TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore. Pursuant to House Resolution 1569 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5850.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5850) 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, with Mr. SNYDER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Massachusetts (Mr. OLVER) and the gentleman from Iowa (Mr. LATHAM) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, it is my privilege and pleasure to present the fiscal year 2011 Transportation, Housing and Urban Development, and Related Agencies appropriations bill to the House.

I want to thank all of the subcommittee members for their input and help with writing this bill. In particular, I would like to recognize my ranking member, TOM LATHAM, for his valuable insights during the 13 hearings the subcommittee held covering the budgets and the challenges facing transportation and housing. We do not always agree, but I greatly appreciate his partnership, and his input has made the bill better.

I also want to recognize the hard work of our staff, specifically on the minority side, Dena Baron—who I notice is soon to multiply—Matt McCardle and Doug Bobbitt, and on the majority side, Kate Hallahan, David Napoliello, Laura Hogshead, Sylvia Garcia, Patrick Hatch, Eve Goldsher, Kristin Palmer, and Blair Anderson. My ranking member and I are lucky to have such a dedicated staff who work amicably and respectfully together. They have spent many late nights putting this bill together, and we would not be here today without their hard work.

The committee-reported bill provides $67.4 billion in discretionary resources, a decrease of $500 million below the FY 2010 enacted level and more than $1.3 billion below the President's request. Within an allocation that is 2 percent below the President's request, we have still been able to develop a bill that creates jobs through investments in infrastructure and supports families that have been hit the hardest by the foreclosure crisis. These targeted increases are possible because the bill makes a number of significant reductions from the budget request by not funding $4.8 billion in new, unauthorized initiatives that were proposed by the administration, including the National Infrastructure Bank, the Choice Neighborhoods program, and a major program to transform how our 3,200 public housing authorities function.

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Specifically within transportation, investments are targeted to areas that will create skilled jobs immediately and build the infrastructure that underpins future economic growth. The fact remains that our transportation network has great investment needs with aging highways, bridges, and transit systems, and an air traffic control system in desperate need of modernization. It is my belief that we can no longer defer investments in our transportation systems, which provide the foundation for our Nation's economy.

Specifically, the bill provides: $45.2 billion for the Federal Highway Administration, which is an increase of $3.9 billion above the President's request, that will allow States to complete additional infrastructure projects, spur the economy, and create approximately 142,000 new jobs.

It provides $11.3 billion for public transportation programs, an increase in total budgetary resources of $508 million above the President's request, in order to help address the nearly $80 billion maintenance backlog needed to meet a state of good repair on the Nation's fixed guideway and bus systems.

It provides a total of $3.2 billion for Amtrak, the High-Speed Intercity Passenger Rail program, and investments in Positive Train Control. This includes a $127.5 million increase for the first year of Amtrak's fleet plan that will support the development of a domestic manufacturing base for locomotives and railcars, and it provides $1.16 billion for NextGen, to modernize our outdated air traffic control system, which will reduce operational costs and allow airlines to utilize our airspace more efficiently.

Within housing, we were able to use a portion of the savings, which I mentioned above, to fill holes where the President eliminated or deeply cut vital programs, including:

Restoring funding to construct housing units for the elderly and disabled to their fiscal 2010 levels;

Restoring $75 million for 10,000 new VASH housing vouchers, which continues Congress' commitment to homeless veterans;

Providing $200 million for HOPE VI to rehabilitate the most severely distressed public housing communities in the Nation; and

Restoring $455 million to the Public Housing Capital Fund to help Public Housing Authorities make critical repairs and improvements to public housing units. Every dollar invested in this program returns over $2 to the local economies and to the construction industry.

This bill also recognizes that, as the foreclosure crisis continues and with experts estimating that a record 1 million households will lose homes in 2010, access to supportive services is critical.

To that extent, the bill continues the National Reinvestment Corporation's Foreclosure Mitigation Counseling program, because homeowners who receive such counseling through this program are 60 percent more likely to avoid foreclosure than those who do not use such aid. It provides $2.2 billion for homeless assistance grants to shelter families forced from their homes, and it takes a strong step forward in our commitment to reducing chronic homelessness.

Overall, HUD programs are maintained at levels that will ensure affordable housing opportunities are available as families recover from the economic downturn.

More broadly, this bill recognizes that the current paradigm in which affordable housing is connected to unaffordable commutes is unsustainable for families' budgets. As such, the bill provides $677 million to coordinate transportation and infrastructure investments with the availability of housing and community services in order to decrease transportation costs, improve access to jobs and services, promote healthy communities, and enhance community connectivity.

Finally, I expect many Members to come before this body today to talk about reducing spending and the moral imperative of not leaving a deficit for future generations. Let me remind everyone that the investments in this bill address another looming deficit, specifically our transportation and housing infrastructure deficit.

The Department of Transportation's most recent Conditions and Performance Report indicates there is an annual investment gap of $26.9 billion to maintain our current system of highways and bridges and an annual gap of $95.9 billion to improve the system. Every dollar deferred today will catch up to the next generation in the form of falling bridges, broken roads, deteriorating housing, and an economy choked by congestion.

In conclusion, we worked hard to balance many competing needs to produce a bill that reflects the bipartisan needs of transportation and housing and that puts Americans back to work. I am pleased with the product, and I urge Members to support it.

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2011 (H.R. 5850)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF TRANSPORTATION					
Office of the Secretary					
Salaries and expenses	102,686	117,000	111,615	+8,929	-5,385
Immediate Office of the Secretary	(2,631)	(2,667)	(2,667)	(+36)	---
Immediate Office of the Deputy Secretary	(986)	(1,000)	(1,000)	(+14)	---
Office of the General Counsel	(20,359)	(19,711)	(19,711)	(-648)	---
Office of the Under Secretary of Transportation for Policy	(11,100)	(13,568)	(12,015)	(+915)	(-1,553)
Office of the Assistant Secretary for Budget and Programs	(10,559)	(20,022)	(19,522)	(+8,963)	(-500)
Office of the Assistant Secretary for Governmental Affairs	(2,504)	(2,530)	(2,530)	(+26)	---
Office of the Assistant Secretary for Administration	(25,520)	(25,695)	(25,695)	(+175)	---
Office of Public Affairs	(2,055)	(2,240)	(2,240)	(+185)	---
Office of the Executive Secretariat	(1,658)	(1,683)	(1,683)	(+25)	---
Office of Small and Disadvantaged Business Utilization	(1,499)	(1,513)	(1,513)	(+14)	---
Office of Intelligence, Security, and Emergency Response	(10,600)	(10,999)	(10,999)	(+399)	---
Office of the Chief Information Officer	(13,215)	(22,995)	(19,663)	(+6,448)	(-3,332)
Acquisition workforce capacity and capabilities	---	7,623	7,623	+7,623	---
Subtotal	102,686	124,623	119,238	+16,552	-5,385
National infrastructure development	600,000	---	400,000	-200,000	+400,000
Livable communities initiative	---	20,000	20,000	+20,000	---
Financial management capital	5,000	21,000	18,500	+13,500	-2,500
Office of Civil Rights	9,667	9,767	9,767	+100	---
Cyber security initiatives	---	30,000	28,188	+28,188	-1,812
Transportation planning, research, and development	16,168	9,819	9,819	-6,349	---
Maritime study	2,000	---	---	-2,000	---
Working capital fund	(147,596)	---	(148,096)	(+500)	(+148,096)
Minority business resource center program	923	913	913	-10	---
(Limitation on guaranteed loans)	(18,367)	---	(18,367)	---	(+18,367)
Minority business outreach	3,074	3,395	3,395	+321	---
Payments to air carriers (Airport & Airway Trust Fund)	150,000	132,000	146,000	-4,000	+14,000
Total, Office of the Secretary	889,518	351,517	755,820	-133,698	+404,303
National Infrastructure Innovation and Finance Fund					
National infrastructure innovation and finance fund program account	---	4,000,000	---	---	-4,000,000
Federal Aviation Administration					
Operations	9,350,028	9,793,000	9,793,000	+442,972	---
Air traffic organization	(7,299,299)	---	(7,630,628)	(+331,329)	(+7,630,628)
Aviation safety	(1,234,065)	---	(1,304,486)	(+70,421)	(+1,304,486)
Commercial space transportation	(15,237)	---	(16,747)	(+1,510)	(+16,747)
Financial services	(113,681)	---	(114,784)	(+1,103)	(+114,784)
Human resource management	(100,428)	---	(103,297)	(+2,869)	(+103,297)
Region and center operations	(341,977)	---	(361,354)	(+19,377)	(+361,354)
Staff offices	(196,063)	---	(208,994)	(+12,931)	(+208,994)
Information services	(49,278)	---	(53,360)	(+4,082)	(+53,360)
Facilities & equipment (Airport & Airway Trust Fund)	2,936,203	2,970,000	3,000,000	+63,797	+30,000
Research, engineering, and development (Airport & Airway Trust Fund	190,500	190,000	198,000	+7,500	+8,000

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2011 (H.R. 5850)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
Grants-in-aid for airports (Airport and Airway Trust Fund)(Liquidation of contract authorization)	(3,000,000)	(3,550,000)	(3,550,000)	(+550,000)	---
(Limitation on obligations)	(3,515,000)	(3,515,000)	(3,515,000)	---	---
Administration	(93,422)	(100,208)	(99,708)	(+6,286)	(-500)
Airport Cooperative Research Program	(15,000)	(15,000)	(15,000)	---	---
Airport technology research	(22,472)	(27,217)	(27,417)	(+4,945)	(+200)
Small community air service development program	(6,000)	---	---	(-6,000)	---
Rescission of contract authority (BY AIP)	-394,000	---	---	+394,000	---
Subtotal	(3,121,000)	(3,515,000)	(3,515,000)	(+394,000)	---
Total, Federal Aviation Administration	12,082,731	12,953,000	12,991,000	+908,269	+38,000
Appropriations	(12,476,731)	(12,953,000)	(12,991,000)	(+514,269)	(+38,000)
Rescissions of contract authority	(-394,000)	---	---	(+394,000)	---
(Limitations on obligations)	(3,515,000)	(3,515,000)	(3,515,000)	---	---
Total budgetary resources	(15,597,731)	(16,468,000)	(16,506,000)	(+908,269)	(+38,000)
Federal Highway Administration					
Limitation on administrative expenses	(413,533)	(420,843)	(428,843)	(+15,310)	(+8,000)
Federal-aid highways (Highway Trust Fund):					
(Liquidation of contract authorization)	(41,846,000)	(42,102,000)	(45,956,700)	(+4,110,700)	(+3,854,700)
(Limitation on obligations)	(41,107,000)	(41,362,775)	(45,217,700)	(+4,110,700)	(+3,854,925)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	---	---
Surface transportation projects	292,829	---	---	-292,829	---
Rescission of contract authority (Highway Trust Fund)	---	-263,131	---	---	+263,131
Administration (rescission of contract authority)	---	---	-1,863	-1,863	-1,863
Highway related safety grants (rescission)	---	---	-4	-4	-4
Miscellaneous appropriations and miscellaneous highway trust funds (rescission)	---	---	-33,906	-33,906	-33,906
Additional highway investment	650,000	---	---	-650,000	---
Total, Federal Highway Administration	942,829	-263,131	-35,773	-978,602	+227,358
Appropriations	(942,829)	---	---	(-942,829)	---
Rescissions of contract authority	---	(-263,131)	(-1,863)	(-1,863)	(+261,268)
Rescissions	---	---	(-33,910)	(-33,910)	(-33,910)
(Limitations on obligations)	(41,107,000)	(41,362,775)	(45,217,700)	(+4,110,700)	(+3,854,925)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	---	---
Total budgetary resources	(42,049,829)	(41,099,644)	(45,181,927)	(+3,132,098)	(+4,082,283)
Federal Motor Carrier Safety Administration					
Motor carrier safety operations and programs (Highway Trust Fund)(Liquidation of contract authorization)	(239,828)	(259,878)	(259,878)	(+20,050)	---
(Limitation on obligations)	(239,828)	(259,878)	(259,878)	(+20,050)	---
Motor carrier safety grants (Highway Trust Fund) (Liquidation of contract authorization)	(310,070)	(310,070)	(310,070)	---	---
(Limitation on obligations)	(310,070)	(310,070)	(310,070)	---	---
Motor carrier safety grants (HTF) (rescission of contract authority)	-1,611	---	---	+1,611	---
Motor carrier safety (HTF) (rescission of contract authority)	-6,416	---	-7,330	-914	-7,330
National motor carrier safety program (HTF) (rescission of contract authority)	-3,233	---	-15,076	-11,843	-15,076
Total, Federal Motor Carrier Safety Administration	-11,260	---	-22,406	-11,146	-22,406
(Limitations on obligations)	(549,898)	(569,948)	(569,948)	(+20,050)	---
Total budgetary resources	(538,638)	(569,948)	(547,542)	(+8,904)	(-22,406)

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2011 (H.R. 5850)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Highway Traffic Safety Administration					
Operations and research (general fund)	140,427	132,837	148,127	+7,700	+15,290
Operations and research (Highway Trust Fund)					
(Liquidation of contract authorization)	(105,500)	(117,376)	(110,073)	(+4,573)	(-7,303)
(Limitation on obligations)	(105,500)	(117,376)	(110,073)	(+4,573)	(-7,303)
Subtotal	(245,927)	(250,213)	(258,200)	(+12,273)	(+7,987)
National driver register (Highway Trust Fund)					
(Liquidation of contract authorization)	(4,000)	(4,170)	(4,170)	(+170)	---
(Limitation on obligations)	(4,000)	(4,170)	(4,170)	(+170)	---
National driver register modernization	3,350	2,530	2,530	-820	---
Highway traffic safety grants (Highway Trust Fund)					
(Liquidation of contract authorization)	(619,500)	(620,697)	(626,328)	(+6,828)	(+5,631)
(Limitation on obligations)	(619,500)	(620,697)	(626,328)	(+6,828)	(+5,631)
Highway safety programs (23 USC 402)	(235,000)	(235,000)	(235,000)	---	---
Occupant protection incentive grants(23 USC 405)	(25,000)	(25,000)	(25,000)	---	---
Safety belt performance grants (23 USC 406)	(124,500)	(124,500)	(124,500)	---	---
(Distracted driving prevention grants)	---	(50,000)	(50,000)	(+50,000)	---
State traffic safety information system improvement grants (23 USC 408)	(34,500)	(34,500)	(34,500)	---	---
Alcohol-impaired driving countermeasures grants (23 USC 410)	(139,000)	(139,000)	(139,000)	---	---
Grant administration	(18,500)	(19,697)	(25,328)	(+6,828)	(+5,631)
High visibility enforcement	(29,000)	(29,000)	(29,000)	---	---
Child safety and booster seat grants	(7,000)	(7,000)	(7,000)	---	---
Motorcyclist safety	(7,000)	(7,000)	(7,000)	---	---
Operations and research (rescission of contract authority)(S Sec 142)	-2,299	---	---	+2,299	---
Highway traffic safety grants (rescission of contract authority)(H Sec 142)(S Sec 144)	-14,004	---	-7,907	+6,097	-7,907
Total, National Highway Traffic Safety Admin.	127,474	135,367	142,750	+15,276	+7,383
Appropriations	(143,777)	(135,367)	(150,657)	(+6,880)	(+15,290)
Rescissions of contract authority	(-16,303)	---	(-7,907)	(+8,396)	(-7,907)
(Limitations on obligations)	(729,000)	(742,243)	(740,571)	(+11,571)	(-1,672)
Total budgetary resources	(856,474)	(877,610)	(883,321)	(+26,847)	(+5,711)
Federal Railroad Administration					
Federal railroad operations	---	153,846	---	---	-153,846
Offsetting fee collections	---	-25,000	---	---	+25,000
Direct appropriation	---	128,846	---	---	-128,846
Safety and operations	172,270	---	203,348	+31,078	+203,348
Railroad research and development	37,613	40,000	40,000	+2,387	---
Rail line relocation and improvement program	34,532	---	---	-34,532	---
Railroad safety technology	50,000	---	75,000	+25,000	+75,000
Railroad safety	---	49,502	---	---	-49,502
Capital assistance for high speed rail corridors and intercity passenger rail service	2,500,000	1,000,000	1,400,000	-1,100,000	+400,000
National Railroad Passenger Corporation:					
Operating grants to the National Railroad Passenger Corporation	563,000	563,000	563,000	---	---
Office of Inspector General	---	22,000	---	---	-22,000
Capital and debt service grants to the National Railroad Passenger Corporation	1,001,625	1,052,000	1,203,500	+201,875	+151,500
Total, Federal Railroad Administration	4,359,040	2,855,348	3,484,848	-874,192	+629,500

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2011 (H.R. 5850)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
Federal Transit Administration					
Administrative expenses	98,911	113,559	130,698	+31,787	+17,139
(Rail transit safety oversight program)	---	---	(24,139)	(+24,139)	(+24,139)
Technical assistance and workforce development	---	28,647	---	---	-28,647
Formula and Bus Grants (Hwy Trust Fund, Mass Transit Account (Liquidation of contract authorization)	(9,400,000)	---	(9,200,000)	(-200,000)	(+9,200,000)
(Limitation on obligations)	(8,343,171)	---	(8,961,348)	(+618,177)	(+8,961,348)
Transit Formula Grants (Hwy Trust Fund, Mass Transit Account (Liquidation of contract authorization)	---	(9,200,000)	---	---	(-9,200,000)
(Limitation on obligations)	---	(8,271,700)	---	---	(-8,271,700)
Greenhouse gas and energy reduction (Limitation on obligations)	---	(52,743)	---	---	(-52,743)
Livable communities (Limitation on obligations)	---	(306,905)	---	---	(-306,905)
Rail transit safety oversight program	---	24,139	---	---	-24,139
Research and University Research Centers	65,670	29,729	65,376	-294	+35,647
Capital investment grants	2,000,000	1,822,112	2,000,000	---	+177,888
Energy efficiency and greenhouse gas reduction grants	75,000	---	---	-75,000	---
Washington Metropolitan Area Transit Authority capital and preventive maintenance	150,000	150,000	150,000	---	---
Total, Federal Transit Administration	2,389,581	2,168,186	2,346,074	-43,507	+177,888
(Limitations on obligations)	(8,343,171)	(8,631,348)	(8,961,348)	(+618,177)	(+330,000)
Total budgetary resources	(10,732,752)	(10,799,534)	(11,307,422)	(+574,670)	(+507,888)
Saint Lawrence Seaway Development Corporation					
Operations and maintenance (Harbor Maintenance Trust Fund)	32,324	32,150	33,868	+1,544	+1,718
Maritime Administration					
Maritime security program	174,000	174,000	174,000	---	---
Operations and training	149,750	164,353	169,353	+19,603	+5,000
Ship disposal	15,000	10,000	10,000	-5,000	---
Assistance to small shipyards	15,000	---	---	-15,000	---
Maritime Guaranteed Loan (Title XI) Program Account:					
Administrative expenses	4,000	3,688	3,688	-312	---
Guaranteed loans subsidy	5,000	---	---	-5,000	---
Subtotal	9,000	3,688	3,688	-5,312	---
Total, Maritime Administration	362,750	352,041	357,041	-5,709	+5,000
Pipeline and Hazardous Materials Safety Administration					
Administrative expenses:					
General Fund	20,493	21,744	21,744	+1,251	---
Pipeline Safety Fund	639	639	639	---	---
Pipeline Safety information grants to communities	(1,000)	(1,000)	(1,000)	---	---
Subtotal	21,132	22,383	22,383	+1,251	---
Hazardous materials safety	37,994	40,434	40,434	+2,440	---
Pipeline safety:					
Pipeline Safety Fund	86,334	92,206	92,206	+5,872	---
Oil Spill Liability Trust Fund	18,905	18,905	18,905	---	---
Subtotal	105,239	111,111	111,111	+5,872	---

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2011 (H.R. 5850)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
Emergency preparedness grants:					
Limitation on emergency preparedness fund	(28,318)	(28,318)	(28,318)	---	---
(Emergency preparedness fund)	(188)	(188)	(188)	---	---
Total, Pipeline and Hazardous Materials Safety Administration	192,683	202,246	202,246	+9,563	---
Research and Innovative Technology Administration					
Research and development	13,007	17,200	18,900	+5,893	+1,700
Office of Inspector General					
Salaries and expenses	75,114	79,772	86,406	+11,292	+6,634
Surface Transportation Board					
Salaries and expenses	29,066	25,988	31,249	+2,183	+5,261
Offsetting collections	-1,250	-1,250	-1,250	---	---
Total, Surface Transportation Board	27,816	24,738	29,999	+2,183	+5,261
Total, title I, Department of Transportation	21,455,289	22,880,116	20,362,455	-1,092,834	-2,517,661
Appropriations	(21,876,852)	(23,143,247)	(20,428,541)	(-1,448,311)	(-2,714,706)
Rescissions	---	---	(-33,910)	(-33,910)	(-33,910)
Rescission of contract authority	(-421,563)	(-263,131)	(-32,176)	(+389,387)	(+230,955)
(Limitations on obligations)	(54,244,069)	(54,821,314)	(59,004,567)	(+4,760,498)	(+4,183,253)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	---	---
(Limitations)	(28,318)	(28,318)	(28,318)	---	---
Total budgetary resources	(75,699,358)	(77,701,430)	(79,367,022)	(+3,667,664)	(+1,665,592)
TITLE II - DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Management and Administration					
Executive direction	26,855	30,265	30,265	+3,410	---
Administration, operations and management	537,011	538,552	538,552	+1,541	---
Acquisition workforce capacity and capabilities	---	2,071	2,071	+2,071	---
Subtotal	537,011	540,623	540,623	+3,612	---
Personnel compensation and benefits:					
Public and Indian Housing	197,074	197,282	197,282	+208	---
Community Planning and Development	98,989	105,768	105,768	+6,779	---
Housing	374,887	395,917	395,917	+21,030	---
Office of the Government National Mortgage Association	11,095	10,902	10,902	-193	---
Policy Development and Research	21,138	23,588	23,588	+2,450	---
Fair Housing and Equal Opportunity	71,800	67,964	67,964	-3,836	---
Office of Healthy Homes and Lead Hazard Control	7,151	6,762	6,762	-389	---
Subtotal	782,134	808,183	808,183	+26,049	---
Total, Management and Administration	1,346,000	1,379,071	1,379,071	+33,071	---

