall use
6 the identical account and sub-account structure provided
7 under this Act.

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

1 public housing agency or other administering entity on
2 issues related to public housing and section 8. Such advi-
3 sory board shall meet not less than quarterly.

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

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

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

18 (2) The transferring project shall, as deter-
19 mined by the Secretary, be either physically obsolete
20 or economically nonviable.

21 (3) The receiving project or projects shall meet
22 or exceed applicable physical standards established
23 by the Secretary.

24 (4) The owner or mortgagor of the transferring
25 project shall notify and consult with the tenants re-

1 siding in the transferring project and provide a cer-
2 tification of approval by all appropriate local govern-
3 mental officials.

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

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

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

19 (8) If the transferring project meets the re-
20 quirements of subsection (c)(2)(E), the owner or
21 mortgagor of the receiving project or projects shall
22 execute and record either a continuation of the exist-
23 ing use agreement or a new use agreement for the
24 project where, in either case, any use restrictions in

1 such agreement are of no lesser duration than the
2 existing use restrictions.

3 (9) Any financial risk to the FHA General and
4 Special Risk Insurance Fund, as determined by the
5 Secretary, would be reduced as a result of a transfer
6 completed under this section.

7 (10) The Secretary determines that Federal li-
8 ability with regard to this project will not be in-
9 creased.

10 (c) For purposes of this section—

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

15 (2) the term “multifamily housing project”
16 means housing that meets one of the following con-
17 ditions—

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

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

1 (C) housing that is assisted under section
2 202 of the Housing Act of 1959 as amended by
3 section 801 of the Cranston-Gonzales National
4 Affordable Housing Act;

5 (D) housing that is assisted under section
6 202 of the Housing Act of 1959, as such sec-
7 tion existed before the enactment of the Cran-
8 ston-Gonzales National Affordable Housing Act;
9 or

10 (E) housing or vacant land that is subject
11 to a use agreement;

12 (3) the term “project-based assistance”
13 means—

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

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

21 (C) rent supplement payments under sec-
22 tion 101 of the Housing and Urban Develop-
23 ment Act of 1965;

24 (D) interest reduction payments under sec-
25 tion 236 and/or additional assistance payments

1 under section 236(f)(2) of the National Hous-
2 ing Act; and

3 (E) assistance payments made under sec-
4 tion 202(c)(2) of the Housing Act of 1959;

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

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

16 (6) the term “Secretary” means the Secretary
17 of Housing and Urban Development.

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

23 SEC. 214. No funds provided under this title may be
24 used for an audit of the Government National Mortgage

1 Association that makes applicable requirements under the
2 Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

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

6 (1) is enrolled as a student at an institution of
7 higher education (as defined under section 102 of
8 the Higher Education Act of 1965 (20 U.S.C.
9 1002));

10 (2) is under 24 years of age;

11 (3) is not a veteran;

12 (4) is unmarried;

13 (5) does not have a dependent child;

14 (6) is not a person with disabilities, as such
15 term is defined in section 3(b)(3)(E) of the United
16 States Housing Act of 1937 (42 U.S.C.
17 1437a(b)(3)(E)) and was not receiving assistance
18 under such section 8 as of November 30, 2005; and

19 (7) is not otherwise individually eligible, or has
20 parents who, individually or jointly, are not eligible,
21 to receive assistance under section 8 of the United
22 States Housing Act of 1937 (42 U.S.C. 1437f).

23 (b) For purposes of determining the eligibility of a
24 person to receive assistance under section 8 of the United
25 States Housing Act of 1937 (42 U.S.C. 1437f), any finan-

1 cial assistance (in excess of amounts received for tuition)
2 that an individual receives under the Higher Education
3 Act of 1965 (20 U.S.C. 1001 et seq.), from private
4 sources, or an institution of higher education (as defined
5 under the Higher Education Act of 1965 (20 U.S.C.
6 1002)), shall be considered income to that individual, ex-
7 cept for a person over the age of 23 with dependent chil-
8 dren.

