

1 Law 111-5. The assurances provided under that ap-
2 plication shall continue to apply to funds awarded
3 under this heading.

4 (10) MAINTENANCE OF EFFORT.—

5 (A) Except as provided in paragraph (8),
6 the Secretary shall not allocate funds to a State
7 under paragraph (1) unless the Governor of the
8 State provides an assurance to the Secretary
9 that—

10 (i) for State fiscal year 2011, the
11 State will maintain State support for ele-
12 mentary and secondary education (in the
13 aggregate or on the basis of expenditures
14 per pupil) and for public institutions of
15 higher education (not including support for
16 capital projects or for research and devel-
17 opment or tuition and fees paid by stu-
18 dents) at not less than the level of such
19 support for each of the two categories, re-
20 spectively, for State fiscal year 2009;

21 (ii) for State fiscal year 2011, the
22 State will maintain State support for ele-
23 mentary and secondary education and for
24 public institutions of higher education (not
25 including support for capital projects or for

1 research and development or tuition and
2 fees paid by students) at a percentage of
3 the total revenues available to the State
4 that is equal to or greater than the per-
5 centage provided for each of the two cat-
6 egories, respectively, for State fiscal year
7 2010; or
8 (iii) in the case of a State in which
9 State tax collections for calendar year
10 2009 were less than State tax collections
11 for calendar year 2006, for State fiscal
12 year 2011 the State will maintain State
13 support for elementary and secondary edu-
14 cation (in the aggregate) and for public in-
15 stitutions of higher education (not includ-
16 ing support for capital projects or for re-
17 search and development or tuition and fees
18 paid by students)—
19 (I) at not less than the level of
20 such support for each of the two cat-
21 egories, respectively, for State fiscal
22 year 2006; or
23 (II) at a percentage of the total
24 revenues available to the State that is
25 equal to or greater than the percent-

1 age provided for each of the two cat-
2 egories, respectively, for State fiscal
3 year 2006.

4 (B) Section 14005(d)(1) and subsections
5 (a) through (c) of section 14012 of division A
6 of Public Law 111-5 shall not apply to funds
7 appropriated under this heading.

8 STUDENT FINANCIAL ASSISTANCE

9 For an additional amount for “Student Financial As-
10 sistance”, \$4,950,000,000, to remain available through
11 September 30, 2011, to carry out subpart 1 of part A of
12 title IV of the Higher Education Act of 1965: *Provided,*
13 That section 3002 shall not apply to the amount under
14 this heading.