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2011 (H.R. 5850)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
Public and Indian Housing					
Tenant-based rental assistance:					
Renewals	16,339,200	17,310,000	17,080,000	+740,800	-230,000
Tenant protection vouchers	120,000	125,000	125,000	+5,000	---
Administrative fees	1,575,000	1,791,000	1,791,000	+216,000	---
Family self-sufficiency coordinators	60,000	60,000	60,000	---	---
Incremental family unification vouchers	15,000	---	---	-15,000	---
Veterans affairs supportive housing	75,000	---	75,000	---	+75,000
Sec. 811 Mainstream voucher renewals	---	113,663	113,663	+113,663	---
Disaster housing assistance program	---	66,000	66,000	+66,000	---
Homeless vouchers demonstration program	---	85,000	85,000	+85,000	---
Transformation initiative (transfer out)	---	(-195,507)	(-100,000)	(-100,000)	(+95,507)
Subtotal (available this fiscal year)	18,184,200	19,550,663	19,395,663	+1,211,463	-155,000
Advance appropriations	4,000,000	4,000,000	4,000,000	---	---
Less appropriations from prior year advances	-4,000,000	-4,000,000	-4,000,000	---	---
Total, Tenant-based rental assistance appropriated in this bill	18,184,200	19,550,663	19,395,663	+1,211,463	-155,000
Transforming rental assistance demonstration program	---	350,000	---	---	-350,000
Public Housing Capital Fund	2,500,000	2,044,200	2,500,000	---	+455,800
Transformation initiative (transfer out)	---	(-20,442)	---	---	(+20,442)
Public Housing Operating Fund	4,775,000	4,829,000	4,829,000	+54,000	---
Transformation initiative (transfer out)	---	(-48,290)	(-48,290)	(-48,290)	---
Revitalization of severely distressed public housing	200,000	---	200,000	---	+200,000
(Choice neighborhoods)	(65,000)	---	---	(-65,000)	---
Choice neighborhoods	---	250,000	---	---	-250,000
Transformation initiative (transfer out)	---	(-2,500)	---	---	(+2,500)
Native American housing block grants	700,000	580,000	700,000	---	+120,000
Transformation initiative (transfer out)	---	(-5,800)	---	---	(+5,800)
Native Hawaiian housing block grant	13,000	10,000	10,000	-3,000	---
Transformation initiative (transfer out)	---	(-100)	(-100)	(-100)	---
Indian housing loan guarantee fund program account	7,000	9,000	9,000	+2,000	---
(Limitation on guaranteed loans)	(919,000)	(994,000)	(994,000)	(+75,000)	---
Transformation initiative (transfer out)	---	(-8)	(-8)	(-8)	---
Native Hawaiian loan guarantee fund program account	1,044	---	1,044	---	+1,044
(Limitation on guaranteed loans)	(41,504)	---	(41,504)	---	(+41,504)
Total, Public and Indian Housing	26,380,244	27,622,863	27,644,707	+1,264,463	+21,844
Community Planning and Development					
Housing opportunities for persons with AIDS	335,000	340,000	350,000	+15,000	+10,000
Transformation initiative (transfer out)	---	(-3,400)	(-3,500)	(-3,500)	(-100)
Community development fund	4,450,000	4,380,100	4,352,100	-97,900	-28,000
Transformation initiative (transfer out)	---	(-43,801)	(-43,521)	(-43,521)	(+280)
Community development loan guarantees (Section 108):					
(Limitation on guaranteed loans)	(275,000)	(500,000)	(427,000)	(+152,000)	(-73,000)
Credit subsidy	6,000	---	10,000	+4,000	+10,000
Brownfields redevelopment	17,500	---	17,500	---	+17,500
HOME investment partnerships program	1,825,000	1,650,000	1,825,000	---	+175,000
Transformation initiative (transfer out)	---	(-16,500)	---	---	(+16,500)
Self-help and assisted homeownership opportunity program	82,000	---	82,000	---	+82,000
Capacity building	---	60,000	---	---	-60,000
Transformation initiative (transfer out)	---	(-600)	---	---	(+600)
Homeless assistance grants	1,865,000	2,055,000	2,200,000	+335,000	+145,000
Transformation initiative (transfer out)	---	(-20,550)	---	---	(+20,550)
Total, Community Planning and Development	8,580,500	8,485,100	8,836,600	+256,100	+351,500

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2011 (H.R. 5850)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
Housing Programs					
Project-based rental assistance:					
Renewals	8,325,853	9,054,000	9,061,000	+735,147	+7,000
Contract administrators	232,000	322,000	315,000	+83,000	-7,000
Subtotal (available this fiscal year)	8,557,853	9,376,000	9,376,000	+818,147	---
Transformation initiative (transfer out)	---	(-89,760)	---	---	(+89,760)
Advance appropriations	393,672	400,000	400,000	+6,328	---
Less appropriations from prior year advances	-400,000	-393,672	-393,672	+6,328	---
Total, Project-based rental assistance appropriated in this bill	8,551,525	9,382,328	9,382,328	+830,803	---
Housing for the elderly	825,000	273,700	825,000	---	+551,300
Transformation initiative (transfer out)	---	(-2,737)	---	---	(+2,737)
Housing for persons with disabilities	300,000	90,037	300,000	---	+209,963
Transformation initiative (transfer out)	---	(-900)	---	---	(+900)
Housing counseling assistance	87,500	88,000	88,000	+500	---
Transformation initiative (transfer out)	---	(-880)	(-880)	(-880)	---
Energy Innovation Fund	50,000	---	---	-50,000	---
Rental housing assistance	40,000	40,600	40,600	+600	---
Transformation initiative (transfer out)	---	(-406)	(-406)	(-406)	---
Rent supplement (rescission)	-72,036	-40,600	-40,600	+31,436	---
Manufactured housing fees trust fund	16,000	14,000	14,000	-2,000	---
Offsetting collections	-7,000	-7,000	-7,000	---	---
Transformation initiative (transfer out)	---	(-70)	(-70)	(-70)	---
Subtotal	9,000	7,000	7,000	-2,000	---
Total, Housing Programs	9,790,989	9,841,065	10,602,328	+811,339	+761,263
Appropriations	(9,870,025)	(9,888,665)	(10,649,928)	(+779,903)	(+761,263)
Rescissions	(-72,036)	(-40,600)	(-40,600)	(+31,436)	---
Offsetting collections	(-7,000)	(-7,000)	(-7,000)	---	---
Federal Housing Administration					
FHA - Mutual mortgage insurance program account:					
(Limitation on guaranteed loans)	(400,000,000)	(400,000,000)	(400,000,000)	---	---
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	---	---
Offsetting receipts	---	-960,000	-960,000	-960,000	---
Proposed additional offsetting receipts (Sec. 211)	---	-902,000	-902,000	-902,000	---
Positive credit subsidy (HECM)	---	250,000	150,000	+150,000	-100,000
Administrative contract expenses	181,400	207,000	207,000	+25,600	---
Additional contract expenses	14,000	4,000	4,000	-10,000	---
Transformation initiative (transfer out)	---	(-1,355)	(-1,355)	(-1,355)	---
Working capital fund (transfer out)	(-70,794)	(-71,500)	(-71,500)	(-706)	---
Consumer education and outreach	7,500	---	---	-7,500	---
FHA - General and special risk program account:					
(Limitation on guaranteed loans)	(15,000,000)	(20,000,000)	(20,000,000)	(+5,000,000)	---
(Limitation on direct loans)	(20,000)	(20,000)	(20,000)	---	---
Offsetting receipts	-140,000	-315,000	-315,000	-175,000	---
Credit subsidy	8,600	---	---	-8,600	---
Right of first refusal	5,000	5,000	5,000	---	---
Total, Federal Housing Administration	76,500	-1,711,000	-1,811,000	-1,887,500	-100,000
Government National Mortgage Association (GNMA)					
Guarantees of mortgage-backed securities loan guarantee program account:					
(Limitation on guaranteed loans)	(500,000,000)	(500,000,000)	(500,000,000)	---	---
Offsetting receipts	-720,000	-720,000	-720,000	---	---
Total, Gov't National Mortgage Association	-720,000	-720,000	-720,000	---	---

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2011 (H.R. 5850)
(Amounts in thousands)

	FY 2010 Enacted	FY 2011 Request	Bill	Bill vs. Enacted	Bill vs. Request
Policy Development and Research					
Research and technology	48,000	87,000	50,000	+2,000	-37,000
Fair Housing and Equal Opportunity					
Fair housing activities	72,000	61,100	72,000	---	+10,900
Transformation initiative (transfer out)	---	(-611)	---	---	(+611)
Office of Lead Hazard Control and Healthy Homes					
Lead hazard reduction	140,000	140,000	140,000	---	---
Transformation initiative (transfer out)	---	(-1,400)	(-1,400)	(-1,400)	---
Management and Administration					
Working capital fund	200,000	243,500	243,500	+43,500	---
(By transfer)	(70,794)	(71,500)	(71,500)	(+706)	---
Office of Inspector General	125,000	122,000	122,000	-3,000	---
Transformation initiative	20,000	20,000	20,000	---	---
(By transfer)	---	(455,617)	(199,530)	(+199,530)	(-256,087)
Total, Management and Administration	345,000	385,500	385,500	+40,500	---
(Grand total, Management and Administration)	(1,691,000)	(1,764,571)	(1,764,571)	(+73,571)	---
Total, title II, Department of Housing and Urban Development	46,059,233	45,570,699	46,579,206	+519,973	+1,008,507
Appropriations	(42,604,597)	(44,115,299)	(45,123,806)	(+2,519,209)	(+1,008,507)
Rescissions	(-72,036)	(-40,600)	(-40,600)	(+31,436)	---
Advance appropriations	(4,393,672)	(4,400,000)	(4,400,000)	(+6,328)	---
Offsetting receipts	(-860,000)	(-2,897,000)	(-2,897,000)	(-2,037,000)	---
Offsetting collections	(-7,000)	(-7,000)	(-7,000)	---	---
(By transfer)	(70,794)	(527,117)	(271,030)	(+200,236)	(-256,087)
(Transfer out)	(-70,794)	(-527,117)	(-271,030)	(-200,236)	(+256,087)
(Limitation on direct loans)	(70,000)	(70,000)	(70,000)	---	---
(Limitation on guaranteed loans)	(916,235,504)	(921,494,000)	(921,462,504)	(+5,227,000)	(-31,496)
TITLE III - OTHER INDEPENDENT AGENCIES					
Access Board	7,300	7,300	7,300	---	---
Federal Maritime Commission	24,135	25,498	25,300	+1,165	-198
National Transportation Safety Board salaries and expenses	98,050	100,400	104,232	+6,182	+3,832
Amtrak Office of Inspector General	19,000	---	22,000	+3,000	+22,000
Neighborhood Reinvestment Corporation	233,000	250,000	285,000	+52,000	+35,000
United States Interagency Council on Homelessness	2,450	2,680	2,680	+230	---
Total, title III, Other Independent Agencies	383,935	385,878	446,512	+62,577	+60,634
Grand total (net)	67,898,457	68,836,693	67,388,173	-510,284	-1,448,520
Appropriations	(64,865,384)	(67,644,424)	(65,998,859)	(+1,133,475)	(-1,645,565)
Rescissions	(-72,036)	(-40,600)	(-74,510)	(-2,474)	(-33,910)
Rescissions of contract authority	(-421,563)	(-263,131)	(-32,176)	(+389,387)	(+230,955)
Advance appropriations	(4,393,672)	(4,400,000)	(4,400,000)	(+6,328)	---
Negative subsidy receipts	(-860,000)	(-2,897,000)	(-2,897,000)	(-2,037,000)	---
Offsetting collections	(-7,000)	(-7,000)	(-7,000)	---	---
(Limitation on obligations)	(54,244,069)	(54,821,314)	(59,004,567)	(+4,760,498)	(+4,183,253)
(By transfer)	(70,794)	(527,117)	(271,030)	(+200,236)	(-256,087)
(Transfer out)	(-70,794)	(-527,117)	(-271,030)	(-200,236)	(+256,087)
Total budgetary resources	(122,142,526)	(123,658,007)	(126,392,740)	(+4,250,214)	(+2,734,733)
Discretionary total	(67,900,000)	(68,737,520)	(67,400,000)	(-500,000)	(-1,337,520)

I reserve the balance of my time.

Mr. LATHAM. I yield myself such time as I may consume.

Mr. Chairman, I am going to be very brief as Mr. OLVER has told us an awful lot about H.R. 5850, the fiscal year 2011 Transportation and Housing, or THUD, bill.

I just want to say, on a personal level, thank you to Chairman OLVER for his ability to work together on this bill. He has been a true gentleman and very, very cooperative. He has reached out and has really made this a pleasure to go through the entire hearing process this year.

I also want to thank the staff for all of their hard work. Mr. OLVER has already named the staff members, but I also want to make sure that they know how much we appreciate all of their hard work.

I really believe, this year, that we did have an opportunity to adhere to a normal appropriations process. We have a closed or a modified open rule here today, and it hasn't always been easy throughout the whole process. We did have a very entertaining and, I think, a very productive hearing season, and I appreciate all of the efforts to bring some of the housing and transportation concerns to light, especially when the chairman and I don't always agree on the best solutions to tackle these complicated issues of spending, housing, and transportation.

The result of those hearings is the bill before us, totaling $67.4 billion, which is a mere $500 million below the fiscal year 2010 levels. Before we celebrate this reduction, we need to remember that the fiscal year 2010 bill was a whopping 23 percent over the year before. I want to say that again. The bill last year was 23 percent higher than the year before that. So, really, the $500 million reduction in this bill is a drop in the bucket of where we need to go to bring us back to some sanity and a reasonable state.

While Mr. OLVER is a most accommodating chairman, I do have some disagreements with some of the funding decisions he has made in the bill before us. I know the administration has come to Chairman OLVER and has complained that he didn't fund each and every new idea in the bill—and I commend him for that. However, in light of the drastic deficit situation that is facing this country, I would prefer a little more critique and restraint on some of the new, untested, and expensive programs before proposing funding at or above the President's request.

Livability? Sustainability? Have we defined these concepts? Obviously not, since this bill gives the Department of Transportation $4 million to figure out how to measure livability.

Should we be asking the American taxpayers to give us $4 million for the Department of Transportation to go and figure out what they want to do in your local communities when families are trying to keep their homes and invest in their businesses? I would say no.

Another example, really, is high-speed rail. The President got $8 billion in the stimulus bill for high-speed rail back in 2009, and only a very small fraction of that $8 billion has gone out the door as the Federal Railroad Administration is still working with recipients of those funds to nail down a grant agreement. The only industry that has been stimulated by the high-speed rail funds are the planners and the lobbyists. Yet this bill gives another $400 million on top of the President's request of $1 billion and on top of the whopping $2.5 billion they got in fiscal year 2010.

So if this bill becomes law, the taxpayers will have given—or more appropriately, borrowed—almost $12 billion for high-speed rail, and we still don't have one single operating high-speed rail line on the horizon.

Is this a horrible bill? No, it's not. Does it spend too much? Certainly, it does.

I would encourage Members to give careful consideration to the few amendments that are made in order today. There are some very thoughtful amendments that would reduce the cost of this bill, which would still fund the core programs under THUD at a respectable level.

In closing, I want to thank Chairman OBEY, Chairman OLVER, Ranking Member LEWIS, and all of the members of the subcommittee for getting this bill to the House floor. Again, I would like to thank the staff, both the committee staff and personal office staff, for all of their hard work in putting together this legislative package.

I reserve the balance of my time.

□ 1410

Mr. OLVER. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the chairman of the full committee.

Mr. OBEY. I thank the gentleman for the time.

Mr. Chairman, I would describe this bill as a fiscally responsible jobs bill. It is below the President's request by $1.3 billion, and below last year by one-half billion dollars.

Last year, the Recovery Act demonstrated that investments in transportation and housing both support decent paying jobs, while providing critical infrastructure investments.

Let me review some of the facts: To help the economy save jobs, we put over $60 billion in the Recovery Act for transportation and housing programs. With the exception of two new programs that were created in that bill, nearly all of the money, 98 percent, has been obligated. It has started over 14,000 transportation construction projects supporting an average of 41,000 direct jobs each quarter. It has rehabilitated or developed more than 188,000 units of low-income housing, and served over 357,000 low-income individuals through housing for the homeless.

But the economic downturn was far worse than was predicted. There are still many families reeling from the housing crisis. In fact, approximately 6 million homes have been foreclosed upon in the past 3 years, and our roads, bridges and mass transit systems are in desperate need of additional investment.

The Department of Transportation states that there is a yearly investment gap of $27 billion just to maintain our current highways and bridges. And the state of our transit system isn't much better.

This bill increases the amount that can be spent on highways and transit by a modest $4.5 billion over fiscal 2010, and over the President's request, even as we come in under last year and under the President's request overall. According to DOT's job model estimates, this increase will support more than 150,000 transportation jobs.

In addition, vulnerable populations affected by the economic downturn, such as the homeless, the elderly and the disabled, are also supported in this bill through programs such as funding for section 8 housing vouchers. We have $113 million for foreclosure mitigation counseling. The bill also includes $75 million for 10,000 additional vouchers for homeless veterans, support for the homeless, with $2.2 billion allocated for housing and services, and a new demonstration linking HUD and HHS funding to better support these families and individuals.

Low-income individuals have disproportionately been affected by this economic crisis. We need to focus instead on the right kind of affordable housing for seniors, the disabled and the homeless. That's what this bill does, and I urge support of it.

Mr. LATHAM. I yield such time as he may consume to the gentleman from California (Mr. LEWIS), the ranking member.

Mr. LEWIS of California. I very much appreciate my colleague yielding.

Mr. Chairman, I would like to start my remarks by paying tribute to one of the great staff members we have around here. Dena Baron wants us to get through quickly, for she's just about ready to give delivery to her second child. And for those who are curious about all of that, Dena is planning to deliver us a baby girl.

I very much want to express, Mr. Chairman, my appreciation and thanks to Chairman OLVER and Ranking Member LATHAM for their efforts in producing this legislation. While they may not agree on the overall spending level for this bill, they have worked together in a bipartisan fashion. While they have real policy differences, Chairman OLVER and Mr. LATHAM know that it's in the best interest of the House and the American public to get this bill done.

Yesterday's passage of the MILCON–VA bill marked the second latest date in the last 15 years that the House passed its first regular appropriations bill. The only other year in recent history with a more dismal record was 2

years ago when MILCON–VA was the first—and only—appropriations bill brought to the floor—on August 1.

Astonishing that we are now 2 months away from beginning the new fiscal year, and only a day away from the 6-week August congressional recess, and we are only now considering the second of 12 annual spending bills.

So far this year, 11 of the 12 funding bills have been marked up in subcommittee. And yet, only two of the 12 bills have been considered by the full Appropriations Committee. Those two bills, the bill we passed yesterday and the bill we're considering today, are likely to be the only bills passed by the House this year.

The full Appropriations Committee was scheduled to mark up the Agriculture and Homeland Security bills 2 days ago. As members of the committee began to enter the room for those markups at 3 p.m., the session was abruptly postponed, and as of this moment, there's been no explanation.

Let me state the obvious as clearly as I can. This year's appropriations process has been a complete and utter failure. Members of both sides of the aisle have voiced frustration for months about the committee's inability to get its work done. Traditionally, June and July are the months we're debating and passing our spending bills. Not this year, Mr. Chairman. Not this year.

As Mr. WOLF pointed out last night, this has become the ''Suspension Congress.'' This year, the Appropriations Committee—once known as the ''Workhorse Committee''—has done virtually nothing. The House itself has done very little in the way of substantive work, instead debating frivolous bills on the suspension calendar. Week after week, the majority leader has given away Friday legislative sessions because the Democrat majority refuses to move appropriations bills, and because there was no other legislative work to keep Members in town.

It's also worth noting, Mr. Chairman, that on the very rare occasion when our appropriations bills are brought to the floor, they are brought up under a closed rule to stifle debate on issues that the Democratic majority would prefer to ignore until after the election.

All Members, whether they're Republicans or Democrats, have a legitimate right to offer and debate amendments under the longstanding traditional open rule process governing appropriations bills. This includes those amendments that would strike what Members believe to be excessive levels of spending.

Had Republicans been afforded the opportunity to offer amendments under open rules, there's little doubt that much of our effort would be geared towards reducing spending. It was just last week that Democratic members of the Appropriations Committee rejected a Republican amendment in full committee that would have pared back overall discretionary spending this year by $31 billion from Chairman OBEY's generous allocation, and $39 billion from the President's request.

In addition, Republicans have offered amendments in committee this year to reduce spending by over $70 billion. Each and every amendment to reduce the rate of growth of spending has been defeated on a party-line vote. Unfortunately, my Democratic colleagues have not offered a single vote in support of those cuts.

According to the OMB Mid-Session Budget Review, the annual budget deficit is projected to reach a record of $1.47 trillion this year. As a percentage of the economy, it's the largest deficit since World War II. With the Federal Government now borrowing 41 cents on every dollar it spends, and with spending continuing at record levels, it appears that there's little relief in sight.

Indeed, the Obama Administration is conceding that these large deficits are here to stay. According to the President's own numbers, the national debt, which was at $5.8 trillion at the end of 2008, will soar to $18.5 trillion by the end of this decade.

□ 1420

These future deficits are driven almost entirely by rising levels of government spending. I know there's a tendency among some of my friends to blame President Bush for everything, but the fact is that President Obama's budget would push inflation-adjusted Federal spending over $36,000 per household by the year 2020. This is $12,000 above the level per-household that existed under President Bush. Even President Obama's enormous $3 trillion tax increase proposal won't stop this spending from pushing the national debt to even more dangerous levels.

With the mid-session budget review, the Obama White House has now confirmed what committee Republicans have been saying all year: That the Democrat majority's agenda of runaway spending, surging taxes, and soaring budget deficits is leading to historic deficits and record levels of debt. The only way out of this deficit and debt nightmare is to curb Uncle Sam's appetite for spending. We simply must do something about the rising tide of red ink before we're overcome by it. I ask my colleagues on the other side of the aisle how many more shocking budget projections we need before you join us in saying enough is enough?

With that, Mr. Chairman, I urge a ''no'' vote on final passage.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), a very valued member of the Appropriations subcommittee.

Ms. KILPATRICK of Michigan. Thank you, Mr. OLVER, our outstanding chairman who has brought us this far.

I want to thank Kate Hallahan and the rest of the staff for working to bring this bill to the floor with us. It's a very complicated bill, but it is the bill in the Federal Government that will put America back to work rebuilding our crumbling infrastructure, providing jobs across America, doing the things that are necessary so we take care of Americans who have lost their jobs, helping the institutions of higher learning so they train, and be able to keep their tuitions lower, so that our children can build a better America as we go forward.

This is a good bill. It's a bill that's been worked for the betterment of America. It's an artistic compilation of ideas and investments that will make America strong again as we move into the 21st century.

Chairman OLVER and Ms. Hallahan and the staff and the rest us should be commended. We wish we had more. This bill is $1 billion less than what the President gave us because we recognize that our Nation is in crisis. So we had to work with what we had and have some outstanding programs put together in an artistic way that America is invested in again, that our crumbling roads and bridges can be fixed, and that we might put people back to work, help our institutions of higher education, and build a better America.