9 SEC. 216. Notwithstanding the limitation in the first
10 sentence of section 255(g) of the National Housing Act
11 (12 U.S.C. 1715z–g)), the Secretary of Housing and
12 Urban Development may, until September 30, 2011, in-
13 sure and enter into commitments to insure mortgages
14 under section 255(g) of the National Housing Act (12
15 U.S.C. 1715z–20).

16 SEC. 217. Notwithstanding any other provision of
17 law, in fiscal year 2011, in managing and disposing of any
18 multifamily property that is owned or has a mortgage held
19 by the Secretary of Housing and Urban Development, and
20 during the process of foreclosure on any property with a
21 contract for rental assistance payments under section 8
22 of the United States Housing Act of 1937 or other Fed-
23 eral programs, the Secretary shall maintain any rental as-
24 sistance payments under section 8 of the United States
25 Housing Act of 1937 and other programs that are at-

1 tached to any dwelling units in the property. To the extent
2 the Secretary determines, in consultation with the tenants
3 and the local government, that such a multifamily prop-
4 erty owned or held by the Secretary is not feasible for con-
5 tinued rental assistance payments under such section 8
6 or other programs, based on consideration of (1) the costs
7 of rehabilitating and operating the property and all avail-
8 able Federal, State, and local resources, including rent ad-
9 justments under section 524 of the Multifamily Assisted
10 Housing Reform and Affordability Act of 1997
11 (“MAHRAA”) and (2) environmental conditions that can-
12 not be remedied in a cost-effective fashion, the Secretary
13 may, in consultation with the tenants of that property,
14 contract for project-based rental assistance payments with
15 an owner or owners of other existing housing properties,
16 or provide other rental assistance. The Secretary shall also
17 take appropriate steps to ensure that project-based con-
18 tracts remain in effect prior to foreclosure, subject to the
19 exercise of contractual abatement remedies to assist relo-
20 cation of tenants for imminent major threats to health and
21 safety after written notice to and informed consent of the
22 affected tenants and use of other available remedies, such
23 as partial abatements or receivership. After disposition of
24 any multifamily property described under this section, the
25 contract and allowable rent levels on such properties shall

1 be subject to the requirements under section 524 of
2 MAHRAA.

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

19 SEC. 219. The Secretary of Housing and Urban De-
20 velopment shall report quarterly to the House of Rep-
21 resentatives and Senate Committees on Appropriations on
22 HUD's use of all sole-source contracts, including terms
23 of the contracts, cost, and a substantive rationale for
24 using a sole-source contract.

1 SEC. 220. Notwithstanding any other provision of
2 law, the recipient of a grant under section 202b of the
3 Housing Act of 1959 (12 U.S.C. 1701q) after December
4 26, 2000, in accordance with the unnumbered paragraph
5 at the end of section 202(b) of such Act, may, at its op-
6 tion, establish a single-asset nonprofit entity to own the
7 project and may lend the grant funds to such entity, which
8 may be a private nonprofit organization described in sec-
9 tion 831 of the American Homeownership and Economic
10 Opportunity Act of 2000.

11 SEC. 221. (a) The amounts provided under the sub-
12 heading “Program Account” under the heading “Commu-
13 nity Development Loan Guarantees” may be used to guar-
14 antee, or make commitments to guarantee, notes, or other
15 obligations issued by any State on behalf of nonentitle-
16 ment communities in the State in accordance with the re-
17 quirements of section 108 of the Housing and Community
18 Development Act of 1974 in fiscal year 2011 and subse-
19 quent years: *Provided*, That, any State receiving such a
20 guarantee or commitment shall distribute all funds subject
21 to such guarantee to the units of general local government
22 in nonentitlement areas that received the commitment.

23 (b) Not later than 60 days after the date of enact-
24 ment of this Act, the Secretary of Housing and Urban
25 Development shall promulgate regulations governing the

1 administration of the funds described under subsection
2 (a).

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

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

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

11 SEC. 223. Public housing agencies that own and oper-
12 ate 400 or fewer public housing units may elect to be ex-
13 empt from any asset management requirement imposed by
14 the Secretary of Housing and Urban Development in con-
15 nection with the operating fund rule: *Provided*, That an
16 agency seeking a discontinuance of a reduction of subsidy
17 under the operating fund formula shall not be exempt
18 from asset management requirements.

19 SEC. 224. With respect to the use of amounts pro-
20 vided in this Act and in future Acts for the operation, cap-
21 ital improvement and management of public housing as
22 authorized by sections 9(d) and 9(e) of the United States
23 Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the
24 Secretary shall not impose any requirement or guideline
25 relating to asset management that restricts or limits in

1 any way the use of capital funds for central office costs
2 pursuant to section 9(g)(1) or 9(g)(2) of the United States
3 Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Pro-*
4 *vided*, That a public housing agency may not use capital
5 funds authorized under section 9(d) for activities that are
6 eligible under section 9(e) for assistance with amounts
7 from the operating fund in excess of the amounts per-
8 mitted under section 9(g)(1) or 9(g)(2).

9 SEC. 225. No official or employee of the Department
10 of Housing and Urban Development shall be designated
11 as an allotment holder unless the Office of the Chief Fi-
12 nancial Officer has determined that such allotment holder
13 has implemented an adequate system of funds control and
14 has received training in funds control procedures and di-
15 rectives. The Chief Financial Officer shall ensure that, not
16 later than 90 days after the date of enactment of this Act,
17 a trained allotment holder shall be designated for each
18 HUD subaccount under the headings “Executive Direc-
19 tion” and heading “Administration, Operations, and Man-
20 agement” as well as each account receiving appropriations
21 for “personnel compensation and benefits” within the De-
22 partment of Housing and Urban Development.

23 SEC. 226. The Secretary of Housing and Urban De-
24 velopment shall report quarterly to the House of Rep-
25 resentatives and Senate Committees on Appropriations on

1 the status of all section 8 project-based housing, including
2 the number of all project-based units by region as well
3 as an analysis of all federally subsidized housing being re-
4 financed under the Mark-to-Market program. The Sec-
5 retary shall in the report identify all existing units main-
6 tained by region as section 8 project-based units and all
7 project-based units that have opted out of section 8 or
8 have otherwise been eliminated as section 8 project-based
9 units. The Secretary shall identify in detail and by project
10 all the efforts made by the Department to preserve all sec-
11 tion 8 project-based housing units and all the reasons for
12 any units which opted out or otherwise were lost as section
13 8 project-based units. Such analysis shall include a review
14 of the impact of the loss of any subsidized units in that
15 housing marketplace, such as the impact of cost and the
16 loss of available subsidized, low-income housing in areas
17 with scarce housing resources for low-income families.

18 SEC. 227. Payment of attorney fees in program-re-
19 lated litigation must be paid from individual program of-
20 fice personnel benefits and compensation funding. The an-
21 nual budget submission for program office personnel ben-
22 efit and compensation funding must include program-re-
23 lated litigation costs for attorney fees as a separate line
24 item request.

1 SEC. 228. The Secretary of the Department of Hous-
2 ing and Urban Development shall for fiscal year 2011 and
3 subsequent fiscal years, notify the public through the Fed-
4 eral Register and other means, as determined appropriate,
5 of the issuance of a notice of the availability of assistance
6 or notice of funding availability (NOFA) for any program
7 or discretionary fund administered by the Secretary that
8 is to be competitively awarded. Notwithstanding any other
9 provision of law, for fiscal year 2011 and subsequent fiscal
10 years, the Secretary may make the NOFA available only
11 on the Internet at the appropriate Government Web site
12 or Web site or through other electronic media, as deter-
13 mined by the Secretary.