There are several things I want to highlight in the bill just briefly. Most of you know that our veteran population, who have given their lives to this country, many have returned home. They have returned home unemployed. Many are homeless. There have been studies all over America now from various institutions how homeless veterans must have housing, jobs. This Congress has passed the best veterans bill in several decades. And we are getting to that so that our veterans, who dedicate their lives for our safety, can have those opportunities.

We provide in our Transportation-HUD bill resources for veterans who are now homeless. It's a great opportunity for us to show to our veterans that the Federal Government they worked so hard to secure is in their corner. Let's not accept any amendments that would reduce that.

The CHAIR. The time of the gentlewoman has expired.

Mr. OLVER. I yield the gentlelady 1 additional minute.

Ms. KILPATRICK of Michigan. Thank you, Mr. Chairman.

Also we have a program that's called reinvesting into our infrastructure, reinvesting TIGER grants. TIGER is acronym that allows us to invest money. There were over $50 billion worth of investments asked for. Our bill has only under $2 billion. So in TIGER I, many communities were not able to partake. These TIGER grants go right from the Federal Government to communities to help rebuild all kinds of programs that are related to transportation and HUD, putting people back to work. They are very competitive. Let's not accept any amendment that would make it more hard, more difficult for communities to

compete with one another for these limited dollars.

TIGER grants, veterans homeless assistance, and other things within this budget, roads, bridges, train dollars, this is a good bill. I commend Ms. Hallahan as well as our chairman. The other side has been working with us pretty good as well. Yes, we have to fix the deficit, but you don't do it on the least of these.

Mr. Chairman, I hope that we will pass this bill and move it onto the Senate, a good bill, beginning to put America back to work.

Mr. Chair, I rise today to support the FY2011 Transportation-Housing and Urban Development Appropriations Bill, H.R. 5850. The FY2011 Transportation-Housing and Urban Development bill before us today addresses a number of housing and transportation challenges.

There is such a broad consensus affirming the great needs for transportation infrastructure investments and for affordable housing throughout the country.

The total budgetary resources include $67.4 billion in discretionary appropriations for the departments and agencies, which is $1.3 billion less than requested by the administration, and $500 million below the FY 2010 appropriations.

This bill seeks to address the need to invest in transportation infrastructure that will create jobs and ensure that our roads, rails, ports and airports are safe. This bill also seeks to address the need for affordable housing through investments in basic program management tools that will improve HUD's ability to operate efficiently as an organization.

Priorities in the bill are focused on investing in the nation's infrastructure to support jobs; supporting vulnerable populations in a difficult economic climate; ensuring safe transportation; building healthy communities with environmentally sustainable solutions; and ensuring responsible management and oversight of government investments.

Overall, the bill balances the housing and transportation needs of the country within current fiscal constraints. Investments are targeted to critical housing and infrastructure needs that will keep this economy moving forward.

The THUD Committee and staff have worked hard to bring a THUD bill that will balance the needs for housing and transportation programs with the call to cut wasteful spending.

Mr. Chair, this is a good bill and I ask all of my colleagues to support the bill.

Mr. LATHAM. I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding.

Well, it's truly remarkable to come to the floor on what may be the second to last day of a long summer session and only be considering the second out of the 12 appropriations bills that Congress historically has spent the entire summer considering. As the distinguished ranking member of the committee said moments ago, this is only the second. We did the first of 12 yesterday.

And as we come to the floor today to speak about the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, Mr. Chairman, I can't even tell you that this bill is over the budget because not only have we spent the entire summer not appropriating the Federal budget, as Congress is obligated to do, but the Democrat majority didn't even pass a budget. Didn't even try to pass a budget. I mean it really is extraordinary. You can't say this bill exceeds the budget because the majority didn't even pass a budget.

Now, I heard the distinguished chairman of the full committee, who has my respect, the gentleman from Wisconsin, refer to this bill as fiscally responsible. I respect the gentleman. I believe, maybe grading on the curve that he is grading on, maybe it is. But the American people deserve to know the truth about this bill. It is a fact this bill does spend less than—1 percent less than last year's bill. But what they're kind of leaving out of the fine print is last year's bill was a 23 percent increase from the previous year. That didn't even include the $62 billion in related funding that was included in the so-called stimulus bill that's only stimulated more deficits and more debt. I mean it really is incredible.

And this bill, as has been mentioned by other colleagues in this debate, this bill is an earmark factory, with 459 earmarks in this bill, less than one-tenth of 1 percent of which are related to Republican Members of Congress. In fact, the House Republicans made a decision to refrain from submitting earmarks altogether because we believe the American people are tired of borrowing and spending as usual in Washington, D.C. They're tired of an earmarking culture and a favor factory here in Washington, D.C.

The truth is, as I look at this extraordinary piece of legislation and I think of a $1.47 trillion deficit this year, this massive spending bill just seems to be emblematic of the fact that this majority just doesn't get it. They don't understand that the American people are bone weary of deficits and debt and spending as usual. And they long for leadership in Washington, D.C., that's willing to play it straight, make the hard choices.

The CHAIR. The time of the gentleman has expired.

Mr. PENCE. And this fall they will have the opportunity to elect a majority that will do just that.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Members are advised to heed the gavel.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ISRAEL), who is a member of the full committee.

□ 1430

Mr. ISRAEL. I thank the distinguished gentleman from Massachusetts for recognizing me.

Mr. Chair, I've listened to the points from the other side, and Mr. Chair, my friend from Indiana said the American people are tired of borrowing and spending. Yeah, they are tired of it. They had 8 years of it on the other side. The other side, when they took control, we had a $5.6 trillion surplus. They squandered that and left us $10 trillion in debt. So I think lectures need to be fact-based and not faith-based.

This bill addresses two of the great challenges we have in the United States. We have an aging, deficient infrastructure, and we have millions of people who still need jobs. And this bill addresses both.

Infrastructure: 153,000 bridges in the United States have been rated functionally obsolete or deficient; 162,000 miles of Federal highway have been rated unacceptable. Traffic delays are costing America's small businesses and the American people $78 billion every year. Just in New York City, aviation delays cost our local economy $1.8 billion.

The American Society of Civil Engineers does an annual report card on infrastructure and routinely gives grades of C, D, and F to transportation systems, broadband, and our ports.

Meanwhile, Mr. Chair, in China, they're going to build 97 new airports over the next 12 years; in Spain, they're going to make a $150 billion investment in high-speed rail; in India, 276 port projects, $12 billion investment to double port capacity.

This bill stops the surrender of infrastructure investments to China and to Spain and to India. This bill makes us more competitive in a global economy. This bill creates jobs. Every billion dollars that we invest in infrastructure creates 47,500 jobs and returns $6 billion to our economy.

Mr. Chair, Americans have always done best when we build America—the Erie Canal, the Transcontinental Railroad, the Federal Interstate Highway System.

The CHAIR. The time of the gentleman has expired.

Mr. OLVER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. ISRAEL. We always do best when we are building with our hands, when we are standing and growing with this economy, putting people to work, manufacturing for a better economy. And this bill turns away 8 years of neglect on infrastructure and starts to rebuild America again and create jobs in the process.

This is a jobs bill. Vote ''no'' on this bill and you are killing jobs and surrendering to China and Spain and other countries. Vote ''yes'' and you are creating jobs, investing in this infrastructure, and strengthening America again.

Mr. LATHAM. I yield myself 1 minute.

I just want to tell the gentleman—and I don't want to get into a partisan fight here, but there was not one person on the other side of the aisle who

voted to double infrastructure spending in the stimulus bill, spend half as much money overall, and by the President's own top economic adviser, would have created twice as many jobs as what did the stimulus bill that was actually passed and signed into law.

Our motion to recommit was to double the funding for infrastructure, if anybody's forgotten that. That was exactly what it was so that we could have actually created jobs here in the United States. The gentleman apparently forgets that he voted against that.

I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, and I commend the subcommittee on its work to refine the administration's proposal, reduce it a billion dollars, but nonetheless deal with the challenges that face the American people.

And Mr. OLVER is right, as is my friend from New York, in talking about how we're losing an infrastructure challenge globally, which is apparent to anybody who travels overseas. This is an important piece of legislation that struggles to help make the Federal Government a better partner in rebuilding and renewing America.

I have great respect for my good friend from Iowa, but I must respectfully disagree. The programs dealing with livability are, in fact, refined and tested. That's why there was such an outpouring of support for things like the TIGER grants. They are popular, and they are already making a difference, as we see, around the country.

As for high-speed rail . . . give me a break. Yes, the administration did move forward with $8 billion for high-speed rail, which takes a little time to work through the process, but China is going to spend more in the next couple of months than we will in the next 3 years, illustrating how we are losing that effort.

Livable communities were actually developed by this subcommittee in the last Congress. The administration took the work that you Mr. Chairman developed, they refined it, they expanded it, and I think it's to your credit for what you have done.

I am saddened by an ill-advised amendment by my friend and colleague, Mr. DEFAZIO from Oregon, targeting transportation livability programs that, in fact, if they were allowed to move forward, would give us a head start on what I think the Transportation and Infrastructure Committee wants to happen with their reauthorization. They know that's important. This would allow a head start on communities large and small, rural and urban, to be able to get ahead of the curve and make those programs work better.

Even more ill-advised, I think, is an amendment from PETERS, ALDER, and HIMES to cut some of the guts this effort from TIGER grants, high-speed rail, Brownfields, HOPE VI, housing for veterans. These are programs that, in community after community, people have acknowledged are important. These have economic vitality. They give communities tools. They leverage far more than the Federal investment.

I would suggest that rather than targeting products of a thoughtful rebalancing that came out of this committee, our goal instead should be to support the committee in its efforts refining the administration's proposal, help rebuild and renew America with infrastructure that is failing and out of date and losing competitiveness. We should reauthorize the Surface Transportation Act.

The CHAIR. The time of the gentleman has expired.

Mr. OLVER. I yield an additional minute to the gentleman.

Mr. BLUMENAUER. This is the home stretch.

We have had examples, for the last 14 years that I've been in Congress, where communities are struggling to figure out how to put the pieces together. I commend the committee for its work to try and give the tools the communities need to stretch Federal dollars, to be able to encourage private sector investments, to build on models of proven success, the cutting edge of architecture, of construction, of energy conservation, water. These are areas that America desperately needs. I think it would be shortsighted to cut back on this fine work.

I will guarantee you over the course of the next decade that Congresses and future administrations are going to build on the foundation that you've established. I hope that this Congress does its part by moving this forward and supporting the subcommittee's important work.

Mr. LATHAM. I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Chair, the American people are asking this Congress and this President what part of ''broke'' don't you understand. Already we have seen, on June 30, the third largest one-day increase in the national debt in our history: $166 billion larger than the entire annual deficit of 2007. Already this year the deficit has crossed the trillion dollar mark for only the second time in American history. Of course, the first time, as we know, was last year.

We are looking at the largest national debt in our Nation's history. As a percentage of our economy, it rivals that of World War II, and it's only due to get worse.

□ 1440

And yet since the Democratic majority has come in, President Obama has been elected, this body has gone on a spending spree, today borrowing 41 cents on the dollar, mainly from the Chinese, to send the bill to our children and our grandchildren. At one time Mr. HOYER of Maryland, now the House majority leader, said to run deficits was akin to ''fiscal child abuse,'' and now all we seemingly hear from the other side is the refrain, ''Que sera sera.''

So today we have an appropriations bill, one, Mr. Chairman, that's coming to this floor without a budget. First time in the history of the House the House hasn't even attempted to pass a budget. Well, Mr. Chairman, I guess the only reason you want a budget is because you want a limit on spending. If you don't want to limit your spending, you don't need a budget. So we have no budget. We're going directly to the appropriations bill, and in this case, the THUD bill is 39 percent larger than it was in fiscal 2008, the year before the Democrats went on their spending spree. You know, Mr. Chairman, again, how much of this spending meets the test of borrowing 41 cents on the dollar, mainly from the Chinese, sending the bill to our children and our grandchildren?

I have the pleasure of serving on the President's Fiscal Responsibility Commission. It is chaired by the gentleman from North Carolina Erskine Bowles, former chief of staff to President Clinton. He likens the national debt, quote, this debt is like a cancer that's truly going to destroy the country from within, and yet, Mr. Chairman, our Democratic majority brings to the floor a bill spending 38 percent more than just a few years ago.

Recently, it was reported in The Hill that our chairman of the Joint Chiefs of Staff said, The Nation's debt is the biggest threat to U.S. national security. Yet the Democratic majority brings a bill to this floor spending 38 percent more on THUD than just 3 years ago.

The CHAIR. The time of the gentleman has expired.

Mr. LATHAM. I yield the gentleman 1 additional minute.

Mr. HENSARLING. The director of the Congressional Budget Office, Doug Elmendorf, Democratic appointee, has said, quote, U.S. fiscal policy is unsustainable, unsustainable to an extent that it can't be solved through minor changes. Yet the Democratic majority brings a bill spending 38 percent more since when they came into office.

Economist Robert Samuelson has said that this spending could, quote, trigger an economic and political death boggle. Yet, the Democratic majority brings a bill spending 38 percent more from when they took over.

You know, Mr. Chairman, Americans have seen what is going on in Greece. They've seen the riots in the street. Greece is having to sell sovereign territory. Their debt in relation to their economy is about 112 percent. Ours is at 90 percent.

We are truly at a tipping point which is why the American people are saying: what part of broke don't you understand? No Nation can borrow, spend or

bail out its way to economic prosperity. This bill needs to be rejected.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Ms. BEAN) for the purposes of a colloquy.

Ms. BEAN. Thank you, Mr. Chairman, for yielding and for your thoughtful leadership and stewardship on our Nation's transportation resources and your commitment to strengthening America's competitiveness.

I strongly support the renewed focus and investment in our Nation's critical rail infrastructure. Yet I continue to have grave concerns about the impacts of freight rail traffic on communities whose road infrastructure was not designed to accommodate increased levels of rail traffic.

In communities in my district in Illinois, those concerns include blocked crossings that cause traffic bottlenecks; safety threats due to decreased mobility of emergency responders; safety issues due to increased car volumes and speeds; noise and air pollution; and interference with proposed commuter rail expansions.

The recent acquisition of the EJ&E by Canadian National promises to significantly increase daily rail traffic. This would necessitate construction of over a dozen grade separations, like underpasses and overpasses, to ensure adequate safety and traffic flow. With each construction project estimated at costs of tens of millions of dollars, the impact of this federally approved rail transaction rises to the level of regional and national significance. Municipalities like Barrington and others along the EJ&E need DOT funding to help their communities continue to function which is why we need a multiyear surface transportation reauthorization moving forward to address such needs nationwide.

While funding for grade separation construction will come from the FHA in this bill, the FRA and STB must continue to work together to align transportation and safety priorities. State and local governments cannot be expected to bear the burden of accommodating regionally and nationally significant freight movement. It's in everyone's interest that Federal agencies partner with communities to ensure the impacts of such freight are mitigated to a reasonable and practicable extent.

I would like to point out that crossing hazard reduction efforts should not be limited to high-speed rail corridors. The vast majority of our rail network continues to be comprised of non-high-speed rail, regardless of maximum potential train speed.

The CHAIR. The time of the gentlewoman has expired.

Mr. OLVER. I yield the gentlewoman an additional 2 minutes.

Ms. BEAN. I yield to the chairman.

Mr. OLVER. Mr. Chairman, I am glad to work with the gentlewoman from Illinois on grade separation issues which impact our transportation networks and communities across the country, all over the country. The problem you describe is exactly the type of project that should be addressed in the TIGER grant program, which works to address transportation issues of regional and national significance and particularly ones which are intermodal in nature.

Ms. BEAN. I agree with the chairman, and I thank you for giving me the opportunity to speak on these important issues. I look forward to working with you further on it.

Mr. LATHAM. I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. MOORE) for the purposes of a colloquy.

Ms. MOORE of Wisconsin. I thank you, distinguished Chairman OLVER.

I rise to bring to your attention a critical infrastructure need in the Fourth Congressional District of Wisconsin. The Hoan Bridge, a vital thoroughfare in my community, connects downtown Milwaukee to the near southside southern suburbs, on to the airport and beyond to the interstate, but it's rapidly deteriorating. Chunks of concrete have been falling off the bridge, and of course, that has created a significant safety hazard.

My constituents really rely on the Hoan Bridge, and it accommodates about 43,000 vehicles per day. I trust, Representative OLVER, that you will agree that ensuring the bridge's structural integrity and the safety of my constituents is of urgent importance.

I yield to the chairman.

Mr. OLVER. I thank the gentlewoman from Wisconsin for raising this issue, and I've come to realize and I appreciate how important this bridge is to you and your constituents.

The committee, which looks at many critical infrastructure issues like this one across the country, stands ready to work with you on this project in the future.

Ms. MOORE of Wisconsin. I thank you, Representative OLVER. I look forward to working with you as well to ensure the viability of this important bridge, the Hoan Bridge.

Ms. ROYBAL-ALLARD. Mr. Chair. I am pleased to rise in support of H.R. 5850, the Fiscal Year 2011 Transportation Housing and Urban Development Appropriations Bill.

As a member of the Subcommittee, I would like to thank Chairman JOHN OLVER and Ranking Member TOM LATHAM for their hard work on this bill. At a time when so many are struggling to keep roofs over their heads and to stay employed, I believe this bill makes wise investments in our nation's housing and transportation infrastructure needs.

For example, the FY11 THUD Appropriations bill will allow HUD to renew all project-based Section 8 rental contracts for a full 12 months. This will help ensure that the nearly 1.3 million low-income families that currently reside in project-based Section 8 housing will not lose their homes.

The Committee has also recognized the unique housing needs of some of our most vulnerable Americans, restoring and increasing funding for the Section 811 and Section 202 programs for the elderly and the disabled. The bill provides $85 million in vouchers to get homeless veterans off the streets and it increases funding for Homeless Assistance Block Grants, which provide permanent and transitional housing for homeless families and individuals.

In addition to these important housing programs, the bill makes important investments necessary to maintain and expand our nation's transportation infrastructure which is critical to our continuing economic recovery efforts. At a time when high unemployment persists, focusing on investments in our transportation infrastructure is an essential job-stimulator.

I want to also specifically highlight two rail issues that I requested the committee to address in the bill: positive train control and environmental and quality of life concerns along proposed high speed rail routes.

First, the bill includes funding for positive train control (PTC) to help prevent railroad collisions. In 2008 the community of Chatsworth in Los Angeles County suffered a tragic head-on train collision between a commuter train and freight train. Tragically eleven lives were lost and dozens more were injured. That awful accident, as well as the deadly 2009 WMATA collision here in our nation's capital, could have been prevented had this train control technology already been operating in both of these rail systems. The funding in the bill will help with the development of technologies to override human error or mechanical failure and automatically prevent collisions such as the Chatsworth crash.

The second rail issue concerns our commitment to protect the residents along new high speed rail routes. In the rush to build a national high speed rail system in our country, I believe it absolutely essential that we ensure careful and thoughtful decisions particularly as they regard impacts on residential communities. Accordingly, the committee report includes important language to ensure that the concerns of poor and minority communities are taken into account in routing these projects.

Building a high speed rail route along existing transportation corridors in communities like Los Angeles may minimize the negative impact to many communities. However, the damage done decades ago to many poor and minority neighborhoods along those corridors by rail and interstate system construction may be exacerbated by construction of the high speed rail system. These communities continue to suffer from the environmental and health impacts long after their neighborhoods were dissected by past construction.

The report directs the Federal Railroad Administration (FRA) to carefully consider the effects of using existing or new transportation corridors in its analysis of proposed routes. The report also directs the FRA to identify appropriate mitigation measures particularly to offset any negative effects identified in regards to minority populations and low-income populations.

Mr. Chair, I am happy to support passage of this important bill. The funding included in this legislation is critical to building and maintaining our transportation infrastructure, creating jobs, and protecting the housing needs of America's most vulnerable populations. I urge my colleagues to support this bill.

Mr. OBERSTAR. Mr. Chair, I rise in strong support of the amendment offered by the gentleman from Oregon, Mr. DEFAZIO, which makes $200 million in livable community grants provided by this Act contingent on an authorization by Congress.

While I support the vast majority of the bill before us today, and I thank the gentleman from Massachusetts, Mr. OLVER, for providing substantial and much-needed investment in our Federal transportation programs, I do have concerns with the impact aspects of this Act will have on surface transportation programs.

Unfortunately, certain aspects of H.R. 5850 would enable the Administration to continue to avoid engaging with Congress to enact comprehensive surface transportation authorization legislation.

H.R. 5850 includes some good initiatives in the areas of livable communities, distracted driving, and funding for transit operating expenses. These initiatives, however, should be considered in the context of a comprehensive surface transportation authorization bill.

For the past three years, the Committee on Transportation and Infrastructure, led by Mr. DEFAZIO, has conducted a thorough review of the needs of the nation's surface transportation network. Throughout this process, it has become clear that there is a broad consensus on the need to fundamentally transform highway, highway safety, and public transportation programs to meet the needs of the 21st century surface transportation network. But changes to these programs must be considered as part of a holistic rewrite of the entire surface transportation program, not piecemeal in an annual appropriations bill.

I understand that the Administration has requested the Livable Communities Initiative be included in the fiscal year 2011 budget for the Department of Transportation. What I do not understand is why Congress should agree to this request, thereby allowing the Administration to obtain the policy changes it desires without ever having to do the hard work that will be required to enact the next surface transportation authorization bill.

In effect, H.R. 5850 would let the Administration ''eat its dessert first'' and then leave the table without ever getting to the meat and potatoes of what needs to be done to fix our nation's transportation systems.

Therefore, this amendment would prohibit the use of FHWA's formula funds under the fiscal year 2011 THUD Act from being used to carry out FHWA's livable communities initiative until legislation is enacted to authorize such a program.

Our objection is not to providing grant funding for livable communities, but rather to the attempt to provide this funding prior to Congressional authorization.

I am hopeful that the Administration will soon engage in a serious effort to enact surface transportation authorization legislation. Enactment of such legislation will be critical to moving forward on new initiatives such as those proposed by H.R. 5850 to develop the surface transportation system to meet the needs of the 21st century.

I urge my colleagues to join me in supporting Mr. DEFAZIO's amendment.

Mr. GENE GREEN of Texas. Mr. Chair, I rise today in support of H.R. 5850—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2011. In particular, I am supportive of the Appropriations Subcommittee on Transportation, Housing and Urban Development's inclusion of federal funding for the Metropolitan Transit Authority of Harris County for four projects in the City of Houston as well as funding much needed improvements to the Lynchburg Ferry Landings in our area.

The Subcommittee's inclusion of $150 million for the North and Southeast corridor light rail projects will be tremendously helpful for the Houston area. These projects involve a combined 11.8 miles of light rail transit, and will benefit the city by increasing citizen mobility, improving the city's air quality, and promoting economic development and job creation. The funding will be used for the final design and construction of these two corridors, which are part of an overall system of interrelated projects that make up the Advanced Transit Program and Metro Solutions Plan. The success of these light rail projects will facilitate Houston's economic recovery and help the city further develop and improve its infrastructure.

Additionally, H.R. 5850 includes $700,000 for the North and South Lynchburg Ferry Landings in Harris County, Precinct Two. These landings haven't been refurbished or updated in years and these funds will provide better connectivity between the historical and recreational sites to increase the number of visitors and provide an economic stimulus for Ship Channel communities.

I would like to thank the Subcommittee on Transportation, Housing and Urban Development for recognizing the importance of this assistance to the Houston area and including them in this bill.

Mr. NADLER of New York. Mr. Chair, I rise in support of the Fiscal Year 2011 Transportation-HUD Appropriations Act. As we all know, this is a very tight budget year, but Chairman OLVER and the other Members of the Committee are to be commended for providing increased funding for critical transportation and housing programs.

Many of my colleagues joined me in requesting increases for Section 8 and the Housing Opportunities for Persons with AIDS program—also known as HOPWA. I am pleased that this bill increases funding for Section 8 programs by approximately $2 billion. The bill includes $9.4 billion for project based rental assistance, and $19.4 billion for tenant-based rental assistance, which should be enough to renew all existing vouchers covering more than 2 million families. The bill also has $350 million for HOPWA, which is $15 million more than last year and $10 million over the President's request. I thank the Chairman for his efforts to secure these badly needed resources.

Many Members also joined me in requesting an increase for federal transit programs so that we can maintain our public transportation systems in a state of good repair and accommodate increased ridership. I would like to thank the Chairman for including $11.3 billion for federal transit programs, which is an increase of over $500 million from last year. The bill includes increased funding for transit capital programs as well as $250 million for operating assistance. While I believe the operating assistance provision could be better, this is a step in the right direction.

I commend Chairman OLVER for his leadership and I thank him for his continued support for these critical transportation and housing resources. I look forward to working with him and the rest of my colleagues to preserve and increase these funding levels as this bill moves through Congress.

Mr. VAN HOLLEN. Mr. Chair, I rise in strong support of the Department of Transportation and Housing and Urban Development Appropriations Act for FY2011. This is a jobs bill and it is an economic development bill. It is about rebuilding our infrastructure and revitalizing our communities.

The transportation construction industry has been hard hit with this recession, as states tighten their belts and delay major projects. While we need a long-term surface transportation reauthorization, today's legislation makes vital investments to put people to work rebuilding communities. It includes $45.2 billion for roads and highways, and $11.3 billion for public transportation to bring our infrastructure back to a state of good repair and give Americans transportation options. It invests in Amtrak and high-speed rail to move people around the country. These programs create jobs in our communities.

Today's bill also invests in programs like the Public Housing Capital Fund and the Community Development Block Grant, which allow communities to make vital improvements to public housing and spur business expansion and job creation. The bill includes funding for foreclosure mitigation and rental assistance to stabilize neighborhoods by keeping people in their homes. And it supports housing for vulnerable populations, including homeless veterans, the elderly, and persons with disabilities.

Finally, this bill contains a vital investment for my constituents and the entire D.C. metropolitan region—$150 million for the Washington Metropolitan Area Transit Authority (WMATA). This funding, authorized by the Passenger Rail Investment and Improvement Act, is part of a 10-year plan to help WMATA make needed safety improvements and address its capital maintenance backlog. I thank Chairman OLVER and the Committee for its continued support of WMATA, which serves so many federal employees and tourists in the District of Columbia.

Mr. Chair, the Transportation and Housing and Urban Development Appropriations Act is a jobs bill. It puts Americans to work to repair aging infrastructure, create new transportation options, and revitalize communities. I urge my colleagues to join me to support these vital investments.

Ms. BORDALLO. Mr. Chair, I rise in strong support of H.R. 5850 the Transportation, Housing and Urban Development, and Related Agencies Appropriation Act for Fiscal Year 2011. The bill provides critical funding to our infrastructure across the United States and in the territories. In particular, the bill funds $400 million in a third round of TIGER grants for investment in significant ''National Infrastructure Investments.'' I appreciate the Committee's continued support of this effort and would continue to urge the U.S. Department of Transportation to obligate these funds towards truly innovative projects. I would also urge the Department of Transportation to more adequately fund port infrastructure projects with TIGER funds.

I also greatly appreciate the Committee's continued commitment to funding the NextGen modernization program at the Federal Aviation Administration. In particular, I appreciate the

Committee's increase of $10.1 million for the Ground-Based Augmentation System (GBAS). GBAS, also known as Local Area Augmentation-System (LAAS), is a critical component of the NextGen framework. GBAS provides very precise terminal arrival, approach and landing operations for aircraft that have available GPS systems. GBAS conforms to requirements identified in the FAA NextGen Implementation Plan, the National Airspace System (NAS) Enterprise Architecture and the Roadmap for Performance Based Navigation. In short, this system can reduce and improve landing approaches by our nation's airlines. This will reduce cost to consumers and reliance on fuel. Of particular importance to Guam is the portability of the GBAS system. In the event of a significant natural disaster, the system can be disassembled and reassembled in a relatively short time. This is important for Guam because during a typhoon the system can restore precision approach to the airport more quickly than a traditional instrument landing system (ILS) and thus allowing restoration of relief services faster than traditionally possible.

I have worked with the FAA to deploy a system to Guam as a measure of prudence and in an effort to improve the system's capabilities. The additional funds provided by the Committee will provide the FAA with the resources needed to begin the process of identifying additional locations for GBAS which I believe must include Guam. Again, I want to thank Chairman OLVER for his leadership and support of this effort. I want to thank Ranking Member LATHAM and Congressman LATOURETTE for their support of this effort as well.

Mr. LATHAM. I yield back the balance of my time.

Mr. OLVER. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill is considered for amendment under the 5-minute rule, and the bill shall be considered as read through page 171, line 17.

The text of that portion of the bill is as follows:

H.R. 5850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, 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, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $111,615,000, of which not to exceed $2,667,000 shall be available for the immediate Office of the Secretary; not to exceed $1,000,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $19,711,000 shall be available for the Office of the General Counsel; not to exceed $12,015,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $11,899,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,530,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $25,695,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,240,000 shall be available for the Office of Public Affairs; not to exceed $1,683,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,513,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $10,999,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed $19,663,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

LIVABLE COMMUNITIES

For necessary expenses for livable communities initiatives, including coordinating livability and sustainability work within the Department of Transportation and with the Environmental Protection Agency and the Department of Housing and Urban Development; developing performance standards and metrics; building analytical capacity; and providing grants and direct technical assistance to State, local, and non-profit organizations, $20,000,000, to remain available until September 30, 2013; *Provided*, That any grants and technical assistance made available under this heading shall be for improved performance measurement capabilities, enhanced ability to perform alternatives analysis, and training and workshops for personnel.

NATIONAL INFRASTRUCTURE INVESTMENT

For capital investments in transportation infrastructure, $400,000,000, to remain available through September 30, 2013: *Provided*, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: *Provided further*, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: *Provided further*, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: *Provided further*, That a grant funded under this heading shall be not less than $5,000,000 and not greater than $75,000,000: *Provided further*, That not more than 12.5 percent of the funds made available under this heading may be awarded to projects in a single State: *Provided further*, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: *Provided further*, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: *Provided further*, That not less than $100,000,000 of the funds provided under this heading shall be for projects located in rural areas: *Provided further*, That for projects located in rural areas, the minimum grant size shall be $1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: *Provided further*, That of the amount made available under this heading, the Secretary may use an amount not to exceed $60,000,000 for the purpose of paying the subsidy and administrative costs of projects eligible for federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: *Provided further*, That the Secretary may use up to ten percent of the funds provided under this heading to fund the costs of equipping aircraft with communications, surveillance, navigation and other avionics to conduct a demonstration of NextGen air traffic control capabilities through grants or other authorities available under section 106(l)(6) of title 49, United States Code: *Provided further*, That of the amount made available under this heading, the Secretary may use an amount not to exceed $20,000,000 for the planning, preparation or design of projects eligible for funding under this heading: *Provided further*, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided further*, That the Secretary shall publish criteria on which to base the competition for any grants awarded under this heading no sooner than 60 days after enactment of this Act, require applications for funding provided under this heading to be submitted no sooner than 120 days after the publication of such criteria, and announce all projects selected to be funded from funds provided under this heading no sooner than September 15, 2011: *Provided further*, That the Secretary may retain up to $16,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, the Federal Aviation Administration, and the Federal Maritime Administration, to fund the award and oversight of grants made under this heading.

FINANCIAL MANAGEMENT CAPITAL

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

CYBER SECURITY INITIATIVES

For necessary one-time expenses for cyber security initiatives, including improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of federal cyber security initiatives and information infrastructure enhancements, implementation of enhanced security controls on network devices, and enhancement of cyber security workforce training tools, $28,188,000, to remain available until expended.

OFFICE OF CIVIL RIGHTS

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

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $9,819,000.

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $148,096,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $329,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $584,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,395,000, to remain available until September 30, 2012: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

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

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

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

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

(b) No later than 5 days after the announcing of grant awards, the Secretary shall post on the Department of Transportation website a complete description and accounting of what criteria, both qualitative and quantitative, was used in the selection of the grants under the program.

(c) The Office of Inspector General of the Department of Transportation shall audit and review 10 percent of grant recipients under the National Infrastructure Investments program to ensure that funds issued under such program are used appropriately and within the scope of the grant awarded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $9,793,000,000, of which $3,900,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $7,630,628,000 shall be available for air traffic organization activities; not to exceed $1,304,486,000 shall be available for aviation safety activities; not to exceed $16,747,000 shall be available for commercial space transportation activities; not to exceed $114,784,000 shall be available for financial services activities; not to exceed $103,297,000 shall be available for human resources program activities; not to exceed $361,354,000 shall be available for region and center operations and regional coordination activities; not to exceed $208,994,000 shall be available for staff offices; and not to exceed $53,360,000 shall be available for information services: *Provided*, That the Secretary utilize not less than $17,000,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: *Provided further*, That none of the funds provided for increases to the staffs of the aviation flight standards and aircraft certification offices shall be used for other purposes: *Provided further*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 for each day after March 31 that such report has not been submitted to the Congress: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 per day for each day after March 31 that such report has not been submitted to Congress: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation as offsetting collections funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, including funds from fees authorized under Chapter 453 of title 49, United States Code, other than those authorized by section 45301(a)(1) of that title, which shall be available for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $9,500,000 shall be for the contract tower cost-sharing program: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for

officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $3,000,000,000, of which $2,508,000,000 shall remain available until September 30, 2013, and of which $492,000,000 shall remain available until September 30, 2011: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of National Airspace Systems: *Provided further*, That upon initial submission to the Congress of the fiscal year 2012 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2012 through 2016, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $198,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2013: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,550,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,515,000,000 in fiscal year 2011, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than $99,622,000 shall be obligated for administration, not less than $15,000,000 shall be available for the airport cooperative research program, not less than $27,217,000 shall be for Airport Technology Research.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2011.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

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

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

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

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

SEC. 116. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 117. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $428,843,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation: *Provided*, That of the funds made available under this heading, not less than $8,000,000 shall be for renovations and upgrades to the fiscal management information system, except that such funds may not be obligated for such purpose until the Secretary of Transportation submits to the House and Senate Committees on Appropriations a plan that identifies the full cost of the upgrades needed and a timeline for completion. In addition, not to exceed $3,300,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $45,217,700,000 for Federal-aid highways and highway safety construction programs for fiscal year 2011: *Provided*, That within the $45,217,700,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2011: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further*, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $45,956,700,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

(INCLUDING RESCISSIONS)

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

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways

that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

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

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

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

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

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

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

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to $639,000,000 for each of fiscal years 2005 through 2011; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

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

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

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

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

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

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

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

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

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

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

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 122. Not less than 15 days prior to waiving, under his statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided*, That the Secretary shall provide an annual report to the Appropriations Committees of the Congress on any waivers granted under the Buy America requirements.

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

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

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

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

(b) EXCEPTIONS.—

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

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

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll

lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

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

SEC. 124. Notwithstanding any other provision of law, whenever an apportionment is made of the sums authorized to be appropriated for the Surface Transportation Program, the Congestion Mitigation and Air Quality Improvement Program, the National Highway System Program, the Interstate Maintenance Program, and the Highway Bridge Program, the Secretary of Transportation shall deduct a sum in such amount not to exceed a total of $200,000,000 of all sums so authorized: *Provided*, That of the amount so deducted in accordance with this section shall be made available for the Federal Highway Administration Livable Communities Program: *Provided further*, That the Federal share payable on account of any program, project, or activity carried out with funds made available under this section shall be determined in accordance with 23 U.S.C. 120: *Provided further*, That the Administrator of the Federal Highway Administration may retain up to one percent of the funds provided under this section for administrative expenses: *Provided further*, That the sum deducted in accordance with this section shall remain available until expended: *Provided further*, That all funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways programs set forth in this Act or any other Act: *Provided further*, That the obligation limitation made available for the programs, projects, and activities for which funds are made available under this section shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years: *Provided further*, That in apportioning funds for fiscal year 2011 for the equity bonus program under Section 105 of title 23, United States Code, the Secretary shall make any calculations required to be made under that section as if this provision had not been enacted.

SEC. 125. (a) In the explanatory statement referenced in section 186 of title I of division A of Public Law 111–117 (123 Stat. 3070), the item relating to ''Chalk Bluff Road, Clay County, AR'' in the table of projects under the heading ''Delta Region Transportation Development Program'' is deemed to be amended by striking ''Chalk Bluff Road, Clay County, AR'' and inserting ''Cabot North Interchange, AR''.

(b) In the explanatory statement referenced in section 186 of title I of division A of Public Law 111–117 (123 Stat. 3070), the item relating to ''I-480/Tiedeman Road Interchange Modification, OH'' in the table of projects under the heading ''Interstate Maintenance Discretionary'' is deemed to be amended by striking ''I-480/Tiedeman Road Interchange Modification, OH'' and inserting ''Construction and upgrades at four grade crossings in Olmsted Falls, OH''.

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

(d) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to ''Newton County Rails to Trails By-Pass Tunnel, GA'' in the table of projects under the heading ''Transportation, Community, and System Preservation Program'' is deemed to be amended by striking ''Newton County Rails to Trails By-Pass Tunnel, GA'' and inserting ''Newton County Eastside High School to County Library Trail, GA''.

SEC. 126. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended—

(a) in item number 1366, by striking the project description and inserting ''Road and bridge improvements and storm water mitigation in the Town of Southampton''; and

(b) in item number 2252 by striking the project description and inserting ''Operational safety studies, final design and/or construction of intersection operational and safety improvements for USH 53 between Rice Lake and Superior, Wisconsin''.

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

(a) in item number 414 by striking the project description and inserting ''Engineering, design and construction of the North Street, Pittsfield, streetscaping project''; and

(b) in item number 815 by striking the project description and inserting '' Highway 10 relocation, City of Wadena''.

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

SEC. 129. Of the amounts made available for ''Highway Related Safety Grants'' by section 402 of title 23, United States Code, and administered by the Federal Highway Administration, $3,651 in unobligated balances are rescinded.

SEC. 130. Of the amounts made available under section 104(a) of title 23, United States Code, $1,863,000 are permanently rescinded.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $259,878,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided*, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $259,878,000, for ''Motor Carrier Safety Operations and Programs'' of which $8,586,000, to remain available for obligation until September 30, 2013, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59: *Provided further*, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, $310,070,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $310,070,000, for ''Motor Carrier Safety Grants''; of which $215,070,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $30,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; and $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59: *Provided further*, That of the funds made available for the motor carrier safety assistance program, $35,000,000 shall be available for audits of new entrant motor carriers.

MOTOR CARRIER SAFETY

(HIGHWAY TRUST FUND)

(RESCISSION)

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

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

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

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

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

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, $148,127,000, of which $10,000,000 shall remain available through September 30, 2012: *Provided*, That none of the funds appropriated by this Act may be

obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, $110,073,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2011, are in excess of $110,073,000 for programs authorized under 23 U.S.C. 403: *Provided further*, That within the $110,073,000 obligation limitation for operations and research, $10,000,000 shall remain available until September 30, 2012 and shall be in addition to the amount of any limitation imposed on obligations for future years.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,170,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2011, are in excess of $4,170,000 for the National Driver Register authorized under such chapter.

NATIONAL DRIVER REGISTER MODERNIZATION

For an additional amount for the ''National Driver Register''as authorized by chapter 303 of title 49, United States Code, $2,530,000, to remain available through September 30, 2012: *Provided*, That the funding made available under this heading shall be used to continue the modernization of the National Driver Register.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $626,328,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2011, are in excess of $626,328,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $235,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402; $25,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405; $124,500,000 shall be for ''Safety Belt Performance Grants'' under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2012 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years, of which up to $50,000,000 may be made available by the Secretary as grants to States that enact and enforce laws to prevent distracted driving; $34,500,000 shall be for ''State Traffic Safety Information System Improvements'' under 23 U.S.C. 408; $139,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Incentive Grant Program'' under 23 U.S.C. 410; $25,328,000 shall be for ''Administrative Expenses'' under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for ''High Visibility Enforcement Program'' under section 2009 of Public Law 109–59; $7,000,000 shall be for ''Motorcyclist Safety'' under section 2010 of Public Law 109–59; and $7,000,000 shall be for ''Child Safety and Child Booster Seat Safety Incentive Grants'' under section 2011 of Public Law 109–59: *Provided further*, That of the funds made available for grants to States that enact and enforce laws to prevent distracted driving, up to $5,000,000 may be available for the development, production, and use of broadcast and print media advertising for distracted driving prevention: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States: *Provided further*, That not to exceed $750,000 of the funds made available for the ''High Visibility Enforcement Program'' shall be available for the evaluation required under section 2009(f) of Public Law 109–59.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

(INCLUDING RESCISSION)

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. Of the amounts made available under the heading ''Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)'' in prior appropriations Acts, $7,907,000 in unobligated balances are permanently rescinded.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $203,348,000, of which $5,492,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $40,000,000, to remain available until expended.

RAILROAD SAFETY TECHNOLOGY PROGRAM

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

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2011.

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

To enable the Secretary of Transportation to make grants for high-speed rail projects as authorized under section 26106 of title 49, United States Code, capital investment grants to support intercity passenger rail service as authorized under section 24406 of title 49, United States Code, and congestion grants as authorized under section 24105 of title 49, United States Code, and to enter into cooperative agreements for these purposes as authorized, $1,400,000,000, to remain available until expended: *Provided*, That up to $50,000,000 of funds provided under this paragraph are available to the Administrator of the Federal Railroad Administration to fund the award and oversight by the Administrator of grants and cooperative agreements for intercity and high-speed rail: *Provided further*, That up to $30,000,000 of the funds provided under this paragraph are available to the Administrator for the purposes of conducting research and demonstrating technologies supporting the development of high-speed rail in the United States, including the demonstration of next-generation rolling stock fleet technology and the implementation of the Rail Cooperative Research Program authorized by section 24910 of title 49, United States Code: *Provided further*, That up to $50,000,000 of the funds provided under this paragraph may be used for planning activities that lead directly to the development of a passenger rail corridor investment plan consistent with the requirements established by the Administrator or a state rail plan consistent with chapter 227 of title 49, United States Code: *Provided further*, That the Secretary may retain a portion of the funds made available for planning activities under the previous proviso to facilitate the preparation of a service development plan and related environmental impact statement for high-speed corridors located in multiple States: *Provided further*, That the Secretary shall issue interim guidance to applicants covering application procedures and administer the grants provided under this heading pursuant to that guidance until final regulations are issued: *Provided further*, That not less than 85 percent of the funds provided under this heading shall be for cooperative agreements that lead to the development of entire segments or phases of intercity or high-speed rail corridors: *Provided further*, That at least 30 days prior to issuing a letter of intent or cooperative agreement pursuant to Section 24402(f) of title 49, United States Code, for a major corridor development program, the Secretary shall provide to the House and Senate Committees on Appropriations written notification consisting of a business and public investment

case for the proposed corridor program which shall include: a comprehensive analysis of the monetary and non-monetary costs and benefits of the corridor development program; an assessment of ridership, passenger travel time reductions, congestion relief benefits, environmental benefits, economic benefits, and other public benefits; operating financial forecasts for the program; a full capital cost estimation for the entire project, including the amount, source and security of non-Federal funds to complete the project; a summary of the grants management plan and an evaluation of the grantee's ability to sustain the project: *Provided further*, That the Federal share payable of the costs for which a grant or cooperative agreements is made under this heading shall not exceed 80 percent: *Provided further*, That in addition to the provisions of title 49, United States Code, that apply to each of the individual programs funded under this heading, subsections 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this heading: *Provided further*, That a project need not be in a State rail plan developed under Chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: *Provided further*, That recipients of grants under this paragraph shall conduct all procurement transactions using such grant funds in a manner that provides full and open competition, as determined by the Secretary, in compliance with existing labor agreements.

OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $563,000,000, to remain available until expended: *Provided*, That each grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That concurrent with the President's budget request for fiscal year 2012, the Corporation shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2012 in similar format and substance to those submitted by executive agencies of the Federal Government.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c) and 219(b) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $1,203,500,000 to remain available until expended, of which not to exceed $305,000,000 shall be for debt service obligations as authorized by section 102 of such Act: *Provided*, That after an initial distribution of up to $200,000,000 which shall be used by the Corporation as a working capital account, all remaining funds shall be provided to the Corporation only on a reimbursable basis: *Provided further*, That the Secretary may retain up to one-half of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110–432: *Provided further*, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital project justifying the Federal support to the Secretary's satisfaction: *Provided further*, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2010 business plan: *Provided further*, That in addition to the project management oversight funds authorized under section 101(d) of division B of Public Law 110–432, the Secretary may retain up to an additional one-half of one percent of the funds provided under this heading to fund expenses associated with implementing section 212 of division B of Public Law 110–432, including the amendments made by section 212 to section 24905 of title 49, United States Code, and other mandates of Division B of Public Law 110–432.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

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

SEC. 151. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $106,559,000: *Provided*,That for an additional amount to carry out public transportation fixed guideway safety oversight activities, $24,139,000, if legislation authorizing such activities is enacted into law prior to September 30, 2011: *Provided further*, That of the funds available under this heading, not to exceed $2,200,000 shall be available for travel: *Provided further*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That upon submission to the Congress of the fiscal year 2012 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2012.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, $9,200,000,000 to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, shall not exceed total obligations of $8,961,348,000 in fiscal year 2011: *Provided further*, That of the amounts made available under this heading, $250,000,000 shall be available for the Secretary of Transportation to make grants for the operating costs of equipment and facilities for use in public transportation, if legislation authorizing such activities is enacted into law prior to September 30, 2011: *Provided further*, That eligible recipients under the previous proviso shall include States and designated recipients that receive funding under sections 5307 and 5311 of title 49, United States Code.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, $65,376,000, to remain available until expended: *Provided*, That $10,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and $7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: *Provided further*, That $44,076,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

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

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110–432, $150,000,000, to remain available until expended: *Provided*, That the Secretary shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: *Provided further*, That prior to approving such grants, the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under ''Federal Transit Administration, Capital Investment Grants'' and for bus and bus facilities under ''Federal Transit Administration, Formula and Bus Grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2013, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2010, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the

most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading ''Federal Transit Administration, Capital investment grants'' in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

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

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

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

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $174,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $169,353,000, of which $11,240,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which $30,900,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and of which $63,120,000 shall be available for operations at the United States Merchant Marine Academy, and of which $6,000,000 shall be available until expended for the Secretary's reimbursement of overcharged midshipmen fees: *Provided*, That the Secretary, through such structure and administration as the Secretary establishes, shall reimburse current and former midshipmen of United States Merchant Marine Academy in such amounts as the Secretary determines, in his sole discretion, to be appropriate to address claims regarding the overcharging of midshipman fees, pertaining first to academic years 2003/2004 through 2008/2009, and then pertaining to earlier academic years to the extent that the Secretary determines to be appropriate and subject to the amounts specifically appropriated herein for such reimbursements: *Provided further*, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation or the Assistant Secretary for Budget and Programs: *Provided further*, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United States Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of Maritime Administration shall hold all allotments made by the Secretary of Transportation or the Assistant Secretary for Budget and Programs under the previous proviso: *Provided further*, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Superintendent and the Maritime Administration, completes a plan detailing by program or activity and by object class how such funding will be expended at the Academy, and this plan is submitted to the House and Senate Committees on Appropriations.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $10,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative expenses of the maritime guaranteed loan program, $3,688,000 shall be paid to the appropriation for ''Operations and Training'', Maritime Administration.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

(PIPELINE SAFETY FUND)

(INCLUDING TRANSFER OF FUNDS)

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

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $40,434,000, of which $1,707,000 shall remain available until September 30, 2013: *Provided*, That up to $800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $111,111,000, of which $18,905,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2013; and of which $92,206,000 shall be derived from the Pipeline Safety Fund, of which $51,206,000 shall remain available until September 30, 2013: *Provided*, That not less than $1,053,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

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

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $18,900,000, of which $11,765,000 shall remain available until September 30, 2013: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $86,406,000, of which $285,000 shall be derived from the Highway Trust Fund (other than the Mass Transit Account) for costs associated with the annual audits of the Highway Trust Fund financial statements in accordance with section 104(i) of title 23, United States Code, and section 3521 of title 31, United States Code: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading may be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $31,249,000: *Provided*, That notwithstanding any other provision of

law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2011, to result in a final appropriation from the general fund estimated at no more than $29,999,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

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

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

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

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

SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

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

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Research and University Research Centers'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Funds provided or limited in this Act under the appropriate accounts within the Federal Highway Administration, the Federal Railroad Administration and the Federal Transit Administration shall be for the eligible programs, projects and activities in the corresponding amounts identified in the committee report accompanying this Act for ''Ferry Boats and Ferry Terminal Facilities'', ''Federal Lands'', ''Interstate Maintenance Discretionary'', ''Transportation, Community and System Preservation Program'', ''Delta Region Transportation Development Program'', ''Rail Line Relocation and Improvement Program'', ''Rail-highway crossing hazard eliminations'', ''Capital Investment Grants'', ''Alternatives analysis'', and ''Bus and bus facilities''.

SEC. 187. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 188. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any grant from the Federal Railroad Administration; or (4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any ''quick release'' of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation.

SEC. 189. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 190. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

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

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

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify to the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term ''improper payments'', has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 191. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: *Provided*, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

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

SEC. 193. Notwithstanding section 3324 of Title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109–59: *Provided*, that the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high quality performance under the contract.

SEC. 194. For an additional amount for the ''Salaries and Expenses''account, $7,622,655, to increase the Department's acquisition workforce capacity and capabilities: *Provided*, That such funds may be transferred by the Secretary to any other account in the Department to carry out the purposes provided herein: *Provided further*, That such transfer authority is in addition to any other transfer authority provided in this Act: *Provided further*, That such funds shall be available only to supplement and not to supplant existing acquisition workforce activities: *Provided further*, That such funds shall be available for training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.): *Provided further*, That such funds shall be available for information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management.

This title may be cited as the ''Department of Transportation Appropriations Act, 2011''.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

EXECUTIVE DIRECTION

For necessary salaries and expenses for Executive Direction, $30,265,000, of which not to exceed $7,674,000 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed $1,706,000 shall be available for the Office of Hearings and Appeals; not to exceed $719,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $999,000 shall be available for the immediate Office of the Chief Financial Officer; not to exceed $1,503,000 shall be available for the immediate Office of the General Counsel; not to exceed $2,709,000 shall be available to the Office of the Assistant Secretary for Congressional and Intergovernmental Relations; not to exceed $4,861,000 shall be available for the Office of the Assistant Secretary for Public Affairs; not to exceed $2,163,000 shall be available to the Office of the Assistant Secretary for Public and Indian Housing; not to exceed $1,755,000 shall be available to the Office of the Assistant Secretary for Community Planning and Development; not to exceed $3,565,000 shall be available to the Office of the Assistant Secretary for Housing, Federal Housing Commissioner; not to exceed $1,117,000 shall be available to the Office of

the Assistant Secretary for Policy Development and Research; not to exceed $945,000 shall be available to the Office of the Assistant Secretary for Fair Housing and Equal Opportunity; and not to exceed $549,000 shall be available to the Office of the Chief Operating Officer: *Provided*, That the Secretary of the Department of Housing and Urban Development is authorized to transfer funds appropriated for any office funded under this heading to any other office funded under this heading following the written notification to the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for prior approval to the House and Senate Committees on Appropriations: *Provided further*, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide all signed reports required by Congress electronically: *Provided further*, That not to exceed $25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine: *Provided Further*, That the Secretary shall notify the Committees on Appropriations one month before any of the funds made available under this heading may be used for international travel.

ADMINISTRATION, OPERATIONS AND MANAGEMENT

For necessary salaries and expenses for administration, operations and management for the Department of Housing and Urban Development, $538,552,000, of which not to exceed $65,049,000 shall be available for the personnel compensation and benefits of the Office of the Chief Human Capital Officer; not to exceed $9,122,000 shall be available for the personnel compensation and benefits of the Office of Departmental Operations and Coordination; not to exceed $49,090,000 shall be available for the personnel compensation and benefits of the Office of Field Policy and Management; not to exceed $13,861,000 shall be available for the personnel compensation and benefits of the Office of the Chief Procurement Officer; not to exceed $33,831,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the Chief Financial Officer; not to exceed $86,482,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the General Counsel; not to exceed $3,115,000 shall be available for the personnel compensation and benefits of the Office of Departmental Equal Employment Opportunity; not to exceed $1,316,000 shall be available for the personnel compensation and benefits for the Center for Faith-Based and Community Initiatives; not to exceed $2,887,000 shall be available for the personnel compensation and benefits for the Office of Sustainability; not to exceed $4,445,000 shall be available for the personnel compensation and benefits for the Office of Strategic Planning and Management; not to exceed $4,875,000 shall be available for the personnel compensation and benefits for the Office of the Chief Disaster and Emergency Management Officer; and not to exceed $264,479,000 shall be available for nonpersonnel expenses of the Department of Housing and Urban Development: *Provided*, That, funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: *Provided further*, That the Secretary of Housing and Urban Development is authorized to transfer funds appropriated for any office included in Administration, Operations and Management to any other office included in Administration, Operations and Management only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 10 percent by all such transfers. *Provided Further*,That the Secretary shall notify the Committees on Appropriations one month before any of the funds made available under this heading may be used for international travel.

PERSONNEL COMPENSATION AND BENEFITS

PUBLIC AND INDIAN HOUSING

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

COMMUNITY PLANNING AND DEVELOPMENT

For necessary personnel compensation and benefits expenses of the Office of Community Planning and Development mission area, $105,768,000.

HOUSING

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

OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

For necessary personnel compensation and benefits expenses of the Office of the Government National Mortgage Association, $10,902,000, to be derived from the GNMA guarantees of mortgage backed securities guaranteed loan receipt account.

POLICY DEVELOPMENT AND RESEARCH

For necessary personnel compensation and benefits expenses of the Office of Policy Development and Research, $23,588,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary personnel compensation and benefits expenses of the Office of Fair Housing and Equal Opportunity, $67,964,000.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

For necessary personnel compensation and benefits expenses of the Office of Healthy Homes and Lead Hazard Control, $6,762,000.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (''the Act'' herein), not otherwise provided for, $15,395,663,000, to remain available until expended, shall be available on October 1, 2010 (in addition to the $4,000,000,000 previously appropriated under this heading that will become available on October 1, 2010), and $4,000,000,000, to remain available until expended, shall be available on October 1, 2011: *Provided*, That of the amounts made available under this heading are provided as follows:

(1) $17,080,000,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose vouchers initially funded in fiscal years 2009 and 2010 (such as Family Unification, Veterans Affairs Supportive Housing Vouchers and Nonelderly Disabled Vouchers): *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2011 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for calendar year 2010 and by applying the most recent 12 months of the Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection, and HOPE VI vouchers: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the Moving to Work demonstration, which are instead governed by the terms and conditions of their MTW agreements: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph, pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the following provisos, the entire amount specified under this paragraph shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: *Provided further*, That the Secretary may extend the 60-day notification period with prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further*, That up to $150,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act; (3) for any increase in the costs associated with deposits to family self-sufficiency program escrow accounts; (4) for onetime adjustments of renewal funding for Public Housing Agencies in receivership with approved fungibility plans for calendar year 2009 as authorized in Section 11003 of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329); or (5) to adjust allocations for public housing agencies to prevent termination of assistance to families receiving assistance under the disaster voucher program, as authorized by Public Law 109–148 under the heading ''Tenant-Based Rental Assistance'': *Provided further*, That the Secretary shall allocate amounts under the previous proviso based on need as determined by the Secretary: *Provided further*, That of the amounts made available under this paragraph, up to $100,000,000 may be transferred to and merged

with the appropriation for ''Transformation Initiative'';

(2) $125,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended, or under the authority as provided under this Act: *Provided*, That the Secretary shall provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds;

(3) $1,851,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: *Provided*, That no less than $1,741,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2011 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, for fiscal year 2010 and prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities: *Provided further*, That $60,000,000 shall be available for family self-sufficiency coordinators under section 23 of the Act: *Provided further*, That amounts provided for family self-sufficiency coordinators shall be obligated to the public housing agencies not later than 60 days after enactment of this Act;

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

(5) $75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over;

(6) Up to $66,000,000 for incremental tenant-based assistance for eligible families assisted under the Disaster Housing Assistance Program for Hurricanes Ike and Gustav: *Provided*, That these vouchers will not be reissued when families leave the program;

(7) $85,000,000 for incremental voucher assistance under section 8(o) of the United States Housing Act of 1937, including related administrative expenses, for two competitive demonstration programs to address the needs of families and individuals who are homeless or at risk of homelessness, as defined by the Secretary of Housing and Urban Development, to be administered by the Department of Housing and Urban Development in conjunction with the Department of Health and Human Services and the Department of Education: *Provided*, That one demonstration program shall make funding available to public housing agencies that: (1) partner with eligible state or local entities responsible for distributing Temporary Assistance for Needy Families (TANF) and other health and human services as designated by the Secretary of the Department of Health and Human Services, and (2) partner with school homelessness liaisons funded through the Department of Education's Education for Homeless Children and Youths program: *Provided further*, That the other demonstration program shall make funding available to public housing agencies that partner with eligible state Medicaid agencies and state behavioral health entities as designated by the Secretary of the Department of Health and Human Services to provide housing in conjunction with Medicaid case management, substance abuse treatment, and mental health services: *Provided further*, That the Secretary of Housing and Urban Development shall make the funding specified in this subsection available through such allocation procedures as the Secretary determines to be appropriate, notwithstanding section 213 of the Housing and Community Development Act of 1974 (42 U.S.C. 1439) and section 204 (competition provision) of this title, to entities with demonstrated experience and that meet such other requirements as determined by the Secretary: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to this subsection no later than 10 days before the effective date of such waiver: *Provided further*, That assistance made available under this subsection shall continue to remain available for these purposes upon turn-over.

HOUSING CERTIFICATE FUND

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading ''Annual Contributions for Assisted Housing'' and the heading ''Project-Based Rental Assistance'', for fiscal year 2011 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: *Provided*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled: *Provided further*, That amounts heretofore recaptured, or recaptured during the current fiscal year, from project-based Section 8 contracts from source years fiscal year 1975 through fiscal year 1987 are hereby rescinded, and an amount of additional new budget authority, equivalent to the amount rescinded is hereby appropriated, to remain available until expended, for the purposes set forth under this heading, in addition to amounts otherwise available.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the ''Act'') $2,500,000,000, to remain available until September 30, 2014: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2011 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term ''obligate'' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That up to $15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): *Provided further*, That of the total amount provided under this heading, not to exceed $20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding

Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2011: *Provided further*, That of the total amount provided under this heading, $50,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That a Notice of Funding Availability for the funds provided in the previous proviso shall be issued not later than 60 days after enactment of this Act: *Provided further*, That of the total amount provided under this heading up to $8,820,000 is to support the costs of administrative and judicial receiverships: *Provided further*, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2011 to public housing agencies that are designated high performers.

PUBLIC HOUSING OPERATING FUND

For 2011 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $4,829,000,000.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), $200,000,000, to remain available until September 30, 2012, of which the Secretary of Housing and Urban Development may use up to $5,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein: *Provided further*, That a Notice of Funding Availability for the funds provided under this heading shall be issued not later than 60 days after enactment of this Act.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $700,000,000, to remain available until expended: *Provided*, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act: *Provided further*, That of the amounts made available under this heading, $3,500,000 shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and $4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to $300,000 for related travel: *Provided further*, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $20,000,000.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $10,000,000, to remain available until expended: *Provided*, That of this amount, $300,000 shall be for training and technical assistance activities, including up to $100,000 for related travel by Hawaii-based HUD employees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), $9,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $994,000,000: *Provided further*, That up to $750,000 shall be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

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

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $350,000,000, to remain available until September 30, 2012, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2013: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,352,100,000, to remain available until September 30, 2013, unless otherwise specified: *Provided*, That of the total amount provided, $3,997,755,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act: *Provided further*, That $65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to $3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, $77,145,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the explanatory statement accompanying this Act: *Provided*, That none of the funds provided under this paragraph may be used for program operations: *Provided further*, That, for fiscal years 2008, 2009 and 2010, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, $12,200,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: *Provided*, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

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

The referenced statement of managers under the heading ''Community Planning and Development'' in title II in division I of Public Law 111–8 is deemed to be amended by striking ''Catskill Visitor Interpretative Center, Shandaken, NY, for construction of a visitor's center'' and inserting ''New York State Department of Environmental Conservation, NY, for planning and design of the Catskill Visitor Interpretative Center''.

The referenced statement of managers under the heading ''Community Planning and Development'' in title II in division I of Public Law 111–8 is deemed to be amended by striking ''Charles County Department of Human Services, Maryland, Port Tobacco, MD, for acquisition and rehabilitation of the former Changing Point South facility as a homeless shelter and transitional housing'' and inserting ''Charles County Department

of Human Services, Port Tobacco, MD, for acquisition and rehabilitation of a facility''.

Of the amounts made available under this heading, $150,000,000 shall be made available for a Sustainable Communities Initiative to improve regional planning efforts that integrate housing and transportation decisions, and increase the capacity to improve land use and zoning: *Provided*, That grants under such Initiative may only be made to metropolitan planning organizations (MPOs), rural planning organizations, States or other units of general local government, and housing- and transportation-related nonprofit organizations: *Provided further*, That $100,000,000 shall be for Regional Integrated Planning Grants to support the linking of transportation and land use planning: *Provided further*, That not less than $25,000,000 of the funding made available for Regional Integrated Planning Grants shall be awarded to metropolitan areas of less than 500,000: *Provided further*, That $40,000,000 shall be for Community Challenge Planning Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities: *Provided further*, That before funding is made available for Regional Integrated Planning Grants or Community Challenge Planning Grants, the Secretary, in coordination with the Secretary of Transportation, shall submit a plan to the House and Senate Committees on Appropriations, the Senate Committee on Banking and Urban Affairs, and the House Committee on Financial Services establishing grant criteria as well as performance measures by which the success of grantees will be measured: *Provided further*, That the Secretary will consult with the Secretary of Transportation in evaluating grant proposals: *Provided further*, That up to $10,000,000 shall be for a joint Department of Housing and Urban Development and Department of Transportation research effort that shall include a rigorous evaluation of the Regional Integrated Planning Grants and Community Challenge Planning Grants programs, as well as to provide funding for a clearinghouse and capacity building efforts: *Provided further*, That of the amounts made available under this heading, $25,000,000 shall be made available for the Rural Innovation Fund for grants to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to address the problems of concentrated rural housing distress and community poverty: *Provided further*, That of the funding made available under the previous proviso, at least $5,000,000 shall be made available to promote economic development and entrepreneurship for federally recognized Indian Tribes, through activities including the capitalization of revolving loan programs and business planning and development, funding is also made available for technical assistance to increase capacity through training and outreach activities: *Provided further*, That of the amounts made available under this heading, $25,000,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307).

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

For the cost of guaranteed loans, $10,000,000, to remain available until September 30, 2012, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $427,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $17,500,000, to remain available until September 30, 2012: *Provided*, That no funds made available under this heading may be used to establish loan loss reserves for the section 108 Community Development Loan Guarantee program: *Provided further*, That a Notice of Funding Availability shall be issued not later than 90 days after enactment of this Act.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,825,000,000, to remain available until September 30, 2013: *Provided*, That, funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of thi Act.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, $82,000,000, to remain available until September 30, 2012: *Provided*, That of the total amount provided under this heading, $27,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*, That $50,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $5,000,000 may be made available for rural capacity building activities: *Provided further*, That $5,000,000 shall be made available for capacity building activities as authorized in sections 6301 through 6305 of Public Law 110–246: *Provided further*, That a Notice of Funding Availability shall be issued not later than 60 days after enactment of this Act.

HOMELESS ASSISTANCE GRANTS

For the emergency solutions grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the continuum of care program as authorized under subtitle C of title IV of such Act; and the rural housing stability assistance program as authorized under subtitle D of title IV of such Act, $2,200,000,000, of which $2,195,000,000 shall remain available until September 30, 2013, and of which $5,000,000 shall remain available until expended for project-based rental assistance rehabilitation with 10-year grant terms and any rental assistance amounts that are recaptured under such continuum of care program shall remain available until expended: *Provided*, That up to $200,000,000 of the funds appropriated under this heading shall be available for such emergency solutions grants program: *Provided further*, That no less than $1,989,000,000 of the funds appropriated under this heading shall be available for such continuum of care and rural housing stability assistance programs: *Provided further*, That up to $6,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: *Provided further*, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the continuum of care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for continuum of care renewals in fiscal year 2011.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (''the Act''), not otherwise provided for, $8,982,328,000, to remain available until expended, shall be available on October 1, 2010 (in addition to the $393,672,000 previously appropriated under this heading that will become available October 1, 2010), and $400,000,000, to remain available until expended, shall be available on October 1, 2011: *Provided*, That the amounts made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph: *Provided further*, That of the total amounts provided under this heading, not to exceed $315,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: *Provided further*, That the Secretary of Housing and Urban Development may also use such amounts in the previous proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section

236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667): *Provided further*, That amounts recaptured under this heading, the heading ''Annual Contributions for Assisted Housing'', or the heading ''Housing Certificate Fund'' may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $825,000,000, to remain available until September 30, 2014, of which up to $491,300,000 shall be for capital advance and project-based rental assistance awards: *Provided*, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: *Provided further*, That of the amount provided under this heading, up to $90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to $40,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for substantial and emergency capital repairs as determined by the Secretary: *Provided further*, That of the amount made available under this heading, $20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, $300,000,000, of which up to $209,900,000 shall be for capital advances and project-based rental assistance contracts, to remain available until September 30, 2014: *Provided*, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: *Provided further*, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, $88,000,000, including up to $2,500,000 for administrative contract services, to remain available until September 30, 2012: *Provided*, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

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

RENT SUPPLEMENT

(RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715z–1) $40,600,000 are rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $14,000,000, to remain available until expended, of which $7,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2011 so as to result in a final fiscal year 2011 appropriation from the general fund estimated at not more than $7,000,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2011 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed $400,000,000,000, to remain available until September 30, 2012: *Provided*, That for the cost of new guaranteed loans, as authorized by section 255 of the National Housing Act (12 U.S.C. 17152-20), $150,000,000: *Provided further*, That during fiscal year 2011, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: *Provided further*, That the foregoing amount in the previous proviso shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses of the Federal Housing Administration, $207,000,000, to remain available until September 30, 2012, of which up to $71,500,000 may be transferred to the Working Capital Fund: *Provided further*, That to the extent guaranteed loan commitments exceed $200,000,000,000 on or before April 1, 2011, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

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

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

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $500,000,000,000, to remain available until September 30, 2012.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

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

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $72,000,000, to remain available until September 30, 2012, of which $42,500,000 shall be to carry out activities pursuant to such section 561: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $140,000,000, to remain available until September 30, 2012, of which not less than $40,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed: *Provided further*, That a Notice of Funding Availability shall be issued not later than 60 days after enactment of this Act.

MANAGEMENT AND ADMINISTRATION

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the maintenance of infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, $243,500,000, to remain available until September 30, 2012: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated: *Provided further*, That up to $15,000,000 may be transferred to this account from all other accounts in this title (except for the Office of the Inspector General account) that make funds available for salaries and expenses.