14 SEC. 229. (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 may 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. 230. 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 fund-raising 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. 231. The Secretary of the Department of Hous-
23 ing and Urban Development is authorized to transfer up
24 to 5 percent of the funds made available for personnel or
25 nonpersonnel expenses under any account or any set-aside

1 within any account under this title under the general head-
2 ing “Personnel Compensation and Benefits”, and under
3 the account headings “Executive Direction” and “Admin-
4 istration, Operations and Management”, to any other such
5 account or any other such set-aside within any such ac-
6 count: *Provided*, That any transfer over 5 percent must
7 be submitted to and receive the prior written approval of
8 the House and Senate Committees on Appropriations.

9 SEC. 232. The Disaster Housing Assistance Pro-
10 grams, administered by the Department of Housing and
11 Urban Development, shall be considered a “program of
12 the Department of Housing and Urban Development”
13 under section 904 of the McKinney Act for the purpose
14 of income verifications and matching.

15 SEC. 233. Of the amounts made available for salaries
16 and expenses under all accounts under this title (except
17 for the Office of Inspector General account), a total of
18 up to \$15,000,000 may be transferred to and merged with
19 amounts made available in the “Working Capital Fund”
20 account or the “Transformation Initiative” account under
21 this title. Any amounts transferred to the “Trans-
22 formation Initiative” account shall only be available for
23 information technology requirements and shall remain
24 available until September 30, 2013.

1 SEC. 234. 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:

4
5 (B) “In addition to the premium under
6 subparagraph (A), the Secretary may establish
7 and collect annual premium payments in an
8 amount not exceeding 1.50 percent of the re-
9 maining insured principal balance (excluding
10 the portion of the remaining balance attrib-
11 utable to the premium collected under subpara-
12 graph (A) and without taking into account de-
13 linquent payments or prepayments). The Sec-
14 retary, by publication of a notice in the Federal
15 Register, may establish or change the amount
16 of the premium under subparagraph (A) or the
17 annual premium, and the period of the mort-
18 gage term for which an annual premium
19 amount shall apply.”.

20 SEC. 235. Title II of division I of Public Law 108–
21 447 and title III of Public Law 109–115 are each amend-
22 ed by striking the item related to “Flexible Subsidy
23 Fund”.

24 SEC. 236. (a) LOAN LIMIT FLOOR BASED ON 2008
25 LEVELS.—For mortgages for which the mortgagee issues

1 credit approval for the borrower during fiscal year 2011,
2 if the dollar amount limitation on the principal obligation
3 of a mortgage determined under section 203(b)(2) of the
4 National Housing Act (12 U.S.C. 1709(b)(2)) for any size
5 residence for any area is less than such dollar amount lim-
6 itation that was in effect for such size residence for such
7 area for 2008 pursuant to section 202 of the Economic
8 Stimulus Act of 2008 (Public Law 110–185; 122 Stat.
9 620), notwithstanding any other provision of law or of this
10 Act, the maximum dollar amount limitation on the prin-
11 cipal obligation of a mortgage for such size residence for
12 such area for purposes of such section 203(b)(2) shall be
13 considered (except for purposes of section 255(g) of such
14 Act (12 U.S.C. 1715z–20(g))) to be such dollar amount
15 limitation in effect for such size residence for such area
16 for 2008.

17 (b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—
18 Notwithstanding any other provision of law or of this joint
19 resolution, if the Secretary of Housing and Urban Devel-
20 opment determines, for any geographic area that is small-
21 er than an area for which dollar amount limitations on
22 the principal obligation of a mortgage are determined
23 under section 203(b)(2) of the National Housing Act, that
24 a higher such maximum dollar amount limitation is war-
25 ranted for any particular size or sizes of residences in such

1 sub-area by higher median home prices in such sub-area,
2 the Secretary may, for mortgages for which the mortgagee
3 issues credit approval for the borrower during fiscal year
4 2011, increase the maximum dollar amount limitation for
5 such size or sizes of residences for such sub-area that is
6 otherwise in effect (including pursuant to subsection (a)
7 of this section), but in no case to an amount that exceeds
8 the amount specified in section 202(a)(2) of the Economic
9 Stimulus Act of 2008.