OFFICE OF INSPECTOR GENERAL

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

TRANSFORMATION INITIATIVE

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

In addition, of the amounts made available in this Act under each of the following headings under this title, the Secretary may transfer to, and merge with, this account up to 1 percent from each such account, and such transferred amounts shall be available until September 30, 2014, for (1) research, evaluation, and program metrics; (2) program demonstrations; (3) technical assistance and capacity building; and (4) information technology: ''Tenant-Based Rental Assistance'', ''Public Housing Operating Fund'', ''Indian Housing Loan Guarantee Fund Program Account'', ''Native Hawaiian Housing Block Grants'', ''Housing Opportunities for Persons With AIDS'', ''Community Development Fund'', ''Housing Counseling Assistance'', ''Payment to Manufactured Housing Fees Trust Fund'', ''Mutual Mortgage Insurance Program Account'', ''Lead Hazard Reduction'', and ''Rental Housing Assistance'': *Provided*, That of the amounts made available under this paragraph, not less than $130,000,000 shall be available for information technology modernization, including development and deployment of a Next Generation of Voucher Management System and development and deployment of modernized Federal Housing Administration systems: *Provided further*, That not more than 25 percent of the funds made available for information technology modernization may be obligated until the Secretary submits to the Committees on Appropriations a plan for expenditure that (1) identifies for each modernization project (a) the functional and performance capabilities to be delivered and the mission benefits to be realized, (b) the estimated lifecycle cost, and (c) key milestones to be met; (2) demonstrates that each modernization project is (a) compliant with the department's enterprise architecture, (b) being managed in accordance with applicable lifecycle management policies and guidance, (c) subject to the department's capital planning and investment control requirements, and (d) supported by an adequately staffed project office; and (3) has been reviewed by the Government Accountability Office: *Provided further*, That of the amounts made available under this paragraph, not less than $40,000,000 shall be available for technical assistance and capacity building: *Provided further*, That technical assistance activities shall include, technical assistance for HUD programs, including HOME, Community Development Block Grant, homeless programs, HOPWA, HOPE VI, Public Housing, the Housing Choice Voucher Program, Fair Housing Initiative Program, Housing Counseling, Healthy Homes, Sustainable Communities, Energy Innovation Fund and other technical assistance as determined by the Secretary: *Provided further*, That of the amounts made available for research, evaluation and program metrics and program demonstrations, the Secretary shall include an assessment of the effectiveness of HUD funded service coordinators: *Provided further*, That the Secretary shall submit a plan to the House and Senate Committees on Appropriations for approval detailing how the funding provided under this heading will be allocated to each of the categories identified under this heading and for what projects or activities funding will be used: *Provided further*, That following the initial approval of this plan, the Secretary may amend the plan with the approval of the House and Senate Committees on Appropriations.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2011 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

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

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

(2) is not otherwise eligible for an allocation for fiscal year 2011 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2011 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

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

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2011

under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter ''metropolitan division'') of the New York-Newark-Edison, NY–NJ–PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

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

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

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

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2011 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 209. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2011 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter ''metropolitan division''), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2011 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2011 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 210. The President's formal budget request for fiscal year 2012, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 211. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of Public Housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

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

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) The number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable.

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

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

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

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

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary.

(8) If the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

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

(10) The Secretary determines that Federal liability with regard to this project will not be increased.

(c) For purposes of this section—

(1) the terms ''low-income'' and ''very low-income'' shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term ''multifamily housing project'' means housing that meets one of the following conditions—

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

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

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

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

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

(3) the term ''project-based assistance'' means—

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

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act; and

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

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

(5) the term ''transferring project'' means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term ''Secretary'' means the Secretary of Housing and Urban Development.

SEC. 213. The funds made available for Native Alaskans under the heading ''Native American Housing Block Grants'' in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

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

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

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

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

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

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

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

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

SEC. 217. Notwithstanding any other provision of law, in fiscal year 2010, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (''MAHRAA'') and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

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

SEC. 219. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD's use of all sole source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole source contract.

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

SEC. 221. (a) The amounts provided under the subheading ''Program Account'' under the heading ''Community Development Loan Guarantees'' may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974 in fiscal year 2011 and subsequent years: *Provided*, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

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

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

(2) in subsection (o), by striking ''September'' and all that follows through the period at the end and inserting ''September 30, 2011.''.

SEC. 223. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: *Provided*, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 224. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Provided*, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 225. No official or employee of the Department of Housing and Urban Development

shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, there is a trained allotment holder shall be designated for each HUD subaccount under the headings ''Executive Direction'' and heading ''Administration, Operations, and Management'' as well as each account receiving appropriations for ''personnel compensation and benefits'' within the Department of Housing and Urban Development.

SEC. 226. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 227. (a) APPROVAL OF PREPAYMENT OF DEBT.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), for which the Secretary's consent to prepayment is required, the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any project-based rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other project-based rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) or any successor project-based rental assistance program, except as provided by subsection (a)(2)(B); and

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

(A) in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan; or

(B) in the case of a project that is assisted with a loan under such section 202 carrying an interest rate of 6 percent or lower, a transaction under which—

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

(ii) the prepayment plan for the transaction, including the refinancing, shall meet a cost benefit analysis, as established by the Secretary, that the benefit of the transaction outweighs the cost of the transaction including any increases in rent charged to unassisted tenants;

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

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

(II) mark-up-to-budget contracts pursuant to section 524(a)(4) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by eligible owners (as such term is defined in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k));

(iv) the project owner may charge tenants rent sufficient to meet debt service payments and operating cost requirements, as approved by the Secretary, if project-based rental assistance is not available or is insufficient for the debt service and operating cost of the project after refinancing. Such approval by the Secretary—

(I) shall be the basis for the owner to agree to terminate the project-based rental assistance contract that is insufficient for the debt service and operating cost of the project after refinancing; and

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

(v) units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) shall, upon termination of the occupancy of such tenants, become eligible for project-based assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) without regard to the percentage limitations provided in such section; and

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

SEC. 228. No property identified by the Secretary of Housing and Urban Development as surplus Federal property for use to assist the homeless shall be made available to any homeless group unless the group is a member in good standing under any of HUD's homeless assistance programs or is in good standing with any other program which receives funds from any other Federal or State agency or entity: *Provided*, That an exception may be made for an entity not involved with Federal homeless programs to use surplus Federal property for the homeless only after the Secretary or another responsible Federal agency has fully and comprehensively reviewed all relevant finances of the entity, the track record of the entity in assisting the homeless, the ability of the entity to manage the property, including all costs, the ability of the entity to administer homeless programs in a manner that is effective to meet the needs of the homeless population that is expected to use the property and any other related issues that demonstrate a commitment to assist the homeless: *Provided further*, That the Secretary shall not require the entity to have cash in hand in order to demonstrate financial ability but may rely on the entity's prior demonstrated fundraising ability or commitments for in-kind donations of goods and services: *Provided further*, That the Secretary shall make all such information and its decision regarding the award of the surplus property available to the committees of jurisdiction, including a full justification of the appropriateness of the use of the property to assist the homeless as well as the appropriateness of the group seeking to obtain the property to use such property to assist the homeless: *Provided further*, That, this section shall apply to properties in fiscal years 2010 and 2011 made available as surplus Federal property for use to assist the homeless.

SEC. 229. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent of funds appropriated for any account under this title under the heading ''Personnel Compensation and Benefits'' to any other account under this title under the heading ''Personnel Compensation and Benefits'' only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: *Provided*, That, no appropriation for any such account shall be increased or decreased by more than 10 percent by all such transfers.

SEC. 230. Notwithstanding any other provision of law, in determining the market value of any multifamily real property or multifamily loan for any noncompetitive sale to a State or local government, the Secretary shall in fiscal year 2011 consider, but not be limited to, industry standard appraisal practices, including the cost of repairs needed to bring the property into such condition as to satisfy minimum State and local code standards and the cost of maintaining the affordability restrictions imposed by the Secretary on the multifamily real property or multifamily loan.

SEC. 231. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a ''program of the Department of Housing and Urban Development'' under section 904 of the McKinney Act for the purpose of income verifications and matching.

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

SEC. 233. For an additional amount for the ''Administration, Operations and Management'' account, $2,070,635, to increase the Department's acquisition workforce capacity and capabilities: *Provided*, That such funds may be transferred by the Secretary to any other account in the Department to carry out the purposes provided herein: *Provided further*, That such transfer authority is in addition to any other transfer authority provided in this Act: *Provided further*, That such funds shall be available only to supplement and not to supplant existing acquisition workforce activities: *Provided further*, That such funds shall be available for training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.): *Provided further*, That such funds shall be available for information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management.

SEC. 234. The paragraphs under the heading ''Flexible Subsidy Fund'' in Public Law 108–447 and in Public Law 109–115 are repealed.

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

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

(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law or of this joint resolution, if the Secretary of Housing and Urban Development determines, for any geographic area that is smaller than an area for which dollar amount limitations on the principal obligation of a mortgage are determined under section 203(b)(2) of the National Housing Act, that a higher such maximum dollar amount limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Secretary may, for mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2010, increase the maximum dollar amount limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section), but in no case to an amount that exceeds the amount specified in section 202(a)(2) of the Economic Stimulus Act of 2008.

SEC. 236. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages originated during fiscal year 2011, if the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation determined under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C.1754(a)(2)) respectively, for any size residence for any area is less than such maximum original principal obligation limitation that was in effect for such size residence for such area for 2008 pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 619), notwithstanding any other provision of law or of this joint resolution, the limitation on the maximum original principal obligation of a mortgage for such Association and Corporation for such size residence for such area shall be such maximum limitation in effect for such size residence for such area for 2008.

(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law or of this joint resolution, if the Director of the Federal Housing Finance Agency determines, for any geographic area that is smaller than an area for which limitations on the maximum original principal obligation of a mortgage are determined for the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, that a higher such maximum original principal obligation limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Director may, for mortgages originated during calendar year 2010, increase the maximum original principal obligation limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section) for such Association and Corporation, but in no case to an amount that exceeds the amount specified in the matter following the comma in section 201(a)(1)(B) of the Economic Stimulus Act of 2008.

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

SEC. 238. None of the funds in this Act shall be available for salaries and expenses of more than 75 political and Presidential appointees in the Department of Housing and Urban Development: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Housing and Urban Development.

This title may be cited as the ''Department of Housing and Urban Development Appropriations Act, 2011''.

TITLE III—RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $7,300,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, $25,300,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

NATIONAL RAILROAD PASSENGER CORPORATION

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, $22,000,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within Amtrak: *Provided further*, That concurrent with the President's budget request for fiscal year 2012, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2012 in similar format and substance to those submitted by executive agencies of the Federal Government.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $104,232,000, of which not to exceed $2,000 may be used for official reception and representation expenses: *Provided*, That the amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $137,000,000, of which $5,000,000 shall be for a multi-family rental housing program: *Provided*, That in addition, $35,000,000 shall be made available until expended for capital grants to rehabilitate or finance the rehabilitation of affordable housing units, including necessary administrative expenses: *Provided further*, That in addition, $113,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation (''NRC''), shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an

evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

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

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

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall continue to report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $2,680,000.

Section 209 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11319) is amended by striking the date specified in such section and inserting ''October 1, 2012''.

TITLE IV

GENERAL PROVISIONS—THIS ACT

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

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

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

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

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2011 from appropriations made available for salaries and expenses for fiscal year 2011 in this Act, shall remain available through September 30, 2012, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

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

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

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

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

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownsfield as defined in the Small Business Liability Relief and Brownsfield Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

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

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

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

SEC. 415. None of the funds made available in this Act may be used to purchase a light bulb for an office building unless the light bulb has, to the extent practicable, an Energy Star or Federal Energy Management Program designation.

SEC. 416. None of the funds made available under this Act or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

SEC. 417. None of the funds provided in this Act for any program, project, or activity that is considered to be a congressional earmark for purposes of clause 9 of rule XXI of the Rules of the House of Representatives of the 111th Congress may be awarded to a for-profit entity.

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

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

SEC. 419. (a) None of the funds appropriated or otherwise made available by this Act may be obligated by any covered executive agency in contravention of the certification requirement of section 6(b) of the Iran Sanctions Act of 1996, as included in the revisions to the Federal Acquisition Regulation pursuant to such section.

The CHAIR. No amendment shall be in order except the amendments printed in part A of House Report 111–578, and not to exceed four of the amendments printed in part B of that report if offered by the gentleman from Arizona (Mr. FLAKE) or his designee. Each such amendment may be offered only in the order printed in the report, may be offered by a Member designated in the report, shall be considered read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question.

After disposition of the amendments specified in the first section of House Resolution 1569, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

□ 1450

AMENDMENT NO. 1 OFFERED BY MR. BOEHNER

The CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 111–578.

Mr. BOEHNER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. (a) LIMITATION ON USE OF FUNDS.—None of the funds provided in this Act may be used for doctoral dissertation research grants on housing and urban development issues.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for ''Department of Housing and Urban Development—Policy Development and Research—Research and Technology'' is hereby reduced by $300,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Ohio (Mr. BOEHNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I would say to my colleagues that it is no surprise to anyone in this Chamber or to the American people that spending in Washington is out of control. Last year we had a budget deficit of some $1.5 trillion. This year we have a budget deficit estimated to be at $1.4 trillion.

The American people are screaming at the top of their lungs ''stop.'' Yet here we are moving the appropriation bills that I don't think have been thoroughly scrubbed.

I have made it pretty clear to my colleagues that one of the things that we have to do, if we are going to get spending under control, is go through every line item in the Federal budget and ask this question: Is this spending so important that we're willing to ask our kids and grandkids to pay for it? Because this year 43 cents of every dollar the Federal Government spends we have to borrow, and it is going to be our kids and grandkids that are going to get to pay the bill.

Mr. Chairman, under this amendment it addresses a program that doles out approximately $300,000 to fund 12 doctoral dissertations on housing policy. Now, this isn't funding their tuition; it's funding the dissertation itself.

I don't know why our kids and grandkids should be asked to pay some $300,000 to help fund research on housing policy when the Department has 10,000 employees who are charged with developing housing policies.

This may be well intended, some may have a great purpose for it. But as I go through this bill——

Mr. OLVER. Will the gentleman yield?

Mr. BOEHNER. I'm happy to yield to the gentleman.

Mr. OLVER. I understand that the distinguished minority leader has this amendment which will terminate the doctoral dissertation research program at HUD. Even though I believe strongly in the value of good research and what such good research can play in improving the effectiveness of government programs over time, I'm willing to accept the gentleman's amendment in the spirit of comity.

Mr. BOEHNER. I would be happy to accept.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. BOEHNER).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BOEHNER

The CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 111–578.

MR. BOEHNER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. The aggregate amount otherwise made available by title II, and the amount required to be made available under the third proviso under the heading ''Management and Administration—Transformation Initiative'', are each hereby reduced in the amount of $40,000,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Ohio (Mr. BOEHNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I won't go through the spending problems that we have and the debt problems we have, but in going through this bill and asking the question—every line item in the budget—is this spending so important that we are willing to ask our kids and grandkids to pay for it?

I bring my colleagues' attention to a program called the Transformation Initiative that is designed to train communities that receive HUD funds on how to use the money.

Now, let me get this straight. We're going to spend $40 million, money that we don't have, to train communities on how they can spend our money.

I would think that if we are going to send money to a community that we would know what the money is for, that the community would know what it's for, and that spending $40 million to train them on how to spend our money is a giant waste of time.

I urge my colleagues to support the elimination of the Transformation Initiative and save our kids and grandkids $40 million.

I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment offered by the distinguished minority leader.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. The bill before us includes $40 million for HUD to provide technical assistance to nonprofit organizations, cities, States on how to use HUD funding efficiently and effectively.

The amendment removes every penny, every penny, of this technical

assistance funding from HUD. It is a meat axe amendment.

Cutting funding for technical assistance does nothing but make the programs less effective, which I doubt is the gentleman's intent. In fact, technical assistance is the only way that communities can increase their capacity and improve program delivery to their vulnerable populations who need assistance.

Technical assistance funding allows HUD to train communities' own staff on the issues that most affect their particular population. For example, technical assistance funds are used to enhance and inform responses to the foreclosure crisis when HUD provides funding for foreclosure counseling and renovating vacant homes.

These funds are responsive to need. They address broader social and economic imperatives, such as the recent increase in the homeless population, which has been brought on by the longest and deepest recession since the Second World War.

To deny communities technical assistance is to render the HUD programs less effective than they can and should be, and that, very simply, slows down the recovery.

I urge a ''no'' vote on the gentleman's amendment.

Mr. BOEHNER. I yield myself the balance of my time.

I think the gentleman from Massachusetts makes my point for me. Why would we be sending money to communities that don't have a plan to use it, that may not use it effectively?

I would think before the decision is made to grant the funds to the community that they would have demonstrated a need, they would have demonstrated a capacity to use it effectively before the grant was made. To provide $40 million for metrics, research, demonstrations, innovation, technical assistance, and capacity building, why wouldn't all of these things be in place before the grant was made?

In consideration for the future of my kids and maybe someday my grandkids, I think this is spending that can be eliminated from this bill.

I urge my colleagues to support the amendment.

I yield back the balance of my time.

Mr. OLVER. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. BOEHNER).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. BOEHNER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

The point of no quorum is considered withdrawn.

The Chair understands that amendment No. 3 will not be offered.

AMENDMENT NO. 4 OFFERED BY MR. BOEHNER

The CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 111–578.

MR. BOEHNER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 13, after the first dollar amount, insert ''(reduced by $1,600,000)''.

Page 2, line 20, after the dollar amount, insert ''(reduced by $1,600,000)''.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Ohio (Mr. BOEHNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, we all know that we have a spending problem. We all know that it has to start somewhere. Some may suggest that these amendments I am bringing up are not going to solve the problem.

But I will suggest that we have got to start this process somewhere. We have got to find ways to eliminate wasteful spending that we all know exists.

□ 1500

This amendment addresses the creation of 11 bureaucratic positions and six full-time equivalents for a budget office at the Department of Transportation. Now I want to make sure I understand this; $1.6 million to hire a bunch of bureaucrats to monitor the spending of agencies that already have their own budget offices. This is the kind of redundant spending that we just don't need to have.

Mr. OLVER. Will the gentleman yield?

Mr. BOEHNER. I would be happy to yield.

Mr. OLVER. The amendment by the distinguished minority leader would cut the DOT budget office to below last year's funding level. Even though I believe that these funds are needed at the department and that we have added much new work to the load in the Department of Transportation through the recovery legislation, with some misgiving, I will, again, in an effort at comity and bipartisanship, accept the amendment.

Mr. BOEHNER. I gratefully accept.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. BOEHNER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. KAPTUR

The CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 111–578.

Ms. KAPTUR. Mr. Chairman, I have an amendment at the desk, please.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 77, line 4, after the dollar amount, insert ''(reduced by $21,000,000)''.

Page 78, line 8, after the dollar amount, insert ''(reduced by $21,000,000)''.

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act under the heading ''Department of Housing and Urban Development—Management and Administration—Executive Direction'' may be used by the Secretary of Housing and Urban Development for travel expenses.

The CHAIR. Pursuant to House Resolution 1569, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I offer this amendment on behalf of myself and other Members, including Mr. DENNIS CARDOZA of California and Mr. JIM COSTA of California, as a way to awaken HUD from its cavalier slumber. Essentially what we do is we take away HUD's travel budget. The idea is that we want HUD to be aggressive in doing mortgage workouts, not traveling all around the world at taxpayer expense.

Our Nation must aggressively confront the continuing hemorrhage of mortgage foreclosures and dead real estate markets across this country. We have not hit bottom in that market yet as the crisis spreads from toxic subprime mortgages to solid mortgages held by the middle class. But where is HUD? Housing workouts are impossible without them.

We know that Wall Street committed the perfect crime, executing the largest transfer of wealth from Main Street to Wall Street by washing out our middle class—over 7.5 million families are scheduled to lose their homes—and then putting their bills, any losses that the Big Six had up there on Wall Street, right back on our taxpayers, and then being reimbursed by our taxpayers 100 cents on the dollar. Wall Street's six megabanks, and we all know the names—Bank of America, JPMorgan Chase, Wells Fargo, Citigroup, Goldman Sachs, HSBC—control two-thirds of the wealth in our country now, including mortgages twisted up in the moral hazard of securitization. Wall Street continues to be rewarded as we stand here today and our citizens are disgorged from their homes .

Rather than let HUD staff use our public dollars to travel to places like Rio de Janeiro, when people in our country are working so hard to try to work out these mortgages and the banks aren't answering the telephones, let HUD use all of its power and authority to bring the worst offenders and their buddies to focus their staff on doing mortgage workouts in places like Toledo, Ohio, Cleveland, Boise, Idaho, Las Vegas, Sacramento. We ought to be doing mortgage workouts, not taking what look like vacations to Rio de Janeiro.

So I think our amendment is very straightforward. It basically sends a

strong volley over to HUD. It asks them to do their job, to be aggressive, and to really help us, as the American people, to resolve this tremendous housing foreclosure crisis that is eating away at communities from coast to coast and spreading as we stand here today.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim time in opposition to this amendment, but I don't plan to oppose it.

The CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. OLVER. Because I recognize that while this amendment has been signed by eight or 10 Members, that there are a good many other Members who could have signed the amendment who have districts where anywhere from 20 to 30, and sometimes even higher, percentages of all the housing in those districts have either gone through foreclosure and actually foreclosed, or are in foreclosure processes, or in a third case—maybe it's a fourth case—are under water in the sense that the value of their home is less, by sometimes substantial amounts, than the remaining mortgage principle.

I understand that this amendment is designed to draw attention to the national foreclosure crisis, which is still raging in too many communities, and which began more than 3 years ago—actually, probably the seeds were sown for the foreclosure crisis earlier in the decade, and some would say all the way back into the 1980s, much more than a decade ago.

I agree that more needs to be done to help families who are struggling with foreclosure. I would hope that the Department of Treasury, which has been spearheading the administration's efforts thus far, would increase collaboration with the Department of Housing and Urban Development and the FDIC and the newly-created Foreclosure Task Force, which the gentlewoman and the other Members who are signers are members of.

I believe the Secretary of HUD is the right person to be helping us through this crisis. So I will be happy to work with the gentlewoman and the other members of the task force in order to ensure that the hardest hit areas of the country receiving funding through what are the remaining sources of potential funding: Number one, the third round of the Neighborhood Stabilization Program that was funded within the financial services reform law signed just last week, and also the remainder of funds that are to be brought back from the Neighborhood Stabilization Program, which was first passed in 2008 in the HERA bill, which clearly gave out more money than they were able to effectively expend when that was given out later in 2008.

□ 1510

In the end, this amendment cuts all travel, which would eliminate critical oversight and the monitoring of housing programs for low-income Americans. I know that is not the intent of the gentlewoman or of the other signers of the amendment. I am willing to accept the gentlewoman's amendment as offered at this time. Going forward, I will work with the gentlewoman and with the signers of the amendment to ensure that housing for low-income individuals is not jeopardized down the road.

I reserve the balance of my time.

Ms. KAPTUR. I thank the chairman very much for his very helpful offer.

I would inquire of the Chair how much time I have remaining.

The CHAIR. The gentlewoman from Ohio has 2½ minutes remaining.