10 SEC. 237. (a) LOAN LIMIT FLOOR BASED ON 2008
11 LEVELS.—For mortgages originated during fiscal year
12 2011, if the limitation on the maximum original principal
13 obligation of a mortgage that may be purchased by the
14 Federal National Mortgage Association or the Federal
15 Home Loan Mortgage Corporation determined under sec-
16 tion 302(b)(2) of the Federal National Mortgage Associa-
17 tion Charter Act (12 U.S.C. 1717(b)(2)) or section
18 305(a)(2) of the Federal Home Loan Mortgage Corpora-
19 tion Act (12 U.S.C. 1754(a)(2)) respectively, for any size
20 residence for any area is less than such maximum original
21 principal obligation limitation that was in effect for such
22 size residence for such area for 2008 pursuant to section
23 201 of the Economic Stimulus Act of 2008 (Public Law
24 110–185; 122 Stat. 619), notwithstanding any other pro-
25 vision of law or of this Act, the limitation on the maximum

1 original principal obligation of a mortgage for such Asso-
2 ciation and Corporation for such size residence for such
3 area shall be such maximum limitation in effect for such
4 size residence for such area for 2008.

5 (b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—
6 Notwithstanding any other provision of law or of this Act,
7 if the Director of the Federal Housing Finance Agency
8 determines, for any geographic area that is smaller than
9 an area for which limitations on the maximum original
10 principal obligation of a mortgage are determined for the
11 Federal National Mortgage Association or the Federal
12 Home Loan Mortgage Corporation, that a higher such
13 maximum original principal obligation limitation is war-
14 ranted for any particular size or sizes of residences in such
15 sub-area by higher median home prices in such sub-area,
16 the Director may, for mortgages originated during fiscal
17 year 2011, increase the maximum original principal obli-
18 gation limitation for such size or sizes of residences for
19 such sub-area that is otherwise in effect (including pursu-
20 ant to subsection (a) of this section) for such Association
21 and Corporation, but in no case to an amount that exceeds
22 the amount specified in the matter following the comma
23 in section 201(a)(1)(B) of the Economic Stimulus Act of
24 2008.

1 SEC. 238. Notwithstanding any other provision of
2 this Act, for mortgages for which the mortgagee issues
3 credit approval for the borrower during fiscal year 2011,
4 the second sentence of section 255(g) of the National
5 Housing Act (12 U.S.C. 1715z-20(g)) shall be considered
6 to require that in no case may the benefits of insurance
7 under such section 255 exceed 150 percent of the max-
8 imum dollar amount in effect under the sixth sentence of
9 section 305(a)(2) of the Federal Home Loan Mortgage
10 Corporation Act (12 U.S.C. 1454(a)(2)).

11 TITLE III

12 RELATED AGENCIES

13 ACCESS BOARD

14 SALARIES AND EXPENSES

15 For expenses necessary for the Access Board, as au-
16 thorized by section 502 of the Rehabilitation Act of 1973,
17 as amended, \$7,367,000: *Provided*, That, notwithstanding
18 any other provision of law, there may be credited to this
19 appropriation funds received for publications and training
20 expenses.

21 FEDERAL MARITIME COMMISSION

22 SALARIES AND EXPENSES

23 For necessary expenses of the Federal Maritime
24 Commission as authorized by section 201(d) of the Mer-
25 chant Marine Act, 1936, as amended (46 U.S.C. App.

1 1111), including services as authorized by 5 U.S.C. 3109;
2 hire of passenger motor vehicles as authorized by 31
3 U.S.C. 1343(b); and uniforms or allowances therefore, as
4 authorized by 5 U.S.C. 5901–5902, \$25,498,000: *Pro-*
5 *vided*, That not to exceed \$2,000 shall be available for offi-
6 cial reception and representation expenses.

7 NATIONAL RAILROAD PASSENGER CORPORATION OFFICE
8 OF INSPECTOR GENERAL
9 OFFICE OF INSPECTOR GENERAL
10 SALARIES AND EXPENSES

11 For necessary expenses of the Office of Inspector
12 General for the National Railroad Passenger Corporation
13 to carry out the provisions of the Inspector General Act
14 of 1978, as amended, \$19,500,000: *Provided*, That the In-
15 spector General shall have all necessary authority, in car-
16 rying out the duties specified in the Inspector General Act,
17 as amended (5 U.S.C. App. 3), to investigate allegations
18 of fraud, including false statements to the government (18
19 U.S.C. 1001), by any person or entity that is subject to
20 regulation by the National Railroad Passenger Corpora-
21 tion: *Provided further*, That the Inspector General may
22 enter into contracts and other arrangements for audits,
23 studies, analyses, and other services with public agencies
24 and with private persons, subject to the applicable laws
25 and regulations that govern the obtaining of such services

1 within the National Railroad Passenger Corporation: *Pro-*
2 *vided further*, That the Inspector General may select, ap-
3 point, and employ such officers and employees as may be
4 necessary for carrying out the functions, powers, and du-
5 ties of the Office of Inspector General, subject to the appli-
6 cable laws and regulations that govern such selections, ap-
7 pointments, and employment within Amtrak: *Provided fur-*
8 *ther*, That concurrent with the President's budget request
9 for fiscal year 2012, the Inspector General shall submit
10 to the House and Senate Committees on Appropriations
11 a budget request for fiscal year 2012 in similar format
12 and substance to those submitted by executive agencies
13 of the Federal Government.

14 NATIONAL TRANSPORTATION SAFETY BOARD

15 SALARIES AND EXPENSES

16 For necessary expenses of the National Transpor-
17 tation Safety Board, including hire of passenger motor ve-
18 hicles and aircraft; services as authorized by 5 U.S.C.
19 3109, but at rates for individuals not to exceed the per
20 diem rate equivalent to the rate for a GS-15; uniforms,
21 or allowances therefor, as authorized by law (5 U.S.C.
22 5901-5902), \$104,300,000, of which not to exceed \$2,000
23 may be used for official reception and representation ex-
24 penses. The amounts made available to the National
25 Transportation Safety Board in this Act include amounts

1 necessary to make lease payments on an obligation in-
2 curred in fiscal year 2001 for a capital lease.

3 NEIGHBORHOOD REINVESTMENT CORPORATION
4 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT
5 CORPORATION

6 For payment to the Neighborhood Reinvestment Cor-
7 poration for use in neighborhood reinvestment activities,
8 as authorized by the Neighborhood Reinvestment Corpora-
9 tion Act (42 U.S.C. 8101–8107), \$140,000,000, of which
10 \$5,000,000 shall be for a multi-family rental housing pro-
11 gram: *Provided*, That in addition, \$35,000,000 shall be
12 made available until expended for capital grants to reha-
13 bilitate or finance the rehabilitation of affordable housing
14 units, including necessary administrative expenses: *Pro-*
15 *vided further*, That in addition, \$125,000,000 shall be
16 made available until expended to the Neighborhood Rein-
17 vestment Corporation for mortgage foreclosure mitigation
18 activities, under the following terms and conditions:

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

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

21 (2) Mortgage foreclosure mitigation assistance
22 shall only be made available to homeowners of
23 owner-occupied homes with mortgages in default or
24 in danger of default. These mortgages shall likely be
25 subject to a foreclosure action and homeowners will

1 be provided such assistance that shall consist of ac-
2 tivities that are likely to prevent foreclosures and re-
3 sult in the long-term affordability of the mortgage
4 retained pursuant to such activity or another posi-
5 tive outcome for the homeowner. No funds made
6 available under this paragraph may be provided di-
7 rectly to lenders or homeowners to discharge out-
8 standing mortgage balances or for any other direct
9 debt reduction payments.