Ms. KAPTUR. Mr. Chairman, I want to state for the RECORD that Congressman DENNIS CARDOZA, the main author of this amendment, will be speaking as well as Congressman JERRY MCNERNEY of California and Congressman JIM COSTA of California.

I yield the remaining 2½ minutes to the gentleman from California (Mr. CARDOZA) to use and then to share with our other two colleagues.

The CHAIR. The gentlewoman from Ohio must control the time.

Ms. KAPTUR. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. I would like to thank Ms. KAPTUR for calling up my amendment. It beat us a little bit in our anticipation of its coming forward.

Mr. Chairman, I will tell you simply that the HUD programs have not worked for the central valley of California. The foreclosure programs by HUD have not worked for the United States people. Many of us in Congress warned the administration that they wouldn't work, and they continued to pursue them in any case, and they have simply failed the job.

Thirty percent of the housing units in my district have been foreclosed on. It is unconscionable that we could not have done more to step in and assist the people of my district, of the people of California, of Ohio, of Florida, and of Nevada. I think that the Secretary should give his full attention to this problem. Last March, he took a trip to Rio de Janeiro, Brazil. He took a whole delegation on an international housing study conference. I think he should have stayed right here in the United States and focused on the problems of the millions of Americans who are losing their homes.

So, Mr. Chairman, I think it is time for HUD to stay at home and to do their jobs. If it requires us to eliminate their travel funds in order to get their attention to focus on the housing crisis, so be it.

The CHAIR. The time of the gentleman has expired.

Ms. KAPTUR. Mr. Chairman, Congressman COSTA has offered his 30 additional seconds to Congressman CARDOZA.

The CHAIR. The gentlewoman from Ohio must control the time.

Ms. KAPTUR. Mr. Chairman, I yield an additional 30 seconds to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. I won't take all of that time, Mr. Chairman.

I will just ask my colleagues on both sides of the aisle to join me in sending a strong message to the Department of Housing and Urban Development that the foreclosure programs they have put in place have not worked for America. They need to get the message sooner rather than later because people are losing their homes every single day while they dawdle.

Mr. OLVER. Mr. Chairman, may I inquire of the time I have remaining?

The CHAIR. The gentleman from Massachusetts has 1 minute remaining.

Mr. OLVER. I yield my remaining 1 minute to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. I rise today in strong support of the amendment under consideration, and I would like to recognize Mr. CARDOZA for his work on this issue.

Mr. Chairman, we both represent parts of the San Joaquin Valley, with Mr. COSTA, which unfortunately has experienced some of the highest foreclosure rates in the Nation. It is long past time for this administration to develop effective measures to alleviate this crisis. Their efforts to date have fallen far short, and I hear from too many people who are in desperate need of help and who continue to suffer from unfair banking practices.

This amendment is meant to deliver a clear message to Secretary Donovan and to senior HUD officials: Get to work and find real solutions.

The administration knows that families are on the verge of losing their homes and that businesses' and workers' economic futures depend on the recovery of the housing market.

The CHAIR. The gentleman from Massachusetts has 15 seconds remaining.

Mr. OLVER. Mr. Chairman, I yield 15 seconds to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I rise today to support the amendment by Mr. CARDOZA.

The administration needs to reset its housing policy. It is not working. Foreclosure rates are above and beyond the call in the San Joaquin Valley. We need to do a better job.

I rise today to support the amendment offered by my friend Representative CARDOZA, to strip travel funding from the Department of Housing and Urban Development.

This amendment is in response to the ongoing nationwide foreclosure crisis, which has been extremely devastating to my district in California. This administration's efforts have not worked in the San Joaquin Valley, where many families continue to lose their homes.

This amendment forces HUD to cease their travel, while they properly address this nationwide crisis.

The CHAIR. The gentlewoman from Ohio has 45 seconds remaining.

Ms. KAPTUR. I thank the gentleman for yielding me the remaining time.

Mr. Chairman, I just want to thank Congressman CARDOZA, who really has lived this mortgage foreclosure hell with the people of his region. I also thank Congressman MCNERNEY, Congressman COSTA, and all of these Members from California who have stood up here today to try to put the brake on over there at HUD and say, ''Hey, wait a minute. Pay attention to what is happening across California,'' and I must say across Ohio, Pennsylvania, Nevada, Idaho—all of these States where the middle class is being washed out and where our money and our equity from our homes is being transferred to Wall Street, which now controls two-thirds—six banks—of the wealth of this country.

Something is fundamentally wrong. HUD has to stand up and do its job. We offer our amendment in all good faith, and we just say to Secretary Geithner over at Treasury: Wait until the Treasury bill comes on the floor. There is more to come.

I want to thank the chairman of the Transportation, Housing and Urban Development Subcommittee for his graciousness and willingness to work with us as we stand up for Americans who are facing foreclosure.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

PARLIAMENTARY INQUIRIES

Mr. LATOURETTE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIR. The gentleman may state his parliamentary inquiry.

Mr. LATOURETTE. Mr. Chairman, on page 56 of the bill currently under consideration, at the bottom, beginning with the last partial word on line 19 and then proceeding through lines 1 through 4 on page 57, it constitutes legislation and authorizing on an appropriations bill in that it creates a new program, basically a grants program to the Secretary of Transportation. It sets a dollar amount of $250 million, and it further has a limitation clause in terms of the time when that would become effective.

I am aware that the rule waives all points of order against this legislation for violations of rule XXI, paragraph 2(a). I would assert in my parliamentary inquiry that this, in fact, is a violation of the House rules that the Rules Committee has waived. I am aware of that.

Yet it is my understanding that the precedents of the House indicate that, when a legislative provision is inserted into an appropriations bill and that piece of authorizing language is permitted to go—offending the House rules either by the fact that nobody from the authorizing committee gets up and makes a point of order against the provision that violates the rules or if the Rules Committee, as they have done in this case, issues a blanket waiver, waiving all violation of that particular section of the House rules—that it then ripens, and only at that moment in time does it ripen, which is when the rule is adopted or when the provision is read and a member of the authorizing committee doesn't stand up and exercise his or her committee's jurisdiction. It then ripens for there to be a perfecting amendment.

I am further aware that the rule by which this bill came to the floor also only makes in order 24 amendments, not the historic open rule under an appropriations bill.

So my question to the Chair is: At what moment in time would it be appropriate to offer a perfecting amendment to the language that I have just indicated, which is on pages 56 and 57, in light of the fact that this matter only ripened when the rule was passed?

Just by way of making an observation before the Chair gives its answer, if you think about the operation of this rule, there are no perfecting amendments available to authorizing language in a bill until such time as the House has permitted the offense.

□ 1520

The House didn't permit the offense, that is, the waiver of its rules, until the Rules Committee was successful in achieving the passage of this rule.

So my parliamentary inquiry is, when would a Member who might be interested in modifying or perfecting this offending language, in violation of the House rules, have the opportunity to do that?

The CHAIR. Any amendment not specified in the report of the Committee on Rules would be precluded.

Mr. LATOURETTE. If I may ask a further parliamentary inquiry.

The CHAIR. The gentleman is recognized for further inquiry.

Mr. LATOURETTE. Just so I am clear on the Chair's ruling, and that is that when the Rules Committee passes a rule waiving the rules of the House and protecting language that is clearly in violation of House rule XXI (2)(a), if the Rules Committee further compounds that by announcing a rule that only a certain subset of amendments are going to be made in order, that no Member, not just majority Members, or the chairman, no Member of this House has the opportunity to do anything about that offending language. Am I correct in that?

The CHAIR. House Resolution 1569 waives points of order against provisions of the bill for failure to comply with clause 2 of rule XXI and specifies the amendments that may be offered.

Mr. LATOURETTE. Further parliamentary inquiry. That was a long sentence. I think the answer to my question was yes.

The CHAIR. The gentleman is correct that neither a point of order nor an amendment is available for that purpose.

AMENDMENT NO. 6 OFFERED BY MR. ARCURI

The CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 111–578.

Mr. ARCURI. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 80, line 6, after the dollar amount, insert ''(reduced by $2,978,450)''.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from New York (Mr. ARCURI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ARCURI. Mr. Chairman, I rise in support of my amendment to H.R. 5850, the Transportation, Housing and Urban Development Appropriations Act, which would reduce funding for HUD's Office of Policy Development and Research by nearly $3 million, which is 2.5 percent below the amount currently appropriated in fiscal year 2010.

The Office of Policy Development and Research performs policy analysis, research, surveys, studies and evaluations on housing——

Mr. OLVER. Will the gentleman yield?

Mr. ARCURI. I yield to the gentleman.

Mr. OLVER. I understand that this amendment will reduce funding for policy development and research staff at HUD by $2,978,450. Even though, as I've said earlier in comments to the distinguished minority leader, that I believe strongly in the role of research, I will, with some misgiving, accept the gentleman's amendment.

Mr. ARCURI. I reserve the balance of my time.

Mr. LATHAM. Mr. Chairman, I would like to claim the time in opposition.

The CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. While I am not in opposition to the gentleman's amendment, I would like to yield such time as he may consume to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. On this particular amendment, Mr. ARCURI, I congratulate you as a thoughtful member of the Transportation and Infrastructure Committee for coming up with a beautiful amendment that's apparently going to be adopted by both sides.

Now that I've talked about the amendment, I want to talk about the parliamentary inquiry that I asked a few minutes ago, and discuss what's at stake here, and ask the distinguished chairman of the subcommittee to reconsider what I consider to be a sad decision.

We spend a lot of time talking about jobs in this place. Some people say they're creating jobs; others say they're not. A lot of people are wandering around saying, where are the jobs.

But at the end of the day, what is immutable, or what is irrefutable, and I believe it's included in the Committee's report on this bill, is that all across the country, in 84 percent of the transit authorities in this Nation, because of the way that the current formula is structured, transit companies

around the country have plenty of money to buy buses. They don't have any money to hire or retain people to drive them.

And the last total that I saw since this situation began is that 10,000 people, 10,000 Americans who work for transit companies and drive buses in this country, and rail cars and everything else, are currently out of work.

Now, the transit authorities of this country have come to our attention, and I assume they've visited all Members on the Hill that have transit authorities and they have said, you know what? Just for this year, if we could take some of that capital improvement money that we have sitting around, it's stupid for us to buy a new bus because we don't have enough people to drive the buses that we currently have. And so, if we could just take the cost of fuel and move it from the operations side over to the capital side, we could bring back the people that we have laid off.

So it boggles the mind. And when I offered this in the subcommittee, the chairman shot it down. When I offered it in the full committee, the chairman had a substitute amendment that causes the offending language to rule XXI(2)(a) that's contained on pages 56 and 57.

And let me just tell you why anybody that cares about a transit worker in this country should be upset by this substitute language.

First of all, it's $250 million. It doesn't help every transit authority in the country. It makes it a grant program. So Secretary Ray LaHood can choose, pick and choose, which transit authorities across the country he would choose to participate in this grant program.

But worse than that is the restrictive language that indicates that it only goes into effect if the highway bill comes into play on or before September 30 of 2011.

Now, Mr. Chairman, I spent 12 years on the Transportation and Infrastructure Committee, and I know how the highway bill works. I participated in writing two of those highway bills.

The President of the United States, through his Secretary, has indicated they don't even want to talk about the reauthorization until March of 2011. Now, even if JIM OBERSTAR, who is a skilled chairman and has the able assistance of people like Mr. ARCURI, is able to work a miracle and put on this floor the reauthorization, and the Senate ever gets their act together enough to pass such a thing and have it signed by the President of the United States, you are looking now at October, November, December, January, February, and March.

Why don't we care enough to put down the partisan nonsense and simply say we care about the 10,000 transit workers in this country who are out of work.

It doesn't spend any more money. It has all the incentives of the green fuel initiatives that, actually, the champion of this thing is Mr. CARNAHAN of Missouri, has a bill with a lot of cosponsors on it. Why we wouldn't do that and, instead, hide behind rule XXI (2)(a), hide behind the rule that's been produced by the Rules Committee. Why don't you let these people come back to the work?

The majority and the President of the United States, with the signing of this bill, could claim credit for creating or saving 10,000 jobs with the stroke of a pen. I don't know why we do it.

Mr. LATHAM. I yield back the balance of my time.

Mr. ARCURI. Mr. Chairman, I would just like to point out that the language that the gentleman from Ohio is referring to was not the language of our amendment, the amendment that I have offered.

I would like to thank the chairman for accepting my amendment. And the only point that I would like to make is that, clearly, the Office of Policy and Development does a very good job, and we want to continue to work. But we felt that our cut was something that would be helpful.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ARCURI).

The amendment was agreed to.

□ 1530

AMENDMENT NO. 7 OFFERED BY MR. PERLMUTTER

The CHAIR. It is now in order to consider amendment No. 7 printed in part A of House Report 111–578.

Mr. PERLMUTTER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 44, line 21, after the dollar amount, insert ''(reduced by $50,000,000)''.

Page 44, line 25, after the dollar amount, insert ''(reduced by $50,000,000)''.

Page 45, line 6, after the dollar amount, insert ''(reduced by $50,000,000)''.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Colorado (Mr. PERLMUTTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. PERLMUTTER. Mr. Chair, I first want to commend Chairman OLVER and Ranking Member LATHAM and the other members of the subcommittee for putting forth a good bill which makes wise investments in our Nation's transportation systems, our housing industry, and our urban development, investments which will go a long way toward helping America return to a prosperous future.

But today I offer an amendment which saves the American people $50 million by cutting a Federal grant program which few States, if any, will participate in this year. It's a small step toward deficit reduction, but it is a wise step. I want to say at the onset I support every man, woman, and child using seatbelts. They save lives and reduce health care costs.

Most States have done the right thing and passed laws which make it a traffic violation to not wear a seatbelt. This means if a law enforcement officer sees someone in a car not wearing a seatbelt, they can pull that person over just for that offense. The Safety Belt Performance Grant program this year will spend up to $124.5 million as incentives for States to pass such laws. Thirty-seven States and territories already have those laws. They've already received their one-time payments under the program. But for the remaining States, the incentive program generally does not seem to be attractive or workable.

Rightly or wrongly, most States which don't have these primary seatbelt laws don't seem to want to pass these new laws. So why, after 5 years, do we continue to fully fund a program under which only a couple of States might get money? My amendment cuts this program by $50 million, leaving about $75 million. So if a few States do pass new enhanced seatbelt laws, NHTSA will provide them the grants as intended. But my amendment cuts the excess, which almost certainly won't be spent this year.

I appreciate the hard work of the subcommittee, and urge my colleagues to adopt this amendment.

I reserve the balance of my time.

Mr. OLVER. I claim time in opposition, though I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. OLVER. I appreciate the work the gentleman has done, and I accept the amendment.

I yield back the balance of my time.

Mr. PERLMUTTER. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. PERLMUTTER).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. LATHAM

The CHAIR. It is now in order to consider amendment No. 8 printed in part A of House Report 111–578.

Mr. LATHAM. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. The amounts otherwise provided in this Act for the following accounts and activities are hereby reduced by the following amounts:

(1) ''Department of Transportation—Office of the Secretary—National Infrastructure Investment'', $400,000,000.

(2) ''Department of Transportation—Federal Railroad Administration—Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service'', $400,000,000.

(3) ''Department of Transportation—Federal Transit Administration—Administrative Expenses'', the amount specified in the first proviso for safety oversight activities, $24,139,000.

(4) ''Department of Transportation—Federal Transit Administration—Capital Investment Grants'', $177,888,000.

(5) ''Department of Housing and Urban Development—Public and Indian Housing—Public Housing Capital Fund'', the aggregate amount, $455,800,000.

(6) ''Department of Housing and Urban Development—Public and Indian Housing—Native American Housing Block Grants'', the aggregate amount, $120,000,000.

(7) ''Department of Housing and Urban Development—Community Planning and Development—Brownfields Redevelopment'', $17,500,000.

(8) ''Department of Housing and Urban Development—Community Planning and Development—HOME Investment Partnerships Program'', $175,000,000.

(9) ''Related Agencies—Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation'', the amount specified in the first proviso for capital grants to rehabilitate or finance the rehabilitation of affordable housing units, $35,000,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Iowa (Mr. LATHAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, I would hope that since we've done very well in accepting these amendments this would be one that the chairman would accept also. I know how supportive he is of this. But I really would hope that we could find some consensus and common ground on cutting spending in this House.

My amendment would reduce or eliminate funding for programs—President Obama, again, this is what President Obama has said and has signaled—that have adequate funding, or there is funding in this bill that's duplicative of other Federal programs. And again, we are just going to what the President asked for, or cutting programs that were not requested, and certainly are not even authorized.

This amendment would save the taxpayer $1.8 billion, without going under the President's budget on any of the accounts targeted for the reduction. The reduction of $1.8 billion would make this bill simply just 3.4 percent lower than the fiscal year 2010 level. And you remember that bill was 23 percent higher than the year before that. And it would send an important message, I think, to the American people that Congress can take care of the Nation's housing and transportation needs without further jeopardizing our Nation's fiscal health.

I would hope that my colleagues would join me in cutting this mere three cents on the dollar out of this bill, with an attempt to put this bill back on the path towards fiscal responsibility.

I reserve the balance of my time.

Mr. OLVER. I rise in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. This amendment would cut $1.8 billion in areas that include important increases above the President's budget. And let me simply remind people that our budget, as brought forward, is $1.3 billion below the President's request. This amendment proposes to remove another $1.8 billion. It is the legislative branch's clearly stated constitutional responsibility to appropriate the proper allocation of resources. And that responsibility must not be ceded to the executive branch.

This amendment would result in cuts to a number of programs that are critical to creating jobs, increasing transportation safety, and restoring support to programs serving vulnerable Americans across the country. It removes $400 million from the TIGER grant program, where for the $1.5 billion Recovery Act TIGER grant program, the requests coming from all of the 50 States were almost $57 billion, showing how much this kind of infrastructure was needed. This funding would have a positive impact on the economy, create thousands of jobs, and occur over a several-year period, thereby serving as a slow release remedy to keep the recovery going as it ought to do.

The amendment also cuts $400 million from the high-speed rail program, which is designed to continue building a high-speed passenger rail network. This again would create jobs and help reinvigorate our manufacturing base. That again, for moneys for appropriations in the Recovery Act, received 259 applications totaling $56 billion for the $8 billion it was provided in the Recovery Act. And the additional moneys are needed to keep investments, not that we put investments in in these places and don't actually produce something, that those continue so that you can complete jobs that will allow more high-speed rail programs in this country, as others have already spoken of.

The amendment would cut $178 million from the FTA's capital investment funds, the New Starts and Small Starts program, cut that back to the 2010 level. It would cut $24 million from FTA's safety activities, if those are authorized. And I need to point out that while the funds are only available to the FTA if the authorizing legislation is enacted, the need for additional transit safety oversight is immense. We have had several accidents on several of our major transit systems. And DOT needs the ability to hire safety personnel to provide oversight.

The amendment would cut $456 million from the Public Housing Capital Fund. Again, that supports renovation and construction of public housing units, where there is a backlog of $25 billion in needs that have been identified in that program.

It would cut $175 million from the HOME Investment Partnerships Program to restore funding to the 2010 level. The HOME is the largest Federal block grant to State and local governments designed exclusively to create affordable for low-income households.

□ 1540

It is a homeownership program for low-income households. We can't afford to cut these programs, and I urge my colleagues to vote ''no'' on this amendment. All of these are job-creating investments in our infrastructure and provide critical construction jobs in an industry that has been decimated.

While they are not all fast release, they are long-term remedies, as I suggested, for the longest recession since World War II.

Mr. LATHAM. I yield myself such time as I may consume.

I appreciate the gentleman's concern for spending. I just wanted to see if we could just step back for a second.

We're going to have a $1.47 trillion deficit this year. Forty-three cents on every dollar that we're spending is borrowed money, and our kids, our grandchildren are going to have to pay for it—or our great-great-grandchildren, the way we're going—and it simply is not sustainable.

This is an extraordinarily modest amendment, and the gentleman says this is critical funding, absolutely necessary, that we have to fund these things. Maybe you should tell your President, the President of your own party, that he should have asked for these things. These are not my reductions. This is what the President says is needed for these programs, the high-speed rail. There's a billion dollars in this bill—would be after the cut. He's got $1.4.

We're taking $400 million out of it. The President asked for a billion dollars. He's had $12 billion, in total, with $8 billion in the stimulus package, $2.5 billion last year, another billion dollars this year. And the money hasn't been spent yet, hasn't even been allotted or a contract signed. There is no need for this spending here to have current contracts go on. It just goes beyond rationale, as far as I'm concerned.

When we are digging ourselves in a financial hole like we are and we continue to keep digging, why don't we say, Stop, let's cut some spending.

This is a very modest cut that the President didn't request, and several of these programs are not even authorized or requested by the President. I mean, I guess it's great if we just go ahead as the Appropriations Committee, say, the heck, we don't need to have authorization for anything. Actually, this whole bill, there's very little that actually is authorized in this bill.

Does anybody go home and listen anymore? Listen to your constituents and hear what they're saying. Can we afford this kind of spending? No, we cannot. If we'll listen and do what the people are telling us to, and that's to modestly reduce spending, cut spending. And if we can't do it here on this very small amendment on this huge

bill, we're never going to save our fiscal future for our kids and our grandchildren.

Mr. OBERSTAR. Mr. Chair, I rise in strong opposition to the amendment offered by the gentleman from Iowa (Mr. LATHAM) which lowers or eliminates funding for many important transportation grants provided by this Act.

The amendment would lower the amount provided for transit Capital Investment Grants, known as New Starts, which fund much needed rail and bus rapid transit systems.

New Start grants create public transportation systems that transform our communities by improving the mobility of a region, reducing congestion on the roadways, decreasing our dependence on oil, and increasing accessibility to work, schools, hospitals, and home.

If Americans rode public transit at the rate of 10 percent of daily travel, the U.S. would reduce its dependence on imported oil by more than 40 percent—equivalent to all the oil we import from the Persian Gulf. This funding for new transit systems should be increased, rather than decreased, and I oppose this amendment.

Moreover the amendment would eliminate $400 million from the high-speed and intercity passenger rail investment program.

The Passenger Rail Investment and Improvement Act of 2008 (PRIIA) (Public Law 110–432, Division B) created two new Federal-State matching grant programs to provide capital assistance to States and Amtrak for development of high-speed and intercity passenger rail. PRIIA also created a congestion grant program, which authorized $325 million over four years for grants to States for eliminating chokepoints on the freight rail network to help reduce congestion and facilitate ridership growth on intercity passenger rail.

The American Recovery and Reinvestment Act of 2009 (Recovery Act) (Public Law 111–1) built upon the three programs created by Congress in the 2008 law, and provided $9.3 billion in capital grants for investment in high-speed and intercity passenger rail. The Department of Transportation is now in its second round of soliciting grant proposals. For the first round of grants, the Federal Railroad Administration (FRA) received 259 grant applications from 37 States and the District of Columbia requesting nearly $57 billion in funding—far exceeding the initial $8 billion available under the Recovery Act.