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

22 (4) NRC may provide up to 15 percent of the
23 total funds under this paragraph to its own charter
24 members with expertise in foreclosure prevention
25 counseling, subject to a certification by the NRC

1 that the procedures for selection do not consist of
2 any procedures or activities that could be construed
3 as an unacceptable conflict of interest or have the
4 appearance of impropriety.

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

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

1 that participate in NRC training shall pay market
2 rates for such training.

3 (7) Of the total amount made available under
4 this paragraph, up to 4 percent may be used for as-
5 sociated administrative expenses for the NRC to
6 carry out activities provided under this section.

7 (8) Mortgage foreclosure mitigation assistance
8 grants may include a budget for outreach and adver-
9 tising, and training, as determined by the NRC.

10 (9) The NRC shall continue to report bi-annu-
11 ally to the House and Senate Committees on Appro-
12 priations as well as the Senate Banking Committee
13 and House Financial Services Committee on its ef-
14 forts to mitigate mortgage default.

15 UNITED STATES INTERAGENCY COUNCIL ON

16 HOMELESSNESS

17 OPERATING EXPENSES

18 For necessary expenses (including payment of sala-
19 ries, authorized travel, hire of passenger motor vehicles,
20 the rental of conference rooms, and the employment of ex-
21 perts and consultants under section 3109 of title 5, United
22 States Code) of the United States Interagency Council on
23 Homelessness in carrying out the functions pursuant to
24 title II of the McKinney-Vento Homeless Assistance Act,
25 as amended, \$2,680,000.

1 Section 209 of the McKinney-Vento Homeless Assist-
2 ance Act (42 U.S.C. 11319) is amended by striking the
3 date specified in such section and inserting “October 1,
4 2012”.

5 TITLE IV

6 GENERAL PROVISIONS—THIS ACT

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

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

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

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

1 under existing law, or under existing Executive order
2 issued pursuant to existing law.

3 SEC. 405. Except as otherwise provided in this Act,
4 none of the funds provided in this Act, provided by pre-
5 vious appropriations Acts to the agencies or entities fund-
6 ed in this Act that remain available for obligation or ex-
7 penditure in fiscal year 2011, or provided from any ac-
8 counts in the Treasury derived by the collection of fees
9 and available to the agencies funded by this Act, shall be
10 available for obligation or expenditure through a re-
11 programming of funds that: (1) creates a new program;
12 (2) eliminates a program, project, or activity; (3) increases
13 funds or personnel for any program, project, or activity
14 for which funds have been denied or restricted by the Con-
15 gress; (4) proposes to use funds directed for a specific ac-
16 tivity by either the House or Senate Committees on Ap-
17 propriations for a different purpose; (5) augments existing
18 programs, projects, or activities in excess of \$5,000,000
19 or 10 percent, whichever is less; (6) reduces existing pro-
20 grams, projects, or activities by \$5,000,000 or 10 percent,
21 whichever is less; or (7) creates, reorganizes, or restruc-
22 tures a branch, division, office, bureau, board, commis-
23 sion, agency, administration, or department different from
24 the budget justifications submitted to the Committees on
25 Appropriations or the table accompanying the explanatory

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

23 SEC. 406. Except as otherwise specifically provided
24 by law, not to exceed 50 percent of unobligated balances
25 remaining available at the end of fiscal year 2011 from

1 appropriations made available for salaries and expenses
2 for fiscal year 2011 in this Act, shall remain available
3 through September 30, 2012, for each such account for
4 the purposes authorized: *Provided*, That a request shall
5 be submitted to the House and Senate Committees on Ap-
6 propriations for approval prior to the expenditure of such
7 funds: *Provided further*, That these requests shall be made
8 in compliance with reprogramming guidelines under sec-
9 tion 405 of this Act.

10 SEC. 407. All Federal agencies and departments that
11 are funded under this Act shall issue a report to the House
12 and Senate Committees on Appropriations on all sole-
13 source contracts by no later than July 30, 2011. Such re-
14 port shall include the contractor, the amount of the con-
15 tract and the rationale for using a sole-source contract.

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

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

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

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

4 (4) contains any methods or content associated
5 with religious or quasi-religious belief systems or
6 “new age” belief systems as defined in Equal Em-
7 ployment Opportunity Commission Notice N-
8 915.022, dated September 2, 1988; or

9 (5) is offensive to, or designed to change, par-
10 ticipants’ personal values or lifestyle outside the
11 workplace.

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

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

1 ture), other structures designated for use by the general
2 public or which have other common-carrier or public-util-
3 ity functions that serve the general public and are subject
4 to regulation and oversight by the government, and
5 projects for the removal of an immediate threat to public
6 health and safety or brownsfield as defined in the Small
7 Business Liability Relief and Brownsfield Revitalization
8 Act (Public Law 107–118) shall be considered a public
9 use for purposes of eminent domain.

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

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

1 form the duties of his former position and has not been
2 restored thereto.

3 SEC. 412. No funds appropriated pursuant to this
4 Act may be expended by an entity unless the entity agrees
5 that in expending the assistance the entity will comply
6 with sections 2 through 4 of the Act of March 3, 1933
7 (41 U.S.C. 10a–10c, popularly known as the “Buy Amer-
8 ican Act”).

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

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

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

22 SEC. 416. (a) None of the funds made available in
23 this Act may be used to establish, issue, implement, ad-
24 minister, or enforce any prohibition or restriction on the
25 establishment or effectiveness of any occupancy preference

1 for veterans in supportive housing for the elderly that: (1)
2 is provided assistance by the Department of Housing and
3 Urban Development; and (2)(A) is or would be located on
4 property of the Department of Veterans Affairs; or (B)
5 is subject to an enhanced use lease with the Department
6 of Veterans Affairs.

7 SEC. 417. None of the funds made available under
8 this Act or any prior Act may be provided to the Associa-
9 tion of Community Organizations for Reform Now
10 (ACORN), or any of its affiliates, subsidiaries, or allied
11 organizations.

12 SEC. 418. After any notice of funding availability or
13 any other notice designed to solicit applications for fund-
14 ing issued by either of the following departments for a
15 competitive grant program with an annual budget, includ-
16 ing grants, equal to or exceeding \$100,000,000, the Sec-
17 retary of the Department of Transportation and the Sec-
18 retary of Housing and Urban Development shall post on
19 their Web sites the following information regarding any
20 of the applicable programs including, but not limited to,
21 the primary purpose of the grant program, the criteria for
22 grant selection, and the process for the decisionmaking by
23 the Department: *Provided*, That once all valid applications
24 have been received by the Department for a program by
25 a date certain established by the Department, the Depart-

1 ment shall post on its Web site a summary of the primary
2 information in each grant application, including the appli-
3 cant's name, address, phone number, point of contact, and
4 the primary funding or other request of each grantee: *Pro-*
5 *vided further,* That a department shall post on its Web
6 site the name of all successful grantees, the grant award
7 amount, and the justification for the selection by the de-
8 partment as well as the methodology for the award selec-
9 tions, including how the selected awards are consistent
10 with program goals, and as soon as is available, a sum-
11 mary of all benchmarks and deadlines that are expected
12 to be met by a grantee.

13 This Act may be cited as the “Transportation, Hous-
14 ing and Urban Development, and Related Agencies Appro-
15 priations Act, 2011”.

Calendar No. 482

111TH CONGRESS
2^D SESSION

S. 3644

[Report No. 111-230]

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 23, 2010

Read twice and placed on the calendar