In total, 79 applications from 31 States were selected for funding. In fact, the gentleman's (Mr. LATHAM) home State of Iowa received funding from FRA to conduct Alternatives Analysis and an Environmental Assessment, and to finalize a service development plan for passenger rail service from Chicago, Illinois to Omaha, Nebraska.

In addition, Amtrak is using its Recovery Act grants to invest in much needed Americans with Disabilities Act improvements to make stations in Preston, Ft. Madison, Mt. Pleasant, Osceola, Burlington, and Ottumwa, Iowa, accessible to persons with disabilities.

I urge Members to oppose this amendment.

Mr. LATHAM. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. LATHAM).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. LATHAM. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. DEFAZIO

The CHAIR. It is now in order to consider amendment No. 9 printed in part A of House Report 111–578.

Mr. DEFAZIO. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Insert at the end of the bill (before the short title) the following:

SEC. 420. None of the funds appropriated or otherwise made available under this Act may be used to implement section 124 except as authorized by law after the date of enactment of this Act.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. I yield myself such time as I may consume.

We need a 21st century transportation policy for America. We need to move beyond the constipated transportation policies of the Bush era that are allowed and have allowed our system to deteriorate: 150,000 bridges on the Federal system in need of substantial replacement or repair; transit systems with an $80 billion backlog for equipment. They're running obsolete railcars right here in the Nation's Capital that are killing people. They should have been retired years ago. They need to be replaced. We have frustrated commuters wasting hundreds of thousands of hours and billions of gallons of fuel caught in congestion; businesses and industries crying out they need help for just-in-time delivery and their trucks are delayed and detoured.

On October 1, we were supposed to do a 6-year bill to direct the investment in the system and enhance the investment. And that bill would have included a major new program for metropolitan mobility and access and had an office of livability. But the Obama administration stopped the bill, and they've refused to come to the table and discuss how we can move forward and make these needed investments.

But now the Secretary would like a little cherry, which would be like an office of livability, not defined, and he'd like $200 million, at his discretion, whatever he defines livability as, to give grants to whomever he wishes under whatever criteria he might, in the future, propose.

Now, this would be, given the state of disrepair of our system and the deterioration of our system, a lot like buying a brand new tire and rim to put on a junk car that's up on blocks. It's not going to get anybody anywhere. It's not going to meaningfully address the problems of the system. We need a comprehensive approach.

I reserve the balance of my time.

Mr. OLVER. I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I yield 1 minute to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentleman very much and for claiming time in opposition while I'm supporting the amendment.

I rise in support of the DeFazio amendment for two reasons:

First, with the stresses on the Highway Trust Fund and the dependence of our States on the moneys from that fund, we're violating our fiduciary responsibilities by granting authority to take $200 million, much-needed dollars, out of the trust fund for a program that has yet to be defined legislatively or otherwise.

Second, as noted in the minority views of the report accompanying this bill, the concept of livable communities is just that. It's a concept. I've never seen the definition of a livable community. There's nothing defined of what a ''livable community'' is.

The initiatives that would be funded under this concept with the $200 million involve activities that are rightly part of the jurisdictions of State and local governments and metropolitan planning commissions.

And again, I would rise in strong support of this amendment.

Mr. WU. Mr. Chair, I rise in strong support of my friend and colleague, PETER DEFAZIO's amendment.

In answer to the ranking member's inquiry, I just want to say that the definition of a livable community is Portland, Oregon.

I support livability, and from the beautiful and livable State of Oregon, I know what it means for communities to adopt livability standards into their transportation planning. It means more stable economies, integrated transportation systems, and walkable streets. It means jobs.

We are now 10 months past the expiration of the past highway bill, and the administration has yet to provide Congress with an authorization proposal or even to submit its long-promised authorization principles.

All they offer are extension after extension.

By doing this they are ignoring high-wage, middle-class, private-sector jobs generated by transportation and livability projects and engaging in legislative ''end arounds'' to spend scarce taxpayer dollars with no congressional or other needed oversight.

Mr. OLVER. Mr. Chairman, I yield back the balance of my time.

Mr. DEFAZIO. Mr. Chairman, it's my understanding that the chairman is going to accept the amendment.

Mr. OLVER. That is correct.

Mr. DEFAZIO. Given that, Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. CULBERSON

The CHAIR. It is now in order to consider amendment No. 10 printed in part A of House Report 111–578.

Mr. CULBERSON. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. Appropriations made in this Act are hereby reduced in the amount of $12,400,000,000.

The CHAIR. Pursuant to House Resolution 1569, the gentleman from Texas (Mr. CULBERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CULBERSON. The Congressional Budget Office just released a report this week which shows we are on the brink of an unprecedented debt crisis in this Nation which could, in and of itself, trigger a new financial crisis because, if the credit markets become concerned that we, as a Nation, may be overstretched and unable to repay in full the unprecedented national debt that's out there owned by the public, owned by sovereign wealth funds, the credit markets will turn on us very quickly as they did in Greece, as they did in Argentina and in others nations.

Moody's has even warned because of the excessive spending by this President and by this Congress, Moody's has estimated we might, as a Nation, lose our AAA bond rating by 2018, perhaps as early as 2013. Constitutional conservatives such as myself have been working hard to find ways to save money, to bring the spending levels under control to avoid crushing our children under the load of debt, the deficits. The burden that these levels of debt and deficit will impose on our kids will undoubtedly result in massive tax increases, dramatic cuts in social programs. And every chance we get, Mr. Chairman, on every bill, we want to try to do what we can to save money.

□ 1550

And so my amendment today would cut the total spending level in this bill by 18 percent. Remember that this legislation, the transportation appropriations bill, received a 23 percent increase in fiscal year 2010; that the stimulus bill—which I voted against as all borrowed money—the stimulus bill puts $62 billion into transportation. Of that $62 billion, there's still $10 billion unspent. I understand, Mr. Chairman, that the gentleman from Texas (Mr. NEUGEBAUER) has got an amendment later to take that $10 billion of unspent transportation money from the stimulus bill and return that to the taxpayers to reduce the deficit.

My amendment is offered today to cut $12 billion out of this transportation bill. I would prefer to send it back to subcommittee, Mr. Chairman, and let Chairman OLVER and my distinguished ranking member have a chance to decide where to cut it; but this is an 18 percent across-the-board cut, an important step moving back towards a balanced budget.

A constitutional conservative majority if elected to this Congress in November will, beginning in January, get this Nation back on track to a balanced budget by imposing strict spending discipline everywhere we can. This amendment is designed to begin that process. The current level of debt out there today owned by the public, by sovereign wealth funds, exceeds $13 trillion. It's unprecedented, it's dangerous, and it's unacceptable to burden our children with this level of debt. And since our transportation programs just got a $62 billion increase in the stimulus, since our transportation programs just got a 23 percent increase in fiscal year 2010, surely we can cut $12 billion out of this bill and save our kids and prevent our children and grandchildren from paying that off. Because every dollar we spend here today is borrowed money. One hundred percent of the money brought into the Treasury in revenue goes right out the door for Social Security, Medicare, Medicaid and interest on the national debt. This is borrowed money, Mr. Chairman. I would move passage of the amendment.

I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Thank you, Mr. Chairman.

I rise in strong opposition to the amendment. Actually this is about the worst kind of amendment that you can have, because it provides no indication of priorities whatsoever. It just cuts everything in the whole government an equal percentage amount and gives no priority indication whatsoever.

Let me tell you what this amendment ends up doing. In the Department of Housing and Urban Development, this amendment would mean a reduction of more than $3 billion for section 8 tenant based vouchers. Simply, that means that about 450,000 of this country's lowest income citizens would no longer be able to afford their monthly rent.

In addition, the project based section 8 program would see about a $1.7 billion reduction in it, resulting in hundreds of thousands of Americans there unable to afford a roof over their head. Homelessness would be increased dramatically and more Americans would require assistance through HUD's homeless program. Unfortunately, the homeless program would itself be receiving a massive cut of nearly $400 million, making service at the current levels quite impossible, at the same time that we would be creating more homeless people.

In the Department of Transportation, this amendment would eliminate more than $3 billion worth of funding from the Federal Aviation Administration. That would just about assure a part-time air traffic control system which would put us in severe safety jeopardy. Add to that the more than $2 billion which would be cut from the Federal Transit Administration, eliminating some of the best transportation options that are available to millions of Americans, and everyone here can begin to truly see the repercussions of this amendment.

Fiscal prudence simply cannot mean turning hundreds and hundreds of thousands of people out of their homes, eliminating almost a quarter of a million jobs, and creating real transportation safety concerns.

This bill is wisely balanced to meet the needs of citizens within current fiscal constraints. In fact, Mr. Chairman, I am asking you a question if I may: Is this amendment—since I am supposed to address all comments through the Chair—is this amendment deliberately designed to prolong the great recession and send America back into a double dip recession or a great depression? Because that's what happened. In the Great Depression, we went into a double dip recession, or a depression, and ended up with that depression lasting at least twice as long as it otherwise would have.

I reserve the balance of my time.

Mr. CULBERSON. Mr. Chairman, listening to the way the Democrats approach this issue and every issue on spending, I am reminded of Winston Churchill's comment that trying to tax and spend yourself into prosperity is like a man trying to raise himself up while standing in a bucket. It is illogical, it is disproven by history, that you can raise taxes and expect the economy to improve. It is illogical. It defies historical fact to say you're going to take money away from one group of people and spend it somewhere else and increase prosperity.

This amendment is a modest 18 percent cut in a bill that has seen a 23 percent increase in fiscal year '10 in programs that got $62 billion additional funding through the stimulus, of which $10 billion is still sitting there unspent. How much is enough? I am still waiting to meet the first Democrat that says, ''That's enough money. Don't spend any more.'' I'm still waiting. I've not met him yet. There is never enough money. There is always some need out there that needs to be filled, but no better way to meet that need than to increase prosperity by letting average Americans keep more of their own hard-earned money to invest and spend and save as they wish, to let business owners hire people by giving them the certainty that their taxes aren't going to go up and they're not going to be torn apart by trial lawyers and they're not going to be buried by the cost of unions.

We need as a Nation to lift up the whole economy by spending less money in Washington. We need to cut taxes and cut spending. And if we can't cut 18 percent here in a bill that's got a 23 percent increase and got a 90 percent increase last year, where can we cut?

The CHAIR. The time of the gentleman has expired.

Mr. OLVER. Mr. Chairman, the gentleman has made some comments. He is entitled to his opinions, but he cannot create his own history.

He has said that history shows that you cannot raise taxes and have a growing economy. That is completely belied by President Clinton's economic program in the early nineties when taxes were raised, with Republicans—the gentleman's party—claiming that that would destroy the economy. And yet the economy grew the fastest that it has done. We created 20 million jobs during the rest of the Clinton administration. That compares with the puny number of jobs, about one-quarter of that number, that were created during the time that Mr. Bush was in the White House the same number of years. With that, I just must point out that the gentleman is trying to re-create and create his own history.

We should defeat this amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CULBERSON).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. CULBERSON. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

□ 1600

AMENDMENT NO. 11 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The CHAIR. It is now in order to consider amendment No. 11 printed in part A of House Report 111–578.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 98, line 21, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 103, line 20, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 116, line 11, after the dollar amount, insert ''(reduced by $10,000,000)''.

The CHAIR. Pursuant to House Resolution 1569, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today to support additional funding for activities under section 107 of the Community Development Grant program at HUD. Specifically, I would like to ask for these funds to be diverted for community development grants for minority-serving institutions and Historically Black Colleges and Universities. This program assists minority-serving institutions to expand their role and effectiveness in addressing community development needs in their localities.

An increase of $10 million for this program would double the budget now and allow for an additional 12 to 20 minority-serving institutions to meet urgent community needs. I know these funds are particularly needed at many of our Nation's Historically Black Colleges and Universities. This is an important investment for these schools. It builds a strong relationship between school and community to promote social economic development initiatives. It will create jobs and help revitalize struggling neighborhoods.

Many of our urban HBCUs and other minority-serving institutions are located in areas that are blighted and struggling economically. This program creates a partnership between school and community, raising standards and expectations of the next generation. We want to create neighborhoods that are places people want to reside and feel a connection.

You often hear the phrase ''university town'' associated with other institutions. We want ''university town'' for these colleges as well, areas where the university is the center of economic and social life and people are proud to be part of it. We want neighborhoods where a college education is valued and seen as a common practice.

The program has made an immense impact at Benedict College in Columbia, South Carolina. Located less than 10 minutes from the University of South Carolina, Benedict College is an economically depressed neighborhood. With funding from this grant, Benedict College has created a partnership and has been able to build and renovate homes, construct a community recreational park, and build a business development center.

Similar success has been seen at Winston Salem State University in North Carolina where funds have been used for affordable housing development, small business development, and neighborhood cleanup.

This grant creates partnerships that enable students, faculty, and neighborhood organizations to work together to revitalize the economy, generate jobs, and rebuild healthy communities. Funding this program at an additional $10 million would make an immense difference for these schools and communities.

I have used the reverse mortgage fund to offset this funding. This program is not without controversy. Many do not understand that proceeds received under a reverse mortgage may impact Medicaid eligibility. At a time when property values remain low, a reverse mortgage may not be the best route for many individuals. The value that one gets from a reverse mortgage is based on the current appraised value of the property. I have chosen this offset due to the current slump in the real estate market.

I thank the leadership for allowing this amendment to be considered, and I would ask humbly for your support.

I yield back the balance of my time.

Mr. OLVER. I rise to claim time in opposition, though I do not oppose the amendment.

The CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. OLVER. I yield 1 minute to the gentleman from Iowa (Mr. LATHAM) for comments.

Mr. LATHAM. I thank the chairman for yielding.

Actually, I do oppose this. I agree with the idea of putting more money into where you would like to have the money go. My concern is that this is taking money out of reverse mortgages for seniors, and while the President requested $250 million in his budget, it is funded at $150 million. This would take another 10 out of that. The problem is that if there is increased demand, if more seniors want to have reverse mortgages, then it simply cannot happen without the funding that's there.

So I would just oppose it, not because of the purpose where you would like to have the money go, but we're taking money away from seniors here who may, in fact, want to have a reverse mortgage on their home.

Mr. OLVER. Mr. Chairman, I would just say to my ranking member that I had exactly the same reaction to this and was all prepared to get very excited and oppose this one adamantly, but we were assured that a re-look at the HECM situation and the needs there indicated that it could yield this $10 million offset.

Mr. LATHAM. Will the gentleman yield?

Mr. OLVER. I yield to the gentleman.

Mr. LATHAM. Well, when we start getting phone calls, I'll refer them to your office. I appreciate the gentleman's concern, and again, I think the purpose has merit, where the money is going, but I'm just concerned about the limitation here. Thank you.

Mr. OLVER. I thank the gentleman.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON of Texas).

The amendment was agreed to.

Mr. OLVER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SALAZAR) having assumed the chair, Mr. SNYDER, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5850) 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, had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. PRICE of Georgia. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

RESOLUTION

Pledging not to assemble on or between the dates of November 2, 2010 and January 3, 2011, except in the case of an unforeseen, sudden emergency requiring immediate action from Congress.

Whereas the 111th Congress has failed in its promise to be the most open Congress in history, but has instead lost the public's trust by engaging in unprecedented political procedures to advance a partisan agenda;

Whereas on January 18, 2006, House Minority Leader Nancy Pelosi stated in prepared remarks, ''Democrats are leading the effort to turn the most closed, corrupt Congress in history into the most open and honest Congress in history.'';

Whereas on November 7, 2006, House Minority Leader Nancy Pelosi stated, ''The American people voted to restore integrity and honesty in Washington, D.C., and the Democrats intend to lead the most honest, most open, and most ethical Congress in history.'';

Whereas on November 16, 2006, incoming House Speaker Nancy Pelosi stated, ''This leadership team will create the most honest, most open, and most ethical Congress in history.'';

Whereas on December 6, 2006, incoming House Speaker Nancy Pelosi stated, ''We promised the American people that we would have the most honest and open Government and we will.'';

Whereas incoming Majority Whip Clyburn stated on December 8, 2006 that, ''Democrats will exercise better leadership in the new Congress and work to raise the standard of ethics in this body'';

Whereas Speaker Pelosi spoke of individual Member's ethics on January 31, 2007 when she stated, ''These strong [ethics] rules are significant steps toward honest leadership; enforcing these rules is critical to ensuring every Member of Congress lives up to the highest ethical standard'';

Whereas on January 5, 2010, while at a press conference during the health care debate, Speaker Pelosi stated, ''There has never been a more open process for any legislation'';

Whereas this statement was reiterated by the Speaker while at a press conference on February 26, 2010, when a reporter prefaced a question about Rangel by noting that Speaker Pelosi had promised to run the ''most ethical and honest Congress in history'' she interrupted him to say: ''And we are.'';

Whereas more bills were considered under closed rules, 64 total, in the 110th Congress under Democrat control, than in the previous Congress, 49, under Republican control;

Whereas fewer bills were considered under open rules, 10 total, in the 110th Congress under Democrat control, than in the previous Congress, 22, under Republican control;

Whereas zero bills have been considered so far in the 111th Congress under an open rule;

Whereas 26 bills have been considered so far in the 111th Congress under a closed rule, under Democrat control;

Whereas this Congress is the highest spending Congress in United States history;

Whereas this Congress has presided over the two highest budget deficits in United States history at a time when the public debt is higher than at any other time in history;

Whereas this Congress began its mortgage of the Nation's future with a ''stimulus'' package costing $1.1 trillion that failed to lower unemployment, spur economic growth, or actually address the needs of struggling American business and families;

Whereas this Congress continued its free-flowing spending with an increase of $72.4 billion in nonemergency discretionary spending in fiscal year 2009 to reach a total spending level of $1.01 trillion for the first time in United States history;

Whereas this Congress approved a budget resolution in 2009 that proposed the six largest nominal deficits in American history and included tax increases of $423 billion during a period of sustained high unemployment;

Whereas this Congress disregarded the needs and opinions of everyday Americans by passing a national energy tax bill that would increase costs on nearly every aspect of American lives by up to $3,000 per year, eliminate millions of jobs, reduce workers' income, and devastate economic growth;

Whereas this Congress disregarded the needs and opinions of everyday Americans by passing a massive Government takeover of health care that will force millions of Americans from their health insurance plans, increase premiums and costs for individuals and employers, raise taxes by $569.2 billion, and fund abortions—at a cost of $2.64 trillion over the first ten years of full implementation;

Whereas this Congress nationalized the student loan industry with a potential cost of 30,000 private sector jobs and $50.1 billion over ten years;

Whereas this Congress passed the DISCLOSE Act in violation of the first amendment, hindering citizens associations' and corporations' free speech while leaving all unions exempt from many of the new requirements, in order to try and influence the outcome of 2010 elections;

Whereas in spite of House Budget Committee Chairman's 2006 statement that ''if you can't budget, you can't govern'', the Democrat leadership has failed to introduce a budget resolution in 2010 as mandated by law, but instead self-executed a ''deeming resolution'' that increases nonemergency discretionary spending in fiscal year 2011 by $30 billion to $1.121 trillion, setting another new record for the highest level in United States history;

Whereas this Congress has failed Main Street through passage of a financial system takeover that fails to end the moral hazard of too-big-to-fail, does not address the Fannie Mae and Freddie Mac behemoths, and creates numerous new boards, councils, and positions with unconstitutionally broad authorities that will interfere with the creation of wealth and jobs;

Whereas this Congress has wasted taxpayer funds on an unnecessary and unconstitutional auto industry bailout, a ''cash for clunkers'' program, a home remodification program (''cash for caulkers''), and countless other pork barrel projects while allowing the public debt to reach its highest level in United States history;

Whereas Democrats have recently insinuated that significant legislative matters would deliberately not be addressed during the 111th Congress until after the midterm elections in November 2010;

Whereas the New York Times reported on June 19, 2010 that, ''For all the focus on the historic federal rescue of the banking industry, it is the government's decision to seize Fannie Mae and Freddie Mac in September 2008 that is likely to cost taxpayers the most money. . . . Republicans want to sever ties with Fannie and Freddie once the crisis abates. The Obama administration and Congressional Democrats have insisted on postponing the argument until after the midterm elections.'';

Whereas the Washington Times reported on June 22, 2010 that House Majority Leader Steny Hoyer stated, ''a budget, which sets out binding one-year targets and a multiyear plan, is useless this year because Congress has shunted key questions about deficits to the independent debt commission created by President Obama, which is due to report back at the end of this year.'';

Whereas the Hill reported on June 24, 2010 that Senator Tom Harkin, a Democrat from Iowa, suggested that Democrats ''might attempt to move 'card-check' legislation this year, perhaps during a lame-duck session. . . . 'A lot of things can happen in a lame-duck session, too,' he said in reference to EFCA.'';

Whereas the New York Times published an article on June 28, 2010 titled ''Lame-Duck Session Emerges as Possibility for Climate Bill Conference'' that declares ''many expect the final energy or climate bill to be worked out during the lame-duck session between the November election and the start of the new Congress in January.'';

Whereas the Hill reported on July 1, 2010 that ''Democratic leaders are likely to punt the task of renewing Bush-era tax cuts until after the election. Voters in November's midterms will thus be left without a clear idea of their future tax rates when they go to the polls.'';

Whereas the Wall Street Journal reported on July 13, 2010 that, ''there have been signs in recent weeks that party leaders are planning an ambitious, lame-duck session to muscle through bills in December they don't want to defend before November. Retiring or defeated members of Congress would then be able to vote for sweeping legislation without any fear of voter retaliation.'';

Whereas the Hill reported on July 27, 2010 that Senate Majority Leader Harry Reid said, at the recent Netroots Nation conference of liberal bloggers, in reference to Democrats' unfinished priorities, ''We're going to have to have a lame duck session, so we're not giving up.'';

Whereas the Hill reported in the same piece on July 27, 2010 that the lame duck session will include priorities such as ''comprehensive immigration reform, climate change legislation and a whole host of other issues'';

Whereas the Declaration of Independence notes that governments ''[derive] their just powers from the consent of the governed'';

Whereas the American people have expressed their loss of confidence through self-organized and self-funded taxpayer marches on Washington, at countless ''tea party'' events, at town halls and speeches, and with numerous letters, emails, and phone calls to their elected representatives;

Whereas a reconvening of Congress between the regularly scheduled Federal election in November and the start of the next session of Congress is known as a ''lame-duck session of Congress'';

Whereas the Democrat majority has all-but-announced plans to use any ''lame-duck Congress'' to advance currently unattainable, partisan policies that are widely unpopular with the American people or that further increase the national debt against the will of most Americans;

Whereas any such action would be a repudiation of the American people's expressed